

White Paper on Human Rights in North Korea

2007



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

2007

**Soo-am Kim
Keum-soon Lee
Soon-hee Lim**

Korea Institute for National Unification

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The analyses, comments and other opinions contained in this White Paper are those of the authors and do not necessarily represent the views of the Korea Institute for National Unification.

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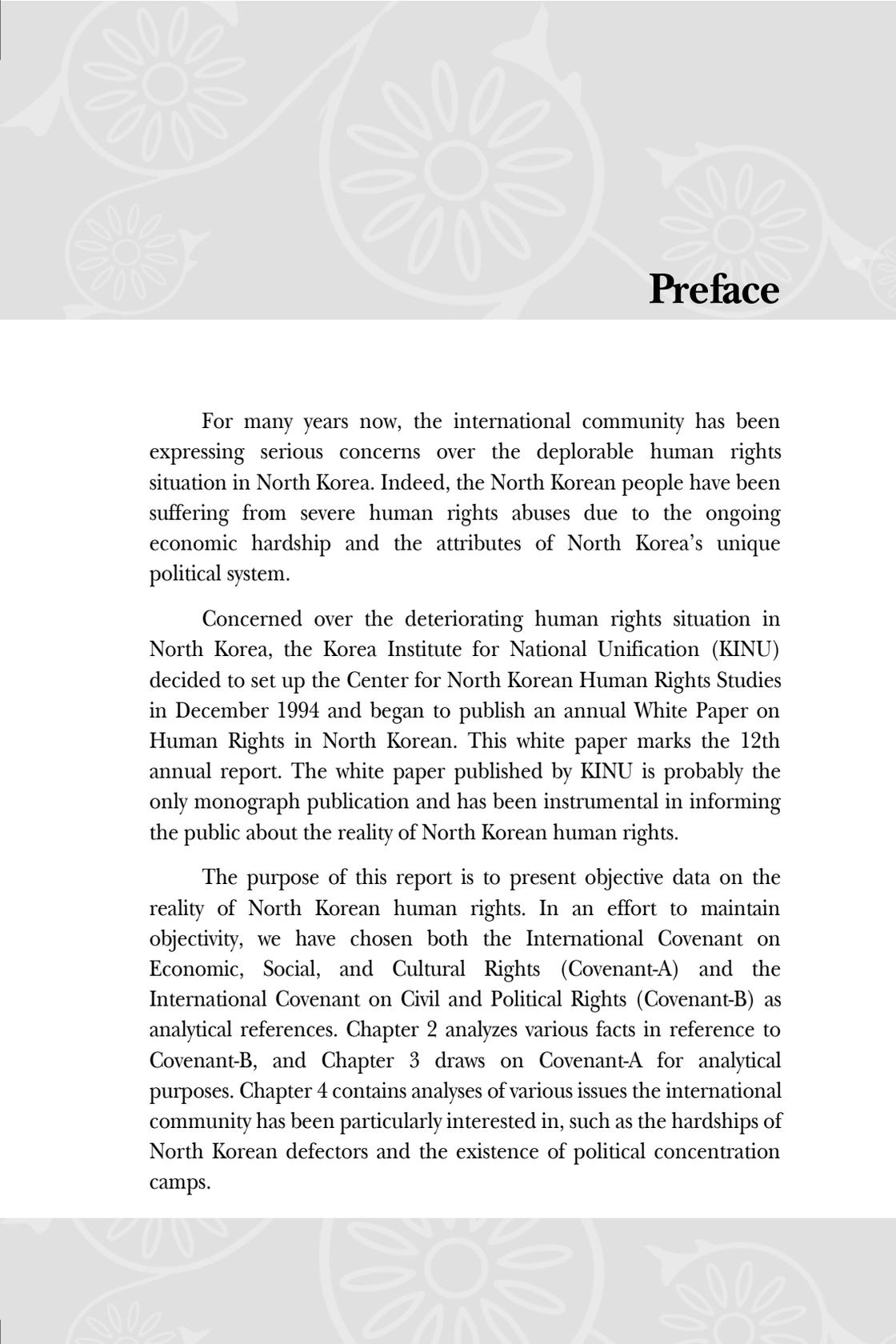




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Preface

For many years now, the international community has been expressing serious concerns over the deplorable human rights situation in North Korea. Indeed, the North Korean people have been suffering from severe human rights abuses due to the ongoing economic hardship and the attributes of North Korea's unique political system.

Concerned over the deteriorating human rights situation in North Korea, the Korea Institute for National Unification (KINU) decided to set up the Center for North Korean Human Rights Studies in December 1994 and began to publish an annual White Paper on Human Rights in North Korean. This white paper marks the 12th annual report. The white paper published by KINU is probably the only monograph publication and has been instrumental in informing the public about the reality of North Korean human rights.

The purpose of this report is to present objective data on the reality of North Korean human rights. In an effort to maintain objectivity, we have chosen both the International Covenant on Economic, Social, and Cultural Rights (Covenant-A) and the International Covenant on Civil and Political Rights (Covenant-B) as analytical references. Chapter 2 analyzes various facts in reference to Covenant-B, and Chapter 3 draws on Covenant-A for analytical purposes. Chapter 4 contains analyses of various issues the international community has been particularly interested in, such as the hardships of North Korean defectors and the existence of political concentration camps.



In this report, we have tried to describe the reality of North Korean human rights in an objective manner, using the personal interviews with North Korean defectors, reports of international NGOs, and personal testimonies of many experts. Unfortunately, due to North Korea's closed-door policies, we have not been able to verify specific information or conduct on-site surveys on the human rights situation. Another limitation we have to note is that it was not possible to assess the situation in North Korea in its entirety, since the hometowns of most North Korean defectors we interviewed were largely confined to the northern border regions. In addition, it was difficult to assess the situation in 2006 accurately, since many defectors had to spend many months if not years outside of North Korea in order to reach their ultimate destination of South Korea. For this reason, we have relied on credible South Korean NGOs that publish reports on the most recent developments. We also plan to develop more diverse sources of information on North Korea so that our report and analysis on the reality in North Korea will be more accurate and informative.

Though not definitive, I sincerely hope that this report will serve to keep the South Korean public and international community informed about the ongoing human rights situation in North Korea.

Bong-jo Rhee

President,
Korea Institute for National Unification



Executive Summary

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

First of all, due to the economic hardship and political repressions inherent in the North Korean system, the civil and political rights as well as economic, social, and cultural rights of North Korean people have long been routinely violated. As social deviance has increased since the 1990s owing to the deteriorating economic situation, North Korean authorities have constantly tried to tighten their control over society. In the process, North Koreans' rights to life and liberty have been seriously violated. The most inhuman practice in the country is "public execution," which is enforced on a regular basis to reinforce the atmosphere of fear and suspicion that is used by authorities to wield control over society. North Korea used to enforce public executions once every month in each of its regions. However, as the outcry from the international community rose louder, the frequency has reduced (to about once every three months). Nevertheless, capital punishment is still carried out.

Second, abuse and indiscriminate beatings result in frequent death at the various detention facilities (such as correction centers, management centers, collection points, and labor training camps). Many North Korea defectors (in South Korea) have also testified that countless deaths stemming from malnutrition and starvation also occur at these facilities. Many defectors in South Korea have testified that as recently as 2005, beatings and torture were routinely carried out at various detention facilities like correctional centers, labor training camps, collection points, and holding cells. Many have also testified that incidents of death even in 2006 were frequent in the detention facilities

due to the overall atrocious treatment, disease, and malnutrition.

Third, as social deviance increased, North Korea began to operate “labor training camps” for the purpose of enforcing short-term punishment. This practice has led to a significant increase in the number of North Koreans subjected to forced labor—a penalty newly added when the DPRK Penal Code was amended in 2004. When North Korea amended its penal code, it introduced a new type of penalty called “labor training.” Many North Korean defectors have testified that North Korean courts were rendering sentences of labor training based on the revised code. Since this is a significant new development, it would be worth describing an appropriate case in detail.

Fourth, the practices of assessing guilt by association and collective retribution are particularly inhuman human rights violations we still see in North Korea today. In the cases of political and ideological criminals the rule of crime by association is applied, meaning that, depending on the seriousness of the crime, relatives of the guilty are also punished, along with his children’s generation. Authorities see this as a most effective mechanism to discourage individuals from complaining or gathering others for collective action. North Korean defectors have testified that this “crime by association” system is the most cruel and irrational justice system in the North. Indeed, it is a tool of despotic rule.

Fifth and most affecting the every day lives of North Koreans is the covert and repressive surveillance network run by the government. The three coercive agents of police, secret police, and the Korean Workers’ Party (KWP), respectively, plant their own informants in all work places and units of organization. The informants are not dispatched from their central headquarters, but recruited and trained locally from among ordinary citizens who are assessed as having

favorable personal background. They are charged with monitoring and reporting on other workers on a regular basis. People have no way of knowing who among them are the informants. Some defectors say one in five or one in six North Koreans are informants, others say the ratio is closer to one in ten. No one knows for sure. However, it is clear that every citizen must behave under the assumption that everyone else is an informant—"You cannot trust even your own back," as the saying goes in the North. Their fears about eavesdropping and surveillance are so great that they dare not complain about Kim Jong Il even when by oneself in the middle of a room. The most frequent words of warning from parents to children venturing outside are "Watch your words." Indeed, political crime in North Korea does not mean organized resistance; in most cases, verbal complaints directed at Socialism or Kim Il Sung and Kim Jong Il are overheard by informants and are enough to get one charged and indicted as a political criminal.

II. The Reality of Civil and Political Rights

It is reported that as recently as 2006 North Korea was still practicing public execution, which is the most flagrant and inhuman violation of human rights and affront to the dignity of man. Furthermore, North Korea is handing down death sentences for crimes not even listed in the DPRK Penal Code.

Recently, however, there do seem to be some changes taking place in connection with public execution. First, the frequency of public execution seems to have decreased, even though it is still enforced, mainly because North Korean authorities are aware of the international

criticisms. Second, the types of crimes subject to public execution appear to be changing. The frequency of public execution for larceny, which was more widespread during the economic hardship, is reportedly decreasing, while the frequency of public execution for homicide seems to be on the increase as the economic situation somewhat improves or stabilizes. Since 2000, however, there has been an increasing number of executions on charges of disseminating foreign information—such as handing out South Korean leaflets, selling South Korean video tapes—and for using cell phones. It is also reported that public execution is still imposed for stealing state properties such as telephone lines or electric wires. Getting caught trafficking human beings will also get one executed, as North Korea is enforcing strict punishment for the crime—a response to the sharp and mounting criticisms of the international community on North Korean authorities’ apparent neglect of the issue.

During the revision of the penal code in 2004, North Korea newly instituted “labor training” as a penalty. Many new defectors have testified that such penalties are in fact sentenced by the courts in accordance with the revised penal code.

However, despite the many legal stipulations, serious human rights violations involving political criminals persist. For instance, even when the family members themselves are not charged with “crime by association,” authorities on many occasions fail to inform the families of the convicted of the facts surrounding the conviction, not do they indicate where the person is being incarcerated.

Over a two-year period between 2004 and 2005, North Korea did take some positive legal steps for the protection of human rights, in particular by tightening its Criminal Procedure Law and more strictly defining the terms for arrest, detention, and interrogation. Nevertheless,

North Korea has yet to join the Anti-Torture Convention.

The citizens' right to equality is stipulated in North Korea's Socialist Constitution. In reality, however, discrimination based on one's personal and family background are still pervasive throughout the society. Social transformation began to occur in North Korea due in part to the government's unwitting attempt to stimulate the market to tide over the economic hardship. Subsequently, the people's perceptions have changed, and the policy on "family background" has also been relaxed to some extent. Yet, one's background still acts as a springboard or a dead weight when trying to advance to positions in the Party or Security Agency, among others.

When it comes to freedom of travel, official controls through the travel permit system are still in effect, and so is the policy restricting travel to Pyongyang and the border regions. While the travel permit system officially exists, defectors have said that economic hardship has brought about changes. When traveling by train, one does need a travel permit, since on-board security agents will frequently check to see if one has the proper papers. However, when moving within the province on foot or by means other than the train, travel permits are rapidly becoming irrelevant. People have become more mobile as they peddle or search for food, and thus the number of people trying to travel by train has increased. Such activity has spawned entirely new phenomena in the North: "ticket-scalping," for one, and the use of "whips" who, for a fee, help fill up buses or trucks with paying customers.

In terms of foreign travel, many defectors said travel to China is usually granted if one has relatives in China, and that river-crossing

permits are usually issued when the inhabitants along the border regions want to visit them. For those living in the inner provinces, however, 3-month passports are normally issued when a person wants to visit a relative in China.

Nonetheless, there is apparently no fundamental change in North Korea's policy of restricting basic freedoms such as freedom of the press, publication, assembly, and association. Recently, North Korean authorities have been trying to deal with the apparent influx of outside information by cracking down on cell phone use. Nevertheless, information about the outside world does find a way in. The number of North Koreans secretly watching videos made in the South is on the increase, and some defectors have testified that even foreign books and magazines are discreetly sold at "bookstands" in the marketplace.

There is, however, no major change in the area of freedom of religion. Except for the facade created by the officially sanctioned religious facilities, ceremonies, and central organizations, religious freedom does not exist in the North. In fact, defectors have even testified that North Koreans deported from China receive much heavier punishments if they had come into contact with a religious person while in China.

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

Recently, North Korea seems to be recovering its agricultural

production capacity. Total grain output amounted to 4.25 million tons in 2003, 4.31 million tons in 2004, and 4.54 million tons in 2005. Despite this increase, North Korea's grain shortage amounts to about 2 million tons, assuming that the total grain demand is 6.3 million tons a year. In its New Year's messages for 2006 and 2007, North Korea announced that solving the country's food problem is the highest national priority. However, it is doubtful if the current rate of increase in agricultural output can satisfactorily resolve the grain shortage.

The North Korean people's right to food is unlikely to be solved by a simple rule of supply and demand. The problem is more heavily influenced by the grain price fluctuations at the market and the people's dwindling purchasing power. Improvement will only be seen when the market prices for grains are stabilized (at a lower level) and if North Korea allows the international humanitarian aid community to concentrate on assisting the most vulnerable (that being those who have lost their purchasing power altogether, or had none to begin with).

North Korea still advertises the superiority of its social security system over all other systems in the world. However, it is important to recall that a large portion of the North's social security system was essentially abolished with the implementation of "July 1 Economic Management Improvement Measures of 2002." Under these measures, the government has in effect given up on supply food, clothing, and housing to its people. Due to the conflicts and contradictions inherent in the various welfare payment burdens stipulated in the State Social Insurance and State Social Security, the government was hamstrung, and the subscribers (or, the citizens) had to rely exclusively on their income from work. As a result, the social safety net North Korea was aspiring to build has largely lost its function and

meaning. As a result of the July 2002 measures, the prices of daily essentials, including the price of grains, have sharply risen, along with various ‘tax’ burdens such as apartment rents, electric bills, education tax, and the cost of transportation. Since the economic situation has not improved at the same rate, the people’s overall purchasing power has deteriorated considerably. For large families and people relying on their pensions, the financial squeeze has been more painful.

IV. The Rights of Minorities

The Rights of Women

In February 2001, North Korea joined the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and established a National Coordination Commission in September of the same year in an effort to implement the terms of CEDAW. North Korea has shown a positive attitude toward the convention by submitting its first progress report in September 2002. In reality, however, the roles and social status of North Korean women have not seen as much improvement as the North Korean government asserts. Social discrimination against women stemming from feudalistic and paternalistic traditions are still pervasive all over North Korea.

Since the food crisis began in the 1990s, the husband’s role in providing for the family has appreciably diminished as salaries were no longer being paid. Housewives’ contributions as well as burdens have significantly increased, as wives are expected to do all the household chores in addition to their bread-earning activities in the black market.

This customary prejudice stems from the anachronistic East Asian traditional precept of “respect for man; subservient woman,” which still persists in the North Korean society.

Women indeed face many threats and hardships. For instance, sexual assault on women is a routine phenomenon in the North; but the women generally appear to have little sensitivities about this type of discrimination. The cases of sexual harassment and assault have sharply increased since women began to assume the financial burdens of their family during the food crisis. In the past, supervisors at work would demand sexual favors in exchange for Party membership or better job assignment. Lately, however, soldiers and security agents on patrol in the marketplace or on-board trains perpetrate sexual assaults on women peddlers.

North Korean women are also subjected to human trafficking schemes. Some are forcibly abducted for human trafficking purposes; others are induced by intermediaries, while still others volunteer to be “sold” in order to support their families—even in recent years, many North Korean women (married or not) volunteer to go to China to make money to support their families back home. In addition to sexual assaults and human trafficking, many North Korean women are also suffering from domestic violence, namely, wife-battering.

Furthermore, due to the food shortage and malnutrition, many North Korean women have been suffering from deteriorating health in connection with pregnancy, childbirth, and childrearing. Not only has malnutrition brought the birthrate down, but poor nourishment has also contributed to increases in miscarriages, still-born babies, premature births, under-weight babies, and so on, all of which would result in serious health problems for mothers. The collapse of the medical care

system has made it difficult to obtain birth-control pills or contraceptive devices, and illegal or unprofessional abortions have resulted in the death of many pregnant women.

The Rights of the Child

North Korea joined the Convention on the Rights of the Child in September 1990. In addition to its first progress report on the convention in February 1996, North Korea submitted its second progress report in May 2005, covering its implementation activities from 1995 to 2000. The UN Commission on the Rights of the Child reviewed the report on June 1, 2004.

It is well-known that most North Korean children are not guaranteed their right to food and are suffering from chronic malnutrition and hunger. As the food shortage worsened and as their families dispersed during the food crisis, many children were driven out to the street and forced to beg and steal to survive. These children have come to be referred to as *gotchebbi* or “flower swallows” (which is a euphemism for “food-snatcher”). In 2004, UNICEF and the World Food Programme (WFP) conducted a joint survey on the nutritional levels of North Korean children. Out of 4,800 samples below the age of six, some 23 percent were assessed to be suffering from under-weight, 37 percent from chronic nutrition deficiency, and 7 percent from acute malnutrition. The deteriorating nutritional levels certainly work to the detriment of their physical, intellectual, mental, moral and social development. Furthermore, the dire economic situation still hampers the normal operation of child-care centers, kindergartens, schools, and other child-protection and educational facilities.

Recently, children are more susceptible to the measles, and fever has swept across Hesan City, Yangkang Province, and Musan, Hoeryong, and Chongjin City, North Hamkyung Province. One out of three infected children die from the disease. The death rate of infected newborn babies was reported to be very high.

V. Other Human Rights Violations

The Abducted

The exact number of South Koreans abducted to North Korea during the Korean War is not known. There are considerable differences in the numbers published by the Statistics Bureau of South Korea's Ministry of Public Information (which listed the number at 2,438), the Family Association for the Korean War Abducted Persons (which published a list in 1951 containing the names of 2,316 abducted persons), the South Korean government (which published a list of 82,959 names in 1952), and the Statistical Almanac of 1953 (which sets the number at 84,532). In addition to these, the Police Headquarters of the Ministry of Internal Affairs published a list of 17,940 abducted persons, and Korean Red Cross had 7,034 names listed in its 1956 report. As one can see, most of these lists are incomplete.

Since the Korean Armistice (July 27, 1953), a total of 3,795 South Koreans have been abducted, with 3,315 of them (87 percent) having subsequently returned to the South. Recently, five more fled North Korea and returned to South Korea, leaving a total of 480 abducted South Koreans still in the North.

Since 2000, there have been 14 rounds of inter-Korean “family reunion” meetings. Through these meetings, the Korean Red Cross has asked its North Korean counterpart to confirm the status of 79 persons who had been abducted after the Korean War. Fourteen have been confirmed to be alive, 18 deceased, and the status of 47 unknown. Of the 14 survivors, 13 of them have met with their South Korean family members. All 13 of them have married or re-married with North Korean spouses, and so at the reunion meetings a total of 58 persons of the 13 families came to meet their South Korean relatives. During the 14th family reunion meeting, the case of Kim Young-nam was partially clarified, as he and his daughter met with his mother and sister from the South. In a news interview on June 29, 2006, Kim asserted that his case was “neither abduction nor voluntary defection (to the North). It was simply a chance-happening in the age of confrontation.”

The number of South Korean soldiers held in North Korea as POWs is estimated to be 19,409. Right after the Korean War, a total of 41,971 was reported as missing in action (MIA). A total of 8,726 returned home as part of the POW exchange at the end of the war. Subsequently, 13,836 soldiers have been recorded as killed in action based on the family reports and other evidence. On January 22, 2007, South Korea’s Ministry of Defense announced that the status of a total of 1,738 POWs has been confirmed through defector testimonies and other sources, and 545 of them were confirmed alive. However, a few of the former POWs who have returned to South Korea in recent years had, in fact, been listed as killed in action, so the actual number of POWs still alive in North Korea is believed to be greater than the number released by the Defense Ministry.

However, some of the POWs held in the North have returned to the South in recent years. In 1994, Second Lieutenant Cho Chang-ho was able to flee from North Korea and come to the South. As of January 2007, a total of 67 former POWs have returned to South Korea, along with 133 family members.

Defectors

As the international community extended humanitarian assistance to North Korea, the food situation has been improving steadily. Accordingly, the number of defections has apparently decreased. Tighter control measures enforced both by China and North Korea are also responsible for this decline. Good Friends, a South Korean-based non-governmental humanitarian aid organization, conducted a survey to determine the number of North Korean defectors in China. The NGO surveyed about 20,000 defectors living in a remote northwestern section of the three Chinese northeastern provinces. In addition, about 30,000 defectors living in the vicinity of large cities like Shenyang, Dairen, and Qingdao were also surveyed. Good Friends estimates that around 100,000 North Korean defectors currently live in China, with about 50,000 of their children. This estimate is corroborated by other international organizations, like the International Crisis Group, which conducted its own in depth research on the matter.

Human Trafficking of North Korean Women

International concerns have been mounting over the human trafficking of defecting North Korean women, a deplorable situation

which has morphed over time. As more and more women began to cross the border into China, professional river-crossing guides began to get involved in human trafficking schemes. During the food crisis of the 1990s, it was very difficult to determine if assisting others to cross borders illegally amounted to human trafficking or whether it was a simple case of assisting illegal entry into China. In some cases, North Korean women would ask either their neighbors with river-crossing experience or professional guides for assistance. In other cases, many North Korean women would tag along with their neighbors and cross the border into China, or accompany their relatives and cross over illegally. As the number of illegal border-crossings rapidly increased, groups of people began to organize illegal crossings into human trafficking schemes. Subsequently, many human trafficking operatives would try to snatch North Korean defectors in front of railroad stations in China and turn them over to professional human-traffickers.

Forced Marriages

Even in cases of forced marriage, some North Korean women would choose to live with their Chinese “husbands” for an extended period of time. While women faced with sexual assault, family violence, or husbands with bad drinking or gambling habits normally flee to other regions or get forcibly deported, women who eventually get pregnant while living with their new spouse tend to stay to raise the child, prompting the Korean-Chinese men to persuade their wives to give birth. Recently, however, many North Korean women sold off to China are not only led into forced marriages, but forced to provide sex services to customers of local bars and “sing-along” joints.

Penalties for Defection

When North Korea amended its Constitution in 1998 and Penal Code in 2004, it relaxed the level of punishment for defection. As the number of border-crossing incidents rapidly began to increase since 1998, and as the incidents of social deviance mounted under the country's deteriorating economic situation, North Korean authorities began to relax the level of punishment significantly. Since 2000, very few deportees have been sent to political prison camps, and in most cases they would be sentenced to 1-6 months of "labor training" at a labor training camps.

One notable atrocity, however, is that forcibly deported North Korean women who got pregnant while in China would be asked or forced to abort the child. Babies that were born during the mother's detention would be neglected intentionally so as to bring about the infant's death. Facing a vociferating international community, North Korea began to allow childbirth in some cases, but attempted to hand over newborns to the Chinese fathers. Regardless, this practice does not seem to have vanished, as many have testified to incidents of forced abortions and the killing of newborns having taken place as late as 2004.

Controlling Defections

Both China and North Korea have significantly tightened border security by increasing border surveillance. They also beefed up border patrols when the food situation deteriorated in the aftermath of the flood damage in July 2006. In December 2006, a major campaign to tighten border patrols and identify missing persons was conducted as

part of an effort to prevent additional defections. When soldiers themselves began to defect or go AWOL, the Security Agency at the Border Patrol Command reinforced its arrest campaign.

I • Human Rights and the Characteristics of the North Korean System

1. Human Rights and the Characteristics of the North Korean System

A. Human Rights Violations by the Dictatorial Regime

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

North Korea has legitimized the "dictatorship of the proletariat" for the accomplishment of the Socialist revolution, and perpetrated a campaign of fear over its people to mobilize them to work to build the economy. The sacrifices of the North Korean people provided the foundation on which a one-man (one-family) totalitarian dictatorship, a cult of personality around Kim Il Sung (and his family), and a centralized planned economy could be built.

However, from the early 1990s onward, the former Soviet Union and East European Socialist Bloc countries began to reform their systems. The North Korean economy, which had heavily depended on the Socialist economic bloc, began to experience an extreme downturn. The ruling structure, based on excessive political mobilization and

coercive physical force, has ultimately begun to undermine the system's competitive edge. For all intents and purposes, North Korea is considered a "failed state."¹

However, the incumbent Kim Jong Il regime is still relying on its oppressive security agencies to maintain its power and control over society. In an effort to maintain law and order in the face of rising public discontent and social deviance, North Korea is enforcing a type of "martial law" called "military-first politics" (or *songun* politics). North Korea continues to perpetrate cruel human rights abuses, including political purges against anti-Kim Jong Il factions, often executing or detaining these perceived threats to the system in political concentration camps. The "supreme leader" Kim Jong Il and his regime continue to rely on abuse through the military and security apparatus to maintain the one-Party dictatorship (of the Korean Workers' Party or KWP) and promote the cult of personality centered around the supreme leader himself. For these reasons, it would be very difficult for North Korea to recognize human rights as a universal value.

B. Human Rights Abuses Due to the Economic Hardship

With the collapse of Socialist economic bloc on which North Korea had depended, the North Korean economy began to collapse then stagnate from the early 1990s onward. The production plans and distribution systems based on centrally directed economic plans were practically paralyzed, and North Koreans came to experience extreme food shortage and economic hardship. In addition, natural disasters struck North Korea in the summer of 1995, creating a major humanitarian crisis. Shortly after, North Korea had to request relief

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

assistance from the international community. In fact, food rations normally provided by the government had to be suspended in parts of North Korea starting in the early 1990s, and people had to start looking for food on their own. As a result, many inhabitants began to engage in a variety of buying and selling activities in the streets and markets. However, private business activities were illegal at the time, and many had to face penalties/punishment or run from the law. In the process, the law enforcement authorities tried to control illegal peddling activities and people were trying to make do with whatever they had to survive, hence the rapid increases in social misdemeanors and deviant behaviors. In order to maintain law and order, the authorities came up with heavier penalties and punishments to grapple with the situation. This vicious circle has contributed to a further degradation of citizens' fundamental human rights.

In 2002, North Korea decided to implement the "July 1st Economic Management Improvement Measures" (hereinafter "July 1 Measures" or simply "measures"). Under the measures, the authorities partially allowed market economic functions, raised wages levels, adjusted prices of major daily commodities—including agricultural products—to the black market prices, and officially permitted markets to operate legally. The measures were part of an effort to improve the efficiency of the Socialist planned economic system and eliminate its shortcomings. The July 1 measures were also a limited step to bring the people's market economic activities into the official national economic system. However, the measures have had a negative impact on the people's daily lives. For example, the authorities raised the wage levels for workers, but the enterprises, which could not operate at full capacity due to the lack of energy and raw materials, were unable to pay wages as expected. In addition, the prices of essential commodities, which had been available free of charge under the ration system, went up so high that people with little purchasing power could not afford to buy much.

At the same time, corruption and illicit transactions were pervasive throughout the society, and the gap between rich and poor began to widen considerably. Interestingly, however, following the July 1 Measures, new types of jobs—such as “maid” and “menial worker for hire”—that did not exist in North Korea previously had begun to appear.²

North Korea’s central distribution (ration) system (or public distribution system) was closely related to the government policy to control the people’s movement and economic activity. The collapse of its central ration system, therefore, meant the loss of government control over the people. This is why North Korean authorities have repeatedly announced to the people that the government would resume the food (grain) ration system. In fact, the ration system had returned in parts of North Korea for a few months in late 2005, but that was all. Such inconsistent government policies have disappointed the people and betrayed the people’s trust. Nevertheless, the authorities have tried to resume the ration system to prevent further weakening of its control over the people and to buttress Kim Jong Il’s leadership.

Recently, North Korea is showing signs of change. For example, it has taken partial reform measures designed to overcome the current economic hardship, including expansion of market and civilian business sectors, introduction of individual store systems, expansion of private business rights, designation of special economic zones, and broadening of inter-Korean economic cooperation (e.g., the Kaesong Industrial Complex or KIC). North Korea has also attempted to garner some economic support from China. North Korea and China have strengthened institutional network for the promotion of bilateral political and economic cooperation by exchange visits of their top

² Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006. Many other defectors have testified to the same point. In this annual report, we have chosen not to provide personal information of North Korean defectors (or the “defectors” in South Korea) to protect their physical safety.

leaders and by concluding an investment guarantee agreement after the exchange of a series of economic missions. The participation of Chinese businesses in the North Korean market is consistently expanding, and most of the commodities sold in the marketplaces today are made in China.

The expanding inter-Korean economic cooperation, like the Kaesong Industrial Complex, is contributing to the transformation of North Korean economic system, though it is limited in scope. To date, a total of 22 South Korean businesses are involved in the KIC, and a number of new regulations that would directly impact North Korean workers' right to work have been agreed to between South and North Korea in the process of expanding the scope of this industrial complex. Some of the new regulations include the Law for Kaesong Industrial District, as well as the development, labor, insurance, residence, and entry-exit regulations. Discussions on detailed implementation of the rules continue, and systems compatible with international standards will soon be introduced. Meanwhile, North Korea is known to have dispatched a large number of workers abroad, including to Russia's Far Eastern Provinces, Eastern Europe, and the Middle East. The dollar earnings of these workers will also contribute to North Korea's foreign exchange reserves. In short, North Korea's changing economic policies, though limited, are expected to play a positive role for the improvement of its human rights situation.

2. North Korea's Concept of Human Rights

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

Cultural relativism is a human rights theory that emphasizes pluralism in human rights based on cultural diversity and independent

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

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

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

vary from nation to nation.

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

Consequently, North Korea’s basic attitude is that since human rights are fully guaranteed in accordance with “our-style human rights standards,” it will guarantee human rights according to “our-style human rights standards,” and will absolutely reject “Western-style human rights.”⁵ This decision is no doubt influenced by the regime’s anxieties over its security, and this dichotomy shows a strong bias toward cultural relativism.

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

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

North Korea has been developing its human rights argument on the basis of the principle of state sovereignty. North Korea argues that sovereignty is an essential precondition for human rights and

⁴ *The Rodong Shinmun* (Pyongyang), Mar. 2, 2001.

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

the realization of human rights is guaranteed only on the basis of sovereignty. Since no state shall become an equal member of international society without sovereignty, sovereignty is the essential precondition for the guarantee of human rights.⁶

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

Furthermore, from a regime-security perspective, North Korea firmly believes that foreign powers are exploiting human rights issues as a tool to overthrow the North Korean regime. Firmly upholding the argument that human rights are a matter of domestic jurisdiction, North

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

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

Korea totally denies such arguments as “human rights are universal values transcending national boundaries” or “intervention in human rights issues is not an intervention in domestic affairs of another country.” The North refutes these arguments, calling them “robber’s logic” or “preposterous logic.” North Korea insists that the arguments for transborder intervention in human rights issues are part of a sinister political design to dominate small and weak states under the pretext of “protection of human rights,”⁸ and therefore the sovereignty principle should be strengthened, because the Western argument for foreign intervention in human rights situations will always be politically motivated. Clearly, then, North Korea is convinced that sovereignty is the lifeline of a state and its people, and any nation that loses its “self-reliance right” (independence) will never be able to enjoy any human rights, hence the North’s claim that “human rights are sovereign rights.”⁹

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

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

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

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

3. International Human Rights Regime and North Korean Human Rights Policies

A. Increasing Pressure on North Korea

Since the year 2000, the UN human rights regime, especially the UN Commission on Human Rights (UNCHR), has been putting pressure on North Korea to improve the country's human rights situation. The European Union in particular has been leading the campaign. For the past three years (2003~2005), the UNCHR has adopted the "Resolution on Human Rights Situation in North Korea." In addition, the 60th UNCHR meeting in 2004 stepped up the pressure by appointing a "special rapporteur" on human rights in North Korea, who is responsible for reporting about the situation to the UN General Assembly and the UNCHR. The 61st UNCHR meeting in 2005 extended the term of office of the rapporteur by one year and called upon North Korea to open doors for him and allow him to freely inspect the country.

However, North Korea has reacted in a hostile manner to these calls of the international community, arguing that the resolutions were politically motivated and were part of an attempt to bring down the Kim Jong Il regime. Currently, the most pressing issue in the region is to secure peace and stability on the Korean peninsula through a peaceful resolution of the nuclear issue. Since the nuclear issue is directly related to world peace and the stability of Northeast Asia, a stable management of the situation is critically important for all parties concerned. For this reason, the South Korean government is pursuing a prudent policy through which it hopes to bring about improved inter-Korean relations and the relaxation of tension on the peninsula. Public calls by South Korea for the improvement of human rights in North Korea could backfire without significant practical impact, and worsen inter-Korean relations. South Korea's policy priority should be on the maintenance of peace and stability on the Korean peninsula.

The South Korean government believes that human rights should be promoted as a universal value, and it has expressed concerns about the human rights situation in North Korea. However, the government has been criticized for its passive behavior toward the situation, in particular at the United Nations and UNCHR meetings when it repeatedly did not participate in, or abstained from, the process of adopting the North Korean human rights resolutions. The South Korean government has decided on an approach that seeks to improve the human rights of North Koreans through inter-Korean reconciliation and cooperation. South Korea has repeatedly made clear that it will actively cooperate with the international community in a concerted effort to improve the human rights situation in North Korea. The South Korean government, through its “explanations on voting (EOV)” at both UN and UNCHR forums, has stated that it was not taking a by-stander’s position on the North Korean human rights issue, and that it also has called upon North Korea to make serious efforts to improve the human rights situation through dialog and cooperation with the UN and the international community.

The South Korean government has also focused on a realistic policy for improvement of human rights in North Korea. It has actively provided urgent and pragmatic support measures to fulfill some of North Koreans’ most serious needs (including grains, fertilizer, and medical equipment), and to prevent starvation and alleviate food shortages that threaten the North Koreans’ most critical human right, the right to survival. Even though the government has been criticized on the manner in which it extends assistance to North Korea, it continues to respond favorably to North Korea’s requests for assistance in order to continue the “separated family reunion” projects and to resolve the issues of abducted South Koreans and POW/MIAs. The South Korean government continues to admit into South Korea the North Korean defectors who ask for protection to enable them to stay

abroad. These efforts of the government received highly favorable comments from Vitit Muntarbhorn, the UN Special Rapporteur on North Korean human rights, when he visited South Korea in November 2005.

In his reports to the 61st UNCHR meeting (March 29, 2005) and the 62nd UNCHR meeting (August 29, 2005), the special rapporteur's assessment of the human rights situation in North Korea was generally negative. Sharply criticizing serious violations of the right to life, as well as limitations on liberal rights, he has emphasized that these were clearly the responsibility of the North Korean government, and called upon international cooperation for immediate action to improve the situation.¹¹ The special rapporteur, in his "6-point human rights proposal," has called for the following: (1) North Korea must fulfill the terms of all human rights treaties it has signed; (2) North Korea is encouraged to accommodate various recommendations contained in the special rapporteur's reports to the UN General Assembly; (3) South Korea should continue its support for the North Korean defectors; (4) the two Koreas should resolve the issue of abducted South Koreans; (5) North Korea should guarantee on-site observations of the distribution of humanitarian assistance materials; and (6) North Korea should include human rights improvement measures in its economic development plans.¹²

The European Union has presented a resolution to the UN General Assembly calling for the improvement of human rights in

¹¹ Address of Mr. Vitit Muntarbhorn, Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, 29 March 2005, UN Committee on Human Rights, Sixty-first session, Item 9 of the provisional agenda, pp. 1-13. Also see, "Situation of Human Rights in the Democratic People's Republic of Korea," United Nations General Assembly, A/60/150, 29 Aug. 2005.

¹² *Chosun Ilbo* (Seoul), Nov. 11, 2005.

North Korea and calling upon the North Korean authorities to carry out the terms of the resolutions of UNCHR. This EU resolution was adopted on December 16, 2005. In 2006, the UN Commission on Human Rights (UNCHR) was renamed as the UN Human Rights Council (UNHRC), and so neither the commission nor the council was able to adopt any human rights resolutions on individual member states. However, the UN Special Rapporteur Vitit Muntarbhorn released his human rights report on North Korea at the 61st session of the UN General Assembly (UNGA) (September 15, 2006). In the report, the special rapporteur pointed out that the flood damage of 2006 has had a serious impact on North Korea's grain situation, and that North Korea's test-firing of a long-range missile (in July 2006) also has had a negative impact on humanitarian aid to the country. At the second meeting of the newly named UN Human Rights Council (UNHRC) held on September 27, 2006, the UN Special Rapporteur on North Korean Human Rights recommended ten items for the improvement of human rights situation in North Korea. The 2006 UNGA resolution specifically requested, "the UN Special Rapporteur to submit a comprehensive report on the human rights situation in North Korea, including the results of investigation and proposed recommendations" to the Secretary General at the 62nd UN General Assembly in 2007."

It is significant to note that the United Nations has suggested that strong intervention in the North Korean human rights issue is desirable.¹³ The special rapporteur made a report to the UNHRC in March 2007, in which he emphasized "state responsibility" with regard to the human rights situation in North Korea, pointing out that a group

¹³ Failure to Protect: A Call to the UN Security Council to Act in North Korea, Jan. 16, 2006. Participating in this "call" were ECOSOC Chamber, Martin Palous (Czech UN Mission), Carl Gershman (US North Korean Human Rights Commission), Vaclav Havel, Kjell Bagne Bondevik, and Ellie Wiesel.

of NGOs were in the process of taking legal action against the North Korean leader before the UN Security Council and International Criminal Tribunal. In the aftermath of North Korea's nuclear test of October 2006, the UNGA adopted Resolution 1718, sanctioning North Korea. In its preamble, the United Nations used the expression "other security and humanitarian concerns of the international community" instead of "human rights." In recent years, the international community has been increasing mutual coordination on North Korean human rights, and the level of cooperation between NGOs and various international organizations, including the UN, has been increasing and deepening. The consensus of the UN member states was that it was not enough to simply express concerns or criticize the North Korean authorities, but that it was necessary to take concrete measures to improve the situation. In other words, a strong consensus is rapidly growing among the member states that unless specific measures are taken immediately, the international community will not be able to fulfill its responsibility to protect the human rights of the people in the North.

Following the nuclear test, the international community expressed its deep disappointment with North Korea's actions and demanded more proactive measures be taken on the North Korean human rights issue. Some even stressed that it was necessary to reach out and support anti-regime factions within North Korea itself. An international doctrine unanimously adopted last April stipulates, "Each member state has the duty to protect its citizens from serious human rights violations." Based on this doctrine, some argued that international intervention was needed to deal with North Korea's "crimes against humanity," such as the running of political concentration camps, allowing its people to starve, and for operating a grain ration policy. They argued that the North Korean government has not only failed to fulfill its duty to protect the human rights of its own citizens, it has actively played the role of

violator of human rights.

Since the announcement of the so-called February 13, 2007 Agreement on the North Korean nuclear issue, some people have begun to emphasize the need for dialogue and cooperation as a way to improve North Korean human rights. However, the efforts of the international community to contact and discuss various humanitarian issues with North Korea have not seen any progress, and North Korea has repeatedly denied the UN Special Rapporteur's request to visit the country. Furthermore, many member states expressed the view that more active measures have to be taken on this issue at the UN Security Council level. They have called upon North Korea to allow UN and other international organizations immediate, free, and safe contact with the most vulnerable classes of North Koreans so they could provide them with humanitarian assistance. They also demanded North Korea set free all political prisoners from the camps in accordance with the terms of the Covenant on Civil and Political Rights, of which North Korea is a signatory. The international community also called upon the UN Security Council to intervene in the issue since the current North Korean human rights situation is tantamount to a "nontraditional threat to the peace."

B. North Korea's Reaction

In the 1990s, North Korea had faced numerous difficulties it found it could not handle, including economic hardship, a food crisis, starving people, increasing defections, growing domestic discontent, and overall social and political disaffection. In order to prevent this situation from developing into a major challenge to the Kim Jong Il regime, North Korea had to request assistance from the UN and the international community, and had to pursue a "pragmatic diplomacy" in search of support and assistance from the international community.

Once the Kim Jong Il regime was officially launched in September

1998, North Korea began to pursue a policy designed to improve its image. It launched pragmatic diplomacy in all directions to secure the legitimacy of the regime from the international community. Departing from its past practices, North Korea began to alter its negative attitude toward the UN human rights establishment, and instead began to actively participate in all its processes. Although this change of attitude was an attempt to dilute international pressure and criticism, it at least revealed that North Korea was aware of international public opinion and pressure concerning its human rights situation. Thus we can observe North Korea's changing human rights policies through its domestic measures and its behavior toward the international community.

Internationally, North Korea has reacted strongly to discussions of North Korean human rights at international and UN forums. They have objected to them as an "intervention in domestic affairs," emphasizing the right of self-reliance (independence). The human rights issue, North Korea argues, is a part of national sovereignty, and is North Korea's internal problem and not subject to foreign intervention. It has further complained that the "imperialists" are using the human rights issue as a means to bring down the North Korean regime.¹⁴ North Korea has further criticized the United States and the EU for using the United Nations as a political tool.

On the other hand, North Korea has been selectively improving its relations with various UN human rights bodies. In 2000, it submitted the second regular report to the UNCHR, which it had refused to submit for the previous 16 years. In 2001, it dispatched a delegation to the committee's deliberation process, responding to questions at the committee meeting. North Korea has signed the "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)" and participated in various educational

¹⁴ North Korea News Agency, Apr. 20, 2004.

and technical seminars and programs sponsored under the UN human rights establishment. In May 2002, North Korea submitted a report in response to the recommendations of the UNCHR (although most of the report contained negative responses). It has also participated in human rights seminars and technical education programs held in Britain, Sweden, and the Philippines.

North Korea has not yet agreed to a visit by the UN Special Rapporteur on Human Rights; but in 2004 it did invite two members of the Committee on the Rights of the Child and a special rapporteur on the frequency of violence on women. By diligently participating in various human rights seminars and education programs, North Korea has been trying to reverse the negative impression that its regime violates the human rights of its people. This is a significant policy change notwithstanding that North Korea's diplomatic efforts in connection with the UN human rights establishment were often nominal and formalistic.

In terms of a domestic change of attitude, North Korea apparently could not continue to maintain a negative posture in the face of mounting pressure by the UN human rights regime to improve the situation, and because it had to rely heavily on the economic assistance provided by the international community. Under the revised 1998 Constitution, North Korea has guaranteed its citizens the right of residence and relocation, and expanded citizens' private property rights under the law. As part of the economic improvement measures adopted on July 1, 2002, the regime has permitted commercial activities, and made various other improvements in its economic system, with a view to accommodating social change. Even the categories that identify economic crimes have been updated to reflect the changing reality. In 2004, North Korea improved its Penal Code and Criminal Procedure Law, eliminating various elements that had been criticized as antiquated and undemocratic. For example, the principle of "nullen crimen sine

lege” (No crime unless prescribed in the law) was introduced, guaranteeing, however nominally, that people would not be punished unless such punishment was prescribed in the Penal Code. Compilations of all laws and provisions, including the Penal Code, are now publicly available. In June 2003, North Korea even adopted a “law for the protection of the handicapped,” extending legal protection of the rights of the physically challenged. Recently, North Korea is in the process of revising its laws on narcotics control and illegal monetary transactions (i.e., Law Prohibiting Money-laundering; Narcotics Control Law), and joining the three anti-narcotics conventions. It has also allowed the visit to North Korea of the members of International Narcotics Control Board, which is a specialized agency under the United Nations.¹⁵

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

North Korea is displaying an ambivalent attitude toward the human rights issue. This could be the result of long-held fears of external influences on regime stability and/or a lack of understanding of international norms due to the decades of self-imposed isolation. Consequently, instead of demanding a complete acceptance of various UN recommendations and their immediate implementation—which

¹⁵ In addition to the visit of June 2002, North Korea has again allowed the visit of members of International Narcotics Control Board in June 2006. During the annual report conference held in Bangkok in March of 2006, INCB made positive observations on North Korea’s narcotics control effort, pointing out, “North Korea has enacted a narcotics control law in February 2005. So, the INCB fully expects North Korea to faithfully observe the terms of international narcotics conventions.” See *Yonhap News*, Jun. 27, 2006.

would require a sudden change in North Korea's human rights policy—the international community would be well advised to lead North Korea gradually to international standards, occasionally offering incentives. Once North Korea is convinced of the accommodating international atmosphere, it is likely to take various improvement measures, slowly and step-by-step.

II . The Reality of Civil and Political Rights

Since the official launch of the Kim Jong Il regime, North Korean authorities have been actively responding to various human rights questions raised by the international community. As a party to international human rights covenants, North Korea has submitted to UN Human Rights Committee its second periodic report on “Covenant-B” (on civil and political rights) in March 2000 after a lapse of 16 years since its first report of 1984. By filing its periodic report, North Korea has begun to fulfill its procedural responsibility as a party to the UN human rights regime. However, most official reports the Covenant-B signatories submit on a regular basis would be of limited value in terms of verifying the actual human rights situation, because these reports usually focus on legal and institutional improvements rather than on the reality and progress of human rights guarantees.

The North Korean authorities are taking advantage of this report to emphasize that North Korea, too, is fully guaranteeing human rights, and that they have taken various measures to guarantee human rights. After reviewing North Korea’s second regular report on Covenant B, the UNHRC pointed out, in its “Concluding Observations” of July 2001, various problems concerning the human rights situation in North Korea. The UNHRC has asked North Korea to submit a progress report on this point within a year, and include an additional progress report in its regular annual report. In connection with this requirement, North Korea has positively responded by submitting its first report in August 2002.

For example, North Korea has made extensive amendments to its Penal Code on April 29, 2004 (SPA Standing Committee Order No. 432) and its Criminal Procedure Law on May 6, 2004 (SPA Standing Committee Order No. 436). North Korea has made further amendments to its Criminal Procedure Law on July 26, 2005 and its Penal Code on April 19, 2005 and July 26, 2005, respectively. In short, North Korea has been taking positive steps to improve legal guarantees for civil and political rights. Despite updating law provisions and responding actively to the UN requirements, the reality of civil and political rights of North Korean citizens is believed to be very poor. The practice of public execution continues on. In addition, North Korea still refuses to open its doors to international human rights organizations, to establish a national human rights commission, and to guarantee independence of its judiciary. For these reasons, it would be difficult to say that the human rights of North Koreans have improved in 2006.

1. The Right to Life

A. North Korean Laws on the Death Penalty

All people possess a unique right to life and no one may, at will, deprive another of his or her life. All countries are responsible for upholding this right to life, and all people have the right to have their lives protected. The protection of this right to life is a supra-national right and international cooperation is increasing to guarantee its protection. The International Covenant on Civil and Political Rights—better known as Covenant-B—in Article 6 emphatically stipulates, “Every human being has the inherent right to life. . . No one shall be arbitrarily deprived of his life.” The article goes on to state, “In countries which have not abolished the death penalty, a sentence of death may be imposed only for the most

serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.”

In August 1999, North Korea, showing some improvement in the legal sector, revised its penal code and reduced the number of crimes punishable by death from 33 to five. Under the penal code as revised April 29, 2004, North Korea kept the five death penalty crimes included in the 1999 revision. North Korea’s 2004 Penal Code mandates the courts to hand down capital punishment for anti-state and anti-people crimes, such as “conspiracy to overturn the State,” “terrorism,” “treason against the fatherland,” “treason against the people,” and “premeditated murders.” But the revised penal code of 2004 has somewhat more precise definitions of what would constitute these crimes. Specific stipulations for the death penalty are shown in Table II-1 below.

<Table II-1> Mandatory Death Penalty under the North Korean Penal Code

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

The above provisions requiring the death penalty have been criticized for their imprecise uses of terminology and the possibility of arbitrary interpretation. The phrase, “particularly serious cases,” could be seen as an improvement since it would mean that the death penalty would be sentenced only in “exceptional” and “grave” cases. However, the phrase still leaves room for arbitrary interpretation. Nevertheless, it would appear that efforts have been made in the 2004 revised Constitution to clarify various elements that would constitute crimes punishable by death.¹⁶

<Table II-2> Changes in the Penal Code: The Death Penalty

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

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

Since the 1999 revision, North Korea has raised the age limit for the death sentence from 17 to 18 years of age. This is in accordance with the international human rights covenants. Thus, North Korea has

¹⁶ Han In-sup, “The Contents and Meaning of Revisions of North Korea’s Penal Code, 2004,” The 93rd Monthly Seminar of North Korea Research Association, Dec. 9, 2004.

responded in a fashion to international criticism of the political nature of its death penalty provisions. However, even these latest revisions are not completely free from political interpretations.

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 released in October 1993, AI reported on public executions carried out by North Korean authorities as follows:

It is reported that the death penalty is widely used in North Korea as a penalty for a variety of crimes, including political offences. Witnesses at public announcements of death sentences, former detainees and visitors to North Korea report that the death penalty is used frequently, and has been increasingly used in recent years against alleged economic offenders. Reports suggest that dozens of prisoners are executed each year. Executions are carried out either by shooting or hanging. In some cases, prisoners sentenced to death are displayed at public meetings attended by workers and students, including school-age children. At these meetings, the alleged crimes of prisoners, and their sentence, are read out by officials. Executions have reportedly been carried out in front of these meetings, although in some cases it appears that the prisoners were taken away for execution. In places of detention, detainees have reportedly been executed in front of assembled inmates.

In addition, AI published a “special report on public execution” in January 1997. This report cited North Korean defectors as saying that there were no clear standards for public execution, and even those charged with minor economic crimes such as theft were sometimes publically executed. The only objective of public execution was to “set the example for others.” The AI report said there have been at least 23 documented public executions in North Korea from 1970 to 1992, and most eye-witnesses testified that they saw at least one public execution each in Pyongyang, Wonsan, Chongjin, Hamhung,

Shinuiju and Pyongsan during this period.

In most cases, public executions are carried out in front of an assembly of people. The authorities will announce public executions in advance at local schools, enterprises, and collective farms. Once the crowd is assembled, the authorities will read the facts and charges of the crime and then publicly execute the criminal.¹⁷ Article 32 of the Court Sentence and Decision Implementation Law stipulates that death sentences shall be carried out by firing squad. Accordingly, death sentences are usually carried out by firing squad, but hanging is also used. Sometimes the death sentence is carried out in the presence of the accused's family. Normally, nine shots are fired for an execution.

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 of all, public execution breaches various stipulations contained in North Korea's own penal code. Many victims of public execution are forced to face a firing squad even though their crimes do not rise to the level pursuant to the death sentence stipulations in the penal code. Many North Korean defectors (i.e., the 'defectors' in South Korea) have testified that the right to life of ordinary North Korean citizens, not to mention political prisoners, is seriously jeopardized because the North Korean authorities will impose the death sentence not only for crimes stipulated in the penal code but also for minor social misdemeanors stemming from economic hardship. Defectors have testified that public executions have been carried out with no clear standards, and even those charged with minor economic crimes have sometimes been publically executed simply to "set an example for others."

Second, North Korean authorities are violating various provisions

¹⁷ Testimony of defector XXX during an interview in Seoul on Sept. 8, 1998.

of Criminal Procedure Law in the process of carrying out public executions. The 2004 revisions have also adopted stricter provisions regarding the execution of death sentences. Under North Korean Criminal Procedure Law, the executing agency, after receipt of a copy of the court decision and the execution order, may carry out the execution only in the presence of a prosecutor and with the approval of the SPA Presidium (Art. 419, 421, 422). 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 the Sentencing and Decisions Execution Law, revised in 1998, stipulates that the agency in receipt of the death sentence execution order is responsible for the execution of the death sentence. Public executions are therefore clearly in violation of this provision.

Regarding the international criticism on public executions, North Korea strongly denies them, arguing that such criticisms were total fabrications concocted by forces hostile to the North Korean regime. However, North Korea has admitted one such case, for which evidence was presented during the second regular report review process. North Korea said it had publically 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 in admitting this case of public execution, North Korea maintained the position that the authorities had done it to comply with the demands of the masses in the area.

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

<Graphic II-2> A Proclamation by the Social Safety Agency

Proclamation

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

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

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

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

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

1. Do not steal grains!

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

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

2. Do not engage in grain-selling activities!

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

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

3. Do not ever cheat or waste grains!

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

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

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

4. In the lofty ideal of patriotism and in the spirit of love of fellow countrymen, all citizens are encouraged to keep sharp watchful eyes on, and promptly report, anyone stealing and selling grains, as well as those cheating and misappropriating grains.

5. Those who violate this proclamation will be arrested as criminals-on-site and punished under the law, regardless of position, organization, or personal accomplishments.

August 5, 1997

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

Note: translation of <Graphic II-1>

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

<Public Execution for Anti-regime Activities>

Resistance Activities against the Regime

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

A senior Party secretary at the Kaesong City branch and others were executed in 1997 on charges of anti-Party, anti-revolutionary espionage. They were publicly executed on the firing range of the Pyongyang Military Academy as Party cadres watched.¹⁸

In April of 1998, a mass public execution of 13 cadres of a Social Safety Agency was carried out at Songrim City, North Hwanghae Province.¹⁹

¹⁸ Testimony of defector XXX during an interview in Seoul on May 24, 2000.

¹⁹ Songlim City is a trade port. Kim Jong Il, when he was working as a secretary for organization in the KWP, introduced the high-tech facilities into the Hwanghae Steel Mill in the city. As the economic difficulties were aggravated, facilities in the steel mill were robbed so frequently that the KWP or security apparatus could not control the situation. In April 1998, the minister of the People's Military Ministry proclaimed martial law in the city of Songlim, encircling the whole city with a brigade. Then the security commander in the Ministry searched for and executed thirteen criminals. Testimony of defector XXX during an interview in Seoul on May 20, 1999.

Defector XXX testified that the members of an organized crime syndicate in Musan, North Hamkyung Province, shouted in loud voices “Sungdo!”, which was the name of their boss. They were charged with the political crime of idolizing their boss. Their boss was summarily executed as well.²⁰

A North Korean defector testified that during a special inspection campaign conducted by the Nampo City Security Command in 1998~1999, XXX (female), manager of the Pyongyang Trout-soup Restaurant, was accused of being a South Korean spy and was publically executed on charges of espionage and attempting to recruit staff members of the Party, government and security agencies.

A North Korean defector testified that five people were publically executed. XXX (female), a voice actress at the Nampo City Mobile Performance Propaganda Unit, was executed on charges of prostitution; the deputy engineer for technical development at the Nampo Steel Refinery was executed on charges of espionage for South Korea; and the Deputy Chairman of the Nampo City Administrative Committee, the Deputy Director of Trade Supervisory Bureau, and the Director of Nampo City Flour Mill were all executed on charges of corruption.²¹

On July 5, 1999, XXX, a low-level Party secretary at a shoe factory, and 10 others, including a “people’s unit” leader, were publically executed at the Heisan City Airfield on charges of smuggling with the Chinese and taking money from South Korea’s National Security Planning Agency.²²

A North Korean defector testified that a special inspection conducted by the Heisan City Security Agency (Yangkangdo Province)

²⁰ Testimony of defector XXX during an interview in Seoul on Aug. 17, 2002. During interviews in 2007, three additional defectors have testified to the same incident. Clearly, this public execution incident must have been widely known in Musan City.

²¹ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

²² Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

uncovered that corrupt activities of a female sales guide were related to South Korean CIA funds. Subsequently, the ranking members of major enterprises in Heisan City were interrogated. In the end, 13~15 of them were publically executed at the Heisan Airfield.²³

A defector testified that the entire family of his neighbor XXX of Sanghwa-ri, Onsung County, North Hamkyung Province, was publically executed by firing squad in 2002 for anti-state crimes.²⁴

XXX, who had studied the Bible together with this defector in China, was publically executed on February 11, 2003 under a railroad bridge in Onsung County. His only crime was having practiced Christianity in Yanji, China.²⁵

Public execution is also taking place in the military. Defector XXX said he did not personally witness any public executions, but saw 'educational' videotapes showing scenes of public execution. In 2003, three soldiers were publically executed on charges of defection and contacting South Korea's National Intelligence Service. The defector said he had watched the video of their public execution while he was on the military compound.²⁶

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, as well as on those using cellular phones. One can be brought up on criminal charges—and executed—for being involved in such activities.

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

²⁴ Testimony of defector XXX during an interview in Seoul on Oct. 19, 2004.

²⁵ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

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

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 of what is going on inside North Korea has seeped 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.

Last year in the North, in material published to educate the public on the struggle against espionage, it was clearly stated that “all unlawful use of ‘cellular phones’ is a criminal act that will assist the enemy’s anti-Republic attempts.” According to this material, even the use of cell phones for legitimate business purposes—such as for activities involving trade with China—is regarded as a type of espionage activity. North Korea argues that the Chinese, in collusion with South Koreans, will intentionally give cell phones to North Koreans for the purpose of extracting internal information. North Korea asserts, “The enemies will bribe impure elements or employ foreign merchants and smugglers, and encourage them to hand out cell phones to their North Korean counterparts so that they could extract confidential information from the Party, State, and the Military through frequent cell phone communications. They are also engaged in the smuggling of strategic materials and guiding illegal border crossings.” North Korean authorities have asked citizens to understand the purpose of the policy and continue to encourage citizens to turn in their cell phones and report anyone using one.²⁷

²⁷ Good Friends, “North Korean News Today,” No. 15, (Apr. 7, 2006).

However, the following are cases where public executions have been carried out for such crime:

- XXX, the father of XYZ who was a friend of the defector, was executed by firing squad on charges of anti-revolutionary activities when a gun and a South Korean leaflet were found at his home.²⁸
- A person was publically executed when he was caught selling videos. He had imported some 3,000 copies from China in 2004.²⁹
- XXX was a member of the Hoeryong City Soccer Club. He was publically executed in November 2004 on charges of selling and circulating South Korean videos and anti-Communist movies.³⁰
- In January 2005, a 32-year-old male was publically executed in a lot in front of Ranam Market in Ranam District of Chongjin City on charges of listening to South Korean radio programs and singing South Korean songs. The defector testified that he heard a police vehicle near the Ranam Market (Chongjin City) announcing that a public execution was scheduled to take place and that citizens were encouraged to come.³¹
- In January 2005, a defector heard from a North Korean defection broker in Hoeryong that 11 people had been publically executed at a location in Hoeryong City for having used Chinese cell phones.³²
- On May 17, 2006, two peddlers who sold CDs and narcotics

²⁸ Testimony of defector XXX during an interview in Seoul on Jul. 6, 2002.

²⁹ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

³⁰ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³¹ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

³² Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

called 'ice' were publically executed along the banks of Suseong Creek near the Sunam Market, Chongjin City, in accordance with the official 'Proclamation.'³³

<Public Execution of Economic Criminals>

Execution on Charges of Stealing Copper and Communication Lines

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

- In September 1994, Staff Sergeant XXX of a communications unit stole some communication lines, and XYZ brothers stole copper lines off a mine in the spring of 1997. They were all publically executed in the spring of 1997.³⁴
- A defector testified that a 40-year-old male was publically executed in 1997 near XXY Bridge, Bukchang County, North Pyongan Province on charges of stealing electric wires.³⁵
- A defector testified that six men were publically executed in the marketplace in Sunam District, Chongjin City, on charges of stealing electric wires from the Chongjin Steel Works.³⁶
- A defector testified that public executions on charges of cutting and stealing communication lines were continuing as late as 2005.³⁷
- Another defector testified that a young ex-soldier was publically executed on the banks of Suseong Creek near

³³ Good Friends, "North Korean News Today," No. 26, (Jun. 21, 2006).

³⁴ Testimony of defector XXX during an interview in Seoul on Jun. 29, 2002; testimony of defector XXX during an interview in Seoul on Jul. 6, 2002.

³⁵ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

³⁶ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

³⁷ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

Sunam Market on May 19, 2006 for stealing about 150 meters of electric wire.³⁸

Execution for Stealing Cattle and Goats

There have been many testimonies recorded about public executions having taken place in North Korea on charges of stealing cattle and goats during the period of the “arduous march” (i.e., mid- to late 1990s). Since 2000, however, the number of similar testimonies has decreased.

- Defector XXX testified that Lim Chol-san had conspired with nine other people to butcher a goat at a goat farm. He was publically executed in November 1998.³⁹
- Defector XXX testified that an entire family was publically executed for stealing eight heads of cattle since 1998.⁴⁰
- A defector testified that XXX, a resident of Musan, was publically executed at the Migangbol Market in Musan County for butchering and consuming a cow.⁴¹
- Defector XXX testified that a man was publically executed in the Sunam District of Chongjin City in 1999 for butchering and consuming a cow.⁴²
- Another defector testified that in 2000 a man was publically executed on Musan Subidae Mountain on charges of selling a cow.⁴³

³⁸ Good Friends, “North Korean News Today,” No. 26 (Jun. 21, 2006).

³⁹ Testimony of defector XXX during an interview in Seoul on Aug. 17, 2002.

⁴⁰ Testimony of defector XXX during an interview in Seoul on Nov. 3, 2003.

⁴¹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁴² Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

⁴³ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

<Public Execution for Social Misdemeanors>

Public executions have also been carried out as the penalty for misdemeanors. In the past, there were many testimonies concerning cannibalism having taken place during the period of “the arduous march,” and testimonies depicting public executions for the crimes of theft and larceny. While no such testimonies have been heard since 2000, reports of public execution having taken place on charges of murder and human trafficking continue to mount.

Human Trafficking

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

- On September 21, 1997, one day before the defector’s birthday, XXX and XYZ were publically executed inside a roof-tile factory of the Poong-in Coal Mine on charges of having trafficked three people.⁴⁴
- One woman was publically executed in May 1999 on charges of human trafficking in China in the Yuson district of Hoeryong City, North Hamkyung Province.⁴⁵
- Six other people were publically executed in February of 1998 on charges of human trafficking in Onsung County in North Hamkyung Province.⁴⁶
- XXX was reportedly publically executed following an open trial for involvement in crimes of human trafficking in Hoeryong City, North Hamkyung Province, in May 2000.⁴⁷

⁴⁴ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁴⁵ Testimony of defector XXX during an interview in Seoul on Nov. 17, 2000.

⁴⁶ Testimony of defector XXX during an interview in Seoul on May 30, 2000.

⁴⁷ Testimony of defector XXX during an interview in Seoul on Nov. 13, 2005.

- In 2004, a woman was publically executed at the Sunam Market in Chongjin City on charges of human trafficking. The witness was a merchant at the Sunam Market. On the day of the execution, the defector was not allowed to open for business. Instead, everyone was forced to watch the execution by firing squad.⁴⁸
- In November 2004, XXX, a teacher at Inkei Middle School, was publically executed for having trafficked 13 of the school's graduates to China through a broker.⁴⁹
- In November 2005, a woman was publically executed in the Pohang District of Chongjin City on charges of human trafficking.⁵⁰

Punishment for the Crime of Murder

Despite the policy of rigorous enforcement and strict penal provisions against the use of violence, the incidents of violent crime continue to increase every year. As economic hardship persists, the number of violent crimes increases. In 2005 alone, about 1,700 cases of murder and attempted murder had occurred in North Korea. In North Hamkyung Province alone there were 17 murder cases reported in March 2006.⁵¹ Under North Korea's penal code, the death penalty may be handed down in cases of premeditated murder. Many defectors have testified that public executions are still carried out for the crime of murder.

- A defector testified that in 1992 a 45-year-old man was hanged under a bridge in Sebyol County on charges of dealing in narcotics and murdering his wife.⁵²

⁴⁸ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

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

⁵⁰ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁵¹ Good Friends, "North Korea Today," No. 20, (May 12, 2006).

- A defector testified that XXX was public executed in 1995 in the Pyongsu marketplace in Hamhung City for murdering her husband.⁵³
- A defector testified that XXX was public executed by firing squad in 1997 on the grounds of Chongjin Steel Mill in Pohang District, Chongjin City on murder charges.⁵⁴
- A defector testified that in April 2005 a college student majoring in chemistry was publically executed in Hamhung City for murdering family members of a pharmacist.⁵⁵
- A defector testified that his mother, XXX, was publically executed in the Sunam Market, Chongjin City, on charges of murder.⁵⁶

<Public Executions in Political Concentration Camps>

Public executions and secret executions are carried out at political concentration camps. Defector XXX, a former concentration camp security guard who defected in October of 1994, testified that executions based on summary trials are carried out on a routine basis at these camps and at times security personnel arbitrarily execute people in secret.⁵⁷ Those subject to public executions are usually people who are arrested during an escape attempt. Defector XXX, a former security officer at a concentration camp between May 1983 and June 1986 before he defected in December 1994, stated that at Control Center No. 11 in Kyung Sung, North Hamkyung Province, an entire family, including a

⁵² Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

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

⁵⁴ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁵⁵ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

⁵⁶ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁵⁷ Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

grandmother, her son and grandchildren, were publically executed after being caught during a three-day escape attempt. All the political prisoners at the camp were gathered together by security officials armed with machine guns to witness the hanging of the two adults and the execution by firing squad of the three children. Immediately after the execution, the political prisoners were forced to throw stones at the corpses.⁵⁸

Defector XXX explained that even the security personnel at the Seventh Bureau fear the Third Section (Preliminary Investigation Section) of the State Security Protection Agency (SSPA), which is responsible for the arrest and investigation of political prisoners, particularly because of the manner in which they arbitrarily carry out executions. This fear is bolstered by reports that the SSPA produces oil from human bodies to make cosmetic products and whips from human tendons. Ahn explains that some security personnel, for personal fame or career advancement, deliberately execute political prisoners and make it appear as if they were caught trying to escape. In return for maintaining secrecy and to increase morale, security personnel who finish their terms are guaranteed entry into the KWP and college.⁵⁹

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

⁵⁸ Testimony of defector XXX during an interview in Seoul on Jul. 8, 1996.

⁵⁹ Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

<Frequency of Public Executions>

According to defectors, the frequency of public executions has been diminishing since 2000. Many defectors testified that they were truly petrified in the 1990s as people were publically executed by firing squad every month. Since 2000, however, public executions have taken place only once every three months on average.⁶¹

The frequency of public executions varies from region to region, and it is difficult to come up with accurate numbers for each region. At any rate, defector XXX testified that he had not seen or heard about public executions having taken place in the Kaesong area since 2000.⁶² 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.⁶³

Changes are also taking place in terms of the types of crimes that carry the penalty of mandatory public execution—although public execution is still considered mandatory for crimes such as murder, human trafficking, and the dissemination of outside information.

2. Individual Liberty

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

<Liberty Rights under the Penal System>

The right to individual liberty consists of those freedoms of

⁶⁰ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁶¹ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

⁶² Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁶³ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

personal security and autonomy that cannot be limited or abridged without due process of the law. Together with the freedom of thought and free speech, individual liberty is one of the most basic human needs. If individual liberties are not guaranteed, the pursuit of other freedoms and rights undoubtedly cannot occur, and the dignity of all citizens will be violated. Accordingly, a person is entitled to inalienable rights such as the protection afforded by the rule of no arrest without a warrant. Every person has the right to due process and should be treated humanely, and not be subject to illegal arrest, imprisonment, and torture. Also included among the protections granted by the rule of writ of habeas corpus are prohibitions against unreasonable arrest, imprisonment, search or seizure of property, illegal interrogation and punishment, from being labeled a security risk, and hard labor.

Article 5 of the Universal Declaration of Human Rights, provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 7 of the International Covenant on Civil and Political Rights also stipulates that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Furthermore, it is stipulated in Article 9 that no one shall be subjected to arbitrary arrest or detention. Furthermore, in Article 10 it is provided that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Based on Article 5 of the Universal Declaration of Human Rights, the UN adopted the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment at the General Assembly held on December 10, 1984. In 1993 the Vienna Declaration 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.

Ostensibly, the freedom of habeas corpus in North Korea is guaranteed in the revised Socialist Constitution of September 1998.

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

In the 2004 criminal procedure law, arrest and detention procedures are laid down in separate articles of the law. As the Constitution stipulates, the criminal procedure law also specifies, “No one shall be arrested or detained in a manner not provided for in the law or without following the procedures prescribed in the law” (Art. 177). Moreover, the law clearly stipulates that no arrest shall be made without a warrant, and only investigators and “pretrial agents” can make the arrest (Art. 180). Specifically, Article 181 stipulates that if a pretrial agent needs to detain a suspect, the agent must apply for and receive pre-approval from a prosecutor. In the past, there was also much criticism of the practice of not informing a detainee’s family subsequent to an arrest. Perhaps for this reason a new provision (Art. 183) was installed, stipulating that “A suspect’s family or organization shall be notified within 48 hours of arrest of the reasons for and the place of detention.” It would be necessary to confirm if this provision will also apply in the case of “family notification” of a missing person charged with political crimes.

North Korea's penal code classifies detention in three categories (Art. 184): "physical detention" (Art. 185~188), "house arrest" (Art. 189), and "confined-area detention" (Art. 190).

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

The revised law requires enforcement officials to observe legally prescribed procedures in investigations and arrests. There are also many provisions prohibiting torture and other inhuman treatments. In connection with the interrogation of suspects, Article 167 specifically stipulates that "the pretrial agent should not obtain the suspect's admission of guilt using leading questions or through forcible means." Article 229 also stipulates that "In the process of interrogation, the witnesses or suspects should be protected from the use of force or intimidation." The revised penal code of 2004 contains many provisions designed to punish those who employ illegal methods of interrogation, stipulating that "If a law enforcement official exercised unlawful methods of interrogation or willfully exaggerated or fabricated facts, he would be charged with up to five years of correctional labor. If the suspect's health were harmed or he was criminally charged by the foregoing methods, the law enforcement official would be charged with five to ten years of correctional labor. In serious cases, he would be punished with correctional labor in excess of ten years" (Art. 253). If a law enforcement official has "illegally arrested, detained, or searched the person or his home, or seized or confiscated his property," he would be charged with up to two years of correctional labor. If he repeated the unlawful acts, or his actions caused a public controversy, up to three

years of correctional labor would be imposed (Art. 252). As a result, all unlawful acts in the process of arrest, detention, search and seizure are now subject to punishment. Under the revised penal code and criminal procedure law, the rights of suspects have been clearly set forth in the process of arrest, detention, search, and seizure. Torture and other illegal techniques of interrogation have been banned.

Despite these revisions in the criminal procedure law there still remains the possibility of human rights violations. As pointed out earlier, it is mandatory under the law to present appropriate prosecutor-authorized documents prior to making arrests, detaining suspects, and searching or seizing property. However, under the same provisions the investigators or pretrial agents are not required to obtain arrest or search warrants from a court for enforcement measures such as arrests, investigations, searches and seizures. It is also widely known that laws are not faithfully followed throughout the enforcement process, even though the law clearly prohibits any violation of human rights or the liberty and security of a person.

B. Detention and Correctional Facilities

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

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

could take charge of political criminals, while the MPS could handle other criminals.

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

<Table II-3> Confinement Facilities

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

<Correctional Centers>

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

North Korea also disclosed to Amnesty International officials visiting the country for the International Festival in April 1995 that it has three rehabilitation facilities, including the Sariwon '*Kyohwaso*', which holds between 800 to 1,000 persons. In addition, it said that 240 anti-state criminals are at the "Brothers Mountain Correctional Labor Camp."⁶⁴ During the review of the second report, North Korea was asked to permit on-site inspections to international human rights organizations. However, North Korea refused the request, saying that it had twice permitted visits by AI officials, but because hostile elements have attempted to take advantage of the occasions for their unscrupulous intentions, the concerned agencies in North Korea were

⁶⁴ There is a 'correctional labor camp' for political prisoners near the Brothers Mountain district of Pyongyang. Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

growing nervous with such visits.

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

<Table II-4> Types of Crimes and Corresponding Place of Detention

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

In its second regular report, North Korea said the period of detention in the three correctional centers would range from one to 15 years, with the length befitting the crime. North Korea has submitted the following status report on the number of convicts in the centers and the average period of detention.

<Table II-5> Number of Detainees and Average Duration

Year	Number of detainees	Number of detainees per 100,000
1998	1,153	5.2
1999	1,999	14
2000	1,426	6.5
Average duration in the past three years	3 years	

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

<Labor Training Camps>

According to defectors, in addition to the correctional centers, North Korea has been imposing various punishments and operating other detention facilities. These facilities operate “outside” the penal code and are maintained to handle minor offenders. An example is the “labor training” punishment. It is widely known that detention facilities like “collection points” and labor-training camps exist in North Korea. In the law books, other than within the penal code itself, “labor-training” is defined as a form of “punishment.” For example, Article 18 of the Law on the Execution of Sentences and Court Decisions (SPA Presidium Order No. 160 of November 9, 1998) specifies conditions leading to the suspension of execution of punishment. It says, “The execution of punishment would be suspended when the convict who was sentenced to correctional labor, labor training, or labor without pay, was seriously ill; or when a woman was three months before, or seven months after, the

date of childbirth.” As defectors have testified, punishments not defined in the penal code were being carried out in reality.

Under the revised penal code of 2004, North Korea has installed “labor training” as a new type of punishment. Labor training is a form of punishment wherein the convict is sent off to “a location” for work details. Sentences range from six months to two years. For the convict, “two days of labor training” is supposed to count as the equivalent of “one day at a detention camp.” Under Article 31, the citizen’s basic rights are guaranteed during the period of labor training. However, according to the testimonies of defectors who had been detained in the labor training centers, the “location” described in the penal code must be referring to the “collection points” and “labor training centers.” One hundred sixty-five of the 245 articles contained in North Korea’s penal code mention punishment by labor training. Those convicted of harsher penalties are sentenced to a term of ‘correctional labor’ (at a normal correctional center). Without exception, the “labor training” penalty is not given for anti-state crimes. However, more than half of the crimes involving national defense will result in labor training penalties. As well, labor training is the sentence in almost all crimes involving economic and land management, environmental protection, labor administration and socialist culture. Suddenly, “labor-training camps” have begun to appear from the year 2001. This decision was perhaps made in response to international criticism that there were too many “correctional labor centers” in North Korea. In any event, violators of the law are now being sentenced to “labor-training” penalties and sent to “labor-training camps,” instead of the “correctional labor camps.”⁶⁵ Most crimes involving disturbance of social order are also punishable by labor training, and such penalties are rendered for newly declared crimes. In fact, the 39 articles in the code relating to new crimes

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

mandate punishments exclusively in terms of labor training. According to the defectors in South Korea, the names of detention centers and charges for detention in them appeared to vary from region to region. Most of the crimes subject to labor training are similar in nature to crimes testified to by the defectors.

<Collection Centers>

“Collection centers” are similar to “correctional centers.” Staff at collection centers investigate and detain between six months to a year—without trial revocation of citizenship—various defectors, people transgressing a designated area or overstaying travel permits, those on “wanted lists,” and ordinary “loafers.” It is reported that at various provincial collection centers, brutal acts are being perpetrated on suspects to obtain admissions of guilt.⁶⁶ If a person is caught traveling without a permit, he is sent to a “collection centers.”⁶⁷ The cases handled by “collection centers” include those whose crimes are not heavy enough for “correctional centers” but too serious to send off to “labor training camps.” Examples would include the cases of moral hazard at work, such as absence from work or group training sessions, and accidental homicide by medical doctors or vehicle drivers.⁶⁸ Each provincial government runs a “central collection center.” Anyone at these central collection centers caught trying to escape are put to death.

<Arbitrary Detention and Torture>

In fact, according to the testimonies of defectors, inhuman treatment is easily found all over North Korea, including detentions and

⁶⁶ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

⁶⁷ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

⁶⁸ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

tortures without due process of the law. In cases of transgression of party policies or Kim Il Sung/Kim Jong Il's instructions, even the basic human rights of the suspect are routinely violated. This is done to demonstrate to the people just how severe punishment can be for such transgressions.

There is a standing organization called the "Anti-socialist inspection group" (or "*groupe*") 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 the most. If they detain anyone (for anti-socialist behavior), it is very difficult to get released (without money to bribe or power to influence), and people are usually charged with crimes subject to "correctional labor," which is a very serious punishment.⁶⁹

Many defectors have testified that corruption and human rights violations are widespread in North Korean society, including the prosecutor's office. For example, inspectors from the Central Prosecutors' Office are empowered to make detention decisions upon the approval of their office. While investigating the agencies or enterprises dealing with foreign currencies, it has been said that inspectors would routinely confiscate foreign-made used cars for their own personal use.⁷⁰

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

⁶⁹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

⁷⁰ See above testimony.

Korea's laws.⁷¹

The elder brother of a defector, XXX, was detained in the Onsung County Labor Training Camp in February 2001 on charges of illegal border crossing. He was tried at an elementary school in Sansung District, Onsung County, North Hamkyung Province. He was sentenced to a 15-month prison term. After serving two months, however, he got an early release from the camp due to illness (paratyphoid infection).⁷² Defector XXX testified that he/she was sent to a labor training camp because the "anti-Socialist inspection group" had found his work performance to be unsatisfactory.⁷³ The "*groupster*" was dispatched to the Onsung County in 1998, and he has found almost 150 people guilty and sent them to a labor training camp. Included among them were antique dealers and people who made frequent visits to China.⁷⁴ Those who have had long "absences without leave" from work were also sent to the labor training camp.⁷⁵

Defector XXX was arrested in China on defection charges and deported to North Korea via the Shinuiju Security Agency and a collection center. On July 7~8, 2002, the Jeungpyong Security Agency, without holding a trial and based solely on documentary evidence, sentenced him to a one-year term at the No. 55 labor training camp. Housed in the camp were all kinds of criminals, including thieves, swindlers, prostitutes, state property embezzlers, drug addicts, fortunetellers, palm readers, and so on, although almost 70 percent of the inmates were defectors (or, those brought in for unlawful border-crossing).⁷⁶

⁷¹ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

⁷² Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁷³ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

⁷⁴ Testimony of defector XXX during an interview in Seoul on Nov. 23, 2004.

⁷⁵ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

⁷⁶ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

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

Mr. XXX was arrested in Yanji (Yeongil) City, China, on April 2, 2005. He had to undergo investigation and interrogation at Onsung Security Agency from April 13 to May 11. He was detained in the provincial collection center at Nongpo-dong, Ranam District, Chongjin City from May 11 to July 14. From July 15 to September 20, he was held in the Musan County People’s Security Agency detention center. He was tried on September 8 at the Musan County Court, which sentenced him to one year of labor training. He was then imprisoned in Section 3 of Jeungsan Correctional Center from September 22 to November 2, at which point he was released as his “labor training” term was over. Although the term was for one year, for the local resident of Musan County, the calculation of the term was as follows: Each day at the correctional center was counted as the equivalent of two days of his labor training term, and counting of the term was said to start from the date of deportation. Consequently, he was released from the Jeungsan Correctional Center after serving only about 40 days at the center. The judge at Musan Court at the end of his trial said, “Serving in a correctional center is hard and painful. If anyone were to serve long term, he would almost certainly die or would be unable to support his family afterwards. So, the idea was that we had better release the inmates as soon as possible so that they could contribute to the welfare of the Musan County residents in general.” Participating in the trial process were one judge, one defense attorney, four mature men who participated in the sentencing phase (of which one person testified he was from a committee), two indicted persons (of which one of them was

waiting for his turn), one guarantor, and two guards (one security agent and one sergeant). The judge and 3 of the 4 mature men left the courtroom for 2~3 minutes, and when they returned, the judge said, “The indicted person, Kim XX, is hereby sentenced to serve one year of labor training.” Following this, the judge said he would count one day served in the correctional facility as two days of service in an effort to help out local residents of Musan.

According to the defector, detained in Section 3 of Jeungsan Correctional Center were the inmates who had been sentenced to serve out “labor-training penalties” for ordinary crimes or illegal border crossing.⁷⁷

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

North Korea has denied as untrue the charges brought by the international community that torture and cruel treatment continue in rehabilitation and detention centers. The March 2000 report to the UN Human Rights Committee contained various details about law provisions of the penal code, and North Korea repeated its detention center operating regulations and rules for rehabilitation, etc. North Korea argues that torture and cruel treatment are prohibited under these provisions and it is strictly enforcing the laws. However, North Korea partly admitted to certain cases, saying that some law enforcement workers sometimes beat the resisting detainees in violation of the

⁷⁷ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

provisions, and that the practice has not completely disappeared at this point. The responsible agencies, it explained, are sanctioning and punishing such workers in order to root out such practices. North Korean delegates even submitted statistical evidence showing that there were three cases of petition against torture or ill treatment in 1998, one case in 1999, and two cases in 2000, and all the agents were given administrative punishments.

C. Human Rights Violations Inside Correctional Centers

In its second report, North Korea insisted that the conditions of detention are stipulated in the rehabilitation project regulations, and that they are faithfully carried out. Despite this claim, the fact is that the human rights violations inside the detention facilities are absolutely cruel and inhuman. This is confirmed through the testimony of defector Lee XX, who came to South Korea after having been detained in the Kaechun ‘*Kyohwaso*.’⁷⁸ Originally a female ‘*kyohwaso*’ under the SSA, located in South Sinuiju, the Kaechun ‘*Kyohwaso*’ became a management facility under the MPS when it was moved to Kaechun in March 1982. The Kaechun ‘*Kyohwaso*’ is one of the largest prisons in North Korea, built to house over 600 persons (approximately 20 persons per prison cell). Yet this facility holds approximately 6,000 prisoners, 2,000 of whom are female inmates. A single cell (eight by six meters) usually holds eighty people. Most are economic criminals guilty of such offenses as dealing in the black market or theft. Some are burglars or murderers.

DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day. According to the testimony of a defector who was detained in the Jeungsan Correctional Center, all inmates work 10 hours a day and this work schedule is strictly

⁷⁸ Testimony of defector XXX during an interview in Seoul on Jul. 12, 1996.

observed. They wake up at 5:00 am, eat breakfast at 5:30, take roll call at 6:30, and begin work at 7:00 am. The afternoon work runs from 1 to 6 pm (but until 9 pm 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 am and go to bed at 10:00 pm. 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.⁷⁹

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

Defector XXX was detained in Section 3 of No. 9 Correctional Center in Hamhung, South Hamkyung Province. On April 25, 2004, he was supervising drinking water for the correctional officers. However, Choi XX, who was a staff member of Section 3, beat him up for two hours, insisting that inmates drank the water reserved for officers.⁸⁰

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

Defector XXX testified that XYZ was a friend of his/her aunt XXX. She was imprisoned in the Jeungsan Correctional Center in South Pyongan Province on charges of family dispute. She did not know she was pregnant at the time, and she died in the correctional facility after a miscarriage.⁸¹

Defector XXX testified that while he/she was in a correctional

⁷⁹ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁸⁰ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁸¹ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

center, correctional officers would single out female inmates for “individual talks” and then sexually assault them.⁸²

Many inmates would die inside the center due to the poor quality of food, medicine, and hygiene. One defector testified that each meal consisted of 300 grams (the regulation was 700 grams) of corn meal with a cup of salted cabbage soup. If the assigned workload was left unfinished, only 240 grams would be given, and if the work performance was unsatisfactory three times in a row, the ration would be reduced to 180 grams. If one were sent to the isolation chamber or pretrial room for punishment, the amount would be further reduced to 90 grams. Defector XXX said he was given three meals a day, each meal consisting of steamed corn mixed with beans. Officially, each meal should amount to 599 grams, but he remembered getting only about 300 grams each time.⁸³

Defector XXX testified that he was detained in the Jeungsan Correctional Center in 2003. He said he was given one loaf of steamed grains and a cup of cabbage soup. He would mix them in the soup, but each meal amounted to no more than 5~6 spoonfuls.⁸⁴

Defector XXX testified that a production supervisor at the City Construction Team, Kang Sehwan, was caught for butchering a cow. It was confiscated and he was fined 3,000 won. He died suddenly while being transferred after serving term at the Junggori Correctional Facility. The reason given for his death was that he simply died of physical fatigue due to life in the facility.⁸⁵

According to defector XXX, many correctional center inmates would die from malnutrition and poor health. Even during the period of

⁸² *Chosun Ilbo* (Seoul), Apr. 2, 2003.

⁸³ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁸⁴ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

⁸⁵ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2002.

severe food shortage (1997~1998), the inmates were given meals, but they consisted mostly of grass. Three meals a day were given per regulation, even though the quality was bad. The fact was that people outside the correctional center could at least move around to secure food, but the inmates in the center had no choice. So the center had to provide meals for them. However, the quality of food was so poor that many would die from disease and hunger; some would even freeze to death.⁸⁶

A defector testified that in April, 2005 XXX died from malnutrition and physical exhaustion due to the heavy workload during the farming season. He was assigned to Unit 1, Section 1 along with XXX. Each meal consisted of only 150 grams of steamed grains along with some grass. Many inmates would try to pick edible grasses off the field or catch frogs and consume them. This would then cause diarrhea, which in turn would cause dehydration and death.⁸⁷

A defector testified that while he was detained in a correctional center in May 2004, XXX, an orphan from Kaesong, died from malnutrition.⁸⁸

D. Human Rights Violations Inside Labor Training Camps

Because North Korean authorities could not continue to operate correctional centers during the food crisis, they consolidated the correctional centers, sending misdemeanor offenders to labor training centers for one to six months of hard labor. Sometime around 1990, Kim Jong Il issued a policy instructing “how to re-educate misdemeanor offenders within the military.” According to this policy each city and county organized and began to operate “a

⁸⁶ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁸⁷ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

⁸⁸ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

labor-training unit” (i.e., a camp).⁸⁹ However, since the normal operation of ‘*Kyohwaso*’ became impossible due to the deteriorating food situation, North Korean authorities decided to consolidate the facilities and to impose forced labor at labor-training camps—even on those whose crimes were relatively light. Defector XXX testified that as of August 1995 the former ‘*Kyohwaso*’ were abolished and new hard labor units (i.e., hard labor gangs) were organized under the control of city/county security agencies.⁹⁰ One labor-training camp is built for each county and city throughout North Korea, and each unit houses 500 to 2,500 individuals charged with larceny or running away from the collective environment.⁹¹ The labor units were initially run as ad hoc organizations called rehabilitation units, but later each was changed into a labor-training camp. Each labor-training camp is staffed with members from various organizations. They include one person each from the military, People’s Safety Agency, and Inspector General’s office, one from the three-revolutions unit of the Party-in-the-military, one instructor from the “county youth league,” one troop leader, one rearguard, and a commander.

Despite the existence of labor training camps, North Korea reported in its second regular report that there was no “hard labor” in North Korea except for the correctional labor punishments. It argued that because there did not exist any legal basis to impose sentences of hard labor to violators of law and order, except for the sentences of

⁸⁹ Testimony of defector XXX during an interview in Seoul on Aug. 31, 2001.

⁹⁰ North Korea is housing the rapidly increasing number of minor criminals in the hard labor units installed in cities and counties. Each center houses about 100 individuals, and agents who retire from the People’s Safety Agency are sent to supervise the detainees.

⁹¹ North Korea is throwing the recently increasing minor criminals to the “labor-training camps” installed in each county and city. Each camp holds about 100 offenders and they are supervised by the People’s Safety agents.

correctional labor punishment given at formal trials, North Korea did not have any labor punishment imposed as a means of political, social, or religious control. There are, however, “detention points.” These are the facilities designed to temporarily house suspects under interrogation and those formally sentenced before sending them off to correctional centers. However, according to defectors’ testimonies, tortures and beatings are routine in the detention points. Furthermore, all defectors testified that all labor-training camps enforced forced labor. Although inmates were allowed to maintain their Party membership and citizen ID, workload and the level of education were 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.⁹² Most defectors testified that the intensity of labor at the training camp is much higher than at the correctional center, even though the service term in the former is shorter.⁹³

In connection with the Ranam Labor Training Camp, defector XXX testified as follows: The Ranam Labor Training Camp is located in Ranam District, Chongjin City, North Hamkyung Province. About 50 inmates were housed there, including some violent criminals, those charged with illegal border crossing, and those who were absent from work without leave. About 30 were male and 20 female. Those absent from work without leave had to serve a term equal to the duration of their absence from work (i.e., one month of service for one month’s absence from work, etc.). Meals in the camp consisted of about 450 grams a day, or 150 grams per meal. The regulation amount was 100 grams per meal, but the accounting officer (“guide”) provided a little extra in view of the heavy daily workload. The inmates were mobilized as laborers for various projects such as pipeline repair work, building

⁹² Testimony of defector XXX during an interview in Seoul on Aug. 31, 2001.

⁹³ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

construction, and housing projects. About 20 out of 50 inmates would bribe the officials for an early release or for lighter assignments like mess hall duties.⁹⁴ Defector XXX who had served at No. 55 Labor Training Camp testified that about 500 grams of food would be served in three meals, each meal consisting of corn and cabbage soup. Inmates would wake up at 5:30 am, and working hours were from 8:00 to 12:00 in the morning and 2:00 to 5:30 in the afternoon. Except for peak farming seasons, daily work would be over by about 6:00 pm.⁹⁵ At Onsung Training Camp, inmates would wake up at 6:00 am and go to bed at 10:00 pm. They worked 8 hours a day, with meals served at 7, 12 and 6 o'clock. But, they were usually put to hard labor from 8:00 to 12:00 in the morning and 1:00 to 5:00 in the afternoon. In the evening hours, they would attend community living and self-criticism sessions. Meals consisted of about 570 grams of steamed corn and cabbage soups divided into three meals.

As well, beatings take place in the training camps as frequently as in the correctional centers. Details of this are found in the testimonies of defectors.

Defector XXX testified that XYZ was detained in the labor-training camp in Chongjin City in 1996. He tried to escape from the camp because of hunger and was caught. Fellow detainees who acted on orders from the guard beat him up. He died of complications from the beating during the transfer to the district hospital.⁹⁶

Defector XXX testified that he was caught while trying to defect, and was put through a month-long labor training camp. Inside the camp, he was called "prisoner" and beaten routinely. Authorities in the camp would also shave off the female inmates' hair.⁹⁷

⁹⁴ Good Friends, "North Korean News Today," No. 11 (Dec. 12, 2005).

⁹⁵ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁹⁶ Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

According to defector XXX, in 1996, complaining of hunger, XXX said he wanted to escape from the worker reinforcement center he was in at Songpyong District in Chongjin City. He died while being transferred to a district hospital because the instructor told other detainees to do away with him.⁹⁸

A defector testified that XXX, who was a co-inmate in Section 2 of No. 55 Training Camp, had run away from the camp in late August 2002. She was brought back in late September and severely beaten by the security guards. Subsequently, she was unable to eat well, frequently moaning and groaning. She eventually died.⁹⁹

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

A defector testified that he personally saw a 22-year-old woman starve to death in November 2004 at Onsung Labor Training Camp.¹⁰⁰

A defector testified that he personally saw a 25-year-old man, XXX, starve to death in 2005 at the labor-training camp in the Pohang District.¹⁰¹

From these testimonies, it is quite clear that there are numerous victims of beatings and starvation, and deaths due to complications from both.¹⁰² Defector XXX testified that he was detained for about a month and a half at a labor-training center, but he was not beat up by fellow detainees or others in the center after Kim Jong Il announced his special instructions.

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

⁹⁸ Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

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

¹⁰⁰ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁰¹ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁰² Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

However, North Korean defectors have testified that “group beatings” and inhuman treatment continue to persist in North Korea today.¹⁰³

E. Human Rights Violations Inside Collection Centers

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

The provincial collection center in Chongjin City holds only those who were caught after crossing the border illegally. There are about 1,500 detainees in the center at any given time. These people are held until Social Safety agents from their hometowns come to pick them up and escort them back to their respective hometowns. Those from Chongjin, Hoeryong, and cities within the province are released within six months; but those from Pyongan and Hwanghae provinces have to wait for up to a year or more. Very few people from these inner provinces attempt to cross the border. Due to poor means of transportation to and from these provinces, Social Safety agents often neglect to pick up their residents in collection centers even after being notified of their detention.¹⁰⁴

According to defector XXX, he was beaten with clubs while detained in the provincial collection point in Chongjin City in 1998. The defector testified that at one point he was hung upside down on a wooden column with fetters on his legs.¹⁰⁵

¹⁰³ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004. Also, see the testimony of defector XXX during an interview in Seoul on Nov. 3, 2003, and defector XXX during an interview in Seoul on Jan. 20, 2006.

¹⁰⁴ Good Friends, “North Korean News Today,” No. 11 (Dec. 12, 2005).

Defector XXX testified that his neighbor, XYZ, was put to hard labor from 5 am till 10 pm everyday he was in the collection point, and he was “group beaten” by cellmates under orders of the “cell senior” until he confessed all his crimes. If a detainee did not admit to his crimes, the wardens would repeatedly prohibit all cellmates from going to sleep, thus forcing confessions they wanted to have.¹⁰⁶

“While we were there, a 28-year-old man called XXX tried to escape and was caught. They beat him for half a day to the extent that he could not even move a finger. At that point, they collected hundreds of detainees and showed them the cruel punishment given to an attempted escapee.”¹⁰⁷

Another defector testified that a man from Hyesan was caught in October 2005 while attempting to flee from Chongjin Provincial Collection Center. The agents beat him up and he sustained injuries to his ribs (i.e., broken ribs).¹⁰⁸ Yet another defector testified that on October 10, 2005, four drunk detainees at the same center beat up another detainee who was from Kangwon Province. The man ultimately died from the beating.

Defectors’ Reports on Sexual Assaults on Female Detainees

Assaults on female detainees were also reported. One defector said that “At a collection center in Hoeryong City, a safety agent ordered the repatriated female defectors to take off all of their clothes. He was wielding a big club over our bodies, heads, stomachs, waists and chests. So, for fear of clubbing we all had to take off our clothes.”¹⁰⁹

¹⁰⁵ Testimony of defector XXX during an interview in Seoul on Aug. 31, 2002.

¹⁰⁶ Testimony of defector XXX during an interview in Seoul on Aug. 31, 2002.

¹⁰⁷ Testimony of defector XXX during an interview in Seoul on May 2, 2001.

¹⁰⁸ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹⁰⁹ Testimony of defector XXX during an interview in Seoul on May 2, 2001.

Another defector reported that in mid-June 2002 she was detained in Shinuiju Collection Center. A safety agent conducted interrogation at his office. The agent demanded to know the reasons for her border crossing, whether she “lived” with a Chinese man while in China, why she gave birth to a child, and so forth. During the interrogation, he told her to kneel, then he stepped on her feet and knees.¹¹⁰

On May 15, 2005, a defector was being detained at the provincial collection center in Chongjin City. It was reported that a female inmate died from malnutrition and physical abuse. In June 2005, a detainee who was being held there on charges of illegally crossing the border said that a security guard at the center had struck her head with the blade of a hoe.¹¹¹

In November 2004, while being detained at the Chongjin Provincial Collection Center, a defector personally saw another detainee (about 43 years of age) from Heisan City, Yangkang Province, die of starvation.¹¹²

The detainees held at the collection centers suffer from chronic malnutrition and abuse, just like inmates held in other detention facilities. Some just 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; after being forcibly deported from China back to North Korea, they normally suffer more ordeal and longer period of detention. Without a doubt, the right to life of the detainees in these centers is seriously being breached.¹¹³

¹¹⁰ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹¹¹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹¹² Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹¹³ Good Friends, “North Korean News Today,” No. 11 (Dec. 12, 2005).

F. Human Rights Violations Inside Detention Points

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

Defector XXX testified that he was held for ten days in early December 2002 at the detention point of Onsung County Security Agency. He had to wake up at 5 am and went to bed at 10 pm. Meal times were 7 am, 12 noon, and 6 pm. Except during meal time, he had to sit up straight and motionless all day. If he moved a trifle, the guard would beat him. There was, however, no forced labor. For the 40 incarcerated, only three 500-liter bottles of drinking water were supplied per day. All suffered from extreme thirst. Meals were equally insufficient: each meal consisted of a cup of corn porridge or corn-starch noodles.¹¹⁴

Defector XXX testified that he was held in a Musan County Safety Agency detention point, where he had to wake up at 5 am and go to sleep at 10 pm, having three meals a day at 7 am, 12 noon, and 6 pm, respectively. Each meal consisted of about 180 grains of corn mixed with beans. Apart from these times, inmates were ordered to kneel, lower their heads, and remain motionless all day.¹¹⁵

Many North Korean defectors testified that they witnessed many deaths due to beatings by guards’ beatings, starvation and hunger related illnesses while detained in the People’s Security “detention points.” Tortures and beatings are routine in the detention points.

Another defector testified that he was forced to sit at attention in his underwear for long hours. If he failed to comply with this

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

¹¹⁵ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

requirement, he was ordered to stand upside down on his chin against the wall (the “chin stand”), or was beaten on the back of his hands until they bled. He was also struck in the groin. For this reason the correctional center refused to take him in.¹¹⁶

Another defector testified that cellmates were be instructed to beat up one inmate who snored a lot while sleeping.¹¹⁷

Defector XXX testified that in January 2000 XXX died in the middle of harsh interrogations. He was being interrogated because of his possible contact with religious people while he was in China.¹¹⁸

Another defector testified that XXX was arrested for larceny and subsequently beaten up in the retention center and died of hunger.¹¹⁹

Another defector testified that he was tortured by electrocution when he was under detention at the Kaesong City Security Agency.¹²⁰

Still another defector 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, but he was shot at and struck by a bullet in his leg. He was caught and subsequently tortured.¹²¹

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

¹¹⁶ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

¹¹⁷ Testimony of defector XXX during an interview in Seoul on Nov. 3, 2003.

¹¹⁸ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

¹¹⁹ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

¹²⁰ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

¹²¹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

become became difficult but imperative.

A defector testified that on December 9, 2002, XXX was beaten and tortured by a guard of the Onsung County Security Agency because he had practiced Christianity and made his daughter study the Bible.¹²² He also testified that a security agency officer from Onsung County tied the hands of a man of about 30 years of age to the a cell's iron bars and repeatedly struck his hands and rammed his head against the bars.¹²³ In May of 2003, a guard struck the defector's head with a wooden two-by-four so hard that his head was almost split open. The reason given was that the defector had moved a trifle while sitting up straight in his cell.¹²⁴

Another defector said he was deported to Onsung County Security Agency in August 2003. He was not struck or beaten, but he saw many inmates severely beaten, including people who tried to go to South Korea. Some had dyed hair and wore blue jeans.¹²⁵

Another defector said the agents frequently beat him up during the 15 days he was detained in Onsung Security Agency after his arrest and deportation in October 2003.¹²⁶

Another defector who was deported in August 2005 testified that a guard at the Onsung Security Agency struck him because he talked with the person next to him.¹²⁷

Another defector said he had been severely beaten with a club because he had tried to go to South Korea. He was detained in Onsung Security Agency from May 26 to June 14, 2006 after deportation from China.¹²⁸

¹²² Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹²³ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

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

¹²⁵ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹²⁶ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹²⁷ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

A defector also testified that he had heard that in early 2006 XXX, who was undergoing interrogation at Musan County Security Agency on charges of crossing the border illegally was violently beaten for no reason at all. His ribs were fractured and his back was badly hurt.¹²⁹

In addition to beating and torture, sexual assault on female inmates were also reported to have taken place at the detention points. Defector XXX testified that she was deported to Namyang in April 2003. At both Onsung Security Agency and Manpo Security Agency, male security agents took her clothes off and searched her body.¹³⁰ Another defector said that in April 2003 she saw 1 to 2 inmates die from diarrhea every day at Onsung Security Agency detention points.¹³¹

In addition, many defectors have testified that serious human rights abuses like forced abortions have taken and do take place in the detention points.¹³² Dr. Willy Porter, the representative of Doctors without Borders (MSF) in Brussels, reported that “Interviews were conducted with 35 defectors who had escaped from various detention facilities in the preceding 18-month period, and 31 of them testified to having witnessed the killing of newborns.” He said this was organized behavior of wardens and correctional officials. These officials would seek out pregnant inmates and torture them or put them to hard labor to induce forced abortions and get rid of the babies.¹³³ In its annual

¹²⁸ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

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

¹³⁰ Testimony of defector XXX during an interview in Seoul on May 2, 2001.

¹³¹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹³² Testimony of defector XXX during an interview in Seoul on Nov. 9, 2004, plus numerous additional testimonies of other defectors.

¹³³ *Chosun Ilbo*, Jan. 9, 2002. In this connection, the Chosun Central News Agency criticized that the *Chosun Ilbo* carried a completely false and fabricated story about murder of newborns at concentration camps in the name of MSB. This is totally

human rights report 2002~2004, the U.S. State Department pointed out that there were cases in North Korea of forced abortion of pregnant female inmates and murder of newborn babies. During the Fourth International Conference on Refugees and Human Rights in North Korea held in Prague, Czech Republic, investigator David Hawk of the U.S. Committee on North Korean Human Rights reported that “A North Korean defector testified to me that when he was detained at a detention point at Onsung [North Hamkyung Province, North Korea], two female inmates were forcibly taken to a hospital for forced abortion and the newborn babies were stifled to death.” He added, “from various testimonies, I was able to confirm that torture, abortion, and murder of newborns are carried out in North Korean prisons and detention facilities.”¹³⁴ Most defectors have testified that they have never seen female inmates leaving detention facilities with any children.

G. Human Rights Violations Inside Political Concentration Camps

It is widely known that some of the most flagrant violations of human rights are perpetrated in North Korean political concentration camps. The fact that North Korea has been operating many of these camps was revealed to the outside world by former political prisoners and prison guards, and their families, who defected from North Korea. The realities inside the camps were also uncovered through the persistent efforts of international human rights organizations like Amnesty International. A defector who came to South Korea in 1982

false. The Chosun Central News (Pyongyang), Jan. 18, 2002.

¹³⁴ *Chosun Ilbo*, March 3, 2003. David Hawk is the author of a report entitled, “The Hidden Gulag: Exposing North Korea’s Prison Camps.” In Chapter III, he reports testimonies of North Korean defectors on abortions and murder of newborn babies.

and previously worked as an intelligence agent at the (North Korean) State Political Safeguard Agency testified was the first to testify of the existence of political prison camps in the North. Subsequently, several other defectors who were former inmates have provided additional information on political prisons. They included Kang Chul-hwan and Ahn Hyuk (admitted in 1992), who defected after being released from Yoduk Detention Camp; Ahn Myung-chul (admitted in 1994), who defected while working as a security guard at Hoeryong Detention Camp; and Choi Dong-chul (admitted in 1995), who was formerly a security guard at the State Security Protection Agency in the mid-1980s. Defector Lee XX, Bae XX, Chung XX, and Shin XX—who served a term at Daesuk-ri Unit No. 8 of Yoduk Detention Camp from 1995 to January 1999—recently disclosed their experiences inside political prison camps. Among the camps, physical evidence of Unit No. 22 Political Prison Camp does appear to exist, as The Digital Globe zoomed in its satellite cameras on this camp in April 2002, and its pictures were released to the international and South Korean media on December 5, 2002.¹³⁵ In addition to these, the U.S. Committee for Human Rights in North Korea published a report in October 2003 (based on defectors' testimonies and satellite photos) on the realities of political prison camps in North Korea.¹³⁶

North Korean authorities give the name of camps depending on either the numbers for a specific area or the document number regulating the crimes that were deemed to be harmful to the maintenance of the regime. In some areas, it appears that “correctional centers” are used only for purposes of detaining political prisoners.¹³⁷

¹³⁵ On Jan. 15, 2003, NBC-TV in the United States reported the realities inside the political prison camp based on the testimonies of the defectors and the satellite pictures. See http://www.msnbc.com/news/859191.asp?0sp=v3z2&0cb=11413_0475#BODY.

¹³⁶ David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps* (Washington, D.C.: U.S. Committee for Human Rights in North Korea, 2003).

The Yoduk Concentration Camp in South Hamkyung Province is labeled *Kwanliso* No. 15. These camps are camouflaged by being reported officially as a unit of the North Korean People's National Guard. Each concentration camp in North Korea is recorded as No. 2915 unit of the North Korean People's Security Guard.

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

¹³⁷ XXX was caught in 1958 while attempting to flee South through the Demilitarized Zone (DMZ). He was punished as a political criminal, and served 12 years from 1960 at Susong Correctional Center in Chongjin. Testimony of defector XXX during an interview at KINU on Jan. 19, 2005.

those of the Yenan Faction, the Pyongyang authorities retaliated against anti-party and anti-Kim Il Sung elements (and to contain the proliferation of their influence) by confining those involved in the incident whom they did not execute, along with their families, in remote mountainous areas.

Yoduk No. 15 *Kwanliso* began housing political prisoners in 1969 after Kim Il Sung delivered his speech on “the Need to Revolutionize the Staff.”¹³⁸ At the time, many well-known artists were detained in Yoduk Center, including the former South Korean actor/comedian Shin Bul-chool; actor Kang Hong-shik, who had starred in Japanese movies, and his family; and stage-dancer Hyun Jung-soo, who was a student of North Korea’s well-known dancer Choi Seung-hee.

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

About 6,000 people who were branded as sectarians or anti-revolutionaries were executed after being tried in what amounted to nothing more than show trials. The approximately 15,000 who escaped execution, along with their family members who numbered about 70,000, were held in the remote mountains under Cabinet Decision No. 149. Confined separately were those who opposed the Korean Workers

¹³⁸ Defector XXX had served about eight years between 1970 and Dec. 1978 at Yoduk Concentration Camp along with her family, except for her husband. Testimony of defector XXX during an interview at KINU on Jan. 19, 2005. At first, XXX was assigned to No. 3 Work Team. She recalled that at the time, No. 1 Work Team included many returnees, and No. 10 Work Team was placed between No. 3 and No. 4 Teams.

Party or Kim Il Sung himself.¹³⁹ In the process, the families of some political prisoners were driven out and forced to disperse across deep mountainous areas or to rural farm areas with certain restrictions.

In their early stages the combined area of the camps was about equal to that of a small town. Since the Three Revolutionary Team Movements began in 1973 as a move to consolidate Kim Jong Il's power base in preparation for his succession to power, the number of inmates swelled phenomenally. In the course of purging the party, military, and administration officials who opposed Kim Jong Il's succession to power following his seizure of party control at the 6th Party Congress in 1980, the need for the creation of at least four more concentration camps became evident. As of 1982, more than 100,000 people were sentenced to hard labor at eight camps, isolated from the rest of society for the rest of their lives. Following the fall of the Socialist bloc in Eastern Europe in the late 1980s, the number of camps grew, with the number of inmates reaching about 200,000 as the regime tightened its internal control to keep the wave of reform in Europe from penetrating North Korea.

<The Scope and Punishment of Politico-Ideological Criminals>

In referring to politico-ideological prisoners, North Korea vaguely refers to them as anti-revolutionaries, or people with unsound ideology, or hostile elements. Once an authority decides to eliminate someone, he can do it readily by an accusation under one of these counts. Kim Il Sung once said, for the victory of the socialist

¹³⁹ Professor Ogawa insists that the current concentration camps have been formed in the process of establishing the Kim Il Sung-Kim Jong Il unitary ideological system in the latter part of the 1960s. Ogawa Haruhisa, "North Korea's Concentration Camp," International Seminar for the Issue of North Korea's Human Rights and Defectors (jointly held by the Chosun Ilbo, The Civilian Coalition for the North Korean People's Lives and Human Rights, and Korea University on Dec. 2, 1999).

revolution, anti-revolutionary elements opposed to and who impede the thought and passion of the revolution, along with hostile elements who stage a compromising struggle against unsound thoughts, would have to be oppressed—especially those trying to revive capitalism. For North Korea, then, it is a matter of course either to execute or to hold in concentration camps not only the political foes of the Kim Il Sung and Kim Jong Il system, but also those who are uncooperative in the construction of socialism. Such people are branded as politico-ideological criminals.

Under the 1990 penal code, crimes subject to punishment as a political prisoner included conspiracy to topple the State, reactionary agitations and propaganda, and treason against the fatherland. A sentence of “conspiracy” is set down on those who participate in civil disturbance or in any conspiracy to overturn the Republic. People charged with being “anti-party” or “anti-Kim Il Sung” would be given this sentence and would be either executed or banished to political concentration camps (Art. 44~55 of the Penal Code). In order to impose heavy punishments on political and ideological criminals, North Korea enumerated 12 articles under its penal code (Articles 44 through 55). More detailed classifications of anti-state crime appeared in the revised penal code of 2004: they are conspiracy to topple the State; terrorism; anti-State propaganda and agitation; treason against the State; espionage; destruction and murder; armed intervention and agitation to sever foreign relations; and hostile actions against foreigners (Articles 59~66). The revised penal code of 2004 appears to have made some improvements on the 1990 version by adding greater specification to the description of crimes.¹⁴⁰ For example, the crime of “conspiracy” is described as “those who conspired or participated in a

¹⁴⁰ See Han In-sup, “The Contents and Meaning of North Korea’s Revised Penal Code of 2004,” *op. cit.*

coup d'etat, violent civil disturbance, or raid with anti-State aims" (Art. 59), while the crime of "espionage" would apply to "those who were not North Korean citizens, had detected, collected or provided confidential information with the aim of spying on North Korea" (Art. 63).

Whether or not to send ordinary criminals to prison is determined through minimum reviews and trial procedures. Cases of individuals charged with politico-ideological crimes, however, are unilaterally reviewed by the State Security Agency in a single-trial system without judicial trial procedures. Even someone who is innocent of such crime can hardly be found "not guilty" and set free. Defector XXX said that Lee Dong-myong was in Russia in 1998, demanding to go to South Korea. He was later deported to North Korea, and reportedly sent to a political prison camp. (People are sent to political prison camps secretly without their neighbors' knowledge.)¹⁴¹ Punishment is not limited to the person involved; immediate family members and even more distant relatives are punished under the North's system of "guilt by association" (see page 126 for further details). According to defectors XXX and XXX, the scope for applying the system of guilt by association is limited to immediate family members. If a husband is punished as a political prisoner, his wife should be divorced and returned to her original home. However, if a wife is indicted as a political prisoner her husband is not punished.¹⁴²

Defector XXX testified that political detention camps are where the authorities send those people who presumably said things or acted contrary to the monolithic political leadership system. There they are completely segregated from the outside world and forced to live in exile. Defector XXX recounted recent examples of criminal behaviors that are

¹⁴¹ Testimony of defector XXX during an interview in Seoul on, Sept. 7, 2002.

¹⁴² Testimony of defector XXX and XYZ during an interview in Seoul on Nov. 30, 2002.

subject to detention in the political prison camps, in addition to political crimes: First, the primary target is the staff or cadres who spread information concerning Kim Il Sung, Kim Jong Il, their families and their personal lives, and those who have criticized the politics of Kim Il Sung and Kim Jong Il. Second are those who exercised negative influences in the process of amassing slush funds for Kim Jong Il. Recently, more people have been detained in connection with irregularities over the formation of slush funds. Third are those who either listened to South Korean broadcasts or who had contact with South Koreans in another country (e.g., China). Most of these people are former diplomats. There are also other detainees who were caught while attending church services out of curiosity during visits with their families in China. Fourth, there are former high-ranking officials who have attempted to maintain lavish drinking fraternities with local leaders: for example, a division commander, an organization secretary of the Party, and a political director at the First Corps of the Ministry of People's Armed Forces were all implicated on such charges. No private associations such as fraternities or mutual loans among inhabitants are allowed. These behaviors are punished before such behaviors "can grow to form decadent organizations." A final behavior said to be punishable by detention in a political prison camp is the forming of anti-government cells—which were noted to be on the increase. For example, in August 1995, seven squadron pilots were detained on charges of anti-regime conspiracy, including Lee Chul-woong, assigned to the Third Fighter Wing command of the North Korean Air Force, located in Hwangjoo Air Base.¹⁴³

¹⁴³ Testimony of defectors XXX and XYZ during interviews in Seoul on Jan. 18, 2005 and Jan. 20, 2005, respectively.

<Status and Operation of the Camps>

Detention camps in North Korea are located in remote mountainous areas in South Hamkyung, North Hamkyung, South Pyongan, North Pyongan, and Jagang Provinces. Their total inmate population is estimated to be about 200,000. Since there is no confirmed evidence, we have to rely on the testimonies of defectors who previously worked on the prison staff or who were personally detained as prisoners at the political detention camps. According to the testimonies, the realities in the camps are as follows.

Defector XXX, who worked as a guard at the camp at Hoeryong, North Hamkyung Province before he defected to the South in October 1994, said that under the control of Bureau No. 7 of the SSA alone, there were ten political prison camps.¹⁴⁴ Later, five of them, including two in Onsung,¹⁴⁵ North Hamkyung Province near the Chinese border and ones near Pyongyang, were closed or moved to prevent discovery by the outside world. With reference to the remaining camps he mentioned Kwanliso No. 14 at Kaechun, South Pyongan Province; No. 15 at Yodok, South Hamkyung Province; No. 16 at Hwasung, North Hamkyung Province; No. 22 at Hoeryong, North Hamkyung Province; and No. 25 at Chungjin, North Hamkyung Province. He said at these camps the total number of prisoners stands at around 200,000. Defector XXX recalled that when he was serving in the military he gave a ride to a sister of his senior officer's wife to Yoduk Kwanliso when she came to see a safety guard at one of the prison camps.¹⁴⁶ Defector XXX testified that he had visited the Yoduk Center located in Inhwa-ri,

¹⁴⁴ Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

¹⁴⁵ Defector XXX testified that the Onsung No. 12 Management Center was abolished in 1987, and a tobacco barn was built there on Apr. 25 the same year. Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

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

Yoduk County, to see a fellow safety official while he was transporting supplies for the Safety Ministry.¹⁴⁷ According to defector XXX, there were two political concentration camps, one in Hoeryong, North Hamkyong Province and another in Danchon, South Hamkyong Province. Defector XXX testified that the No. 18 Center located in Deukjang-ri, Bukchang County, South Pyongan Province was exclusively for convicted party officials.¹⁴⁸ It is unconfirmed whether this facility was moved to another location, or the prisoners were scattered among similar facilities elsewhere after the facility was closed down.¹⁴⁹ On February 25, 1998, defectors Kang Chul-hwan and Lee Soon-ok testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently some 200,000 political prisoners are detained in detention camps in North Korea. In its Human Rights Country Report 2001 (released in February 2002), the U.S. State Department reported that some 150,000~200,000 political criminals are detained in various political detention camps in North Korea. Since the size and location of these political prison camps would change frequently depending on the circumstances, it is difficult to know their realities accurately.¹⁵⁰ If we were to strictly define

¹⁴⁷ Testimony of defector XXX during an interview in Seoul on Jan. 12, 2005. David Hawk in his *Hidden Gulag* said No. 18 Management Center is under the control of a Guard Unit belonging to the People's Safety Agency rather than Bureau 7 of the National Security Agency, and is holding the families of the criminals detained in No. 14 Management Center.

¹⁴⁸ Testimony of defector XXX during an interview in Seoul on Jun. 29, 2002. Also, testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

¹⁴⁹ For example, the No. 77 Correctional Center located in Daeheung-ri, Danchon County, South Hamkyong Province was moved to Shinuiju in 1982-1983 and its name changed to "management center." There were eyewitnesses who saw the family of Hwang Jang-yop, who had fled to South Korea, being transported there aboard a train. Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

¹⁵⁰ A defector XXX testified that since the international community began using

“political criminals” and “conscientious objectors,” their number would be far fewer than the large number of people detained in various camps.

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

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

Detention camps are divided into “complete control districts” and the “revolutionary districts.” The former are exclusively for those given life terms. They slave in mines and at logging yards under horrible working conditions. There is no need for them to be ideologically

satellite photos to focus on Yoduk Concentration Camp, North Korea has begun to move the detainees at Yoduk to Dukchon Concentration Camp in South Hamkyong Province. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

educated because they will never return to society alive. The latter on the other hand are divided into family and bachelor sections. Prisoners held here might be freed depending on the outcome of reviews made after a specified period (from one to ten years). Upon release prisoners must sign an oath not to discuss anything about their experience, and violating the oath means returning to the camp.

As members of the hostile class, prisoners released from the revolutionized districts lead a poor existence. They are the primary targets of surveillance by the SSA, so they suffer various restrictions in employment, travel, and so forth.¹⁵¹ 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 Yoduk, South Hamkyung Province, has two separate sections: the “revolutionary zone” and the “complete” or “full control zone”; all others have only full control zones.¹⁵² This means that except for extremely rare cases, the only detention camp that would permit any detainee any hope of returning to society alive would be the one at Yoduk.

In the Daesuk-ri No. 8 camp where Lee Young-guk was detained, about 900 inmates were detained as of January 1999, and about 80 female inmates were mixed among them. The Citizens Alliance for

¹⁵¹ According to defector XXX (alias), XXX was an interpreter at the Foreign Wire Service Section of the Ministry of People’s Armed Forces. Koh was arrested on spy charges during the process of an ideological background check on his years of study in Russia. He was detained in Yoduk Camp from May 1989 to February 1994, and forced to work at Chongjin Steel Mill. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2002.

¹⁵² In his *Hidden Gulag*, David Hawk at the U.S. Committee for Human Rights in North Korea said there was a scaled-down “revolution sector” in the No. 18 Center located in Bukchang-ri, South Pyongan Province.

North Korean Human Rights (a South Korean-based NGO) presented a video documentary entitled *The Seven Defectors and their Aftermath* during the Third Conference on North Korean Human Rights and Refugees, held on February 9, 2002 in Tokyo. In the video, it was stated that seven defectors crossed the China-Russia border into Russia in January 1999. They were caught by the border guards and deported to North Korea via China. One of the seven, Kim Eun-chol, was said to be detained in the Yoduk Detention Camp.¹⁵³

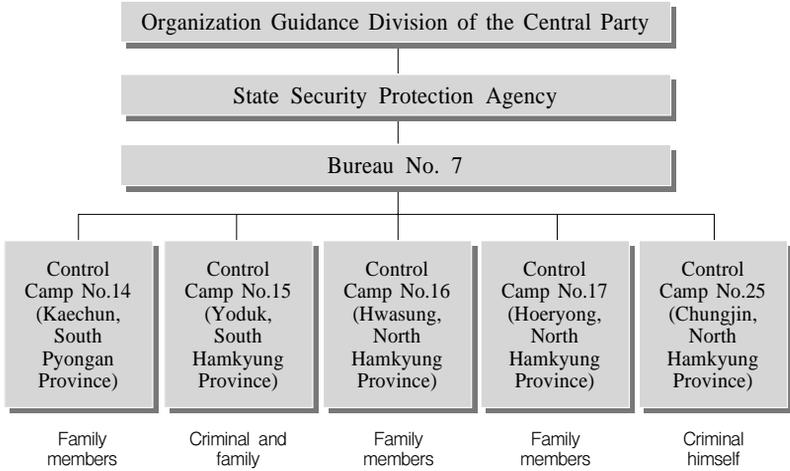
In the case of returnees from Japan (and their families), who have had close personal connections with North Korean elite and/or senior officials of the pro-Pyongyang General Association of Korean Residents in Japan (or “Chongryon”), they would be detained in the revolutionary district within the political concentration camp. Inmates of the revolutionized zone consist mostly of former elites from Pyongyang, as well as repatriates from Japan (and their families) who have personal connections with senior officials of Chongryon. The policy is to have them endure torture and thus make them more obedient to the Kim Il Sung and Kim Jong Il system before they return to society. Most other political prisoners are held for life at the full control zones. Defectors have stated that in exceptional cases, prisoners serving out life terms may be transferred from full or complete-control zones to the revolutionary zone—though this would be a very small number. Lee Young-guk testified that the levels of punishment, such as the length of detention and the possibility of release, would vary depending on the detainee’s personal background.¹⁵⁴ In extremely exceptional cases, inmates mentioned during Kim Jong Il’s “on-the-spot inspection and guidance” would be immediately released from the camp and directly return to society.¹⁵⁵ In most cases, however, no one

¹⁵³ See *NK Chosun Ilbo*, Feb. 10, 2002.

¹⁵⁴ Testimony of defector XXX during an interview in Seoul on Oct. 27, 2001.

ever returns to society.

<Graphic II-3> Structure of Special Dictatorship Zones



<Table II-6> Political Prison Camps that Have Been Dissolved

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

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

¹⁵⁵ "A Workshop for the Defectors," sponsored by KINU, Jan. 20, 2006.

<The Organization and Size of Concentration Camps>

North Korean detention camps are said to have an area of about 50 to 250 square kilometers, holding between 5,000 to 50,000 inmates each. Prisoners sent to the camps are selected and managed by the SSPA 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 SSPA is composed of political, security, management, security guards, and supply service sections.¹⁵⁶

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

<Selection of Prisoners and Procedures>

The SSPA is responsible for catching anti-revolutionaries. Local

¹⁵⁶ It is reported that No. 18 Center (located in Deukjang-ri, Bukchang County, South Pyongan Province) is under a garrison assigned to the People's Safety Agency.

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

A defector testified that his father was imprisoned in 1995 for damaging the portrait of Kim Il Sung. Although the family was not detained along with him, the entire family was banished to Sunchon, North Pyongan Province.¹⁵⁷

Another defector testified that his father was a returnee from Japan. His father was locked up in the political concentration camp because he wanted to go back to Japan.¹⁵⁸

In another case, a defector testified that the father of his high school classmate, XXX, used to live in Juwonri, Onsung County. One day in 1978, the father was taken away to the Security Agency because he had allegedly burnt Kim Il Sung's picture. However, no one knew where he was taken. The family was never charged with any crime, but all members of his family have since been discriminated against at work and other places, including marriage.¹⁵⁹

Another defector testified that he had heard from his father that

¹⁵⁷ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹⁵⁸ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹⁵⁹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

his grandfather was imprisoned in Suseong Concentration Camp in Chongjin in 1970 because he had listened to foreign broadcasts and mistakenly said something about them. His family was not charged with any crime.¹⁶⁰

In yet another case, a defector said his younger sister made some critical comments about the government because her elder brother was imprisoned. She was arrested on “verbal reactionary” charges and incarcerated in the Deukjangri Concentration Camp in Bukchang County, South Pyongan Province from 1984 to 1994. Subsequently, she fled from North Korea.¹⁶¹

In North Korea, one would normally be regarded as a reactionary and detained in a political prison camp if one were overheard complaining “This world is so hard to live in,” or “If you don’t have a bar of soap or a jar of toothpaste to sell, how could this place be called a store?” However, since the severe food shortages in the mid-1990s, the cases¹⁶² of arrests due to inadvertent utterances has decreased as the levels and incidents of complaints rapidly rose. 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.¹⁶³ For one associated with a crime of political ideology, for whatever reason, all properties are confiscated and the entire family transferred to detention camps at night. In many cases, families or neighbors do not know the whereabouts of the incarcerated because they are taken away without advance notice or trial procedures.¹⁶⁴ For

¹⁶⁰ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁶¹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹⁶² These cases are often called “verbal reactionaries.”

¹⁶³ Testimony of defector XXX during an interview in Seoul on Aug. 30, 2001. Also, testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

¹⁶⁴ Defector XXX said her husband was detained in a management center as a

fear of harm, even someone who has knowledge dares not protest to the authorities or inquire after the fate of missing people. Neighbors and relatives can only presume that the missing has been arrested. Such actions and secrecy helps reinforce the atmosphere of fear in society, which keeps people subservient to the regime and its system of monolithic leadership.

<Dwellings and Camp Life>

Once a condemned person enters a detention camp, the camp authorities will confiscate his citizen ID card, depriving him of his fundamental civic rights like the right to vote or run for public office.¹⁶⁵ His medical service is suspended and regular food rationing no longer applies. Prisoners are also barred from marrying or having children.

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

An ordinary North Korean worker previously received grain rations (rice/grain mix) of 600 grams per day, more or less depending on the difficulty factor of his work. Political prisoners in the camps would be required to work harder for lesser amounts of grain rations. In the case of a household, each adult would receive 550 grams of corn per day

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.

¹⁶⁵ Defectors have testified that permission is given in some exceptional cases.

as a main meal, and for side dishes a little bit of salt and a spoonful of soybean paste (made of acorns) would be rationed out once a week.

According to testimonies of Kang Chul-hwan and Ahn Hyuk, past political prisoners lost weight dramatically near the end of their term in political detention camps due to malnutrition. In the case of Lee Young-guk, he weighed 74 kilograms before detention. After four years of a prison term in the camp, he weighed only 54 kilograms.

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

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases mainly due to malnutrition and heavy labor. Many suffer from ailments such as frostbite or hemorrhoids, but they are likely to be beaten if they walk or work slowly due to the pain. Still, without exception, everyone is forced to work. When one's sickness becomes so bad that a foreman decides the prisoner can no longer work, the prisoner is sent to a sanatorium and essentially abandoned, as there are no proper medicines or doctors.

According to defector XXX, products are produced by the political prisoners at *Kwanliso* No. 22 in Hoeryong, North Hamkyung Province, and transported out by railroad.¹⁶⁶ These are manufactured by the inmates, and the quality of these products is known to be superior to the products produced at civilian factories.¹⁶⁷ He estimates that a large number of political prisoners are probably detained there

¹⁶⁶ Testimony of defector XXX during an interview in Seoul on Oct. 20, 1999.

¹⁶⁷ Testimony of defector XXX during an interview in Seoul on Jan. 21, 2005.

because the prisoners of each work team were transported to the camp.¹⁶⁸

Defector XXX testified that he was imprisoned in Deukjang Management Center in South Pyongan Province. He paid visits to the home of a relocated family even though he was told not to do so. For this reason, he was tortured and placed in an isolation cell.¹⁶⁹

<Political Concentration Camps for the Returning Korean Residents from Japan>

There is no solid information on the present situation of the detained repatriates (from Japan) in detention 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 Hyuk, who had been imprisoned at Yodok, about 600 such persons (about 100 families) were first detained in the camp in early 1974. Afterwards, 100 to 200 more families were added every year, and as of 1987 there were about 5,000 repatriated persons (about 800 families) in addition to the 300 other political prisoners. The two also testified that former staffers of the General Association of Korean Residents in Japan (Chongryon) and some industrialists were separated from their families and presumably detained in different camps. Kang himself still does not know the whereabouts of his grandfather, Kang Tae-whew, who was the Tokyo chapter Chamber of Commerce Chairman of Chongryon. He was reported missing in 1977.

¹⁶⁸ Testimony of defector XXX during an interview in Seoul on Oct. 20, 1999.

¹⁶⁹ Testimony of defector XXX during in interview in Seoul on Mar. 17, 2007.

When individuals disappear during the night in North Korea, people assume they have been whisked away to prison. Repatriates deported to the camps are usually charged with espionage or provoking social agitation because they uttered information about Japan and South Korea. But the repatriates concerned say they have no idea why they are being punished. Defectors say the members of the SSA who supervise the camps call these repatriated prisoners “semi-Japanese” and treat them worse than they do other prisoners. The death rate among the repatriated prisoners is high because they are treated more severely than others and because they cannot easily adapt to the harsh conditions. Defector XXX testified that she was sent to the revolutionary section in the Yoduk Detention Camp for a year for having contacted her elder sister, who was living in Japan, while Shin was in Yanji, China in 1999. However, they did not beat her because she was old and a former expatriate who returned home.¹⁷⁰

3. The Right to Due Process of the Law

A. Human Rights and the North Korean Penal Code

Responding to both international criticism and the changing realities inside the country, North Korea has conducted several revisions of its penal code (in February 1987, March 1995, August 1999, and April 2004). In fact, the code has been remodel so that it is more of a mechanism for crime control rather 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

¹⁷⁰ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

penal system and penal responsibilities against crime”—a modest but significant improvement. However, the penal code has not completely escaped its fundamental design as a system developed to reinforce a class-based society.

North Korea’s penal (criminal) code is structured primarily on the basis of political and class (personal status) considerations. Basically, the law enforcement authorities, including courts, are required under law to distinguish political crimes from ordinary crimes and hand down different levels of punishment. The main reason for this strange approach is the imperative of safeguarding the socialist system, and the rationale is that political and ordinary crimes stem from fundamentally different motives. North Korea argues that political crimes are perpetrated by anti-revolutionary elements that are committed to overthrowing the socialist system and restoring a “system of exploitation,” hence the increased need to prevent and suppress political crimes by all means and with the heaviest penalties.¹⁷¹ Although there is a stipulation in Article 4 that lenient sentences will be granted for those repentant of their anti-state and anti-people crimes, elements of political consideration have not been completely eliminated from the penal system. The tenor of crimes against the state as defined in the 1987 penal code has not changed and remains in the revised code of 2004.

In handling the criminals, class considerations are an important element. With regard to the courts’ mission, Article 156, Section 2 of the Constitution stipulates that “The court has the duties to ensure that all institutions, enterprises, organizations and citizens abide strictly by State laws and staunchly combat class enemies and all law-breakers.” In terms of basic principles for the handling of convicts, Article 2 enunciates class principles, declaring that “in dealing with criminals

¹⁷¹ Kim Geun-sik, *Criminology* (Pyongyang: Kim Il Sung University Press, 1986).

the State shall firmly maintain working class principles and social conventions when applying legal sanctions.” In addition, the class principle is reiterated in Article 2 of the Criminal Procedure Law, which stipulates, “The State shall strictly identify enemies from friends in its struggle against anti-State and anti-people criminals, subdue the leading minority and embrace the following majority. In the process, the State shall utilize social education in its struggle against ordinary crimes through an appropriate mix of legal sanctions.” In other words, the “class principle” under the Criminal Procedure Law means that the State will identify class enemies, who have committed political crimes, and strictly subdue the core leaders. Furthermore, North Korean authorities argue that because the interpretation and application of the penal code is inseparable from politics, judges should understand the principles of class struggle and receive party guidance in determining proper sentencing.

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

prescribed laws. Article 6 of the penal code reads, “The State shall charge criminal responsibilities only in cases of crimes prescribed in the penal code.” At the same time, it is now much freer than it was from a variety of unclear and nebulous expressions that had permitted disparate interpretations. The revised code defines more specifically various acts that constitute criminal activity under the law. As a result, the total number of articles in the code was expanded from 161 in 1999 to 303 in 2004. The number of articles defining various crimes also dramatically increased, from 118 to 245, thereby delineating in more detail the criteria for determining punishable crimes. Overall, the 2004 revisions contain positive changes, having eliminated the opportunity for disparate interpretations and incorporated the principle of criminality defined by legal precepts. It is, however, important to continue to observe whether the penal code is actually and faithfully enforced.

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

Under the North Korean penal code, anyone planning, conspiring or being an accomplice to commit a crime, including unsuccessful

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

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

Despite repeated revisions of the penal code, ordinary North Koreans are generally not aware of the existence of the penal code itself.¹⁷² Although they are aware of criminal provisions such as anti-state crimes, they believe that the application of the law is not impartial but depends on one’s power and wealth.¹⁷³ One of the complaints of the international community has been that detailed contents of the North Korean penal code have not been made available to the public, excepting to some researchers with special permission and then only inside libraries. In response to this criticism, North Korea published a legal compendium for public use in 2004. This legal compendium is also being sold in South

¹⁷² Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

¹⁷³ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

Korean bookstores. In this matter, North Korea has responded and attempted to accommodate international criticism by removing various abuse-prone human rights elements from its penal code.

Yet there remains a great number of elements still woefully insufficient to guarantee the basic rights of ordinary citizens. The ambiguous character of “labor training” punishment and related detention facilities, the persistent “political crime” provisions without statute of limitation, and the concept of crime-by-association are just a few prime examples. More serious is the fact that crimes are defined less in terms of the law than in terms of the policies of the supreme leader. For example, if someone were to report, “Dear General, our youngsters are wearing blue jeans. This is a capitalist and revisionist fad imported from the United States. We must stop this,” and the reporter received an affirmative reply, then wearing of blue jeans would be banned and those caught wearing them would be punished.¹⁷⁴

<Trial Procedures>

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

Our survey results on criminal enforcement procedures in North Korea seem to indicate that the relevant laws were generally observed in handling ordinary criminal cases. Numerous problems, however, plague the trial procedures.¹⁷⁵

¹⁷⁴ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

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

In response to this criticism, North Korea in 2004 significantly improved its criminal procedure law and its trial procedures. Most noteworthy were the increased number of articles from 305 to 439. Article 8 stipulated that all criminal cases would be handled according to the methods, principles, and procedures set forth in the criminal procedure law, emphasizing trials based on lawful investigations, and describing preliminary examination and indictment procedures. Article 13 assigns the type of court that shall handle various kinds of trials, and specifies that the assessment of punishment shall be decided by the court. North Korea enacted a "Court Organization Law" in January 1976 and revised it twice (that is, on July 1, 1998 and November 19, 1998). It also enacted a "Sentence and Decision Law" ('sentencing guidelines') on January 23, 1997. Under the revised law, the section on "political roles and missions" was deleted, but the basic framework of trial procedures was left unchanged. Article 3 defines how the court system shall be set up. There are three levels of courts and two special courts: namely, the central court, provincial (major city) courts, and people's courts; and the two special courts, the military court and railroad court. A judge and a people's jury render a court's decision (Art. 4). Article 9 reads that the district court consists of a judge and two people's juries. The superior court consists of three judges (Art. 14). Court decisions shall be

¹⁷⁵ Kim Soo-am, *The North Korean Penal Code, Criminal Procedures, and Their Actual Applications* (Seoul: KINU, 2005).

determined by a majority vote of the participating judge(s) and the people's juries (Art. 17).

In terms of organizational hierarchy, the North Korean courts operate under the direction of the Supreme People's Assembly. For this reason, the infringement of judicial independence is highly possible. Article 162 of the North Korean Constitution stipulates, "The Central Court is accountable to the SPA Presidium when the SPA is in recess." Most importantly, the independence of the court is difficult to maintain since the judges are politically responsible for the sentences they impose. In addition, Article 11 of the Prosecution Supervision Law stipulates, "Prosecutors are responsible for overseeing whether the laws are accurately followed during the trials and arbitrations." In other words, the prosecution has the right to supervise all trials and arbitrations by participating in their procedures. This provision stands in conflict with the principle of an independent judiciary. The North Korean prosecution plays a role that is similar to the function of the Constitutional Court in South Korea. In North Korea, then, the prosecutors are higher in hierarchy than the judges.¹⁷⁶

All judges, prosecutors, and attorneys lack professional qualifications because they are appointed by the state from among the graduates of law schools.¹⁷⁷ In view of these realities, the UNHRC in its concluding observations recommended North Korea appropriate steps to guarantee and protect the independence and fairness of courts at all levels. Article 272 of North Korea's criminal procedure law, as revised in 2004, stipulates, "The courts shall conduct trials independently and according to laws." Article 255 mandates punishment of judges for unfair, unjust, and/or arbitrary judgments or decisions. However since

¹⁷⁶ 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).

¹⁷⁷ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

the criminal procedure law mandates upholding class principles, there is still room for breaches of judicial independence and for human rights violations. Article 2 of the law stipulates that “The State shall distinguish friends from enemies strictly in its struggles against anti-state and anti-people crimes, overpower reactionary leaders and embrace majority followers, and, in its struggles against ordinary crimes, hand down legal sanctions based on our social conventions.” Furthermore, Article 3 mandates maintaining the “mass” principle, saying that “in handling criminal cases, the State shall rely on the power and wisdom of the masses.”

With regard to the open courts principle, most North Koreans do not understand why the principle is essential for the fairness of trials. In fact, defectors testify that officials and staff are tried in closed courts or secret trials.¹⁷⁸ In other words, citizens are tried in open courts, but officials and party staff are tried in secret. The reason for this practice, the defectors say, is that trying the officials openly will have a negative impact on the society. In fact, an open trial is tantamount to punishment since they are already censured (punished) by the party in the pre-trial stage.

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

¹⁷⁸ Testimonies of defectors XXX and XXX during interviews in Seoul on Jan. 9, 2004 and Jan. 10, 2004, respectively. XXX is a graduate of Pyongyang Mechanical Engineering College and XXX quit during his senior year at the Kim Il Sung University. They understood the open court principle to be the difference between the trials conducted inside or outside the buildings.

<On-site Open Trial System>

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

The on-site open trial is a form of education about abiding the law. It could educate hundreds and thousands by striking down one. Properly conducted, the on-site trials could teach a lasting lesson to many people who have witnessed them.¹⁷⁹

The tenor of Kim Jong Il’s instructions above is retained in the revised 2004 Criminal Procedure Law. Article 286 of the law stipulates that “The courts may organize on-site trials to prevent crimes and to alert the public. In this case, the representative(s) of an agency, workplace or organization may reveal and accuse the criminal behavior of the accused.” The only “revised” item here is that the phrase “workers and farmers” has been replaced by the phrase “the representative(s) of an agency, workplace or organization.” The other change is that the last part of the provision has been dropped. The removed portion said “The people who are responsible for the education of the accused and those responsible for allowing the crime to take place may also be required to participate in the procedure so that they too may learn the lesson.” Nevertheless, the provision for “openly revealing and accusing the

¹⁷⁹ Kim Jong Il, “On Improving and Strengthening the Work of Judicial Prosecutors,” *The Selections of Kim Jong Il* (Pyongyang: KWP Press, 1996), p. 316.

crime” is still retained, thus leaving room for violations of human rights. One of the prime examples of on-site open trials is public execution, during which trial procedures are never observed and human rights are blatantly violated. The defectors in South Korea who have witnessed the trials said they used to call them “comrade trials.”¹⁸⁰

<The People’s Jury>

Particularly noteworthy is the fact that North Korea has adopted a people’s jury system in its trial procedures. Judges and jurors for each level of court are elected by the Standing Committee of the Supreme People’s Assembly and the central, provincial, and city/district people’s assemblies in accordance with Article 110, Section 13 and Article 134, Section 5 of the Constitution. The people’s jurors enjoy the same status as the judge. At every level of trial, these jurors can exercise a judicial right to interrogate the accused. Typically, one judge and two people’s jurors participate in the sentencing.

This system would appear, at least in its form, to follow somewhat the jury system of the Anglo-American courts. However, in reality it is a system employed to exercise the Party’s control over the judicial system. Qualifications to serve as “people’s jury” are limited to “workers” such as farmers and laborers. In fact, their primary role is not to provide fair and objective trials but to rubber stamp the conviction of the accused wrongdoer. According to the testimonies of North Korean defectors, their role is indeed limited to confirming the list of crimes presented at the trials.¹⁸¹ Defector XXX testified that an agent of Hamheung City Social Safety Agency arrested him three days after he struck a party official. Two people’s jurors were appointed by the Party-in-the-military.

¹⁸⁰ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

¹⁸¹ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004.

They were required to express their opinions at the trial. They did by saying “Striking an official working for Kim Il Sung was dangerous for the society.” Prosecutors and judges proceeded with the trial on the basis of this kind of statement.¹⁸² Moreover, 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 is or how the jurors are selected.¹⁸³ In reality, they are selected from among the more competent persons. However, since they lack professional knowledge, they remain largely nominal and would not play proper roles.¹⁸⁴ Defectors Kim XX, Shin XX, and Yoon XX all testified that at open trials a judge and People’s Security agents are present; yet in most cases executions are carried out without witnesses or without specifying the crimes committed.¹⁸⁵

<Court Trials>

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

Even the people who said they have actually experienced court trials would offer conflicting testimonies concerning the officers of the court or participants in the trial. Defector XXX was captured while attempting to flee from a labor training camp in Pohang District

¹⁸² Testimony of defector XXX during an interview in Seoul on May 16, 2001.

¹⁸³ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004. And, testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

¹⁸⁴ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

¹⁸⁵ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2004; testimony of defector XXX during an interview in Seoul on Nov. 3, 2003; testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

of Chongjin City in January 1998. He went through preliminary examination and at the trial was sentenced to three years in prison. He was detained in a detention point of the Pohang District Security Agency in Chongjin from January to May 1998. There were no beatings throughout the investigation. At the Pohang District court, a prosecutor and a judge tried him as he stood in front of them all by himself. Afterwards, he was sent to the Jeungsan Correctional Center to serve out his term.¹⁸⁶

Defector XXX was arrested by the Musan Security Agency on July 7, 1999, as a woman had discreetly reported to the authorities that he used to be a Christian. He was interrogated by the agency for seven months. On December 28, he was sentenced to a fifteen years in prison by the Musan County Court. Present at the trial were a judge, a prosecutor, a defense attorney and the accused, but he said the attorney did not do anything particular to defend the accused.¹⁸⁷

Another defector said that trials were conducted based on documentary evidence only. Defector XXX was deported to North Korea after failing to defect by entering into the South Korean Consulate in China on March 1, 2004. The Bukchang County People's Safety Agency sentenced him to a year in prison based on documentary evidence and without a trial. He was imprisoned in Jeungsan Correctional Center, but the authorities at the center arbitrarily extended his term to two years. The trial proceeded based on documentary evidence, and no defense attorney was present at the trial.¹⁸⁸

Defector XXX served his term at Jeungsan Correctional Center from July 12, 2003 to December 24, 2004. He was charged with crossing the border illegally and attempting to flee to South Korea. He, too, was

¹⁸⁶ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹⁸⁷ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁸⁸ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

sentenced to a one-year term based on documentary evidence and without a trial. At the correctional center, however, the guards (or “safety officers”) told him, “Although you are due to serve only one year, we will try to hold on to 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.¹⁸⁹

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

<Trial of Political Criminals and Military Tribunals>

North Korea continues the policy of strictly separating political crimes from ordinary crimes and punishes the political offenders under different terms. So-called anti-State crimes committed by anti-revolutionary hostile elements in opposition to the people’s regime and the Korean Workers’ Party are treated as political crimes, and the National Security Protection Agency handles their investigation as well as the preliminary examination (Articles 122 and 124 of the Criminal Procedure Law). Unlike ordinary criminal cases, the provincial and major city courts function as the primary (first level) court for all political crimes (Article 127, Criminal Procedure Law). The jurisdiction on the investigation and preliminary examination is strictly defined and practiced under the criminal procedure law. If the People’s Safety Agency or the prosecution (or any other agency) has arrested a spy or an anti-party, anti-system criminal, it is required to transfer the case to the National Security Agency.

The National Security Agency will investigate and conduct ‘preliminary examinations’ on all political crime cases, but the court

¹⁸⁹ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

will conduct the trials. Some defectors have testified that the Agency will also conduct trials. Defector XXX, who previously worked at the agency, testified that if a Provincial Security Agency found a political crime, it would report it to the Prosecution Bureau of the National Security Agency. If the bureau confirmed the crime, trials would be conducted in the province where the preliminary examination was conducted. A prosecutor from the Prosecution Bureau will then hand down the sentence in the name of the Central Court in a closed-door court session and in accordance with the “sentencing guidelines.” During this session, the security agency will also decide whether to lock up the criminal for life and whether the criminal’s family will also be sent off with him. There are no established guidelines for this decision, however. The prosecutor, the security agent, and other officials will confer and determine the scope and duration of detention for the accused.¹⁹⁰ Defector XXX, who previously performed related work at the Security Agency, has testified that as soon as the preliminary examination is over, a prosecutor from the Prosecution Bureau of the National Security Agency will come to the local area and hand down the sentence. He also testified that a prosecutor from the National Security Agency 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.¹⁹¹ The defectors who previously worked for the National Security Agency have all testified that the Agency’s Prosecution Bureau would perform the court’s role.

Defectors testified that trial procedures are followed in the case of military tribunals (that is, court marshal). Defector XXX testified that

¹⁹⁰ Testimony of defector XXX during an interview in Seoul on Apr. 19, 2005.

¹⁹¹ Testimony of defector XXX during an interview in Seoul on Oct. 10, 2005.

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 marshall), 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 he was serving out his sentence there, he saw 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 off five years from all inmates' terms. His term was also reduced by five years, so he was released upon completion of 10 years.¹⁹² As this case shows, there seems to exist a wide disparity in actual application of the law from region to region.

<Appeals, Petitions, and Law Suits>

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

¹⁹² Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

appeals procedures, which would mean a longer and more painful period of detention in jails. Under these circumstances, many prefer to serve in correctional centers instead.¹⁹³

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

Despite these institutional apparatus, however, petitions in North Korea are certain to bring enormous harm to the petitioner(s). Defector XXX testified that so-called personal appeals are a constitutionally guaranteed system for a person who has been unfairly prosecuted. However, as the appeals move up toward the capital from the county, city and provincial level, they are usually ignored if officials fear that they might be blamed. Initially, officials will pretend to listen sympathetically to the appeals, but in the end they will hand down penal judgments, saying that the content of the appeals violated the "unitary ideological system" (that is, Kim Il Sung thought, also referred to as the "monolithic ideology of the Party").¹⁹⁴ In light of these realities the UN Human Rights Committee, in its concluding observation, urged North Korea to establish a national human rights commission.

¹⁹³ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

¹⁹⁴ Testimony of defector XXX during an interview in Seoul on Sept. 9, 1998.

North Korea also has a clemency system called the great amnesty. Article 53 of North Korea's penal code reads, "The pardon of the convicted shall take two forms of 'special amnesty' and 'general amnesty', and the decisions for amnesty shall be made by the SPA presidium." North Korea's Central Broadcasting Station reported on December 27, 2001 that the Presidium of the Supreme People's Assembly decided to issue an order of Great Amnesty on the occasion of the 90th anniversary of Kim Il Sung's birth, which is the greatest festival of the North Korean people. The report stated the Presidium would implement the order effective January 1, 2002 for those who were sentenced to labor rehabilitation.¹⁹⁵

<Amnesty (Pardon), Suspension of Sentence, and Parole>

In fact, defectors have testified that there is a system of general amnesty (pardon) in North Korea. Defector XXX testified that there are general amnesties (pardons) every three to five years or on occasions like Kim Il Sung's birthday. More than 80 percent of the prisoners are released based on these benevolent gestures. However, certain criminals, like those who were charged with the crime of striking Party officials, would not benefit from such gestures.¹⁹⁶ In another testimony, the mother of defector XXX was said to have been sentenced to 7 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.¹⁹⁷ Another defector also said his term was reduced by two years by general amnesty in August 1998. He said that economic criminals often benefit from general amnesty, but offers of general amnesty are rare for murderers and human traffickers.¹⁹⁸ From

¹⁹⁵ *Yonhap News* (Seoul), December 27, 2001.

¹⁹⁶ Testimony of defector XXX during an interview in Seoul on May 16, 2001.

¹⁹⁷ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

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

North Korea also has a “suspended sentence” system as defined in Articles 51 and 52 of the Penal Code. Article 37 of the Sentencing and Decision Law (sentencing guidelines) stipulates that “The enforcement of suspended sentences will be carried out by the agency, which received copies of decisions or notifications, by sending the inmate to the directed agency, workplace or organization for labor duties.” The suspended sentences are carried out in the form of labor training at a court-directed place or location. The reasons for suspension are also spelled out. Article 299 of the 1999 Criminal Procedure Law stipulates that “Sentences may be suspended if a person sentenced to ‘correctional labor’ is mentally unstable or suffering from a serious illness. Pregnant woman undergoing ‘correctional labor’ may be suspended of the sentence three months before and seven months after childbirth. The local Social Safety Agency will supervise those inmates who have been released for hospital or home treatment.” As an example, defector Chang X testified that he was due for detention at the Hoeryong Market Correctional Center, but released for reasons of illness. According to him, one released for reasons of illness can receive treatment at a hospital, and is normally free to move around within the district; the Social Safety Agency, however, will supervise one’s movement.¹⁹⁹ Through the testimony of Chang X, it is fair to assume that in most cases the provisions concerning suspended sentences are carried out.

B. The Right to an Attorney

The right to an attorney’s assistance throughout the trial process is

¹⁹⁸ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹⁹⁹ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2005.

an important right in that it is the individual's last chance to protect his rights against the state. The fairness of trial procedures ultimately depends upon whether the individual's right to choose an attorney is legally and actually guaranteed. In most civilized countries, the right to get help from an attorney and related methods and procedures are stipulated in detail in the constitution, criminal procedure law, and attorney law.

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

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

Despite the legal guarantee of a right to an attorney, many people have testified that most North Koreans do not have the opportunity to exercise their right to an attorney during the trial process. The problem seems to be the overall lack of understanding about the role of attorneys. Attorneys are generally perceived as propaganda agents of Party: An "attorney should endeavor to impart the legitimacy of the Party's enforcement policies and should strive to protect the Party's policies.

And, he is responsible for proving the seriousness of the crime and analyzing the motives and causes of crime so that the suspect will deeply repent his crime before the people and the fatherland.” In this respect, the attorney is not an agent working to uphold the suspect’s rights, nor is he in a position to protect and defend the suspect.²⁰⁰ For these reasons, the attorneys in North Korea are responsible under the law for the protection of government and party policies, rather than individual rights.

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

All attorneys belong to various levels of attorney associations, and if

²⁰⁰ Lee Jae-do, *The Criminal Procedure Law* (Pyongyang: The Kim Il Sung Univ. Press, 1987), pp. 76, 207.

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

Many defectors have testified that they did not benefit from legal assistance from attorneys as the trials were conducted based solely on documentary evidence. Defector XXX said no defense attorney was present during his trial and the trial was conducted based solely on documentary evidence.²⁰¹ Another defector served his term at Jeungsan Correctional Center from July 12, 2003 to December 24, 2004 for crossing the border illegally and attempting to flee to South Korea. He, too, was sentenced to a one-year prison term based on documentary evidence and without a trial.²⁰²

Many defectors have also testified that even in formal trials, defense attorneys were not present in most cases. Defector XXX was captured while attempting to flee from a labor training camp in Pohang District of Chongjin City in January 1998. At the Pohang District court, a prosecutor and a judge tried him as he stood in front of them all by himself.²⁰³

Many defectors also said that even when defense attorneys do participate in the trial process, most North Koreans do not fully understand the role of these defense lawyers. Defector XXX said because his brother had faced trials, he was aware that there was an attorney system in North Korea; but he also testified that most trials are conducted without the presence of attorneys, and that even if an attorney was present, their defense was usually ineffective.²⁰⁴

²⁰¹ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

²⁰² Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

²⁰³ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²⁰⁴ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

In another testimony, it was said that the defense attorney system is only nominal. The defector also stated that he had never seen a defense attorney actually defend his client in the court of law.²⁰⁵ Another defector testified that North Korea did not have lawyer qualification examinations, and attorneys, judges, and prosecutors are appointed by the state from among the university law school graduates, and that the attorney's role is to explain and make the accused understand what the law is rather than defending him.²⁰⁶ A third defector testified that on December 28, 1999 he (the defector) was sentenced to 15 years in prison by the Musan County Court. At the trial, a judge, prosecutor, defense attorney, and the accused were present, but he said the attorney did not provide any legal assistance for the accused.²⁰⁷

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

However, other people have testified that attorneys in North Korea do in fact defend their clients, at least formally, during the trial procedures. According to defector XXX, the prosecution had called for a 13-year prison sentence at the time of initial indictment. After a consultation among the judge, prosecutor, and attorney, the attorney performed a nominal defense, asking for a reduced sentence for the defendant as a gesture of fairness. The judge then said he was reducing the sentence, specifically indicating that the reduced sentence was due to the attorney's active defense work.²⁰⁸

²⁰⁵ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

²⁰⁶ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

²⁰⁷ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

²⁰⁸ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2005.

Regardless, it is clear that more detailed information and research will need to be collected on actual cases in North Korea involving ordinary criminals and their defense by attorneys.

4. The Right to Equality

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

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

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

In the political arena, everyone is entitled to the right of moral self-conduct and the security of the person. In the economic arena, no one should be discriminated against in terms of employment, wages, working conditions or taxation. In the social sphere, it means that there should not exist any discrimination based on one’s family background, gender, or other reason that would preclude one from participating in

social groups or pursuing one's career. Culturally, it means that all citizens must be guaranteed the freedoms and rights to participate equally in all social activities, including cultural activities and educational opportunities.

A. Social Discrimination Based on Family Background

<Project to Classify the People According to Family Background>

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

Despite this argument, the regime strictly classifies every individual according to his or her family background (or class origin) and degree of loyalty to the regime. For example, on numerous occasions since liberation from Japanese rule in 1945 North Korea has conducted loyalty surveys in order to classify its citizenry.

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

The loyalty surveys were conducted in phases. They included an

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

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

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

<Table II-7> Family Background Investigation Projects

Project	Period	Description
Intensive guidance by the Central Party	Dec. '58 ~ Dec. '60	Exposing, punishing and forcing relocation of impure elements to remote mountain villages
Re-registration of the people	Apr. '66 ~ Mar. '67	Classification based on family background to arm a million-man Red Army (investigate three direct generations and all relatives of the wife and mother that are removed up to the 6th degree)
Division into 3 classes and 51 sub-classes	Apr. '67 ~ Jun. '70	Based on the re-registration project all people are to be classified as being part of the Core Class, Basic Class, or Complex Class, and then further classified into one of the 51 sub-classes
Understanding the People Project	Feb. '72 ~ '74	Investigate and determine the inclinations of people based on discussions concerning North-South relations and then classify people based on those whom everyone can believe, those whose beliefs are somewhat dubious, and those believed to be renegades
Civic Pass Inspection Project	Jan. '80 ~ Dec. '80	To expose impure elements and increase control, inspection, and renew citizens. Certificates according to Kim Jong Il's orders
Project concerning naturalized foreigners and defectors from South Korea	Apr. '80 ~ Oct. '80	Divide those from the outside who entered North Korea such as those who defected to North Korea into 13 categories and update monitoring data
Project concerning those compatriots who were repatriated to North Korea	Jan. '81 ~ Apr. '81	Segment the data on former Korean residents in Japan who were repatriated to North Korea and reduce material monitoring of recent scientific activities
Citizenship Identification Card Renewal Project	Nov. '83 ~ Mar. '84	Renewal of citizen's certificates and revision of documents for all residents
Inhabitants Re-registration Project	Mar. '84 ~ Oct. '89	Review and re-indexing inhabitants registry, Develop background data on separated families
Renewing Citizenship Cards	Feb. '98 ~ Oct. '98	Change passport style to credit card style

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

<Classifications of North Korean Inhabitants>

North Korea classifies the entire population into three groups: Core Mass (core class), Basic Mass (basic class) and Complex Mass (wavering class and hostile class) (See Table II-8 ~10). The defectors have testified that this classification, along with the background discrimination policy, has an important impact on the daily lives of the people in terms of political and social status, education opportunities, jobs, and marriage. According to the testimony of defector XXX, all North Koreans are classified into one of seven categories depending on their personal background. These records are maintained at province or county People's Security Offices. People in categories 1 ~3 are known as the "core masses," while category 4 includes factory managers and party workers. The rest of the general public is known as "bastards" or low people.²⁰⁹ In some cases, people attempt bribery to alter their records (i.e., background) if it interferes with their social advancement.²¹⁰

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 200,000 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 in battle or otherwise during the Korean War.

For the education of children of the core class, North Korea operates various special schools including the Mankyongdae and Kangbansok 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 can also use

²⁰⁹ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

²¹⁰ Testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

the cars registered with the company as their own. They also own private telephones, and are allowed to read foreign publications and listen to foreign broadcasts. Most of them live in Pyongyang and other major cities, enjoying privileges such as party membership, or administrative or military positions. In effect, they form a feudal hereditary class entitled to benefits in education, promotions, food rations, housing, and medical services. Since the food crisis, the level of public discontent has been rising against Kim Jong Il and the system. However, the core class supports and protects Kim Jong Il. The vanguard class (about 10 percent of the population) prefers the current system and enjoys favorable treatment.²¹¹ The 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.²¹²

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

²¹¹ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

²¹² Same testimony.

bribery.²¹³

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

The “personal background policy,” a policy of discrimination, sometimes does suppress the social mobility of the persons belonging to the basic masses, but those in the category of the complex mass suffer most directly. Those classified as part of this class are discriminated against in all aspects of their lives including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the complex class are limited to laborious and hazardous manual work. For society management purposes, they are classified as either dictatorial targets, isolation targets, or absorption and indoctrination targets. Dictatorial targets are held separately from society, isolation targets live in society but are kept under close, round-the-clock surveillance. Recruitment and indoctrination targets are intensively indoctrinated for possible absorption into the system. Defector Kim XX testified that those belonging to the complex masses are now allowed to live in Sinuiju, which is a border city, but the ratio of their number living in cities across the nation is very low.²¹⁴

²¹³ Testimony of defector XXX during an interview in Seoul on May 24, 2000.

²¹⁴ Testimony of defector XXX during an interview in Seoul on Aug. 21, 1997.

<Table II-8> The 3 Classes and 51 Sub-classes

3 Classes	51 Sub-classes	Treatment
Core Class (28%)	People from the families of laborers, hired peasants (farm servants), poor farmers, and administrative clerical workers during the Yi Dynasty and Japanese occupation, Korean Workers' Party cadre members; bereaved families of revolutionary (killed in anti-Japan struggles); bereaved families of patriots (killed as noncombatants during the Korean War); revolutionary intellectuals (trained by North Korea after liberation from Japan); families of those killed during the Korean Wars; families of the fallen during the Korean War; Servicemen's families (families of active People's Army officers and men); and families of honored wounded soldiers (family members of service members wounded during the Korean War).	-Recruit as staff of party, government or military. -Set apart from individuals of other class, and offer special privileges (in matriculation, promotion, rations, residence, treatment and other areas).
Basic Class (45%)	People from the families of small merchants, artisans, small factory owners, small service traders; medium service traders; unaffiliated persons hailing from South Korea; families of those who went to the South (1st Category); families of those who went to the South (2nd Category); People who formerly were medium-scale farmers; national capitalists; families of those who went to the South (3rd Category); those who repatriated from China; intellectuals trained before national liberation; the lazy and corrupt; tavern hostesses; practitioners of superstition; family members of Confucianists; people who were previously locally influential figures; and economic offenders.	-Employ as low-level managers or technicians. -Promote a limited number to the "core masses" class.
Complex Class (Wavering and Hostile Class) (27%)	People from the families of wealthy farmers, merchants, industrialists, landowners, or those whose private assets have been completely confiscated; pro-Japan and pro-US people; reactionary bureaucrats; defectors from the South; members of the Chondoist Chongu Party; Buddhists; Catholics; expelled party members; expelled public officials; those who helped South Korea during the Korean War; family members of anyone arrested or imprisoned; spies; anti-party and counter-revolutionary sectarians; families of people who were executed; anyone released from prison; and political prisoners; Members of the Democratic Party, capitalists whose private assets have been completely confiscated.	-Assign to dangerous or heavy-duty labor. -Block and suppress from school admissions, matriculations, and party membership. -Classify as subjects of control, surveillance and persuasion. -Control: By forcible relocation, separate accommodation. -Surveillance: Place under constant surveillance of movements. -Persuasion: Intensive reeducation. Reclassify very limited numbers (ex. Children)

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

<Table II-9> Categories of Personal Background

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

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

<Table II-10> Categories of the Complex Masses

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

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

North Korean authorities consider one's personal background as the most critical factor when selecting candidates for positions in the Party or law-enforcement agencies. This is because they assume that people who harbor an extreme enmity toward the system do not change, nor do their families, even after three generations. This policy has been especially apparent since the defection of former KWP Secretary Hwang Jang-yop in 1997. Immediately after his defection, the personal background of candidates for promotion and various other selection processes was checked more carefully.

When appointing military officers, party officials, or officials for the judiciary, people with an unfavorable personal background are fired or reassigned to other positions. In extreme cases, even vehicle drivers at party or judiciary organizations have been fired because of a poor personal background. In the military, people with unfavorable backgrounds are excluded from officer ranks, although such action does not extend to non-commissioned officers.

Defector XXX testified that after graduating from the Ryuhyon High School in Pyongyang he joined the army and was working as a singer at the Army Performance Unit. However, due to his personal background, he was forcibly reassigned to an artillery unit. In North Korea, if a person fails to qualify for party membership while in the military, they are not treated as human beings. Because of one's family background, a person cannot join the KWP, and is discharged from the army. In this case, the stated reason for discharge was "psychological" (unfit for military life), but the real reason was his supposed "undisciplined attitude in barracks life."²¹⁵

In another testimony, defector XXX insisted that in North Korea

²¹⁵ Testimony of defector XXX during an interview in Seoul on May 23, 2001.

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 Security Agency after graduating from college.²¹⁶

Most North Koreans would prefer to work for powerful agencies like the Party, security agency, and People's Safeguard 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 People's Safeguard Agency, 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 (not to mention have been traitors). To work for the National Security Agency, background checks even include investigation of an applicant's third cousins, because workers at this agency handle many classified materials.²¹⁷

Of the recent defectors' testimonies, the following are notable. Defector XXX testified that the family background check has been significantly relaxed, but people who have personal or family background stemming from South Korea are not able to get positions in the Party.²¹⁸ Another defector claimed that personal background is still an important factor for admission into first-rate universities.²¹⁹ A third defector's testimony corroborates this, as he testified that he was able to matriculate into a communist university thanks to the fact that his father was a retired soldier. People with questionable background are not accepted, since it is an institution reserved for the education of Party

²¹⁶ Testimony of defector XXX during an interview in Seoul on Sept. 20, 2004.

²¹⁷ Testimony of defectors XXX and another XXX. Also see National Information Service, "Recent Realities of North Korea," No. 180 (Feb. 1999), p. 44.

²¹⁸ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

²¹⁹ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

cadres.²²⁰ A fourth testified that even though money has become important in North Korean society today, internal Party documents (on one's background) are so solid that money can play only a limited role when it comes to internal Party business.²²¹

Finally, another defector related this story:

My family was discriminated against socially because my uncle had fled to South Korea. Initially, I did not know it very well. I thought my father had some problems, so I used to blame my father rather than North Korean authorities. I could not join boy scouts when I was young and could not become chairman at the Social Labor Agency when I grew up. In any event, I have worked hard. Ultimately, however, I could not move up to the Party, law enforcement, or safety agent positions. The best I could achieve was a manager at an enterprise. Because I am came from the "complex class," I needed five "guarantors" [who could certify my integrity] to apply for Party membership.²²²

However, it has also been said that in the case of those working in the field of technology, one's family background does not seem to play as large a role as in the past. Even those technicians who sided with South Korea during the Korean War are employed, although supervision of them has tightened.

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

North Korea utilizes "crime by association" as a major tool to maintain its ruling system. "Crime by association" 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

²²⁰ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²²¹ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

²²² Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

them as a means to maintain firm control over the people.²²³

One way to see the extent to which the regime controls the people through this system is to examine the forced relocation of families. For example, North Korea has classified a significant portion of its population (25~30 percent) as members of separated families, whose relatives are classified as traitors who defected to South Korea. They are therefore relegated to the hostile class. These people are dispossessed and disadvantaged because of the behavior of their ancestors or for events that occurred during the Japanese occupation or the Korean War. A person could be banished to a remote area, or to a coal mine or lumber mill, to do unbearably hard physical labor if a family member had participated in police duties in South Korea during the Korean War or if the family member was a former POW. POWs formerly held by South Korea have had to endure various forms of repression. Their spouses and children are placed under constant surveillance. Additional disadvantages related to social advancement also exist. But essentially what exists is a systematic conferring of discrimination to these people's children and grandchildren based on family background.²²⁴

According to defector XXX, the crime-by-association system is applied strictly to political prisoners. With respect to this, there are some articles regarding crime by association in the policies of the State Security Agency. For example, if the husband's house were found in violation, the wife would be automatically divorced from her husband and sent home. However, if the wife's house is found in violation, the husband (or, the son-in-law) is exempt from punishment.²²⁵ As the economic hardship worsened in the 1990s, the people's complaints increased and the

²²³ The UN Special Rapporteur, Vitit Muntarbhorn, "Question of the Violation of Human Rights and Fundamental Freedom in Any Part of the World: Situation of Human Rights in the Democratic People's Republic of Korea," (Jan. 11, 2005), p. 11.

²²⁴ Testimony of defector XXX during an interview in Seoul on May 23, 2000.

²²⁵ Testimony of defector XXX during an interview in Seoul on Oct. 19, 1999.

number of so-called “verbal reactionaries” also increased. Under the circumstances, the North Korean authorities did not impose severe punishments so long as the complaints were not “politically motivated.” Even in cases of “serious verbal” violations, they would send only the person directly involved to the political concentration camp, showing that the practice of “crime by association” was being relaxed.²²⁶ There is said to be a “principal violators only” political concentration camp in Chongjin City, North Hamkyong Province; still, to this day, the practice of “crime by association” persists.²²⁷

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

Defector XXX testified that if a criminal act became clear in the Security Agency’s investigative process, then his family registry would be brought from the local People’s Safety Agency. The family registry is used in the process of determining the terms of punishment. In short, the family background serves as a basis of consideration in determining the level of punishment. The idea behind this is that if there were many

²²⁶ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

²²⁷ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

Party members among the detainee's family, he could be "reformed" since the family environment is favorable for re-education. In this connection, the Security Agency maintains a set of guidelines for handling the cases: for example, if there were more than nine Party members in the family as many as three years would be reduced from the sentence. Considered for reduced sentences are also the recipients of the Kim Il Sung Citation and other decorations.²²⁸

However, due to the limited level of information available, more research will need to be done and more information collected on how "class" status affects the process of handling criminal cases. In particular, it is necessary to examine the basis of "discretionary judgments," such as offers of "social education" rather than legal sanctions. It is known that one's class status is an important criterion, but it is not known which elements are more important than others.

Personal background also affects marriages. Men with unfavorable personal background have little chance to overcome the class barriers unless he is lucky enough to marry a woman with a good personal background.²²⁹ If one's background is unfavorable, control apparatus such as the Security Agency will often systematically interfere with personal affairs. According to XXX, who defected after being abducted, he was denied permission to marry ten times, even though he had favorable personal interviews with prospective brides, because the agents from the Security Agency or Factory Party Committee members secretly and intentionally spread the word that he came from South Korea and had anti-regime inclinations.²³⁰ In another case, Han Jong-nam

²²⁸ Testimony of defector XXX during an interview in Seoul on Oct. 10, 2005.

²²⁹ Testimony of defector XXX during an interview in Seoul on Jan. 7, 2004.

²³⁰ Testimony of XXX, who had been kidnapped and later returned home, during an interview in Seoul on Jan. 7, 2004.

(female) graduated from Heisan Arts College in 1998 and was teaching at Heisan Teachers' College. She could not become a Party member or get married because her background on her father's side was bad. Her married sisters were all divorced and had to live with her father.²³¹

<Discrimination in Residence and Housing According to Class>

North Korea assigns housing to people according to their background and forcibly relocates people from one place to another. Those people whose backgrounds are regarded as bad are primarily from South Korea or once belonged to the landlord or capitalist classes. North Korean authorities fear the possibility that these people might escape from North Korea because they secretly admire South Korea. For that reason North Korean authorities limit the areas where these people are allowed to live. For example, people having bad backgrounds are not allowed to live in Pyongyang, Nampo, near the coast, and in other sensitive areas.²³²

Even people with good backgrounds are frequently expelled from urban areas like Pyongyang to secluded places in the mountains because of mistakes made by their family members or relatives. These people who are forcibly relocated due to their backgrounds are prohibited from serving as salaried members of the KWP or from holding important positions in administration. Instead, they can only be promoted to low ranking public service positions. These people frequently gather together to sympathize with one another, complain about their situations, and express resentment against the North Korean authorities.²³³

²³¹ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

²³² 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.

²³³ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains. According to defector Park XX, people who are ostracized and forcibly relocated to remote places are called the Pyongyang evacuees.²³⁴ These people are acutely despised and discriminated against by the local population. Instances of discrimination against expelled individuals can be easily found.

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

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

<Discrimination against Citizens of Pyongyang>

North Korean authorities decide, based on a person's background, whether or not they are eligible to live in Pyongyang. Even residents of Pyongyang face discrimination by how they are classified. By and large, citizens of Pyongyang are divided into three categories. The first and second categories are composed of those people who do not have any clear "defects" in terms of their background. These people

²³⁴ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

account for almost 80~90 percent of the entire population of Pyongyang. The third category, however, includes people repatriated to the North, people from South Korea, and people whose relatives are listed as missing persons. The segment comprising these people is between 10 ~ 20 percent of the total. People belonging to the third category are not eligible to attend various political events. For instance, people belonging only to the first and second categories are mobilized when the heads of foreign governments visit Pyongyang. People belonging to the third category are always shunted aside 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 seats while being supervised by members of the State Security Agency.

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

B. Discrimination against the Physically and Mentally Challenged

North Korea has a significant number of physically challenged (or handicapped) persons. Because it is a closed society, it is difficult to collect accurate information on the number and reality these people. The World Grain of Wheat Association is an international evangelical group that has been helping the physically challenged around the world. In 1999 the association released a “survey of handicapped persons in North Korea” that it had obtained from the North Korean Association for the Handicapped Persons. According to this survey, there are a total of 763,237 handicapped persons, or about 3.41 percent of the population. The survey showed that 296,518 persons, or

38.3 percent of the total, had physical handicaps, 168,141 persons were hearing-impaired, 165,088 vision impaired (i.e., blind), 68,997 were suffering from multiple handicaps, and 37,780 were mentally handicapped. About 1.75 percent of the Pyongyang population were handicapped persons. Also, it was said that 64 percent of all physically challenged persons were living in urban areas, while 35.4 percent were living in farm villages.²³⁵

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

Even though North Korea insisted in its second regular report on Covenant-A that it was protecting handicapped persons, the North Korean defectors who came to South Korea have testified that the North

²³⁵ *Yonhap News*, Apr. 9, 2006 and Nov. 23, 2006.

Korean authorities were discriminating against these people.

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

- According to Hwang Jang-yop's testimony, Kim Il Sung instructed in the 1960s that midgets not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for midgets was established at Jungpyong County, South Hamkyung Province.
- Defector XXX testified that there is a sanatorium for the children with birth defects and deformity in Youngkwang County, South Hamkyung Province.²³⁶
- Other defectors agreed with Hwang Jang-yop in that there were midget concentration camps in the 1960s and 1970s.²³⁷
- Defector XXX testified that two midgets were admitted to the hospital he was working at in 1993. They told him that they were there to receive sterilization.²³⁸
- Defector XXX testified that his relative XXX was forced by the government to get sterilization in the late 1980s because he was a midget.²³⁹
- Defectors XXX and XXX testify that the so-called midget detention camps exist. Marriages at these camps are permitted but having children is not.²⁴⁰
- Defector XXX has also testified that there was a midget camp in Bujon County, South Hamkyong Province, and that the

²³⁶ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

²³⁷ Testimony of defector XXX during an interview in Seoul on Feb. 15, 2003; also, testimony of defector XXX during an interview on Jan. 31, 2007.

²³⁸ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²³⁹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²⁴⁰ Testimony of defector XXX during an interview in Seoul on Jul. 6, 2002; and testimony of defector XXX during an interview in Seoul on Oct. 12, 2002.

authorities have performed “neutering” operations on them.²⁴¹

- Defector XXX testified that midgets are separately detained in the detention camps. He heard all male midgets are castrated. But he also heard that they were released during the 1998 ~1999 period due to pressure from the international human rights community.²⁴²

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

- Defector XXX said when he was young he had heard about the story of sending off the midgets to a remote location, but he believed that there is no such midget camps today.²⁴³
- Defector XXX said that the government would not bother midgets or people with birth defects, and that he saw a midget in Kaesong.²⁴⁴

Second, many North Korean defectors have testified that the authorities would restrict the area of residence for the handicapped persons. North Korean authorities strictly prohibit them from living in the special district of Pyongyang and other cities like Nampo, Kaesong, and Chongjin where visits of foreigners are frequent. For example, defector XXX said that a family had been relocated from Pyongyang to his hometown in 1980 because of a mentally retarded child.²⁴⁵ With the exception of talented individuals, ordinary handicapped persons are not

²⁴¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2006.

²⁴² Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

²⁴³ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

²⁴⁴ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2001.

²⁴⁵ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

allowed to live in Pyongyang or other places where foreigners visit frequently because they are said to give a bad impression of the country.²⁴⁶ Although some handicapped may not be transferred on a permanent basis, they are sent away to other areas whenever the authorities wish, such as during special events.²⁴⁷

However, some defectors and people who visited Pyongyang recently testified that there are handicapped persons living in Pyongyang. One defector claims that physically challenged persons are now living in Pyongyang, while in the past they were picked up and sent to the countryside.²⁴⁸ Another defector testified that he saw handicapped 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.²⁴⁹

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

²⁴⁶ Testimony of defector XXX during an interview in Seoul on May 18, 1999. Also, testimony of defector XXX during an interview in Seoul on May 23, 2000.

²⁴⁷ Testimony of defector XXX during an interview in Seoul on Feb. 15, 2003.

²⁴⁸ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁴⁹ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

staff who neglected or breached the protection of the rights of the handicapped.

This law has also provided an occasion to expand recognition and acceptance of handicapped persons as “members of the society” by guaranteeing them rights equal to other members of society. Under the law, the handicapped are entitled to equal and free treatment at medical facilities (Art. 10). Middle schools must include special education for the handicapped as part of the regular curriculum. Also, they are not to be discriminated against in college entrance opportunities (Art. 15~20).

In addition, there is an organization designed for the promotion and protection of rights of the handicapped. A non-governmental organization called “the Chosun Handicapped Supporters Association” was formed in July 1998. In July 2005 it was said to have been expanded and reorganized into the “Chosun Handicapped Protection League” with branch committees at county, city and province levels. 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.”

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 the handicapped 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 handicapped, 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 handicapped in Pyongyang. The league was also extending support for the rebuilding and improvement of the School for the Hearing Impaired in Wonsan. In addition, the league is providing “sign language books and dictionaries” to schools for the hearing-impaired all over North Korea.²⁵⁰

Spearheaded by this league, North Korea is promoting cooperative relations with South Korea and the international community to assist the handicapped. The two Koreas are promoting medical cooperation projects. According to the Chosun Shinbo (in Japan), North Korea is also conducting research at Pyongyang Medical School and the Genetic Medicine Research Institute for the purposes of preventing genetic diseases and reducing incidents of birth defects and deformities.²⁵¹ As part of a mutual support project for the handicapped, an inter-Korean seminar on rehabilitation science was held at Yangkangdo Hotel in Pyongyang on December 19, 2006. A delegation from South Korea’s Daegu University and a delegation from North Korean Red Cross Hospital have participated in the seminar to discuss rehabilitation treatment and special training, as well as the outcome of their medical research.²⁵²

North Korea’s “Lighthouse Foundation” is promoting various projects with South Korea’s aid groups to protect the handicapped in North Korea. With the support of South Korean counterparts, the Lighthouse Foundation is building a “Job-training Center for the Handicapped” along the Red-banner Street in the Botong River District of Pyongyang. The central committee of the Chosun Handicapped Protection League and the Lighthouse Foundation have agreed to build a welfare center for the handicapped and senior citizens on Daechu

²⁵⁰ The “Voice of the People,” Apr. 5, 2006.

²⁵¹ *Yonhap News*, Oct. 23, 2006.

²⁵² *Yonhap News*, Dec. 22, 2006.

Island in the Daedong River District of Pyongyang. The Lighthouse Association has also decided to provide cultivating tractors and farming equipment, bean-milk production machines, and school supplies and teaching aids to the schools for the hearing-impaired (1,035 students in 8 locations) and vision-impaired (84 students in 3 locations).²⁵³

The Lighthouse Foundation, which is an evangelical group in North Korea, has also arranged for a 3-person North Korean delegation from the central committee of the Chosun Handicapped Protection League to attend the 9th FESPIC conference held in Kuala Lumpur, Malaysia, on November 25, 2006.²⁵⁴

From these activities, it is obvious that North Korea is taking various measures to protect the handicapped. It is also clear that the testimonies of defectors concerning discrimination against the handicapped are based on their observations before the appearance of the ‘handicapped protection law.’

5. Civil Liberties

The most important aspect of human rights is to limit totalitarian power and guarantee individual freedoms and equality. Together with equal justice under law, freedom is an important factor in human rights and is a fundamental necessity for all people to enjoy a happy life. Freedom has historically been a great human concern. Civil liberty as a fundamental right is a positive and defensive public right that should be free from state interference or infringement of one’s individual livelihood. Freedom and equality are supra-national rights of humankind.

The most important part of the Universal Declaration of Human

²⁵³ *Yonhap News*, Oct. 23, 2006, and Feb. 26, 2007.

²⁵⁴ *Yonhap News*, Nov. 23, 2006.

Rights and “human rights Covenant B” is the guarantee of rights to various freedoms. Article 1 of the Universal Declaration of Human Rights declares that “All human beings are born free and equal in dignity and rights.” The declaration also states that “everyone has the right to life, liberty and security of person” (Art. 3). Article 13 specifies, “Everyone has the right to freedom of movement and residence within the borders of each state.” Under Articles 18~20, it is stipulated that “Everyone has the right to freedom of thought, conscience and religion. . . Everyone has the right to freedom of opinion and expression. . . and the right to freedom of peaceful assembly and association.” Covenant B also provides for broad freedoms. For example, Articles 9 guarantees everyone the right to liberty and security of person. Article 12 provides for the right to liberty of movement and freedom to choose one’s place of residence. Article 18 specifies the rights of freedom of thought, conscience and religion. Article 19 guarantees the right to hold opinions without interference, and Articles 21 and 22 guarantee the right to peaceful assembly and association.

This White Paper will first deal with the freedom of movement and residence (mobility rights), the freedom of speech (expression) and press freedom, the freedom of assembly, and the freedom of association in North Korea. In light of its importance, the freedom of religion will appear in a separate section.

A. Freedom of Residence and the Right to Travel

The freedom of movement and residence concerns the right to independently determine where one chooses to live, to be able to relocate freely from that place, and not to be relocated against one’s will. As a fundamental freedom throughout human history, by expanding a person’s area of activity, the freedom of residence and relocation allows the creation of a forum for free human exchanges which contributes to

the development of individuals. By contributing to development and human growth this freedom maintains and develops human sanctity and value.

Article 13 of the Universal Declaration of Human Rights stipulates, “Everyone has the right to freedom of movement . . . to leave any country . . . and to return to his or her country.” Article 12 of the Human Rights Covenant B specifically guarantees that “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own. . . No one shall be arbitrarily deprived of the right to enter his own country. And, (these) rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others.”

In the past, North Korea did not recognize a person’s right to travel or choose a residence. However, as its economy collapsed and food shortages worsened in the 1990s, the traffic between the regions and the movement of people in search of food increased tremendously. North Korean authorities, too, had to tacitly acknowledge this reality. Furthermore, the international community repeatedly raised the issue of freedom of travel and residence and the UN subcommittee on human rights adopted a resolution on North Korean human rights. With this pressure, during the revision of its constitution in September 1998, North Korea decided to introduce a new provision: “Citizens shall have the freedom of residence and travel” (Art. 75). The reality, however, shows a serious gap between the law and practice—to control society, significant constraints are still imposed on the freedom of movement and residence.

<The Domestic Travel Situation>

The fact is North Korea still maintains a “travel permit” system

as a means of restricting one's freedom of movement. In its second periodic report on 'Covenant B' submitted in 2001, North Korea stated that all citizens wishing to travel must obtain travel certificates in accordance with Article 6 of the 'Travel Regulations'. The purpose of such certificates, it argued, was to safeguard the nation's security by preventing activities of espionage or other destructive and harmful elements, given North Korea's unique situation. North Korea still has in place travel restrictions on special areas, along with its travel permit system. Those wishing to travel to the border regions or military areas must obtain an approval number from the Security Guidance office.²⁵⁵ The reason North Korea gives for imposing restrictions on travel is to prevent so-called "anti-system" and "socially delinquent" behaviors stemming from exchanges of information. In other words, while traveling within the country, people could easily become psychologically complacent, and through exchanges of information with others, they could become critical of government policies.

According to the testimonies of two defectors, people who want to travel must submit an application to the chief of his workplace, through the accounting department, two weeks prior to the planned trip. The approval would first be subject to an initial screening on labor mobilization records and personal integrity on ideology or beliefs. As a second stage, one must submit a travel permit application three days in advance to the permit department of the People's Safety Agency in his area to clear his background in terms of "dangerous individual," "under surveillance," or "records of misdemeanor." After overall confirmations by the local Security Agency, he would be issued a travel permit through the party secretary at his place of employment. However, most defectors

²⁵⁵ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003. Also, testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

testified that they got travel permits from Section 2 of the *inminban* (neighborhood unit) through their place of work. The application would take the following route: Supervisor at work → Statistician at work (Date of birth; Destination; Purpose, etc.) → Travel Clerk at work²⁵⁶ → Section 2 of the *inminban*. All travel permits carry a serial number, and the security agents check this number against those on his list of numbers to see if the permit is genuine.

Those who do not have jobs must get travel permits through their *inminban*. In this case, they must get the approval of the local branch of People's Safety Agency (police), plus a guarantor. One defector said he told the authorities that he was getting married to a person living in Musan. A guide at the local branch of the People's Safety Agency signed for the guarantee so he could travel all the way from Kaesong to Musan.²⁵⁷

Usually, travel permits to restricted areas take 7~15 days to process, while permits to non-restricted areas take only about 2~3 days. However, there is absolutely no guarantee that a permit will be issued.²⁵⁸ Unlike ordinary travel permits, special control areas issue their unique numbers. 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.

The "travel permit" system is actually restricting the citizens' freedom of travel and movement. This is demonstrated by the fact that violators are thrown into a detention facility (i.e., "collection centers"). Article 17 of the Social Safety Control Law specifically requires orderly travels by stipulating that "The Social Safety Agency shall enforce orderly

²⁵⁶ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 30, 2007.

²⁵⁷ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁵⁸ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005. Also, testimony of defector XXX during an interview in Seoul on Jan. 23, 2006.

travels, including orderly travels on foot.”

After arrival, the traveler must report to the head of the local neighborhood unit or *imminban*, register on the travel roster, and get his travel pass stamped by a local MPS official. A travel pass carries the date of return, and a traveler can purchase a train ticket only after applying at the railway station security office four days beforehand. Permits are issued by the next day in smaller cities and counties, while they can take 5 ~7 days in Pyongyang or along the border regions.²⁵⁹ In urgent cases, such as in the event of a death in the family in a remote region, people would not be able to attend the funeral ceremonies due to the time required to process the complicated permit procedures.

Another defector testified that travels to and from the Rajin-Sonbong region (a special foreign investment zone) are strictly controlled and people are required to obtain permits from six different agencies to travel to the area.²⁶⁰ The number of travel permits for the Rajin-Sonbong area is limited, and it is difficult for ordinary citizens to get travel permits to that area.²⁶¹ Moreover, high-voltage wires have been installed around the area to prevent unauthorized traffic. Some people have died while trying to cross over the wired fences.²⁶² Meanwhile, the inhabitants in the border regions need to obtain the approval signature of a local Security Agent to get travel permits issued.²⁶³

Defectors have testified that even though the travel permit system is officially maintained, economic hardship has significantly changed actual travel patterns. Despite official regulations, it appears that controls

²⁵⁹ Testimony of defector XXX during an interview in Seoul on Sept. 17, 2004. Also, testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

²⁶⁰ Testimony of defector XXX during an interview in Seoul on Sept. 8, 1998.

²⁶¹ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

²⁶² “A workshop with defectors” sponsored by KINU on Dec. 23, 2005.

²⁶³ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

over travel are becoming less restrictive due to the deteriorating economic situation and food shortages.

For example, it was said that one could obtain a travel permit even if one did not have a job. The travel clerk at work would, for a fee (bribe), take advantage of his position and obtain a permit in the name of his workplace—of course, one would need a contact person who could play the go-between for the purpose. Sometimes, a clerk may try to make some money by “selling” travel permit application forms.²⁶⁴ There was even an unconfirmed report to the effect that someone had purchased a travel permit on the marketplace in Pyongyang and was able to travel to the border regions.²⁶⁵

In order to travel by train, a travel permit is essential. For this reason, security agents on the train will often take money from passengers who lack proper travel papers. Many security agents aboard Pyongyang-bound trains are also known to maintain their living by taking bribes or confiscating items off of passengers. They frequently inspect luggage and every time find dozens of passengers in violation of some rules. The higher the value of an item they find, the more the agents will interrogate as to where the passenger got the item, how they are going to use it, and so on. This makes it very tough to get past inspectors. Once confiscated, items are nearly impossible to get back. Begging does not work, and instead may provoke an inspector to beat up the passenger. People with extra cash avoid inspections by bribing the security agents cigarettes or wine; others, however, have no choice but to follow the routine procedures.²⁶⁶

As the number of peddlers increased, the number of train

²⁶⁴ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007;
Testimony of defector XXX during an interview in Seoul on Dec. 30, 2005.

²⁶⁵ Testimony of defector XXX during an interview in Seoul on Feb. 6, 2007.

²⁶⁶ Good Friends, “North Korean Today,” No. 25 (Jun. 14, 2006).

passengers also increased, and tickets were being sold on the black market. According to one source, the Hamhung citizens in general are not very friendly compared to people in other cities, and they are highly suspicious of one another. The city is very crowded and many people travel by bus and automobiles every day. This makes it difficult to purchase train tickets, particularly since trains operate once every few days. Even when the tickets are available, the black market price is 2~3 times higher than normal fare, which is a heavy burden on ordinary citizens.²⁶⁷

When traveling by train, one needs to have a travel permit because security agents will frequently check the papers. However, when traveling on foot within the province, travel permits were practically meaningless during the stark days of the food shortages. Since the 1990s, the mobility of the North Korean citizens has tremendously increased, and the situation has reached a stage where even the authorities have had to condone the development. Inspections are still conducted on trains, so people usually travel on foot without travel certificates. For this reason, it is common to observe people trying to hitch a ride in the streets of North Korean cities. Such a ride usually costs about 100 won per 40 kilometers.²⁶⁸ One defector testified that he had spent 600 won on his trip from Heisan to Bukchong, another 600 won from Bukchong to Sinpo, 400 won from Sinpo to Wonsan, and an additional 400 won from Wonsan to Kosung (South Korea), for a total of 2,000 won.²⁶⁹ Until the year 2000, going through transportation checkpoints was a frightening experience, but the checkpoints have now become “bus stops,” where one can pass through by paying cash.²⁷⁰ If one does not

²⁶⁷ Good Friends, “North Korean Today,” No. 32 (Aug. 2, 2006).

²⁶⁸ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

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

²⁷⁰ Testimony of a humanitarian worker during an interview in Seoul on Jan. 2004.

have travel permits, one cannot purchase transportation tickets, which in turn requires a substantial cash substitute, so people still prefer to get travel permits before departure.²⁷¹

Another interesting scene of travel in North Korea is the so-called bus “whips” who will help pack in a bus or a truck. If one tried to get transportation between Hamhung and Sariwon, he is bound to come across “whips” who try to fill up a vehicle. Once a vehicle is full with passengers, a whip will get 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.²⁷²

The travel permit system still exists, but the tacit practice of bribery seems to have had the effect of relaxing all travel restrictions, except for travels to or near the security-sensitive areas. Strict restrictions are still imposed on special areas, but due to the recent economic hardship and increased corruption among officials, people can obtain travel permits to almost all areas, except for Pyongyang and areas designated as “off-limits.”²⁷³

In spite of the travel permit system, vehicular traffic is often “out of control” due to the rapid increase in the people’s movements. As a result, there are reports that “public security agents” have recently been empowered to issue citations even to the military vehicles that violate traffic rules.

Good Friends, a human rights NGO, reported that the traffic violations were so frequent that Public Security’s transportation section was newly empowered with higher authority in May 2006. The transportation section has the authority to check not only ordinary vehicles but also military vehicles, issuing citations in the event of traffic

²⁷¹ Testimony of defector XXX during an interview at KINU on Nov. 11, 2003.

²⁷² Good Friends, “North Korean Today,” No. 35 (Aug. 30, 2006).

²⁷³ See above Testimony.

violations. Thus far, the Public Security Agency has been checking ordinary vehicles when they exceeded freight weight limits or are overloaded with passengers. If a vehicle from another region does not have proper permits, the security agency would collect fines. The authority now has been expanded to include military vehicles. The security agency will issue traffic citations, but enforcement is carried out by the Ministry of Internal Security.²⁷⁴

<The Foreign Travel Situation>

North Korea severely restricts foreign travel by its citizens. The only country the people are permitted to travel to is China. They must apply for a permit at the Foreign Affairs Division in the city or county, where even application forms are difficult to obtain. Personal travel is allowed for most North Koreans for the sole purpose of visiting their relatives in China. People have waited for three years, sometimes as many as 10 years to receive a permit. In recent years, however, the process has been shortened to where it now normally takes about one year.²⁷⁵

North Korea submitted the following status report on overseas travel applications and the number of denials (see Table II-11) to the UN Human Rights Committee during the committee's review of North Korea's second periodic report. North Korea explained that the number of denials were due to the lack of approval of the destination countries.

<Table II-11> Status of Foreign Travel Denials

Year	Number of Applications	Number of Denials
1998	17,440	65
1999	29,875	104
2000	35,650	91

²⁷⁴ Good Friends, "North Korea Today," No. 27 (Jun. 29, 2006)

²⁷⁵ Testimony of defector XXX during an interview in Seoul on Sept. 20, 2004.

The UN Human Rights Committee, in its concluding observation, strongly urged North Korea to consider abolishing its domestic travel permit system. It also recommended that North Korea abolish the exit visa requirement for foreign residents in North Korea. It recommended that North Korea limit the permit system to cases that fit the terms set out in the international covenants.

Defectors have testified that the people who have relatives in China are often allowed to travel. In the past, the government used to put restrictions based on age and personal background. Upon Kim Jong Il's instructions, however, foreign travel permits have been granted from December 2003 not only to the people living along the border regions but also to those living in the inner provinces if they had relatives in China.²⁷⁶ Those who have relatives in China and are living along the border regions are issued "river-crossing" permits. Those living further inside North Korea are issued a passport valid for three months. The river-crossing permits are issued without letters of invitation from the Chinese relatives, but passports are not to be issued without such documentation. Some defectors testified that a letter of invitation was essential to get such travel permits. For a visit to China, the effective duration is three months, but North Korean authorities provide a stamp for only one month. If an extension is needed, the Chinese public security will grant a one-month extension.²⁷⁷ In order to get a travel permit to China, about \$300 is necessary, which means that the poor can never dream of taking a trip.²⁷⁸

Since no visa is required, in reality, to visit one's relatives in one of the northeastern Chinese provinces, it is highly probable that the travel permits are not passports but only a kind of river-crossing pass.²⁷⁹ In any

²⁷⁶ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

²⁷⁷ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

²⁷⁸ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

case, it would be desirable to ascertain which of the two travel documents are valid between the two governments.

North Korea issues three types of passports: diplomatic, official, and traveler's passports. Diplomatic passports are issued to officials of specific agencies, such as Party officials and operational agency officials. Officials making overseas trips for government business carry official passports, which require a fee of about \$300. Passports are known to remain valid for 3 years, 5 years, or 7 years, but testimony on this point is not uniform. For example, defector XXX testified that for a trip to inner parts of China, passports valid for 3 years are issued.²⁸⁰ However, another defector claimed the validity of a passport is 5 years.²⁸¹ Unlike in other countries, North Korean citizens are required to turn in their passports upon return to North Korea even though their passports are still valid.²⁸²

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 so long as they had the capability to support them. Under the new policy, college-age children are not permitted to accompany their parents, but up to two middle school-age children can.

<The Reality of Residence and Forced Relocation>

As in the case with travel permits, North Koreans are not permitted to freely move to a new residence, and must obtain permission from the authorities to do so. Individuals who change residence without permission would be unable to obtain a citizenship card, hence they

²⁷⁹ Testimony of defector XXX during an interview in Seoul on Feb. 15, 2007.

²⁸⁰ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

²⁸¹ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁸² Testimony of defector XXX during an interview in Seoul on Feb. 15, 2007.

would face extreme restrictions in social activities, including finding jobs and obtaining food rations. As defector XXX testified, those released from indoctrination camps are subject to constant surveillance and their employment and residence options are restricted. However, since the economic hardship in the 1990s, and as the private economic sector has expanded, the authorities often tacitly overlook and indirectly permit some freedom of residential relocation. Simultaneously, off-the-record house sales among the rich and powerful has increased.²⁸³

The most obvious breach of the freedom of residence is forcible relocation. North Korea forcibly uproots and relocates people who are considered politically suspect. Forced transfers of political prisoners and anti-regime complainants have become a routine phenomenon. In addition, North Korea forcibly relocates people according to the needs of the regime as evidenced at special economic zones like Rajin-Sonbong and newly developed industrial or coal mine regions in Jagang and Yanggang Provinces. The former secretary of the KWP, Hwang Jang-yop, stated that after the Korean War North Korean authorities conducted evacuation exercises in Pyongyang every 3~4 years as part of war preparations and for population adjustment purposes. According to his testimony, at the time of the abduction of the USS Pueblo in 1968, a large number of Pyongyang residents who were identified as bad elements were relocated to other regions. In addition, after the Panmunjom axe-murders in 1976, a sizable number of Pyongyang residents were moved out of the city under the pretext of war preparations. In 1994, when the identification cards of Pyongyang citizens were renewed, many citizens who were identified as having committed punishable crimes, exhibited bad behavior, or frequently changed jobs, were evicted to other provinces.

A defector testified that she saw XXX, who was living at 109 Unit,

²⁸³ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

Musan County, get forcibly relocated to another area in April 2005, because his wife had illegally crossed the river into China.²⁸⁴ A friend of the defector's husband was banished on illegal border crossing charges from Poong-in District, Onsung County, North Hamkyung Province to Shinhung County, South Hamkyung Province.²⁸⁵

In another case, three members of Kim Hyung-ju's family were charged with transfer of state property (copper) to China, and were banished in November of 1998 from Unit 3, Songbong-dong, Heisan City, Yangkang Province, to Kapsan County, Yangkang Province.²⁸⁶

Furthermore, there are reports that some North Korean inhabitants are being expelled through a town meeting called "open decision conference." The newsletter *North Korea Today*, published by Good Friends, a South Korean human rights group, reported that on August 20, 2006 an "open decision conference" was held in Hoeryong City. Attending the conference held at the city stadium were factory workers, *imminban* (neighborhood unit) members, students, and people off the street. At the conference, narcotics dealers, smugglers and people who made illegal river crossings were put on trial. It was also decided that a total of 13 families would be banished to farm villages. Powerful families with contacts in Pyongyang were able to avoid banishment, but other families were forcibly expelled from the town.²⁸⁷

People expelled to the countryside would be isolated from the local people as they are subject to surveillance. Once a family is banished, they are virtually ostracized from the society.²⁸⁸

²⁸⁴ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

²⁸⁵ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

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

²⁸⁷ Good Friends, "North Korea Today," No. 36 (Sept. 6, 2006).

²⁸⁸ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

B. Freedom of Speech and Press Freedom

The freedom of speech and press freedom signify the freedom to freely express oneself and publish one's opinion. A broader meaning includes not only the freedom to publish an opinion, but also the people's right to know; the right to access, use, or refute information of a press institution or to establish a new one; and procedural freedoms such as the right of the press to report, edit, and compile information.

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed that "Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." The International Covenant on Civil and Political Rights, too, stipulates in Article 19, "Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice."

Article 67 of North Korea's 1998 constitution provides that "Civilians shall have the freedom of press, publication, association, demonstration and assembly." Yet, the North Korean press disregards the proper function of the press, such as providing critical commentary and providing objective information to citizens. It instead focuses on the propaganda of Kim Il Sung based on the Juche ideology and upon indoctrinating the population. The press is used as a tool to turn North Koreans into "good communists." Freedom of the press is only guaranteed to the extent that it helps the masses participate even more vigorously in the construction of socialism.

Therefore, the press in the DPRK is an advertiser, instigator, and organizer for the KWP designed to help achieve its goals and it exists only as an educational tool. Under no circumstances may the North

Korean press engage in any type of criticism of the leadership or the instructions of the great leader Kim Il Sung. The press's only function is to be a means for the party to fulfill these instructions.

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 on sensitive issues regarding the system. However, news on negative aspects of the United States or South Korea is normally dealt with in a straightforward manner.

<Media and Information Control>

In North Korea, the right to freely express one's opinion is also subject to strict controls. The North Korean penal code, as revised in April 2004, stipulates that people who systematically listen to broadcasts opposing the Republic, or who have collected, retained or disseminated their contents, shall be punished by up to two years of labor training, even if anti-state intentions were not involved. In serious cases, up to five years of correctional labor can be imposed (Art. 195). Earlier penal code provisions prescribing punishment for these offenses have been reaffirmed. Article 222 also specifies that anyone found spreading unfounded lies that could contribute to the distrust of the state, even without anti-state aims, or spreading inaccurate rumors that could create social confusion, would be punished by up to two years of labor training. Even though the severity of punishment has been reduced compared to the previous punishment of up to one year of correctional labor, the duration has been extended. In short, an individual's rights to freedom of opinion, or to communicate with others, remains suppressed.

Pyongyang blocks the inflow of information. 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 treated as a political criminal. These sorts of 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.²⁸⁹

Despite the surveillance and control, incidents of watching foreign television broadcasts and listening to foreign radio programs are on the increase.

- Defector XXX testified that in 2004 a family of three (head of household was about 40 years of age) living in Masadong, Nampo City, was caught by a public security agent while watching a South Korean TV program. The defector witnessed the family's subsequent banishment by the Nampo Security Agency.²⁹⁰
- Defector XXX testified that he used to listen to South Korean radio programs at night even though radio dials are fixed.²⁹¹
- Defector XXX testified that from 1997 he used to listen to South Korean broadcasts at night even though the radio dials are sealed. He said some people even watched South Korean TV programs discreetly.²⁹²
- Defector XXX said there were people who would video-tape and sell South Korean TV dramas. He testified that he watched such popular South Korean TV drama series as the *Hoteliers*, *Eve's Morning*, *Winter Sonata*, and *Autumn in my Heart*.²⁹³

²⁸⁹ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

²⁹⁰ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²⁹¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

²⁹² Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁹³ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

- Defector XXX testified that he watched lots of South Korean videos. He could still remember a program entitled “The Trap of Youth.”²⁹⁴

Telephone installations are restricted in North Korea, but rich people can install telephones at any time.

- Defector XXX testified that his father used to install telephones for high-ranking officials and for the enterprise staff. He said one could have a telephone installed if he had money.²⁹⁵
- Defector XXX testified that individuals could have a telephone installed at a cost of 200,000 won.²⁹⁶
- Defector XXX testified that maintaining a telephone would cost a lot of money, including installation fees, user fees, etc. So, business people would usually install telephones.²⁹⁷
- Defector XXX testified that he had installed a telephone in his home at a cost of 150 dollars.²⁹⁸

Cellular phones (cell phones or mobile phones) are another matter. Ordinary citizens are not allowed to own a cell phone; only certain levels of people are allowed to own one, and they are selected based on the type and level of their job.²⁹⁹ Recently, control and surveillance over the use of mobile phones have been tightened due to the regime’s anxiety over the increasing circulation of information (in particular about the outside world).

Control over cell phone use is particularly intensive in the cities and counties along the borders. The security agencies and People’s Army units have conducted extensive joint searches for cell phone users.

²⁹⁴ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

²⁹⁵ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

²⁹⁶ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

²⁹⁷ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁹⁸ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

²⁹⁹ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

The number of security agents along the border areas has been tripled and 50 cell phone detection devices have been deployed for the conduction of widespread searches. The People's Army has also deployed a battalion of troops for the endeavor.³⁰⁰ Defector XXX testified that in September 2005, Mr. Shin Ki-hoon, who was working for Musan Mine Company (Poong-in District, Onsung County, South Hamkyung Province), was detained for six months in the "detention point" of Onsung Security Agency for having used a cell phone.³⁰¹

Owning a personal computer is also prohibited in North Korea. Even if the possession of one is granted, Internet access is restricted. However, some people do own personal computers in North Korea. Defector XXX testified that one could own a personal computer in Shinuiju after registration, but Internet access was denied.³⁰²

<Freedom of the Press>

Publications are also used as a means for ideological education and the party directly manages, censors, and controls all publication materials. Publications inculcate the communist ideology and fulfill their organizational role as instigators of the revolution. They act as a means of publicizing the policy of the party based on party- and class-consciousness, the mass line, and revolutionary zeal. 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. In other words, all publications support the Juche ideology and the unitary ideological system of Kim Il Sung. They seek to realize the party line and the line of the masses and to solve theoretical and

³⁰⁰ Good Friends, "North Korea Today," No. 24 (Jun. 7, 2006).

³⁰¹ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

³⁰² Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

actual problems such as those discussed in revolutionary principles. In the end, publications must devote themselves to the worship of Kim Il Sung, and the systemization of the unitary ideology. Publications have promoted the establishment of the Kim Il Sung/Kim Jong Il hereditary succession and have fostered participation in the construction of the North Korean-style life in “our-style” socialist economy. Freedom of the press is guaranteed in Article 67 of the constitution but only under the guidance and control of the party and the state. The North Korean press serves as the mouthpiece of the KWP.

Any writing or literary work must be ultimately censored by the KWP Propaganda Department. A North Korean publishing something in violation of censorship would be punished with up to five years of correctional labor, and in serious cases, from 5 ~10 years of correctional labor under Article 61 (Crime of Anti-State agitation). By expanding the parameters of possible durations of punishment, violators can benefit from shorter terms of punishment, unlike the situation under previous provisions which defined only one type of correctional labor. 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 on all books and printed matter three times a year.³⁰³

North Korea regulates literature and the arts as a means of educating workers in the communist way and for turning the entire communist society into a working class. In other words, literature and art in North Korea is an important ideological tool utilized to attain a complete socialist revolution. It functions as an important device for ideological mobilization, a device that functions with military precision at the orders of the party. Since the formation of the All Korea League

³⁰³ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

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.

A 1966 meeting of KWP delegates had called for arming the North Korean society with Juche ideology. Responding to the call, writers and artists produced a literary and artistic theory based on the Juche. The Juche theory of literature and the arts, therefore, sets forth as its first task the depiction of Kim Il Sung as the prototype of the quintessential communist. The theory also calls for the deification of Kim Il Sung's family in a manner that equals the deification of Kim Il Sung himself.

North Korea exercises full control over its literary sector. This control is implemented through the AKLLA, which is an external organ of the KWP. Publication of literary works and performing arts, in particular, are strictly controlled and supervised. All literature and arts are permitted for publication and performance only upon approval of the KWP and the Ministry of Culture. No publication is allowed without their seal of approval. The same is true of music and art work. Article 226 of the Penal Code of the DPRK stipulates that violators of these provisions are subject to punishment by labor training, and in serious cases 3 years of correctional labor is imposed.

Despite such tight controls, many defectors have testified that foreign books are being sold discreetly in the marketplace.

- Defector XXX said that there were bookstands in the marketplace where foreign books were sold secretly. However, American books could never be sold openly. Even foreign novels were discreetly sold. She said she saw her brother read success stories of American business tycoons. They were in Korean translation, presumably illegal copies, she said.³⁰⁴

³⁰⁴ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

- Defector XXX said he frequently visited bookstands in the market because of his daughter who was attending a foreign language college. Around the year 2003, he saw many printed or copied American and Japanese language books, though not legal or legitimate translations.³⁰⁵

In connection with the freedom of press and expression, North Korea answered during the UN review of its second report that there have been 30 cases in the past three years in which publication and dissemination of materials were prohibited. North Koreans insisted that the contents of the prohibited articles generally contained state and military secrets. The number of stop-print orders and revisions in the process of printing was about 27~28 cases mostly involving encyclopedia, maps, and magazines; and 3~4 cases involving military books and pamphlets. Despite these replies, the UN Human Rights Committee, in its concluding observation, recommended that North Korea specifically list the reasons for prohibiting certain magazines from distribution, and refrain from barring subscriptions to foreign newspapers. It further urged North Korea to ease foreign travel restrictions on North Korean reporters and not to abuse or misuse the concept of national security, for it could then be used for repressions of the freedom of expression.

C. Freedom of Association and Assembly

The freedom of association and freedom of assembly permit a large number of people to gather freely and unite for a common goal. If freedom of speech and press freedom could be considered an individual type of freedom of expression, then the freedom of association and

³⁰⁵ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2005.

assembly could be considered as a type of freedom of expression, but in the broader context of expression carried out by a group.

Article 20 of the Universal Declaration of Human Rights guarantees, “Everyone has the right to freedom of peaceful assembly and association. And no one may be compelled to belong to an association.” The International Covenant on Civil and Political Rights also stipulates, “The right of peaceful assembly shall be recognized (Art. 21), and everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests” (Art. 22). Hence it is quite clear that the freedom of assembly and association is a civil and political right in its truest sense to protect one’s own interests.

Article 67 of its Constitution states that the citizens have the freedom of association and assembly. The state guarantees this condition for free activities of democratic parties and social groups. In reality, however, only the assemblies and associations required by the Korean Workers’ Party are permitted. In its second periodic report to the UNHRC, North Korean authorities stated that there were very few public demonstrations. They did report that many assemblies and rallies had been held in response to the needs of individual organizations, factories, and organizations, and that central, provincial, city, and county governments had sponsored some events. This description indirectly reflects the fact that these meetings and assemblies are called at the needs of the KWP.

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. In its recently revised penal code, North Korea stipulates that those who have caused extreme social disorder or who collectively have refused to follow the instructions of the state shall be punished by up to five years of correctional labor (Article 219). This approach has strongly suppressed demonstrations of any kind. Relative to freedom of assembly, North

Korea in its second report on Covenant-A offered the following explanation: To stage a rally, the organizers must notify the local *Inminban* (neighborhood unit) or local branch of the PSA three days in advance in accordance with the rules guaranteeing assemblies and rallies. The notifications must include the purpose, day of the week, time, place, the name of the organizer, and the size of the assembly or rally. The *Inminban* or PSA branch must guarantee various conditions necessary for the assembly or rally and cooperate for the maintenance of safety and order. The assemblies or rallies that could disturb social order or national safety can be controlled according to methods and procedures set forth in the Public Safety Management Law.

Again, relative to freedom of association, North Korea in its second report stated the following: In order to organize a democratic public association it is necessary to register the association with the government 30 days in advance. In North Korea, there are dozens of democratic public organizations, such as the Workers' Union, Farmers' and Working Masses' Cooperatives, Youth Alliance, Women's Alliance, the Federation of Literary and Artists' Union, Democratic Attorneys' Association, Christians' Alliance, Buddhists' Alliance, Anti-nuclear Peace Committee, and Association for African-Asian Coalition.

In its second periodic report on 'Covenant A,' North Korean authorities asserted the following position regarding the formation of job leagues: The workers at state organs, factories, and enterprises are not simple employees but owners participating in the planning, administration and management of their own organs, factories, and enterprises. Therefore, with the exception of personal complaints, problems such as collective bargaining with the enterprise owners, labor disputes or demonstrations for the protection of workers rights are not raised. However, workers employed at foreign enterprises have to depend on the labor unions to protect their rights and interests, their working environment and the terms of contract with foreign

firms and their implementation. So far, however, there has not been any labor dispute in connection with the activities of labor unions in North Korea.³⁰⁶

In its “concluding observations” presented in 2003 after reviewing the second periodic report on North Korea’s performance involving Covenant A, the UN Committee on Economic, Social and Cultural rights expressed concern over the fact that the only professional union in North Korea is under the control of the Korean Workers’ Party and its rights are subservient to the authority of the National Security apparatus. Furthermore, the UN committee pointed out that the union did not recognize the freedom of demonstration.

Despite the information in this report, North Korean citizens do not have any organizations or institutions that can protect their individual rights because the only permitted assemblies and associations are those formed in response to Party instructions. Independent agencies or associations are not allowed in North Korea, and all organizations and associations are subject to absolute control by the authorities, including women’s organizations, labor unions, religious associations, and political parties.

All North Koreans are required to join various organizations from the age of six to retirement. This includes kindergarten, youth corps, various educational institutions, the Socialist Workers’ Youth Alliance, Chosun (Korea) Employees’ Alliance, Chosun Agricultural Workers’ Alliance, Chosun Democratic Women’s Alliance, Korean Workers’ Party, etc. But social organizations are not interest groups or pressure groups in the Western sense. They are instead, as explained in Article 56, Part 9 of the party by-laws, party auxiliary organizations that faithfully fulfill the

³⁰⁶ North Korea submitted its Second Regular Report on Covenant-A in May 2002. For a full text, see [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2 df030 c1256c5a0038d8f0?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2 df030 c1256c5a0038d8f0?OpenDocument).

orders of the KWP, and function as transmission belts between the party and people.

The main purpose of social organizations is to support the party and to facilitate loyalty to Kim Il Sung and Kim Jong Il. These social organizations act as primary control mechanisms over the people and also serve as a means of mobilizing people for mass rallies and marches at national events (i.e., movements to accomplish the goals of authorities; movements to increase productivity, such as the Chollima–flying horse–Movement; and the birthdays of Kim Il Sung and Kim Jong Il). What the defectors most disliked in North Korea was the lack of individual freedom. All citizens were required to join various organizations, including the one in his workplace, and they had to attend collective life or political education sessions twice a week. Being absent from these meetings resulted in reprimands, and in extreme cases banishment to the provinces. The defectors complained that North Korean people were experiencing the most regimented lifestyle in the world.³⁰⁷

The Korean Workers' Party is responsible for the supervision of all mass organizations. The KWP controls the people's voluntary ideas and collective actions through a system of mutual surveillance, criticism, guidance, and the like, and trains the partisans and supporters through various social organizations. In its second report, North Korea argued that there are no specific laws relating to organization of political parties, because the existing party was formed prior to the birth of the Republic and has been functioning for over 50 years, and that there has in fact never been any public demands for the formation of a new party. The existing political parties are the Korean Workers' Party, the Korean Social Democratic Party, and the Korean Chundokyo (heaven's way) Youth Party. But these political parties, as satellite organs, are nothing

³⁰⁷ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

but faithful supporters of the KWP, complying completely with the KWP's statute.

In connection with human rights organizations, North Korea insists that the government does support the establishment of organizations that seek to promote human rights. The procedures for establishing such organizations are the same as the administrative requirements for any public organization. North Korea reported that there are currently many human rights organizations, such as the Human Rights Research Institute, the Association to Assist Handicapped Persons, the Lawyers' Association, and Democratic Attorneys' Association. In addition, North Korea stated many others are freely working for human rights. During the second report review session, the UN Human Rights Committee members demanded explanations as to why they were not able to obtain any information from non-governmental organizations in North Korea. A North Korean delegate replied that it was because the activities of North Korea's non-governmental human rights organizations were not robust, and said he would transmit the details of discussion at the UN session to North Korea's non-governmental organizations on human rights.

The UN Human Rights Committee in its concluding observations demanded that North Korea provide additional information on the requirements to hold public assemblies, even though the North Koreans reported that the freedom of assembly and association was fully guaranteed. In particular, the committee demanded to know under what circumstances public assemblies are denied, and in the event of denial, whether or not appeals are allowed and in what manner. The North Korean delegation maintained that in reference to the spirit of Article 25 of Covenant B, which defines the right of political participation, no social demand existed in North Korea for the formation of new political parties nor any legal procedures for that purpose. Mindful of these explanations, the committee recommended that North Korea faithfully refer to the committee's general recommendation No. 25 in fulfilling

the terms of Article 25 of Covenant B that defines the right of political participation.

D. The Right to Privacy

The guarantee of the right to privacy exists so that individuals can maintain their human dignity. The purpose of privacy protection is to protect the content, honor, and credibility of one's private life from interference. From a different perspective, privacy exists so that the formation and enjoyment of freedom is guaranteed. Therefore, the right to privacy is an inviolable right that exists primarily to protect the legal development of individual character, which is crucial for the respect of the sanctity and dignity of human beings as well as for legal stability.

Article 17 of the International Covenant on Civil and Political Rights guarantees, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. And everyone has the right to the protection of the law against such interference or attacks."

Article 79 of the North Korean constitution stipulates that "Citizens are guaranteed inviolability of the person and the home and privacy of correspondence. No citizens can be placed under control or be arrested nor can their homes be searched without a legal warrant."

The revised criminal procedure law of May 2004 deleted Article 137 of the criminal procedure law of September 1999, which said, "In the event some unrelated private confidential information came to light in the process of criminal investigation, it should not be made public." The new law in Article 223 instead specifies that "Documents and items related to the crime under investigation shall be seized." This apparently is a weakening of the earlier provision, but a minimum legal protection appears to continue in place for the protection of privacy. North Korea makes an exception to the principle of open and public trial by allowing

closed trials in cases where confidential information of individuals or the state needs protection, or in cases when the trial procedures would have a negative impact on the society.

In addition, preliminary examination agents, during any attempt to investigate a crime or criminal, must obtain prior authorization of a prosecutor to seize letters or cablegrams. The authorization must be based on sufficient evidence and then executed only in the presence of a representative of related agencies or the postal service (Articles 217, 218 and 221 of the revised criminal procedure law).

In 2003, North Korea's International Communication Bureau launched an international e-mail service, and said it has begun the service, guaranteeing a normal speed of transmission and the confidentiality of private communication.³⁰⁸ However, these legal provisions have little to do with actual life. The right to the protection of privacy that North Korea describes is entirely different from that of the West. The invasion of privacy and private life is taking place almost everywhere in North Korea. One of the most well known examples is the wiretapping of homes to eavesdrop on inhabitants. The North Korean authorities are invading people's private lives through strict mutual surveillance systems, such that wiretapping devices are installed in the residences and automobiles of high-ranking officials, military officers, and party leaders. In view of these realities, the UN Human Rights Committee wanted to hear explanations about reports that there was an extremely high level of domestic surveillance of citizens' private lives.

Former high-ranking KWP official and defector Hwang Jang-yop testified that North Korean intelligence agencies conduct much closer surveillance over the Party cadres than over the general public, and that eavesdropping devices are mobilized to monitor the cadres every word and every move. He explained that one of the reasons the high-ranking cadres were watched so closely was that they had the highest potential to

³⁰⁸ North Korea News Agency, Nov. 28, 2003.

rebel against Kim Jong Il. Defectors XXX and XXX also testified that North Korean authorities are setting up eavesdropping devices in the houses of major Party cadres and in public places in order to prevent any anti-regime activities from taking place. Defector XXX testified that “eavesdropping” activities are conducted by Bureau 13 of the National Security Protective Agency.³⁰⁹

Also, North Korea is strengthening its surveillance of people who have relatives living abroad. It is reported that North Korea is recording the attitudes of those people by classifying their words and moves into a positive or negative category, based on record cards kept since 1995. This is done because it is thought that people who have relatives abroad tend to have an illusion of the outside world and so behave strangely and differently from ordinary people. In addition, the State Security Agency has strengthened its surveillance over people who have recently traveled overseas, according to XXX.³¹⁰

In order to systematically control people’s lives and to effectively implement Party policies, North Korean authorities have been enforcing the so-called “harmonious life” system from the society’s top to bottom. The “harmonious life” sessions are held once a week on average, and consists of “self-criticisms” and “cross criticisms.”

However, the inhabitants do not engage in mutual criticisms in earnest, even though they formally conduct the “harmonious living” sessions.³¹¹ 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.³¹²

³⁰⁹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

³¹⁰ Testimony of defector XXX during an interview in Seoul on May 18, 1999.

³¹¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

³¹² Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

North Korea routinely utilizes the security network to violate personal privacy. The Overnight Inspection Group at the MPS visits each family and carries out inspections between midnight and 3:00 am 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.

North Korea also utilizes *inminban* or “neighborhood unit” system. Ostensibly to prevent fires or unexpected accidents, workers must give their house keys to the leaders of their people’s neighborhood unit. These leaders in turn visit families without notice and inspect the sanitary conditions, as well as portraits and books related to Kim Il Sung and Kim Jong Il. Moreover, during census surveys, uninvited officials from the county or city district enter and inspect houses. A “people’s class” consists of 15~25 families and is under the control of a class leader. The leader is authorized to pay visits to the families at any time, and, accompanied by Social Safety agents, inspect the number and types of people staying at each home. The purpose is to conduct surveillance of suspected ideological divergence and certain family situations, as well as for labor mobilization and collective living. The class leader conducts routine surveillance, but there are also many secret informants, Social Safety agents, and the local party secretary. This creates double and triple rings of surveillance around the people.³¹³

Some defectors have recently testified that the surveillance activities of *inminbans* have become tighter since the economic hardship. Defector XXX said the control of the *inminbans* has been tightening because controlling itself was becoming harder in recent years.³¹⁴ Defector XXX has also testified that the control of *inminbans* was growing more intensive.³¹⁵

³¹³ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

³¹⁴ Testimony of defector XXX during an interview in Seoul on Jul. 9, 2007.

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 one’s choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Article 18 of the Human Rights Covenant B also stipulates, “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. . . [And this freedom] may be subject only to such limitations as are prescribed by law. . . [And shall be respected] for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Since the founding of the regime and pursuant to Kim Il Sung’s statement that “Religion is the opiate of the masses,” the DPRK has consistently persecuted religiously active people. It explains religion as a tool for the ruling class to exploit the masses. The North Korean dictionary on philosophy states, “Religion historically was seized by the ruling class to deceive the masses and was used as a means to exploit and oppress, and it has recently been used by imperialists as an ideological tool to invade underdeveloped countries.”³¹⁶

³¹⁵ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

³¹⁶ The Academy of Social Science (Pyongyang: The Academy of Social Science Press, 1985), p. 450.

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, 375,000 Buddhists, 200,000 Protestant Christians, and 57,000 Catholics.³¹⁷

Many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. Most religiously active people were categorized as anti-national and counterrevolutionary 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 sentiment in the wake of the Korean War, North Korea began to persecute religious people. Through the background checks on its people, North Korea identified and began to persecute religious persons and their families, calling them "anti-revolution elements." In particular, immediately before and during the Korean War, large numbers of religious people were arrested and executed or banished.

Religious practitioners have nearly disappeared as a result of the central party's intensive guidance program that began in 1958. Only 60 out of a total of 400 or so Buddhist temples have survived. The 1,600 monks and nuns and their 35,000 Buddhist followers have been either killed or forced to recant their faith. In addition, some 1,500 Protestant churches and some 300,000 followers, three Catholic dioceses and 50,000 Catholic followers, and 120,000 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:

³¹⁷ The Chosun Central News Agency, *The Chosun Central Annual 1950* (Pyongyang: Chosun Central News Agency, 1950), p. 365.

(We) cannot carry such religiously active people along our march toward a communist society. Therefore, we tried and executed all religious leaders higher than deacon in the Protestant and Catholic churches. Among other religiously active people, those deemed malignant were all put to trial. Among ordinary religious believers, those who recanted were given jobs while those who did not were held at concentration camps.³¹⁸

In the 1970s when inter-Korean talks began, North Korea began to externally propagandize by reorganizing religious organizations and revising constitutional provisions. In legal terms, North Korea added Article 54 during the 1972 revision of its socialist constitution, stipulating that “Citizens shall enjoy the freedom of religion and freedom to launch anti-religious campaigns.” Legally and in reality, this latter freedom of “anti-religious campaigns” served to deny the former. North Korea has also created new religious organizations by reviving defunct religious organizations, such as the “Chosun Christians League,” the “Chosun Buddhist League,” and the “Chosun Chondokyo Central Guidance Committee.” Through these bodies, North Korea has sought to form a “united front” with progressive South Korean religious leaders to promote its unification formula and anti-South Korean position. In short, North Korea is using religion as a tool for political propaganda against South Korea.

Since the 1980s, the international community has criticized North Korea sharply for its lack of religious freedoms. As North Korea’s contacts with foreign religious groups increased, it began to relax its anti-religious policies. The transformation of religious policy began with the Constitutional amendment. In the 1992 revision, North Korea stipulated in Article 68, “Citizens have freedom of religious beliefs. This right is granted by approving religious ceremonies and the construction of religious buildings. No one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.”³¹⁹ The

³¹⁸ Koh Tae-woo, *North Korea’s Policy on Religion* (Seoul: Minjok Cultural Pub., 1989), p. 79.

provision allowing the freedom of anti-religious propaganda under Article 54 of the 1972 Constitution was deleted. The revised North Korean constitution shows some progress. Legal steps have been taken, however superficially, allowing the freedom of religion, construction of religious buildings and observance of religious ceremonies. Legally speaking, North Korea is still capable of restricting religious freedom, because it continues to believe that foreign influences can use religion as a conduit to disrupt national and social order.

<Religious Buildings>

In accordance with its constitution, North Korea is in the process of building religious facilities. North Korea finished 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 August 13, 2006, the “Jungbaik Church,” a Russian Orthodox Church, was completed in Jungbaik-dong, Nakrang District of Pyongyang. In April 2003, four North Koreans began studies at the Russian Orthodox Seminary in Moscow to serve upon dedication of the Orthodox church in Pyongyang.³²⁰ 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

³¹⁹ In the revised 1998 constitution, the only phrase deleted was “whosoever.” As a result, the 1992 provisions for religious freedom have been essentially preserved in the revised constitution.

³²⁰ Chosun Central Broadcast, Jun. 25, 2003; Yonhap News, Jun. 24, and Jun. 27, 2003.

construct various religious facilities in North Korea. In November 2005, the Pyongyang Jeil Church was dedicated with the joint support of South Korean Presbyterian churches. In addition, the Bongsu Church (rebuilt in 1988) is undergoing expansion and reconstruction. The Buddhist temple restoration projects, such as Shinkesa and Youngtongsa temples, are also under way as part of an effort to preserve traditional Korean culture. Since December 2002, massive redecoration projects have been under way at 59 Buddhist temples across the country.

It would, therefore, be desirable to examine the reality of religious freedom the North Korean authorities have reported. In 2001, a North Korean delegate to the session reviewing North Korea's second periodic report to the UNHRC (2000) submitted the following data on religion in North Korea (Table II-12).

<Table II-12> 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	-	15,000

North Korea claims that religious educational facilities have been established and are in operation. According to the second periodic report, a department of religion was newly installed in Kim Il Sung University in 1989. 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. The Chosun

Chondokyo Central Guidance Committee operate a Chondokyo middle school, and the Chosun Catholic Association Central Committee also teaches students.” In addition, the ‘Voice of Russia’ radio reported that in 2003 North Korea sent graduates of Kim Il Sung University to Moscow to study Christian teachings.³²¹

<Religious Ceremonies>

North Korean authorities have begun to permit religious ceremonies. Buddhist temples are allowed to conduct formal ceremonies on Buddha’s birthday, as well as on major Buddhist holidays. Sometimes, even Buddhist ceremonies of a political nature—such as the Buddhist Prayer Meeting for the Unification of Fatherland—have been permitted. When the United States designated North Korea as a nation persecuting religious freedom, North Korea had complained and retorted 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.³²² As the 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

³²¹ *Yonhap News*, Mar. 31, 2003.

³²² Ministry of Unification, “Weekly North Korean Trends,” No. 569 (Seoul: Ministry of Unification, 2001), pp. 9-10.

August 15. Ever since, 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. Ever since, 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.

<Religious Organizations>

Various religious groups have been organized and are operating in North Korea today. North Korea has been emphasizing that freedom of religion is guaranteed, especially in connection with the freedom of assembly and association. In its second report on Covenant B, North Korea insisted that there were no restrictions for religious practitioners who wanted to form associations or religious activities as they were guaranteed under Article 67, Section 2: “The State shall guarantee conditions for the free activity of democratic political parties and social organizations.” North Korea also insisted that under freedom of association many religious organizations were engaged in religious activities. A list included the Chosun Christian League, Chosun Buddhist League, Chosun Catholic Association, Chosun Chondokyo Central Guidance Committee and Chosun Association of Religious Practitioners. The North Korean delegation boasted that religion was completely separate from the state, and no religion was discriminated against or interfered with. People were free to choose and freely practice the religion of their choice.

Among the North Korean religious organizations, the most well-known are the “Chosun (Korean) Buddhists League,” “Chosun

Christian League,” “Chosun Catholic Association,” “Chosun Chondokyo Central Committee,” “Chosun Russian Orthodox Church Committee,” and the umbrella organization for these groups called “Chosun Religious Practitioners Association.” However, it is not known whether any central religious organization is maintaining branches in the provinces. In the interviews conducted in preparation for a religious report, all defectors interviewed said they were unaware of any religious organization that has branches in the provinces.³²³

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.³²⁴ The Chosun Buddhist League also sent delegates to the Asian Buddhist Peace Conference held in Laos.³²⁵ These religious organizations have been organized primarily as counterparts to foreign religious organizations or international aid agencies, rather than as instruments to guarantee and support religious activities. The reason North Korea is changing its religious policy in terms of legal and institutional arrangements is to maintain religious repression internally amid deteriorating food shortage, the death of Kim Il Sung, and the unruly social environment, while expanding contacts with the international community through various religious channels. In short, North Korea is utilizing religion as a

³²³ David Hawk, “Thank you Father Kim Il Sung,” U. S. Commission on International Religious Freedom, (2005), p. 88.

³²⁴ Kim Byung-ro, “Changes of North Korea’s Policy on Religion and Realities of Religion” (Seoul: KINU, 2002), p. 48.

³²⁵ *Korean Central News*, Feb. 10, 2003.

means of gaining foreign currency.

<Testimonies on the Reality of Religious Freedom>

Under its socialist constitution, North Korea is taking a number of positive legal and institutional steps, such as allowing religious freedom, building religious facilities, permitting religious ceremonies and operating religious educational institutions. According to the testimonies of defectors, however, religious freedom is still not granted in reality.

First of all, there does not exist any churches or cathedrals in North Korea except in Pyongyang. Furthermore, most defectors have confirmed that North Koreans living outside Pyongyang are not aware of any religious facilities whatsoever. Even Pyongyang citizens, who are aware of these facilities, are known to believe that they are restricted areas. Defector XXX testified that he knew about the existence of Bongsu Church and Jangchoong Cathedral. However, he understood them to be symbolic structures for foreigners and restricted areas for ordinary citizens.³²⁶ Defector XXX said there was a temple in the Myohyang Mountains, but he thought it was a sightseeing spot rather than a religious facility. He also did not see any images of Buddha there, but saw an image of Buddha on a TV screen.³²⁷

As for the “family churches” that North Korea said existed across North Korea, it is doubtful how freely they are allowed to practice religious activities in the provincial towns, even if they existed. In all the personal interviews with defectors from North Korea, not one person was aware of a “family church” anywhere in North Korea.³²⁸ However, David

³²⁶ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007;
Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

³²⁷ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

³²⁸ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007;
Testimony of defector XYZ during an interview in Seoul on Jan. 24, 2007.

Hawk has reported that in the course of his personal interviews regarding religion, he had heard of a total of eight churches in North Korea: five churches in Pyongyang, one in Kaesong, one in Sungchon, and one in South Hwanghae Province.³²⁹

Second, most experts doubt if the freedom of worship is fully granted even at the two churches and one cathedral in Pyongyang. Moreover, 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 newly built in September 1998, 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 church services in disguise. 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. Believing that the Christian church threatens the maintenance of the regime, North

³²⁹ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005. Also see, David Hawk, “Thank you Father Kim Il Sung,” *U. S. Commission on Religious Freedom*, 2005, pp. 87-88.

Korean authorities have recently begun to control Christian missionary work more strictly. Since 1997, State Security Agents have instructed the North Korean people to prevent Christian missionary activity. The instructions tell citizens of the necessity of searching out missionaries and methods of finding them.³³⁰

<Punishment for Religious Activity>

It is assumed that freedom of religion is restricted even at the locations that are officially sanctioned. This becomes obvious when we observe how North Korea handles forcibly repatriated defectors. In the 1990s, as the food shortage exacerbated and as the number of defectors rapidly increased, North Korean authorities began to relax punishment for those defecting to China in search of food (the so-called “economic defectors”). However, the authorities continue to impose heavy penalties on those who have had contacts with religious South Koreans in China. However, it would appear that North Korean authorities are no longer treating religion-related defectors automatically as political criminals.

- Defector XXX said her sister was deported to North Korea because she had contact with South Koreans in a church in Yanji.³³¹
- Defector XXX testified that he was arrested by the security agency because one of the fellow defectors reported that he was familiar with Christianity.³³²
- Defector XXX said a defector called Johann (John) was sentenced to 3 years of correctional labor on charges of making contacts with

³³⁰ North Korea has been encouraging the inhabitants to report on persons who were reading the Bible. Testimony of defector XXX during an interview in Seoul, May 31, 2000.

³³¹ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

³³² Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

Christians in China.³³³

- About 60 people living in Eunduck County had heard that they would be able to get about 15 kilograms of corn if they signed up to become Christians. They went to sign up and security agents found out about it. They were all sentenced to 15 years in prison.³³⁴
- Defector XXX testified that when he was deported to Hoeryong Security Agency in October 2002, a 19-year-old young man was brought in on religious charges. He overheard a ‘guard’ saying that the boy would be transferred to the province security agency and ultimately be sent to a concentration camp.³³⁵
- A defector said he had heard that in 2001 a 55-year-old Christian woman was arrested while trying to recruit new Christians in Kangseo County, South Pyongy-an Province.³³⁶
- Another defector testified that in April 2003 a Chinese person was arrested and locked up in Onsung County Detention Center on charges of possession of a Bible. (He personally witnessed the person’s detention on July 31, 2003.)³³⁷
- A defector testified that the family of XXX (father, mother, and a daughter) used to live in Pyongyang from 1988~1992. In April 1992, she saw the father of the Choi family brought in to the Control District of Deukjang Concentration Camp in South Pyongan Province on charges of religious activity.³³⁸
- A defector testified that her friend, Lee Bock-soon, was imprisoned for six months in Musan Security Agency from

³³³ Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

³³⁴ Testimony of defector XXX during interview in Seoul on Jun. 29, 2002.

³³⁵ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

³³⁶ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³³⁷ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³³⁸ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

October 2000. She was brought in on charges of having attended a church in Rogahyang in the Chinese city of Hwaryong, Jirin Province.³³⁹

It is difficult to confirm the fact that North Korean authorities do not permit individuals to enjoy religious freedoms, but this fact is indirectly confirmed through the testimonies that reveal the existence of underground churches. Many defectors have testified that Christians practice their religion in underground churches, because North Korean authorities restrict religious freedoms.

- Defector XXX testified that in 1996 he conducted investigations for three years in an effort to uncover the existence of an underground church.³⁴⁰
- Defector XXX testified that in Sariwon, Wunsan County, North Pyongan Province, a daughter-in-law reported a family church service. Four family members were subsequently executed and the rest were sent to a political concentration camp.³⁴¹
- One defector, who used to work at North Korea's State Security Agency, testified that in the early 1990s a total of 86 underground Christians were arrested in Anak County, Hwanghae Province. Some of them were executed and others were sent off to political concentration camps.³⁴²
- Defector XXX testified that XXX was the sister of his friend, Bang XX, and she got married to 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.³⁴³

³³⁹ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

³⁴⁰ Testimony of defector XXX during an interview in Seoul on May 22, 2000.

³⁴¹ Testimony of defector XXX during an interview in Seoul on May 24, 2000.

³⁴² *Yonhap News*, Jun. 15, 2001.

³⁴³ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

- Defector XXX testified that he had heard in 2004 that there was a secret (underground) church in North Pyongan Province.

Despite these testimonies, it is difficult to verify the existence of underground churches. Some Christian organizations have been operating “mission halls” 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.³⁴⁴

It is reported that North Korea will punish without exception people involved in activities related to superstition or the supernatural, such as fortunetelling.

- Defector XXX testified that North Korea was absolutely a society of no religion, and even fortunetellers would be arrested if known.³⁴⁵
- Defector XXX testified that North Korea strongly enforced its anti-occultist position in 2002.³⁴⁶
- Defector XXX testified that North Korea would repeatedly inform its people through public lectures not to indulge in superstition including palm-reading.³⁴⁷

The statements in the last two testimonies are corroborated by the North Korean public lecture entitled, “Let us crush the enemy’s concealed conspiracy to propagate religions amongst us.” In July 2005, the text of this lecture was released by a South Korean human rights

³⁴⁴ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

³⁴⁵ Testimony of defector XXX during an interview in Seoul on Sept. 21, 2004;
Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

³⁴⁶ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

³⁴⁷ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

group, Good Friends.

- North Korea has been denouncing the North Korean Human Rights Act of 2004 of the United States and the Voice of Free Radio Asia, which received two million dollars of U.S. funding. North Korea complained that through these instruments of religious propaganda the United States was trying to contain and isolate North Korea and increase international pressure on the country.
- North Korea denounced South Korea for trying discreetly to smuggle Bibles, religious publications, cassette tapes, and videos into North Korea by bribing the tradesmen, frequent travellers, and people crossing the border illegally.
- North Korea further denounced that the religious propaganda agents “were taking advantage of innocent children who would not easily forget what they see and hear in early ages, and would provide them with ‘alert religious education’.” North Korea contends that these children would then be sent back across the border so they could spread religion to their parents, which in the long run would be very useful in organizing underground religious groups.
- North Korea regards religion as a means of “toppling national systems,” as a “breach of national self-reliance,” and a “violation of human rights.”
- North Korea has proclaimed that the struggle to prevent religious penetration was not simply a practical issue but seriously a “great ideological battle for the political and ideological protection of Our Revolutionary Leader and Beloved General Kim Il Sung.”

The text of this lecture also contains actual cases of punishment for illegal practices of religion.

Case 1.

A woman living on social welfare in Musan County went on a personal trip to a neighboring country in May 2004. A South Korean intelligence agent disguised as a religious practitioner bribed and instructed her to spread religion in North Korea. Our customs officials uncovered a Bible and a note containing methods of prayer concealed in her belongings.

Case 2.

In a border county, we have arrested a woman who had illegally crossed the border in May 2004. Bribed by a South Korean intelligence agent, she received intensive religious education for three years for the propagation of religion inside North Korea, and returned with a spy mission to organize an “underground religious group.”

Case 3.

In a city in a neighboring country in 2004, a South Korean missionary named XXX (an intelligence agent) brought together a number of illegal North Koreans at his home for religious education. Public security agents of that country arrested him just as he tried to smuggle them out to South Korea for professional espionage training and for specific instructions for ‘underground religious organization.’³⁴⁸

<The Ten Principles for Unitary Ideology>

As the text of public lecture mentioned above reveals, North Korea has proclaimed all religious activities as a “serious and great ideological battle for the political and ideological protection of Our Revolutionary Leader and Beloved General Kim Il Sung.” So the most pivotal factor that

³⁴⁸ Good Friends, “North Korea Today,” No. 16 (Apr. 14, 2006).

prevents religious freedom in North Korea is the cult of personality surrounding Kim Il Sung/Kim Jong Il and the unitary ruling system.

One of the most important reasons for North Korean's perception of religion as a source of foreign intrusion and exploitation is the antithetical nature of religion vis-à-vis the unitary ruling structure. Religion worships an all-powerful entity. This is diametrically opposite to, and clashes with, the stature of Kim Il Sung and Kim Jong Il who, under the Juche ideology, must be revered as all-powerful entities. Juche ideology demands exclusive worship of the *Suryong* ("the Great Leader," Kim Il Sung) as an all-powerful entity based on the "theory of socio-political organism." Consequently, it is absolutely impossible to permit another all-powerful entity to challenge the unitary ruling structure of the leader(s). In reality, in North Korea it would be impossible to conceive of worshiping any other entity but the *Suryong*. The worship of Kim Il Sung and Kim Jong Il is specifically stipulated in the Ten Great Principles of Unique Ideology. The principles of being unconditionally loyal to Kim Il Sung and adopting Kim Il Sung's instructions for absolute guidance are provided for in this document. Since its announcement in 1974, the "ten great principles" have been utilized more than the constitution or any laws and regulations as a means of exercising control over North Koreans, as well as deifying the "Great Leader Kim Il Sung." The principles are treated like prescribed laws and are actually applied in criminal cases.³⁴⁹

³⁴⁹ 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.

Since interpretation of the ten principles is arbitrary, they are routinely used to frame political dissenters as perpetrators of political and ideological crimes. For example, two entire families disappeared: one because a nine-year-old second grade elementary student in the family scribbled on the faces of the Kim's in his text book; another because the elderly grandmother used issues of the *Rodong Shinmun*—which contain pictures of Kim Il Sung and Kim Jong Il—as wallpaper. Both families were punished on the basis of the Ten Great Principles.

Recently, not all such cases go punished as political crimes, but the following testimony shows that the 'ten principles' are utilized as important sources for punishment.

In March 2005 there was a fire at a security guard post of an enterprise in Hoeryong City. There was no damage to the building itself, but the problem was that 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 the post-traumatic causes. Unlike ordinary crimes, the penalties involving the portraits are very serious. So, most North Koreans will 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 little bribe. But, the 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 others to understand it except for those

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6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Kim Il Sung.
 7. Learn from the Great Leader Kim Il Sung and master communist dignity, the methods of revolutionary projects, and the people's work styles.
 8. Preserve dearly the political life the Great Leader Kim Il Sung has bestowed upon you, and repay loyally for the Great Leader's boundless political trust and considerations with high political awareness and skill.
 9. Establish a strong organizational discipline so that the entire Party, the entire people, and the entire military will operate uniformly under the sole leadership of the Great Leader Kim Il Sung.
 10. The great revolutionary accomplishments pioneered by the Great Leader Kim Il Sung must be succeeded and perfected by hereditary successions until the end.

actually living in North Korea, but it is true. From this one example, it is clear to see how hard North Korean authorities are trying to maintain the Unitary Ideology System.³⁵⁰

The inhumane practice of forcing people to sacrifice even their lives to save portraits of Kim Il Sung and Kim Jong Il in accordance with the Ten Great Principles persists in North Korea. In *Stories on Revolutionary Optimism*—authored by Ahn Chang-hwan and published in 1991 by the Pyongyang Working People’s Organizations Publishing House—there is a story of a person named Park Young-duk who sacrificed his life to protect a portrait of Kim Il Sung. It is reported that while working in the Yellow Sea Park Young-duk drowned when his boat capsized. However, while 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.

In an effort to inspire personal allegiance to the *Sunghyong*, North Korea has been trying to internalize the ten principles in the minds of ordinary citizens through “harmonious living” sessions. At the “harmonious living” sessions of the Party, people will have to read the ‘ten principles’ before starting their session. Even in ordinary “harmonious living” sessions, they will repeat relevant articles of the “ten principles” to reinforce them in the minds of everyone present.

In an effort to reinforce ideology education during the period of food crisis and economic hardship, North Korea renewed its emphasis on the “ten principles.” Recently, instructions from authorities high in the government have stressed that the harder the daily living the stronger the ideological unity and education should be. The instructions demand the following: “Tighten the workers. . . tighten them without providing food or clothing. Tighten the organized living.” In addition, defector XXX testified that the effort at deification of Kim Jong Il has

³⁵⁰ Good Friends, “North Korea Today,” No. 21 (May 18, 2006).

been reinforced.³⁵¹

Especially since 1995, the ten principles have been repeatedly emphasized at various people's meetings. In the past the instructions of Kim Il Sung/Kim Jong Il had been stressed.³⁵²

Defector XXX testified as follows on the impact of the ten principles and the idolatry of the *Suryong* on the people's daily lives:

When I was in North Korea the ten principles unconsciously controlled my life. They have clearly been working as a means of repression. I was not always conscious of the ten principles, but I tried not to violate them. The ten principles have always played as stumbling blocks in our daily lives.³⁵³

7. The Right of Political Participation

The right of political participation encompasses the civic right of people to participate directly in the formation of their country, to join in the election and voting process as election candidates or voting members, and to be elected to public office. Everyone should have the right to participate or not participate in the vote, and each person should have the freedom to vote for any candidate whom he or she wishes. Therefore, all persons should have the ability to freely choose to vote for a specific candidate. In addition, balloting should be fair and done in secret and should be carried out in accordance with legal procedures.

Article 21 of the Universal Declaration of Human Rights stipulates, "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. . . The will of the people shall be the basis of the authority of government." However, Article 21, Section 3 specifies that "The will of the people shall be the basis of the

³⁵¹ Testimony of defector XXX during an interview in Seoul on Sept. 21, 2004.

³⁵² Testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

³⁵³ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” In Article 25 of the International Covenant on Civil and Political Rights, it states that “Every citizen shall have the right and the opportunity. . . without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives; (and) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”

As part of its tribute to Kim Il Sung after his death in 1994, North Korea suspended for three years all events related to political participation, including the Supreme People’s Assembly, Party Congress, and elections at all levels. Kim Jong Il was not inaugurated as Party’s General Secretary until 1997. However, the North Korean citizens were deprived of their political rights because Kim was not elected but nominated to the position.

According to Article 6 of the revised 1998 Constitution, “All levels of sovereign office from the County People’s Assembly to the Supreme People’s Assembly shall be elected through secret ballot based on universal, equal, and direct suffrage principles.” Article 66 also stipulates, “All citizens above the age of 17 shall have the right to vote and the right to elective office.” Yet, elections in North Korea are used, internally, to confirm the people’s confidence in the party and to justify the single party dictatorship, while externally they are used as a propaganda tool to demonstrate that democracy is being practiced. These characteristics are obvious if one considers the manner in which candidates are nominated, registered, and elected, and the loss of suffrage rights based on one’s family background.

One candidate in each electoral district is nominated for election, and the KWP carefully selects candidates in advance. The KWP also

carefully screens in advance the candidates from the “Social Democratic Party” and the “Chung Woo Party.” For all intents and purposes the KWP controls all these candidates.

Under the principle of universal, equal, and direct voting the law requires secret ballots; in reality, however, voters are instructed to cast a yes or no vote for a single candidate nominated by the KWP. The elections are conducted under the strict surveillance of the State Security Agency, and the entire voting procedure consists of simply receiving a ballot and casting it in a “yes” or a “no” ballot box.³⁵⁴ Consequently, elections are regarded as mere celebrations in which to express active support for the party-nominated candidates. For this reason, electoral districts will sponsor various performances on election days.

The colorful performances of brass bands and small artisan groups that various levels of students put up in open spaces and railway station grounds are inspiring fighting spirits and revolutionary passions.³⁵⁵

According to defector XXX, the authorities would build up to an upbeat atmosphere several days before the election of people’s deputies to the Supreme People’s Assembly by mobilizing students and others to sing and march on the streets.³⁵⁶ In an effort to demonstrate local loyalty to the party by raising voting rates, each electoral district operates a “moving ballot box” system for those who are unable to come to the voting booths because of illness or old age.³⁵⁷ Defector XXX testified that voting supervisions recently have been relaxed so that only the currently residing voters are allowed to participate in voting.³⁵⁸ However, defector XXX testified that if a resident failed to vote, he

³⁵⁴ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

³⁵⁵ *Korean Central News*, Aug. 4, 2003.

³⁵⁶ Testimony of defector XXX during an interview in Seoul on May 25, 2001.

³⁵⁷ *Korean Central News*, Aug. 4, 2003.

³⁵⁸ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

would be suspected of having political motives for not doing so, and this fact remains on the person's record for years, adversely affecting him in the event he is involved in another misdemeanor.³⁵⁹

Free expression of opinion by citizens is practically impossible in the candidate nominating process and when casting votes. Elections in North Korea are not a part of the political process where various political forces freely contend on the basis of ideas and policies. Rather, it is part of a political mobilization to reinforce the people with a sense of political participation and a *pro forma* and *post facto* approval of the power structure and the method of elite recruitment designed by the KWP. This process was precisely repeated during the election of deputies for the 11th Supreme People's Assembly on August 3, 2003. Through a "report," the North Korean Central Election Committee announced that a total of 687 deputies for the SPA and 26,650 deputies for the province, city and county People's Committees were elected. It further stated that "Some 99.7 percent of those listed on the eligible voter registry participated in the election and 100 percent of those voting cast 'yes' for the candidate nominated by the district."³⁶⁰

During elections, Security and Safety agents exercise strict control over the people. Whoever does not participate in the voting, or refuses to vote, is suspected of harboring political motives, and is treated with suspicion and discriminated against on a daily basis thereafter. The defectors who testified said for these reasons they always participated in voting.³⁶¹

³⁵⁹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

³⁶⁰ Above testimony.

³⁶¹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005. Also, testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

III • The Reality of Economic, Social, and Cultural Rights

1. The Right to Food

The shortage of food in North Korea became known to the outside world when the North Korean government launched the “two-meals-a-day” campaign in 1991. The already declining grain production took a sharper downturn when the flooding and droughts struck (1995~1997), so much so that in 1997 only six percent of the population received grain rations. It is true that the natural disasters had in fact contributed to a reduced production of grains, but the North Korean food crisis occurred more on account of the system’s structural flaws. First, despite the fact that the country has relatively little arable land, North Korea has pursued energy-intensive agricultural production methods. Second, in addition to the reduced energy and coal output in the wake of natural disasters, North Korea experienced a drastic shortage of energy in the wake of the collapse of the Soviet Union and East European socialist systems. Imports of strategic industrial supplies (oil, fertilizers, and other industrial goods) from these countries and China were reduced to less than 10 percent of the pre-1990 levels. This had a severe impact on all production sectors, including the agricultural, industrial, and transportation sectors.³⁶² The dominant reason for poor grain production was the shortage of fertilizer.

³⁶² Meredith Woo-Cumings, “The Political Ecology of Famine: The North Korea Catastrophe and Its Lessons,” Asian Development Bank Institute Research Paper 31 (Jan. 2002), p. 21.

Fertilizer production was reduced to 12 percent of the pre-1990 level, and by the year 2000 only 20~30 percent of the required fertilizer had been provided for successful farming. The most important reason for the reduction in grain output was the failure to provide sufficient amounts of fertilizer in time. Third, North Korea tried to maintain its collective production methods, preserving the inefficient agricultural cooperatives, and in so doing failed to provide sufficient incentives to farmers, thereby causing a sharp drop in agricultural output. (Even China, which maintained a system of collective farming for decades, realized the inefficiency of such practice, and has successfully reformed its farming system.) In addition to these structural factors, the natural disasters contributed to sharply reduced grain output.

As seen above, since 1990 North Korea has experienced an annual shortfall of one to two million tons of grain every year. During the three years where the country experienced rather severe natural disasters (from 1995 to 1997), North Korea fell short by 1.5~2 million tons of grain each year.

To fill the gap, North Korea has had to import about one million tons of grain since 1990. Until 1994, all grain imports were commercially based. However, as the grain crisis has deepened since the flood damages in the summer of 1995, North Korea has had to depend on annual donations of grain from the international community. The percentage of grain from international aid sources out of the total grain imported from abroad increased year by year, from 33 percent in 1995 to 80 percent in 1998. Also, grain aid increased from 5.5 percent of the nation's food supply in 1995 to 10.3 percent in 1999.

North Korea still experiences a grain shortfall each year (by about 0.51~1.28 million tons) despite continuous aid from abroad. This is the result of reduced grain imports, which had once amounted to one million tons a year. North Korea's grain importation drastically decreased from 0.83 million tons in 1992 and 1.09 million tons in 1993 to

0.29 million tons in 1998 and 0.1 million tons in 2001.

Recently, North Korea's grain output was 4.25 million tons in 2003, 4.31 million tons in 2004, and 4.54 million tons in 2005. This is the result of a variety of assistance from South Korea and the international community and other factors (for example, the donation of fertilizer, transfer of agricultural know-how, improved operability rate of various agricultural equipment made possible by increased shipment of fuel assistance, and also favorable weather conditions). Despite this trend toward improvement, North Korea still experiences annual shortfalls of about two million tons (out of an estimated annual need of 6.3 million tons). If its minimum demand were estimated at 5.1 million tons a year, it would still fall short by about 900,000 tons a year.

In an effort to overcome the continuing grain crisis, North Korea is attempting to make policy changes in the agricultural sector. North Korea has emphasized in its New Year's Message that it would guarantee on a priority basis the materials needed for the agricultural sector. The *Rodong Shinmun* also stressed the importance of concentrating efforts on agriculture in 2005, saying, "The direction of the main attack of this year's revolution is the agricultural frontline" and "Rice is the barrel of the gun and national power."³⁶³ For this purpose, an agricultural reform was implemented, allowing a family-cultivation system and guaranteeing the profits from it to the families. Under this system, farming units (normally 8 to 17 members) have been reduced to between 4 to 12 members.³⁶⁴

In the 2006 New Year's Message, North Korea vowed that it would make the "agricultural front the main frontline of economic reconstruction" and mobilize all its capabilities for a successful

³⁶³ Korea Institute for National Unification (KINU), *An Analysis of North Korea's New Year's Joint Editorial, 2005 and Policy Forecast* (Seoul: KINU, 2005).

³⁶⁴ *Ibid.*

campaign. In the 2007 New Year's Message, North Korea once again promised to make major progress in resolving the food problem, pronouncing agriculture as the most fundamental foundation of all national life. However, it is doubtful if the gradually increasing rate of agricultural output will ever alleviate the food crisis.

Before North Korea announced the Economic Management Improvement Measures in July 2002, the citizens' daily commodities were supplied through a nationwide ration system (public distribution system), so much so that most understood socialism to be a system in which the state provides, through rations, all daily necessities, including food. Indeed, the ration system is one of the vital features of the North Korean socialist system because it previously included not merely grains and food items, but also clothing, housing, education, and medical care. North Korea's ration system is a multipurpose system. It is intended to distribute scarce grain resources efficiently and to exercise an effective control over the people. In fact, the ration system is closely related to the government policies aimed at controlling travel, residence, and job assignment.

In the 1990, the North Korean ration system largely collapsed. It became inoperative in most regions except in Pyongyang. In the early and mid 1990s, only three to five day's worth of grain (3 kilograms) was rationed to each family per month. After 1995, the system had collapsed and rations were almost completely stopped. By the end of 1996, citizens had to provide food for themselves. Agencies, factories, and businesses independently began to engage in various illicit profit-making trade and ventures to earn foreign currencies. They then handed out about 3~4 days worth of food per month to the employees. Foreign aid has helped alleviate the situation and North Korea's grain output did increase slightly in 2001. As a result, grain distribution has somewhat improved, although grain shortages are still prevalent.

Currently, official food rations are distributed on a priority basis

to Pyongyang, which is a special supply zone, and to a select class of elite, such as Party cadres, high-ranking government officials, and the military. According to the testimony of a defector who came to South Korea after working for ten years at a grain administration office that handled grain purchase and distribution, the grains harvested at the farms are distributed to military units and the grains provided by the foreign sources are distributed mainly to the high-ranking officials; however, ordinary inhabitants receive 2~3 days worth of grain on major holidays like Kim Il Sung's birthday, Kim Jong Il's birthday, the Korean thanksgiving holiday, and so on.³⁶⁵

According to the defector, it is not true that soldiers were getting sufficient amounts of rations simply because the military were 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 that they sometimes look pale like patients suffering from tuberculosis. A former military officer who defected to South Korea after completing 22 years of service testified that even though he was a second lieutenant, the amount of his ration was so small that he too had to live on corn porridge mixed with some edible field grass.³⁶⁶ According to defector XXX, the food situation in the agricultural areas was relatively better than the situation in provincial cities, where workers faced serious difficulties when the government discontinued grain rations.³⁶⁷ The grain situation in the farm areas was comparatively better. He also said the food shortage was most severe in remote provinces like Hamkyong, Yangkang, and Jakang, where access to transportation is poor. With a lack of energy and means of transportation, the collapse of the central ration system, and the

³⁶⁵ Testimony of defector XXX during an interview in Seoul in Sept, 2001.

³⁶⁶ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2003.

³⁶⁷ Testimony of defector XXX during an interview in Seoul on May 6, 2002.

diversion of international aid to other areas, the inhabitants there have been forced to face some severe conditions.

Once the regular rations were suspended, the people had to find food on their own. Most of them had to secure the means of subsistence through the farmers' markets, black markets, or support from their relatives in agricultural areas. In addition, due to the failure of the central ration system, North Koreans were forced to trade various coupons illegally, and housing cards, behind the scenes. Most inhabitants who lack purchasing power face starvation, and so they are forced to concentrate on peddling or barter trading. When the central ration system stopped operating in the wake of the food shortages, most North Koreans began to rely on marketplaces for their daily commodities, including food and grains. Under the "self-help" slogan, even the North Korean authorities encouraged the people to help themselves rather than rely on the government. However, the lives of those with little means to purchase goods at the marketplace were most seriously threatened.

In the wake of the Economic Management Improvement Measures of July 1, 2002 there was a major change in North Korea's grain supply system. The ration system, which existed only nominally, was officially discontinued and a system of purchase at current market prices was launched. After this, the prices of daily necessities jumped twenty- to forty-fold, food prices went up forty to fifty times, and the rice price per kilogram was raised from 8 jon to 44 won ("jon" is the sub-unit of the won or KPW, with 100 jon equal to 1 won). The trolley fare went up from 10 jon to one won and subway fare from 10 jon to 2 won. Even though the ration system was abolished, the ration card system was maintained unchanged. This exception appears to be intended for continued state control over grain distribution inside North Korea.

In the wake of the July 2002 measures, the wage-level has also gone up accordingly. Regular office workers got a raise from 140 won to 1,200

won and some heavy-load workers like miners received increases of over twenty fold. Other workers, farmers, and scientists got a tenfold raise and soldiers and bureaucrats received anywhere from 14-to 17-times higher pay. The official prices have also increased in tandem with the market prices. However, the market prices have jumped much higher and faster. The price of one kilogram of rice is about 185~195 won, which is more than four times the official price of 44 won for the same amount before the July 2002 measures. Subsequently, the grain prices have risen rapidly, and the disparity of prices was pronounced between regions and at different times.

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 irregularity of wage payments due to the poor performance the North Korean economy. In large families and particularly for those living on pensions, the level of pain from high prices has been truly untenable.³⁶⁸

According to an October 2003 report by the Food and Agriculture Organization (FAO) and World Food Program (WFP), the citizens of Pyongyang were suffering less because they were paid wages on time, but coal miners were paid only one-third of their monthly wage of 2,500 won, and this amount was further slashed after October 2002. The report also cited government officials as stating that only 50~80 percent of regular wages were paid to workers at work places or workers at the county level.³⁶⁹ However, the reality was that 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

³⁶⁸ Testimony of defector XXX during an interview in Seoul on Dec. 20, 2002.

³⁶⁹ Amnesty International, "Starved of Rights: Human Rights and the Food Crisis in the Democratic People's Republic of Korea (North Korea)," pp. 6-7
<http://web.amnesty.org/library/print/ENGASA240032004>.

overcome the chronic shortage of daily commodities within a short period of time.

Due to high prices and low wages—or no wages—most North Koreans are living extremely harsh lives, and this situation is well-expressed by the following comment: “In the past, we have been able to maintain our lives even when we were out of work, but now we cannot survive unless we worked and worked very hard.” Up to this point, a social security (and welfare) system had existed, however nominally. But the complete demise of the public distribution system came as a major shock to the North Koreans, who were almost completely dependent on it.

The July 2002 measures did bring extreme confusion to those North Koreans who had depended on trading and vending in the black markets before the measures were introduced.³⁷⁰ The measures have had a positive impact by introducing a “general market” system that tries to incorporate the black markets into the overall market system. However, the measures also have had a negative impact on the common man’s peddling activities. As the economy stagnated, people without regular wage income suffered from the burdens of rising prices and increased taxes.

It has been reported that in September–October 2005, North Korea reopened a “pay-as-you-receive” ration system in certain parts of the country.³⁷¹ However, this grain ration system was quite irregular both in terms of time and place. According to Good Friends, North Korea conducted in late 2005 a survey of the supply and demand of all available

³⁷⁰ Above testimony.

³⁷¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; From July 2005 rumors were widespread saying that the ration system would resume by October, so many people have returned to their work places. In fact, the ration system was briefly normalized in October. But it was temporary, and by December the ration system was suspended again. Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

food resources, and developed a new grain ration system. It is believed that the government decided to include as part of the national ration system even the small amounts of foodstuff that individuals produce in their backyards.³⁷² Along with the partial resumption of the national ration system, North Korea has also banned grain sales at the marketplaces. As a result, the price of rice, which had gone down to 750 won per kilogram in September 2005, rose to 1,000 won in October.³⁷³ The partial ration system in the latter half of 2005 was also plagued with irregularities in terms of delivery time and place. For now, however, the resumption of a full-fledged nationwide ration system appears unlikely in view of North Korea's current grain production capabilities. Nevertheless, the North Korean authorities appear to be attempting to revive its grain ration system in an effort to recover its capacity for social control. For example, there is an urgent need to control the inflow of foreign information, the movement of population, the grain supply, as well as law and order in society. Given the circumstances, the individual's right to food sources would be gravely infringed if the government could not guarantee a seamless supply of grains. The North Korean people's right to food would not necessarily be fulfilled by a simple rule of supply and demand. It is more heavily influenced by the grain price fluctuations at the market and the average person's purchasing power. Consequently, the people's right to food will see improvement only when the market prices are stabilized at a lower level,³⁷⁴ and if North Korea allowed the international

³⁷² Good Friends: Center for Peace, Human Right and Refugees, "North Korean News Today," Draft Publication No.10 (Oct. 2005).

³⁷³ *Ibid.*

³⁷⁴ According to the testimonies of news defectors, the South Korean grain assistance has significantly contributed to a drop in grain prices in several regions of North Korea. For example, at the news of arrival of South Korean grain assistance ships the price of rice would sharply drop in the port cities of Nampo, Wonsan, and Chongjin. The fluctuation of grain prices was far greater along the border regions than in inner regions of North Korea.

humanitarian aid community to concentrate on the most vulnerable groups (i.e., those who have lost their purchasing power altogether).

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. Freedom from poverty and sickness is an immutable goal of governments around the world. For this reason, the nations of the world have come to promulgate the demands for social security as an individual's right.

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).

These three are the primary social safety net. The Industrial Accident Compensation System is a type of secondary social safety net,

and is a form of state social insurance.

As part of the social security system, North Korea enacted an Insurance Law in 1995 and revised it twice, in 1999 and in 2002, respectively. Article 2 of the law contains two major types of insurance: 1) health related insurances such as life insurance, casualty insurance, insurance for children, and passenger insurance; and 2) property related insurances including fire insurance, maritime insurance, agricultural insurance, liability insurance, and credit insurance. Article 5 of the law mandates that both insurance companies and the state insurance management agency will manage the insurance sector. Therefore, a nominal insurance system does exist in North Korea. North Korea also has a pension system. According to the “Socialist Labor Law”(enacted in April 1978, revised in 1986 and 1999), male citizens reaching the age of 60 and females reaching the age of 55 are entitled to a retirement pension if their years of service allow them to qualify (Art. 74). In addition, public assistance is extended to those who fall under special categories, such as livelihood protection, casualty relief, and veterans. Included in the living subsidy program are those with national citations, military families, retired soldiers, deported Koreans from Japan, and defectors from South Korea.

North Korea claims that its social security system is ahead of other advanced nations. However, there is a wide gap between the law and reality because the system does not function properly owing to the country’s lack of necessary resources. Above all, the most fundamental means of living, the ration system, is not working, except in Pyongyang and a few select areas. Nothing more need be said of those who have lost the ability to work, such as the old and the infirm. For the retirees the pension system is near perfect, legally and institutionally, but in reality people never fully receive what is entitled to them by law.

The situation had seriously deteriorated when North Korea announced the July 1st measures, abolishing significant portions of social

security benefits. Although the previous system is nominally maintained, the nature of operating principles and benefit payments changed after July 2002. Under the measures, the system of supply for food, clothing, and housing was practically abolished, and the state social insurance and the state social security benefit payments began to be transformed in a way that individuals rather than the government would have to bear the principal burdens. This meant that workers would now have to rely on their income for these benefits. As a result, the function and role of the social safety nets that North Korea's social welfare system had aimed for has been greatly reduced. In short, welfare responsibilities were transferred from the state to individuals.

In addition, the levels, nature, and functions of cash payments have all changed. Under the July 2002 measures, the responsibility to pay various welfare obligations do not depend on whether one has a job, but are determined by the workers' skills, contribution to finance (taxes), and individual income levels. In particular, the increasing price of rice, which is a major form of in-kind payment, has seriously undercut the State Social Insurance and the State Social Welfare systems' ability to support and guarantee life. As a result of these realities, the burden on the various welfare program recipients has greatly increased.

Since the measures of July 2002, the responsibilities of the state for the people's welfare have been minimized, and maximum responsibility has been placed on the individual and family. In fact, the economic reform measures of July 2002 could be regarded as a North Korean style of "social welfare reform." The North Korean social welfare system was distorted and has been inoperative since the 1990s. The authorities finally were forced to admit the flaws in their system and make revisions to reflect the realities.

The testimony of defectors fully documents these developments. According to the testimony of XXX, who was a retiree when he defected, retirees are entitled to 600 grams of grain and 60 won of

pension, but they never receive either benefit. The pension money is disbursed to individuals and registered on a personal account, but no one is allowed to make a withdrawal for personal use. The defector also said that it is also impossible to depend on one's children. Thus, once a person retires, his/her life becomes very difficult to manage.³⁷⁵

Under "military-first politics," priority is placed on soldiers. However retired soldiers are not even assigned a housing unit. Defector XXX, who retired as a first lieutenant after 22 years of military service, was not given any housing after retirement nor any place to work. Instead he had to stay at his sister's house at Daehungdan-gun. He made several trips to China, and then decided to defect to South Korea.³⁷⁶ This testimony is a good example of the reality of North Korea's public support system. Under this system, basic necessities are no longer supplied, leaving children, senior citizens and people with various ailments to suffer the most.

One feature of social welfare that North Korea is most proud is its system of free medical care. Due to economic problems, however, this system has been rendered almost inoperative. Article 56 of the Constitution of the DPRK stipulates that the state shall strengthen and develop the free medical care system, and by promoting the district doctor system and preventive medicine, the state shall protect the lives of the people and promote the health of the workers.

The objective of North Korea's medical policy is to prevent diseases through its district doctor system, which in turn operates as part of the free medical care system. People in a district are expected to receive systematic health care from the district doctor. But the system does not appear to function properly, because (a) the quality of the

³⁷⁵ Testimony of defector XXX during an interview in Seoul on Nov. 13, 2002.

³⁷⁶ Testimony of defector XXX during an interview at Seoul on Jan. 29, 2003.

district doctor's diagnostic skills are poor, (b) their medical qualifications are not sufficient, and (c) each doctor is charged with providing care for a maximum of 4-5 districts, or up to 4,000 people.

Medical facilities are not in abundance in North Korea. Under the current structure, there should be one university hospital and one central hospital in areas where people's committees exist; one to two people's hospitals where city and county people's committees exist; one hospital and one diagnostic center in workers' districts, and one combined diagnostic center each for groups of smaller villages. However, very few North Koreans have access to medical facilities above people's hospitals at the city and county levels because there is an absolute shortage of hospitals relative to the number of people.

Moreover, in order for anyone to be admitted to higher-level hospitals, patients are required to submit a patient transfer that is issued by one's own diagnostic center and the district people's hospital. The procedures are so strict that without a patient transfer authorization, no one, under any circumstances, can be admitted into a city-county level hospital to receive treatment.

In addition to the poor quality, discrimination at medical facilities exists in other forms. All hospitals have a list of pre-determined levels of treatment for patients according to rank, and they will not admit people who are not on that list. For example, the Bonghwa Diagnostic Center in Pyongyang is exclusively for Kim Il Sung and Kim Jong Il and their family members, as well as people with the rank of minister or above in the Party and the military. The O-eun Hospital is for colonels and generals and the Namsan Diagnostic Center is for vice-ministers and above, as well as for some prominent persons such as "people's actors/actresses" and deported Koreans from Japan. These hospitals are for a special class of people only and do not treat average citizens. The average citizen must go to their local diagnostic center or to city, county, or district hospitals to receive treatment.

North Korea maintains that its so-called universal medicare system still operates. However, the realities of economic hardship reveal otherwise. For example, doctors will provide free diagnoses and prescriptions for the patients, but the patients are responsible for obtaining the necessary medication because there is little medication in the hospital. The patients have to go to the black markets or to the individuals introduced 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.³⁷⁷

The following is a collection of testimonies of various individuals on the reality of medical service in North Korea.³⁷⁸

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 serious as to call it a crisis.³⁷⁹ 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

³⁷⁷ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

³⁷⁸ These include the officials of international organizations and NGO workers who have observed firsthand the conditions of the North Korean medical system, foreign correspondents who visited North Korea, a defector who used to serve as a medical doctor there for 30 years, and a low-level party official who was assigned to a hospital. Since the observations are very consistent in their details, the testimonies appear to be highly credible. All witnesses testified to the fact that there were significant differences between Pyongyang and the provincial cities and farm regions, and that major differences existed between ordinary hospitals and those for the high-ranking officials.

³⁷⁹ *Yonhap News*, Jan. 29, 2004.

no antibiotics or bandages, let alone such simple operating equipment as surgical knives. On the other hand, hospitals that were used for treatment of high-ranking military officers and the elite were full of modern equipment almost like German hospitals. They were equipped with MRI, Ultra-sonar, EKG and X-ray cameras. He testified that an enormous inequality existed between the two levels of hospitals.³⁸⁰

North Korea is suffering from serious shortages of medicine and medical equipment. Over 70 percent of medicine dispensed by North Korean hospitals consisted of traditional herbal medicine, the reason being that there was a shortage of Western medicine. Communicable diseases were on the rise and about 40,000 new tuberculosis patients were reported annually.

Defector XXX (alias, age 58, pediatrician from XX city hospital in North Hamkyung province) provides a well-organized testimony on the status of hospitals in North Korea. According to him, North Korean medical service became paralyzed from about 1990. The most important medical policy is preventive medicine, but most children in North Korea cannot receive preventive vaccination, and the BCG vaccines have disappeared since 1992. The only preventive vaccination still given is against cholera and Japanese influenza. But this vaccination is given only to a small minority such as security agents and staff members who frequently travel. Because children are not vaccinated at proper stages, all varieties of contagious diseases and illnesses are rampant. A majority of cases are communicable diseases like cholera and liver diseases, particularly the type-B liver infections, which are usually spread via 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.³⁸¹

³⁸⁰ Norbert Vollertsen, "The Prison State," *Wall Street Journal*, Apr. 17, 2001.

³⁸¹ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

The most serious problem at hospitals is the shortage of medical equipment. Without equipment, hospitals cannot fulfill their functions. In the case of Danchon City Hospital in North Hamkyung Province, the hospital should have been equipped with 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 out that the syringes were seriously defective. Doctors did not even have their own stethoscopes. Because blood-testing equipment is not available, doctors cannot properly diagnose the condition of their patients.

Many abnormal situations are occurring due to the lack of medicine and medical equipment. Since there are no medicines at hospitals, doctors simply diagnose and prescribe medication for the patients to buy themselves in the market.³⁸² Once the patients obtain the medicine, the doctors instruct them on how to take or apply the medicine. In many cases, however, the medicines sold in the market are not genuine.

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. In some cases, children suffering from simple indigestion died for lack of treatment at the hospitals. Beyond the lack of medicine at hospitals in Chongjin, there were only one blood-pressure gauge and one body temperature gauge for every six doctors.³⁸³ Since medicines are in short supply, doctors provide appropriate medicines only to ranking officials or to the doctor's acquaintances; all other patients get consultations only. For this reason, medicine is the most frequently desired item North Koreans request of their overseas relatives or of those traveling outside the country. The small amount of medicine

³⁸² "A Workshop for the Defectors," sponsored by KINU, Jan. 20, 2006.

³⁸³ *Yonhap News*, Jul. 3, 2002.

supplies in hospitals is dispensed only to ranking officials, not to ordinary citizens. One of the primary reasons hospitals do not have enough medicines is because they are smuggled onto the black market where their value is greater. Another reason is because the pharmaceutical factories are not operating properly. When and if medicines become available, they are smuggled onto the black market by ranking officials and nurses in charge of medicine.

Every year, North Korea does receive 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.³⁸⁴

With the shortage of medicine and lack of equipment being quite serious for the majority of hospitals, the patient's family is now essentially responsible for administering treatment. According to XXX,³⁸⁵ formerly a low-level party secretary at a hospital, food and room temperatures for the patients in provincial hospitals are the responsibility of their families and guardians. Because there is not enough grain for patients' meals, hospitals are restricting admissions. In-patient numbers are pre-allocated to each division of the hospital, and only emergency patients are admitted. A majority of patients are suffering from cholera, paratyphoid, and typhoid. In the early stages, patients with these contagious diseases were segregated from the general population at the hospital and treated.

³⁸⁴ "A Workshop for the defectors," sponsored by KINU, Jan. 20, 2006.

³⁸⁵ Testimony of defector XXX during an interview in Seoul.

As the numbers have increased, however, they are now being treated at their homes.

Due to the shortage of medicines, the government is encouraging the use of folk medicines. On the theory of the revolutionary spirit of self-help and anti-Japanese guerrilla-style projects, they are encouraging the construction of production bases that will autonomously produce (herbal) medicine. In order to spread the herbal treatments, they also introduced various cases of folk medicine treatment, while encouraging an “all-masses campaign” for the production and distribution of medicinal herbs.

Corruption is another problem the system faces. Doctors maintain their standard of living by accepting bribes in exchange for medicine. When the doctors treat patients at hospitals, they must do it free of charge; but when they visit a patients' 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.³⁸⁶ Many doctors also take money for issuing false diagnosis. The patients submit the false diagnosis to their offices in order to take time off and engage in peddling in the markets. In the provincial areas, even the doctors take turns taking time off to cultivate crops on their personal patches of land to help alleviate the food shortage.

Another particularly serious problem is the poor electricity for medical facilities. Sometimes electricity will go off in the middle of surgery. In many cases, doctors will talk to representatives at the electricity unit before an operation and ask for their cooperation. But it is said that even the Pyongyang Red Cross Hospital is experiencing an electricity cut-off rate of 30 percent.³⁸⁷

³⁸⁶ Testimony of defector XXX during an interview at Seoul on Feb. 3, 2003.

³⁸⁷ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

3. The Right to Work

Article 23 of the Universal Declaration of Human Rights provides that, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Article 3 of Covenant-A also stipulates, “The States Members to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.” Furthermore, Article 7 declares, “the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no other considerations than those of seniority and competence; And, rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”

In Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (Covenant A) guarantee that “The states party to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work. . . [And] to ensure the right of everyone to form trade unions and join the trade union of their choice.”

Article 70 of North Korea’s constitution provides for the people’s right to work. That is, all persons with the ability to engage in labor may select occupations according to their choice and talents and are guaranteed the right to a secure job and labor conditions. People are supposed to work based on their abilities and receive allocations based on the amount and quality of their labor. However, the “right to work” in

North Korea, in reality, is not a right but a duty to respond to mobilized labor.

Article 83 of the constitution states, “Work is noble duty and honor of a citizen.” Article 31 says, “The minimum working age is 16 years old. The State shall prohibit child labor under the stipulated working age.” Therefore, in North Korea, labor is the responsibility of all people because labor is not for the individual’s benefit, but, based on collectivist principles, is a group activity for the benefit of everyone. One can find further support for this interpretation in the various sections of Article 1 (Fundamental Principles of Socialist Labor) of the Socialist Labor Law enacted by the Supreme People’s Assembly in April 1978. Under these provisions, all North Koreans above the age of 16 are obligated to work at a workplace until the age of legal retirement (that is, 60 years of age for men, 55 for women).

Moreover, free labor unions that protect and represent the interests of laborers do not exist in North Korea. The only labor union that exists is the General Federation of Korean Trade Unions, but it does not have the right to collectively organize, bargain, or strike. The Korean Workers’ Party is solely responsible for representing the interests of laborers, and the trade union exists merely as a formality. Following the Ninth Plenum of the Fourth Party Central Committee held in June 1964, the trade union’s role of monitoring and controlling corporate management was abolished, and the interests of the laborers have been placed under the control of the party. The General Federation of Korean Trade Unions merely acts as a transmission belt that links the KWP with the labor classes, and an active supporter that strictly and unconditionally seeks to fulfill the directives of the *Suryong* (i.e., “the Great Leader,” Kim Il Sung).

North Korean authorities severely oppress the activities of labor cooperative bodies through the penal code. Relevant provisions for labor unions are contained in Chapter 5, Section 1 of the revised 2004 Penal

Code, entitled “Crime against Government Properties and Properties of Social Cooperative Organizations.” These provisions make voluntary labor movements basically impossible. There are no provisions to prevent coercion at the work place.

In addition, Article 71 of the constitution provides that people have the right to rest, and Article 62 of the Socialist Labor Law adds that laborers have a right to rest. Article 65 of the same law stipulates that “Workers, office workers, and workers on cooperative farms are entitled to 14 days of annual leave. Depending on their line of work, an additional leave of 7~21 days may be granted.” The government does not control annual leaves. They are granted to individual workers upon request.

The constitution states in Article 30 that workers shall engage in eight hours of work a day. However, Article 33 of the Labor Law specifies that “The State shall enforce the principle of an 8-hour workday, 8-hour rest, and 8-hour studies in the lives of all workers.” Of course, the “8-hour rest” principle is often ignored. North Korean workers rarely have eight hours of rest in a day. This is because, in addition to their basic workloads, people are mobilized for additional labor mobilization programs and must attend various study sessions. Labor projects are planned on daily, monthly, and quarterly schedules. To surpass the goals of these plans, socialist work competition movements such as the “Speed Creation Movement” have been established. Under these circumstances, extended work hours are inevitable.

For North Koreans, work is not a right but a duty. Yet, a majority of North Korean industrial workers are unemployed. The average rate of factory operation is only 20~30 percent due to the deteriorating economy and dilapidated infrastructure, and workers cannot find places to work. Since many factories are not operating, even if workers do report for work, they soon find themselves venturing out on the street to engage in street vending or other personal profit-seeking activities. Kim

Jong Il has issued instructions, twice, in December 2005 and March of 2006, in which he said, “Eliminate the phenomenon of individuals working on their own, and make them report to factories and enterprises and let them join in collective work.” Despite these instructions, however, the phenomenon appears to be here to stay.³⁸⁸

4. Freedom to Choose Jobs

Article 23 of the Universal Declaration of Human Rights provides, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Furthermore, Article 6 of the International Covenant on Economic, Social and Cultural Rights stipulates that “The states party to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which one freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Article 70 of the North Korean constitution provides, “People have a right to the choice of employment according to their desire and talent.” However, employment decisions do not respect individual choices but are made according to manpower needs as determined by the party and state institutions. Workers are assigned to their jobs according to the central economic plan and the demands of individual sectors, and individual talents or wishes are secondary considerations.

For example, medical students will graduate from medical colleges with a license but the government will assign them 70 percent of the time according to a government plan. In the process, individual wishes are reflected 30 percent of the time.³⁸⁹ One defector said he was able to get

³⁸⁸ Good Friends, “North Korean News Today,” No. 56 (Jan. 24, 2007).

a job in Onsung by bribing an official with 5,000 won upon graduation from a community college.³⁹⁰ Changing jobs is strictly controlled, but one can change jobs if released by the workplace where the job is located. In the meantime, however, one has to temporarily become a laborer. Transfer from one organization to another requires an approval number from the city of where the prospective new job is located. This number can only be obtained after obtaining and submitting various papers to the new city, including government dispatch orders, party affiliation, and other documents related to military service, residence, and rations.³⁹¹ In order to resign from a job, one has to obtain the approval of the manager and the party secretary. Usually the party secretary's approval is very difficult to obtain, and will require some sort of bribe.³⁹²

The Labor Section of the city/county people's committee will assign jobs for the middle graduates.³⁹³ The administration/economic committee of the city or province will be responsible for job assignments for the community college graduates, and the university under the direction of the Staff Section of the Central Party will assign jobs for college graduates. The discharged soldiers will get job assignments from his local city or county Administration/Economic Committee, while retired officers will get their job assignments from the Staff Section of the city or county branch of the KWP.

³⁸⁹ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

³⁹⁰ Testimony of defector XXX during an interview in Seoul on Sept. 20, 2004.

³⁹¹ Testimony of defector XXX during an interview in Seoul

³⁹² Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003. Defector XXX said that some people would be able to resign from work by providing cigarettes or TV sets to the County Labor Section. Testimony of defector XXX during an interview in Seoul on Jan. 29, 2003.

³⁹³ Since Sept. 1, 2002, North Korea changed its classification name for "senior middle school" to "middle school."

Routinely, the government investigates every student's family lineage before they graduate. Students with low-class lineage—those whose relative have spoken out against the ideological system, whose family member defected to the South or was a member of a South Korean security squad during the Korean War, or whose family previously owned land—are assigned to work that requires hard physical labor, such as work on a farm, in a village, or in a mine. Sons of party cadres and government officials (i.e., good lineage) are stationed at desirable work places regardless of their ability. However, according to the testimony of a defector in 2002, many middle school graduates are freely assigned to factories and enterprises as needed regardless of the level of their Party allegiance or personal background now that personal background information is almost completely on file.³⁹⁴

There is also testimony stating that the Party has the authority to assign jobs, but most assignments are made on the basis of personal favoritism or bribes. Frequently, college graduates are assigned to trade-related agencies engaged in dollar-making business regardless of their college majors. The assignments are based on personal relations and the amount of bribe. Due to this type of practice, perception is spreading among North Koreans that the North Korean economy is deteriorating due to bad job assignments based on personal favoritism and bribes.³⁹⁵

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 or work places on a group basis to factories, mines, or various construction facilities that the Party believes necessary. Recently, as North Koreans began to avoid hard labor, North Korean authorities

³⁹⁴ Testimony of defector XXX during an interview in Seoul on Dec. 20, 2002.

³⁹⁵ Testimony of defector XXX during an interview in Seoul on Feb. 3, 2003.

began to sponsor loyalty resolution rallies and to send handwritten letters from Kim Jong Il to discharged soldiers and graduates of high schools before group-assigning them to coal mines and construction sites. In September 2001, high school students and soldiers being discharged from the military were group assigned to the Pyongyang Textile Factory located deep inside the lumbering fields in Rangrim County, Jagangdo Province, and to the Ranam Coal Mine Machine Company Collective in Chungjin City, North Hamkyung Province, from where the “Ranam Torch Movement” originated. North Korean authorities awarded service medals and gave colorful send-off ceremonies, but the defectors testified that the authorities, independently of individual wishes, were in fact sending them off forcibly.³⁹⁶ A defector has testified that in 2002 about one thousand young discharged soldiers were “group assigned” to a collective farm in the Daeheungdan County.³⁹⁷

The group assignments are carried out upon the approval of KWP general secretary Kim Jong Il, so no one dares to refuse to comply. Since they are very strictly controlled, even the children of powerful and wealthy families cannot hope to avoid the assignment. If ever it were revealed that someone was missing from the 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.

Because rations are suspended if one does not report to work

³⁹⁶ *Yonhap News*, Dec. 13, 2001.

³⁹⁷ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

because of refusal to obey a group assignment, no one can refuse to report to work. Once assigned to a workstation, it is very difficult to change positions, regardless of one's aptitude for the job, because whoever leaves the workstation without permission will be excluded from all rations, including grain and daily necessities. The North Korean authorities are not allowing movement between workstations to prevent man-hour losses resulting from these manpower flows. Authorities continue to carry out the planned economy systematically through a tight grip on their manpower. This system permits the authorities to institutionally control the inhabitants through their work places and to maintain psychological subservience and loyalty to the Party.

However, despite the strict labor law regulations and the ration system, labor relocations are rather active in North Korea. As the economy worsens, the number of people who gain early retirement—through bribes or other means—to become peddlers will likely continue to increase.³⁹⁸ It is reported that most workers are more interested in going into personal business than maintaining their job at a workplace.³⁹⁹

If an individual wants to change jobs, he or she will have to provide bribes—such as cigarettes or a television set—to the guidance official at the city or county labor department or to the party secretary at his work place.⁴⁰⁰ If one wanted to engage in peddling or vending, an individual would pay an established monthly amount to the office and then be allowed to conduct business at the marketplaces. For example, in Chongjin, most factories and enterprises have been shut down since the

³⁹⁸ Testimony of defector XXX during an interview in Seoul on Jan. 12, 2004.

³⁹⁹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

⁴⁰⁰ Thirty to 40 percent of all workers who are transferred will move on to new jobs by bribing local Party officials. The most bribery-prone sections are the Organization Section, Staff Section, and Foreign Currency Section of the Party. Testimony of defector XX during an interview in Seoul on Feb. 4, 2003.

launch of the July 2002 Economic Management Improvement Measures, and the workers report to offices only to engage in work unrelated to what they officially earn a wage for, such as working in the construction of fish-farms or salt paddies. Since this type of work does not pay well, the families suffer from extreme difficulties. Because of this, work places usually look the other way and permit the workers to engage in peddling as long as they pay their monthly dues.⁴⁰¹

Another defector stated he moved around to a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South.⁴⁰² Since the food shortage, it is clear that in North Korea today, the system of job assignment by the central government is crumbling.

⁴⁰¹ Testimony of defector XXX during an interview in Seoul on Dec. 20, 2002.

⁴⁰² Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

IV. The Rights of Minorities

1. The Rights of Women

A. Equality of Man and Woman and Women’s Social Participation

Article 3 of human rights “Covenant B” provides that the signatories must guarantee that men and women will equally enjoy all the civil and political rights specified in the declaration. The declaration also emphasizes the importance of gender equality. Article 3 of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) stipulates that “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

Looking simply at current laws and systems, as well as the social participation of North Korean women, it is possible to think that North Korean women are enjoying equal civil and political rights with men, and their social status and roles have seen a significant improvement.⁴⁰³ In

⁴⁰³ Before the regime’s inception, North Korea enacted the “law concerning the equality of men and women,” and after the inception North Korea tried to guarantee women’s political and social roles by enacting various laws, including

February 2001, North Korea joined the UN Convention on the Elimination of All Forms of Discrimination Against Women and established a National Coordination Commission in September of the same year in an effort to implement the terms of CEDAW. In its first progress report submitted in September 2002, North Korea said that “We have tried to abolish discrimination against women throughout our history, and gender equality is fully reflected in our policy and legislation. We place more emphasis on women, going beyond assuring simple equality for them.”

In reality, however, the roles and social status of North Korean women have not seen as much improvement as the North Korean government asserts. Social discriminations against women based on the feudalistic and paternalistic traditions are still pervasive all over North Korea. In this connection, North Korea also admitted in its first progress report on CEDAW that “The implementation of the terms of CEDAW was possible because we already had various legislative and institutional framework in place, although there was room for improvement.”

The policies of women’s social participation and socialist reforms in household chores pursued during its founding years were motivated by the class theory and the need to mobilize the labor force for growth of the economy, rather than for the liberation of women. Since the 1970s, for political reasons and purposes of succession, North Korea has emphasized the importance of family, paternalism, and patriarchalism. As a result, there developed an unbridgeable gap between the ideal of women’s liberation and the reality that North Korean women experience.

the “constitution,” the “law on children rearing and education,” “socialist labor law,” and “family laws.” It also sought to encourage women’s social participation and improve their status by abolishing the family registry system, and pursuing institutional reforms such as the socialization of household chores and a national nursery system for children.

In connection with women's political participation, about 20 percent of the people's deputies at the Supreme People's Assembly have been women, and 20~30 percent at lower levels of people's assemblies have been women since the 1970s.⁴⁰⁴ This level of political participation by women is almost equal to that of countries in the West. The difference is that delegates in North Korea are not elected through free elections, but are instead arbitrarily assigned by the Party due to political considerations. Furthermore, assembly delegates serve only a symbolic purpose and the delegates do not perform important functions or supervisory roles in the affairs of state. The political power of North Korean women is not as strong as the number of delegates to the Supreme People's Assembly would suggest. In fact, only a very small number of women are appointed to cabinet positions that offer political and administrative powers and responsibilities. On average, women occupy only 4.5 percent of the more powerful Party's Central Committee positions. In addition, during the UNHRC review session of North Korea's second regular report (The second regular report on International Convention on Political and Civil Rights) of July 2001, a North Korean delegate clearly admitted that, in connection with the effort to improve women's social status, "The fact that only 10 percent of our central government officials is women is clearly unsatisfactory in terms of achieving gender equality." He then promised to consider improvement measures.⁴⁰⁵ In this connection, North Korea submitted in September 2002 its first progress report on the CEDAW convention.

⁴⁰⁴ In its initial report on the CEDAW Convention, North Korea has reported that in the 1998 general elections for the Supreme People's Assembly about 20.1 percent of all the deputies elected were women and that women accounted for 21.9 percent of all the province, city, and county deputies.

⁴⁰⁵ Lee Won-woong, "An Observer Report on the UN Human Rights Committee's Review Session on North Korea's Second Regular Report on Human Rights," at a seminar sponsored by the Citizens'Alliance for North Korean Human Rights in Seoul, Oct. 3, 2001.

In the report, North Korea said, “In order to enhance the social status of women, the government has increased the ratio of women staff in the public sector. For example, the ratio of female judges is 10 percent and diplomats 15 percent.” In this context, the UN Commission on the Elimination of All Forms of Discrimination Against Women has expressed concern over the relatively small number of women in the decision-making positions in political and judiciary sectors of the North Korean government. The commission has also pointed out that the ratio of women was quite low in the decision-making positions within the Foreign Ministry. The commission then recommended North Korea to 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 the economic field, however, women’s participation was encouraged in order 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 kind of 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 began to emerge 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. As such, 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 of 2001, the percentage of administrative staff in the health-children-nursery-commerce sector who were female was 70 percent.⁴⁰⁶ One hundred percent of nurses and 86 percent of school teachers were also women.⁴⁰⁷ Even though women constitute 50 percent of North Korea’s economically active population,⁴⁰⁸ the ratio of women is higher among workers and farmers, the two largest categories of manual labor. For example, some 75 percent of the employees are women at the Pyongyang Textile Factory, which is one of the largest and best-known textile factories in North Korea. Considering that over 65 percent of all office workers, in the government and elsewhere, are men, the exploitation of women’s labor in North Korea is extremely serious. In connection with this reality, the UN Commission on CEDAW in July 2005 reviewed North Korea’s first progress report and expressed serious concern over the traditional and stereotypical prejudices against women. The UN Commission expressed concern that such practices would have a derogatory impact on women in their daily lives, particularly the discrimination in jobs and education. Under the current economic crisis, the roles and diminutive benefits imposed on women would redouble the hardship on them and would represent a multidimensional discrimination against them.

The North Korean Democratic Women’s League (“Women’s League”) is an organization in which North Korean women between the

⁴⁰⁶ North Korea’s first progress report on the CEDAW convention.

⁴⁰⁷ These were the numbers given by the North Korean delegation to UNHRC during the review process of North Korea’s second report on the implementation of Human Rights Covenant A in Nov. 2003.

⁴⁰⁸ During the July 2001 UNHRC review of North Korea’s second regular report on human rights, North Korea reported that currently the ratio of women was as high as 48.4 percent of the total number of workers engaged in the people’s economy.

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 the state ideology in women. In July 2005, the UN Commission on CEDAW also expressed concerns 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.

B. Women's Status and Role at Home

The status of women in the home also reveals serious divergence from the socialist principle of equality between men and women as advertised by the regime. In the early days of the regime, North Korea declared that the then existing male-centered and authoritarian Confucian traditional family system was not only a hurdle to a socialist revolution but that it also oppressed women politically and economically. Therefore, it adopted as an important task at that stage of the 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. Even 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 the families. Moreover, as the sole leadership of Kim Il Sung and Kim Jong Il was solidified in the 1970s, pre-modern traditions began to be emphasized again in family life. Furthermore, the family law, promulgated in 1990, codified various elements of pre-modern, patriarchal family order, providing overall family support

North Korean authorities have always insisted that they guaranteed an environment for the equal social participation of women through such measures as the socialization of family chores and the rearing of children. Contrary to their claims, however, emphasis was placed on the traditional role of women in the family. Because North Korea still retains the deep-rooted traditional concept that family chores and the rearing of children are the natural responsibilities of women, and because women have to participate in society as equal workers with men, North Korean women shoulder a dual burden. In connection with women's role and mission in the family, North Korea mandates, "A woman is a housewife and a flower that enables a warm and healthy atmosphere to overflow in the family. It is the woman in the family who will take good care of old parents in their late years of life, and it is the wife who, as a revolutionary comrade, will actively assist and support her husband in his revolutionary projects. Women will also give birth to and raise sons and daughters, and women are the primary teachers who will prepare the children as trustworthy successors of the great revolutionary tasks."⁴⁰⁹

Worse still was the fact that as the economic situation deteriorated since 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."

⁴⁰⁹ Park Young-sook, "Revolutionizing Families and Women's Responsibilities," *The Korean Women Magazine*, No. 3 (Mar. 1999), p. 15.

Here, the clause “liberate women from the heavy family chores” has been deleted. This clearly indicates that the policies to “socialize” family chores and childrearing 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 of their homes, particularly in connection with securing food, has tremendously increased.

According to the results of questionnaires and personal interviews with defector women, the “voices” of North Korean women have become more influential in the family as their “economic capabilities” increased through peddling and vending. But most North Korean women are said to believe that supporting their husbands as masters of the family is the best way to keep family peace and therefore they do not resist the traditional pattern of male-dominant family life. They also generally accept without resistance the common belief that all family matters, including earning a livelihood, are the responsibility of women. In its first progress report on the CEDAW convention, North Korea said, “The traditional concept of division of labor between the sexes has disappeared. However, customary differences still persist; for example, calling husband the external master and wife the internal master, or heavy duties for man and minor chores for woman.”

Even though women for all practical purposes assumed the leading role throughout the food crisis as the role of husbands shrank, the traditional patriarchal attitude has remained in most North Korean families. The source of this enduring perception of family can be traced back to the pre-modern “superior man/inferior woman” idea. North Korea defines the traditional concept of men being superior to women as the remnants of a feudalistic Confucian idea that should be rooted out, or as the reactionary moral precepts of an exploitative society.

Unlike 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 constrains the life of women in North Korea. Article 18 of North Korea's family law clearly states, "Man and wife shall have the same rights in family life." In reality, however, the husband is the center of family life in North Korea. The husband, who is called the "household master," wields absolute authority in all family affairs, including matters concerning children.

C. Sexual Violence

Under the strong influences of patriarchal perception and the pre-modern "superior man/inferior women" idea, sexual violence is commonplace in North Korea, and women rarely raise complaints about this phenomenon. The misguided "man-centered" idea of sex is pervasive in North Korea, while at the same time women are expected to maintain sexual integrity. Sex education is absent in the schools. Since the food crisis in the 1990s, sexual violence against women has significantly increased in North Korea. Also increasing rapidly were cases of human trafficking and activity in the sex-slave business. During the review of its second regular report to the UNHRC in July 2001, a North Korean delegate flatly denied that trafficking of women occurred, emphatically stating that the sex business was absolutely banned in North Korea, and had not existed in North Korea in the past 50 years. He also stated that trafficking of women is an activity that is completely inconsistent with North Korea's laws and systems, then he added, "Even though we do not know what activities are taking place along the border areas." This comment would seem to indicate that North Korean authorities were aware of human trafficking activities along the borders.

Human trafficking of North Korean women takes various forms.

Forcible abduction, luring by the intermediaries, and volunteering for family support purposes. Many North Korean women who have been “trafficked” to China are known to suffer personal ordeals under a number of unbearable circumstances. Often they are forced to marry Chinese men and/or fall victim to sex violence. They suffer from unwanted pregnancies and gynecological diseases. They are forced to engage in prostitution and exploited for their labor. Women married to Chinese men are often beaten, mistreated by the husband’s family, and denied access to any money or resources. They live under constant threats of exposure of their illegal status and deportation, and the longing for their family back home aggravates their personal grief.⁴¹⁰

Human Rights Watch reported both in 2005 and 2006 that many humanitarian organizations in China have raised a number of complaints regarding the issue of human trafficking of North Korean women in China. Even today, many North Korean women, married or single, are reportedly volunteering to “be sold” to China simply to support their families.⁴¹¹

In the past, sexual assault of North Korean women occurred at work places where the supervisor or party official would induce the woman with promises of promotion or party membership. Usually in exchange for sex, a party official would promise membership to the party, or a supervisor at work would promise reassignment to a better position. People said that in most cases where a single woman became a party member, sex was involved.⁴¹² On military bases, male officers would often sexually assault enlisted women.⁴¹³ If a woman was arrested by an agent on the street for some minor violation, and did not have

⁴¹⁰ Kim Tae-hyon and Noh Chi-young, *The Life of North Korean Women Defectors in China* (Seoul: Hawoo Pub., 2003).

⁴¹¹ Good Friends, “North Korean News Today,” No. 46 (Nov. 15, 2006).

⁴¹² Testimony of defector XXX during an interview in Seoul on Jan. 7, 2004.

⁴¹³ Testimony of defector XXX during an interview in Seoul on Apr. 16, 2004.

money to pay the fine, she would be taken to the agent's place and sexually assaulted.⁴¹⁴ In North Korean society, however, sexual harassment of women usually is not an issue because most North Koreans are not conscious of the problem. Generally, women are treated as inferior to men, so women have little recourse even if sexually harassed or assaulted. If a sexual assault of a woman were revealed in a workplace, it would likely be the woman that would be humiliated and mistreated rather than the man who had assaulted her. Often the victimized woman would rather keep quiet and cover it up.

However, if the fact of sexual violence is publicly reported, the Security Agency will get involved and handle the case according to the law.⁴¹⁵ Article 153 of the revised North Korean Penal Code mandates a heavy penalty for raping women and for molesting girls under the age of 15. Article 154 also mandates a criminal penalty on any man demanding sexual favors from a woman employee.

Sexual assault of women became more widespread after women took over the burden of family support during the food crisis and economic hardship. Unlike in the past, sexual assaults related to the granting of party membership or promotions have declined, while "chance assault" cases have increased. For example, security agents at the market, safety conductors on the train, and soldiers demand sex when a woman has committed some minor violation. More disturbing is the routine sexual assault of women who have crossed the border to China and are then forcibly deported back to North Korea. Many women crossed the border to China during the food crisis. When they were caught and deported to North Korea, they would routinely be detained and tortured or mistreated. Male inspectors would search naked women for money, concealed letters or other items. In extreme cases, they even

⁴¹⁴ Testimony of defector XXX during an interview in Seoul on Nov. 16, 2002.

⁴¹⁵ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

examined wombs, or applied electrocution techniques on specific body parts of naked women.⁴¹⁶ In this connection, the UN CEDAW committee has reviewed North Korea's first progress report in July 2005, and recommend North Korea "to extend support for the protection of human rights of those women, who have returned home after defection for economic reasons, so that they may be able to reunite with their family and the society."

Family violence is another serious category of sexual assault of North Korean women, specifically, the wife-beating habits of North Korean husbands. Normally, family violence is not regarded as a problem in North Korea. When the Women's League intervenes in a family violence case, rather than resolving it according to legal procedures, and although they may occasionally criticize the man, they most often conclude it is a family matter.⁴¹⁷ According to women defectors in South Korea, the husbands' habit of drinking and wife-battering became more frequent in many families as more women set out to earn bread for the family through peddling in the markets. In many cases the wives who could no longer stand the battering would decide to 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 Commission 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

⁴¹⁶ Good Friends Foundation, *North Korea's Food Shortage and Human Rights* (Seoul: Good Friends Foundation, 2004), pp. 102~105. Also, testimony of defector XXX during an interview in Seoul on Jan. 21, 2005.

⁴¹⁷ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

violence, as well as their frequency (ratio), causes and results, and include them in North Korea's next regular report." The Commission has also recommended North Korea (1) to legislate detailed laws against family violence, (2) to penalize acts of violence on women and young girls as serious crimes, (3) to provide effective protection and immediate relief for the female victims of violence, and (4) to indict and punish the assailants against women.

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.⁴¹⁸ Pregnancies occurring under conditions of severe malnutrition are resulting in abortions, stillborn babies, and premature or underweight babies, as well as causing harm to the mothers. Furthermore, due to the 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. The sexual prejudice on women has been undergoing change since the 1980s with the influx of foreign culture. Accordingly, prostitution as a means of survival was on the increase, and pregnancies owing to premarital sex, extramarital sex and prostitution have also been increasing. Women who became pregnant for these reasons will try to avoid punishment or embarrassment by abortion, hence increases in illegal abortion. Since the food crisis, the infant mortality rate, as well as

⁴¹⁸ According to North Korean women defectors, since the food crisis many North Korean women have been experiencing irregular menstrual periods or none at all.

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 for abortion procedures at hospitals. 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 from severe post-procedure pain but also seriously harm their health. In many cases, they become permanently sterile.

The health problems of North Korean women stemming from years of starvation are not confined to malnutrition, pregnancies, childbirth and childrearing. During the food crisis, most North Korean women had to initiate vending, peddling, and trading to support their families. But they operated under constant threat and fear of being pilfered, pickpocketed, 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 to provide food for the family was almost unbearable. Perhaps for these reasons, the number of North Korean women suffering from various illnesses, such as cervical cancer, breast cancer and diabetes, has significantly increased. Many women are suffering 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 treating themselves at home with the Chinese medicine they purchase at the market.⁴¹⁹

⁴¹⁹ Testimony of defectors XXX and XXX during interviews in Seoul on Apr. 16, 2004.

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 Child⁴²⁰ (hereinafter, the Child Convention) in its preamble also emphasizes, “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,” and that “the child should be fully prepared to live an individual life in society and brought up in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.” Article 24 of the International Covenant on Civil and Political Rights also stipulates, “Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”

Article 12 of North Korea’s Childrearing Guideline Law reads, “The State and social cooperative organizations shall guarantee all necessary measures for childrearing under the principle of ‘best things for the children.’” Article 6 of its Family Law stipulates that “Protection of special interests of children and mothers is a consistent policy of DPRK. The State shall pay primary concerns on guaranteeing conditions in which mothers can rear and raise children in a healthy manner.”

North Korea joined the Child Convention in September of 1990, and submitted a ten-year “National Action Plan” for the survival, protection, and development of the child to the World Summit Conference held that same year. It also established the National

⁴²⁰ 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.”

Committee for the Rights of the Child (NCRC) in April 1999 to carry out the terms of the Child Convention, and it adopted the second National Action Plan for 2001~2010. North Korea submitted its first Rights of the Child Performance Report in February 1996 and its second report covering the period of 1995~2000 in May 2000, describing its efforts to fulfill the terms of the Child Convention. On June 1, 2004 the UN Committee for the Rights of the Child reviewed the North Korean report.

In its performance report, North Korea stated it had experienced numerous difficulties owing to a series of natural disasters and the extended economic sanctions. It further stated that the 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). North Korea insisted in the report that all children are provided with food at very little cost and with free medical treatment. It further declared that even though the North Korean children were facing difficult challenges and lacked many things, they were full of optimism and self-confidence. In its second performance report on “Human Rights Covenant A” submitted in April 2002, North Korea enumerated various measures it had taken to raise the growing new generation as wise, ethically proper, and physically healthy human beings under the principle of “best things for the children.” Included among the measures was the 11-year compulsory and free education for all children under articles 45 and 47 of its constitution. All pre-school children would be sent to nurseries and kindergartens at the government’s expense, and mothers and children would receive special protection under Articles 56

and 77 of the constitution, respectively. In addition, North Korea listed various children protective measures contained in a series of laws, including the Childrearing Guidelines, Education Law, Medical Law, Family Law and Civil Law. Despite these legal and institutional arrangements, it has been widely reported that North Korean children's living conditions have become very poor and their quality of life has deteriorated since the mid-1990s due to the food crisis and economic hardship.

A. The Right to Food and Health

Even the basic right to have food is not guaranteed for a majority of children and their lives are exposed to constant risks. Due to hunger and disintegrating families, many children have been thrown into the streets, becoming "*gotchebbi*" (or "flower swallows," a euphemism for North Korean children who live on the streets and snatch food). For these children without homes, winter is particularly harsh and dangerous. Many *gotchebbi* will try to survive the winter by running errands or singing for passengers on board trains.⁴²¹

The 2002 UNICEF/WFP survey showed some improvement in conditions since the 1998 survey, but still some 20.15 percent of 6,000 North Korean children surveyed were under weight, 39.22 percent were suffering from chronic malnutrition, and 8.12 percent from acute malnutrition. In a 2004 survey on 4,800 samples below the age of six, some 23 percent were suffering from under-weight, 37 percent from chronic malnutrition, and 7 percent from acute malnutrition. The survey pointed out that the deteriorating nutritional levels would have serious deleterious impact on the children's physical, mental, moral, intellectual, and social development. Furthermore, the nurseries,

⁴²¹ Good Friends, "North Korean News Today," No. 49 (Dec. 6, 2006).

kindergartens, schools and other educational and child protective facilities were not able to fulfill their proper functions. This situation clearly illustrates that North Korea has been unable to fulfill the terms spelled out in the Child Convention, specifically Article 6, section 2, which mandates that “States Parties shall ensure to the maximum extent possible the survival and development of the child.” North Korea has also failed to meet the terms of Article 27, which specifies, “All States Parties recognize that all children are entitled to enjoy the standard of living adequate for the physical, mental, intellectual, ethical and social development.”

Article 24 of the Child Convention illustrates various measures to be taken for the fulfillment of health rights of the child. 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 performance report, North Korea stated there were no cases of infringement of the rights of the child 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 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. 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 a 1999 survey, the death rate of children under the age of 10 was 25.7 percent.⁴²²

The North Korean performance report admitted that due to the repeated natural disasters and the consequent lack of food and medicine, the death rate for children had increased compared to the early 1990s. However, the report stated, as a result of active efforts to overcome the scars of natural disasters, the rate has been lowered in recent years. Nonetheless, it was not difficult to find firsthand accounts from the testimonies of defectors that many children had died or had been abandoned at rail station plazas or in waiting room lobbies during the period of the “Arduous March”—the famine years of 1995–98.⁴²³ The U.S. Human Rights Watch (HRW) in its 2005 report also stated that many North Koreans, especially young children, were suffering from diseases that could easily be treated and cured with proper medicine. In

⁴²² Good Friends Association, “A Joint International Activity Report for the Improvement of Human Rights in North Korea, 2003–2004” (Seoul: Good Friends, 2004), p. 261.

⁴²³ Kang Jung-ku and Pommyun, “In Search of Hope for the Nation, 1999” (Seoul: Jung-to Pub. 1999); Good Friends Association, *The North Korean Food Crisis and Human Rights* (Seoul: Good Friends, 2004); Good Friends Association, ed., “We Want to Live like Human-brings: Testimonies of 1,855 North Korean Defectors” (Seoul: Jungto Pub., Co, 1999). Idem. “People Who Crossed the Tuman River: Surveys on North Korean ‘food refugees’ in 2,479 villages in Northeastern Region of China” (Seoul: Jungto Pub. Co., 1999); Idem, “Stories of North Korea as told by North Koreans” (Seoul: Jungto Pub. Co., 2000); Kwon Hyuk, “The Hardship March” (Seoul: Jungto Pub. Co., 1999).

April 2004, a massive explosion occurred at the Yongchon Rail Station. The Yongchon Elementary School was located near the rail station. Some 76 of the 161 dead were school children, and 60 percent of the seriously wounded were also children.⁴²⁴ Recently, measles and high fever have swept across the northern regions, including Heisan, Yangkang Province, and Musan, Hoeryong, and Chongjin of North Hamkyung Province. One in three infected children was dying, and the death rate of infants was particularly high.⁴²⁵

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 has also revealed that one third of the sample mothers were suffering from malnutrition and anemia.

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 performance report that it was taking various measures to provide family environments for children who lost parents and it was paying great attention to childrearing at both the family and society levels. North Korea has

⁴²⁴ The Children’s Medicine Assistance Center, “Report on North Korean Children’s Health, 2004” (Seoul: Children’s Medicine Assistance Center, 2004), p. 87.

⁴²⁵ Good Friends, “North Korean News Today,” No. 57 (Jan. 31, 2007).

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 accordance with Articles 16 and 17 of “Human Rights Covenant A,” North Korea submitted its second report in 2002. In the report, North Korea stated it was providing special protection to children who had lost their family or were in a poor environment. Children without a means of livelihood had the right to receive material assistance under Article 72 of the DPRK Constitution, the report affirmed. Article 18 of the Childrearing Guideline Law stipulated that children not under state or family protection would be taken care of by the nurseries and orphanages.

But according to defectors, during the food crisis many parents abandoned their children due to divorce or the death of one parent, thereby putting a heavier burden on the surviving parent. Parents also abandoned or left their children behind when they attempted to cross the border into China in search of food. Children were an added security risk as well as a daily burden when fleeing the country. In short, when life in North Korea was no longer possible, the only way to survive was to risk defection to China. But a crying baby posed a great risk along the border, and meant another mouth to feed even after one had successfully fled to China.⁴²⁶ In some cases, parents left their children with neighbors or relatives. Most of these cases happened in China rather than in North Korea. Parents who felt the heavy burden of raising their children and who were concerned for their children’s future would give them away to a Chinese or Korean family that wanted to have children.

Children who were abandoned or whose parents had died or who

⁴²⁶ Good Friends Association, ed., *People Who Crossed the Tuman River: Surveys on North Korean ‘Food Refugees’ in 2,479 Villages in Northeastern Region of China* (Seoul: Jungto Pub. Co., 1999).

had ventured out on their own out of extreme hunger floated around streets and markets as *gotchebbi* and engaged in begging or stealing. North Korean authorities established and operated so-called “9·27 facilities” to house and protect *gotchebbi*. The effort, however, is known to have failed as authorities soon found out that they could not feed the children so housed. The so-called “9·27 facilities” refer to a Central Party decision on September 27, 1997 to collect the children of the streets and others who had lost their support sources, and put them in empty rooms at nurseries, kindergartens, local inns, and apartment units for management and supervision.⁴²⁷

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 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. But it is widely known that numerous North Korean children under the age of 18 were leading lives as *gotchebbi*, begging and sleeping in the streets under constant the fear of arrest and forcible deportation to North Korea. Most of them were suffering from severe malnutrition and various illnesses such as skin rashes. They would constantly be subjected to humiliation, beatings, and verbal abuse. Some would get involved in violence, larceny, and human trafficking.

In their report, North Korea stated that 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. 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,

⁴²⁷ Good Friends, *North Korean Food Crisis and Human Rights*, p. 83.

and since the late 1990s it has been reported that teenage girls have been trafficked. For example, an interview survey of 202 North Korean women defectors in Yanbian, China (July–October 1999) revealed that some 33.2 percent of the respondents said that the reason they were living with their current husbands was because they were “caught and sold after defection from North Korea.”⁴²⁸ One North Korean woman defector testified that her relative, a 16-year-old girl, was sold to a Chinese man in a deal between North Korean and Chinese intermediaries.⁴²⁹ Since the food crisis, “prostitution for living” has become widespread among North Korean women, regardless of their marital status. In many cases, under-aged girls are involved in the sex business.⁴³⁰

C. The Right to Nationality and Justice

With regard to the judicial rights of the child under Article 37 of the Child Convention, the North Korean report insisted that in North Korea children, in principle, are not to be arrested, detained, or imprisoned. If necessary, and only as a last resort are they held in their own houses after school or in special areas under Article 104 of the penal code, and such “supervisory” practices do not exceed one month. The North Korean report also insisted that North Korean laws have been revised to comply with international agreements, especially the standards spelled out in the Child Convention. For example, the age for assessing the death penalty for young people has been raised from 17 to 18, and during the reporting period North Korea did not experience a single incident in which a child was tortured or otherwise mistreated or punished in a cruel or inhuman manner. However, the young people

⁴²⁸ Moon Sook-jae, et.al., “Motives of Defection and the Lives of North Korean Women,” *The Journal of Korea Family Study Association*, Vol. 38, No. 5 (2000), p. 147.

⁴²⁹ Testimony of defector XXX during an interview in Seoul on Apr. 16, 2004.

⁴³⁰ Kwon Hyuk, *The Hardship March* (Seoul: Jungto Pub. Co., 1999) p. 149.

who returned to China after experiencing deportation to North Korea and life in the detention camps testified that they were shouted at, beaten, and tortured upon their return to North Korea. Once in the detention camp they suffered from beating and hunger in addition to the hard labor of felling and dragging lumber taller than their own height.

In 2004, two members of the UN Committee on the Rights of the Child visited North Korea for the first time. During their visit, they vigorously pointed out various problems concerning the economic exploitation of children, human trafficking, violation of the judicial rights of the child involving torture, and the mistreatment of children returning from China.

Regarding Article 7 of the Child Convention on the nationality of the child, North Korea stated that children would never be left without a nationality. If either one of a child's parents were Korean, the child would be given North Korean nationality. But the fact is that children of North Korean women defectors in China could not be officially registered because the mothers were illegal aliens. Even North Korean women who are married to Chinese or Korean men are not entitled to protection because their marriages are not legal; rather they are considered arranged live-in cases based on human trafficking, or "common law" marriages through informal intermediaries. The result is that their children become stateless. The children are not guaranteed the right to any nationality or educational opportunity even when they reach school age.

D. The Right to Education

Article 29 of the Convention on the Rights of the Child stipulates, "Education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their

fullest potential.” However, the most important objective of education at North Korean schools is to teach political ideology, and imparting of knowledge, universal values, or good personality is generally neglected. This stipulation is contained in North Korea’s education laws and the fundamental principles of Socialist education, which the schools are trying to fulfill. In fact, the elementary and middle school curricula have placed relatively heavy emphasis on the education of Communist ideology and deification of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. For four years of elementary school, North Korean children have to study the “younger years” of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. During the six years of middle school, they will study the “revolutionary activities” and “revolutionary history” of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. During their vacation, the students will have 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—the 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 the fullest potential is also seriously hampered. In addition, uniformity and regimentation would characterize their educational activities, and ideology education is forced on the students. All of these would mean that the North Korean young people are not guaranteed the right to study the subjects of their own choice.

Article 32 of the Rights of the Child Convention stipulates that “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” North Korea’s Socialist Constitution (in Article 31) and Socialist Labor Law (in Article 15) also stipulate the age of 16 as the legal working age and prohibit child labor under that age. In reality, however, North Korean young people are mobilized for work at farm villages or Socialist construction sites in accordance with a national plan and in the name of revolutionary training or implementation struggle. In order to put into practice the principle of combining education with experience and under the pretext of practicing the spirit of love for work, the young people are mobilized for “mandatory labor” and utilized to the fullest extent. According to a defector, who used to teach at a middle school, North Korean middle school students are mobilized for work for four weeks in the spring. High school students are mobilized for work for eight weeks (four in the spring and four in the fall). They will work on the farms or at construction sites. Their workload is so heavy that it often interferes with their education.⁴³¹

One of the serious problems the international community has singled out 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 get “shooting” training on the firing range for two to three days.⁴³² Because of this practice, the Committee on the Rights of the Child in its second recommendation expressed “serious concern over the students’

⁴³¹ Testimony of defector XXX during an interview in Seoul on Jul. 14, 2005.

⁴³² Testimony of defector XXX during an interview in Seoul on Aug. 11, 2005.

participation in the military camp during the summer vacation, including the weapons assembly training.” (Section 56)

Article 28, Section 1 of the Rights of the Child Convention stipulates, “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity. . . [They shall] make higher education accessible to all on the basis of capacity by every appropriate means.” In terms of equal opportunity for education, Article 48 of North Korea’s Education Law stipulates, “Individual capacity shall be the basis of determining gifted and talented students and higher education opportunities.” North Korean young people are institutionally and equally guaranteed “11 years of free, compulsory public education.” From March 1980, North Korea has 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) will never be admitted regardless of their family background or Party membership.⁴³³ College applicants, who are relatives of Kim Il Sung or children of “anti-Japan fighters” (Group 11), will be admitted to the college of their choice. Those, who were selected in their fourth and fifth grade of middle school for government service through the Central Party screening—for example, ‘honorary guards’ (inspection, reception; Group 6),⁴³⁴ or ‘palace guards’

⁴³³ Testimony of defector XXX during an interview in Seoul on May 12, 2005.

⁴³⁴ They are selected from among the graduates of girls’ middle school based on

for Kim Jong Il—are assigned to appropriate colleges according to the national demand.⁴³⁵

Since the 1990s, however, family background or Party membership have become less important for college admissions than the individual's academic achievements, the parents power positions, and financial capabilities. In particular, natural science colleges will place priorities on individual academic levels. Students with less impressive family background will be able to advance to the natural science colleges if their academic records are impressive. Since the economic hardship, children of families with lots of foreign currency would often get college admissions via bribery. "Since the period of hardship march, money became more important than the family background," and "college education would be unthinkable without money."⁴³⁶

In its first progress report on CEDAW submitted in September 2002, North Korea said the ratio of female students at grade schools and colleges stood at 48.7 percent and 34.4 percent, respectively. These numbers seem to indicate that opportunities for higher education are offered differently by gender. In this connection, the UN Committee on the Rights of the Child has recommended North Korea in Section 55b, "To provide female students with as equal opportunity to get higher education as male students."

From September 1975, North Korea has been offering 11 years of free, compulsory education in accordance with the law. According to the

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.

⁴³⁵ Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.

⁴³⁶ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

defectors, North Korea had implemented the compulsory, free education rather smoothly up until the economic hardship. From the 1990s, however, the school supplies—which the government used to provide every semester—would be provided once every 3~5 years; after the economic hardship worsened, the supplies were cut off entirely.

According to a defector⁴³⁷ who went to elementary and middle schools during the economic hardship and food shortage (1987~1997), students did not have to pay tuition, but they had to purchase everything else, including textbooks, school supplies, and uniforms. Students had to pay about a half of the cost of school uniform, and they would get textbooks and notebooks from the school in exchange for scraps of paper they brought to school for recycling. The number of textbooks provided by the government was so absolutely limited that students had a hard time sharing among them.⁴³⁸ For example, students had to take 17 subjects, but textbooks for only 3 subjects would be available to the students, thus they had to copy the textbooks by hand, or borrow from their friends in other classrooms.⁴³⁹ Not only were the textbooks in short supply, the paper quality of the textbooks was so bad that students had a hard time reading them. However, the special schools in Pyongyang were 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.⁴⁴⁰

Meanwhile, as the government's budget for schools began to dwindle from 2002, parents had to pay for about 70 percent of educational expenses. Parents had to pay not only for pencils, papers, and other school supplies, but also for the construction of school

⁴³⁷ Testimony of defector XXX during an interview in Seoul on Jul. 28, 2005.

⁴³⁸ Testimony of defector XXX during an interview in Seoul on Jul. 14, 2005.

⁴³⁹ Testimony of defector XXX during an interview in Seoul on Sept. 22, 2004.

⁴⁴⁰ Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.

buildings, their management, and even firewood for classrooms in the winter.⁴⁴¹ Recently, the Yombun School in Kyungsoong County, North Hamkyung Province, decided not to charge school expenses on parents. The decision was due to the fact that the poor parents in this fishing village could not afford to send their children to school because of the extra expenses they had to pay.⁴⁴² North Korean elementary school children will need about 20,000 won to purchase shoes, school uniform and a cap; middle school students will need 30,000 won; and college students will need 40,000 won. College women will need to spend about 70,000~80,000 won for the same purpose, plus their dresses.⁴⁴³ Almost 90 percent of students in a fifth grade class in Hoeryong City did not bring their books to school because textbooks were not properly issued to them, plus they could not afford to purchase other school supplies, like pencils and notebooks.⁴⁴⁴

As economic conditions deteriorated, many North Korean young people had to suffer from the inferior educational environment and the poor quality of education. This was clear from the student attendance records. For example, in 1996~1997 only seven boys and ten girls were in attendance in a class of 45 students at XX Middle School, XX District of Onsong County, North Hamkyung Province.⁴⁴⁵ In addition, teachers were also suffering from the deteriorating economic conditions. From 1994, many schools in the Ranam region could not open due to the absence of teachers. In 1996, some 40 middle school students out of a class of 50 did not come to school.⁴⁴⁶ An article carried in the May 2001

⁴⁴¹ The North Korea Research Center, Dongkuk University, *A Survey on the Reality of North Korean Human Rights through the Defector Testimonies* (Seoul: North Korea Research Center, Dongkuk University, 2005), p.111.

⁴⁴² Good Friends, "North Korean News Today," No. 53 (Jan. 3, 2007).

⁴⁴³ Good Friends, "North Korean News Today," No. 49 (Dec. 6, 2006).

⁴⁴⁴ Good Friends, "North Korean News Today," No. 18 (Apr. 28, 2006).

⁴⁴⁵ Testimony of defector XXX during an interview in Seoul on Aug. 9, 2005.

issue of North Korea's "Teachers Newspaper" reported on this issue. Even though it was reported that schools in Pyongyang were operating normally, this article reported that there was a serious truancy situation in a middle school in Pyongyang.⁴⁴⁷

According to the defectors, many students could not concentrate on studies since 1994 due to the ever-present hunger, and even teachers would let the students study on their own, while they rested or dozed.⁴⁴⁸ In some cases, two or three classes would be combined into one, so one teacher could supervise the class.⁴⁴⁹ However, the situation would vary from region to region. For example, food shortage was serious in North Hamkyung Province, yet government officials received almost normal levels of grain rations. Thus, the attendance rate was high in the school districts where many government officials lived. In the case of an elementary school located in XX District, Chongjin City, North Hamkyung Province, only one or two students were absent in 1996 out of a class of 40 students. One middle school recorded 100 percent attendance, and no student died of starvation.⁴⁵⁰ The special schools in Pyongyang were operating normally even during the economic hardship, and there was no student truancy problem. In its second progress report (in 2002) on the implementation of human rights Covenant-A (economic, social, and cultural rights), North Korea said, "In April 2000 the Education Ministry announced Implementation Regulations of the Education Law. In accordance with Article 14 of the regulations, general education schools have extended the eligible age for free, compulsory education to 19 for those who were unable to finish

⁴⁴⁶ Testimony of defector XXX during an interview in Seoul on Aug. 11, 2005.

⁴⁴⁷ *The Teachers' Newspaper*, May 3, 2005.

⁴⁴⁸ Testimony of defector XXX during an interview in Seoul on Jul. 28, 2005.

⁴⁴⁹ Testimony of defector XXX during an interview in Seoul on Oct. 11, 2005.

⁴⁵⁰ Testimony of defector XXX during an interview in Seoul on Aug. 11, 2005.

education due to illness or other legitimate reasons upon submission of proper papers like medical diagnosis or certificate issued by a legitimate agency.”⁴⁵¹ This special measure is another indication that North Korean schools have experienced poor student attendance due to the food shortage and economic hardship. With regard to the sharp drop in students’ attendance, the UN Committee on the Rights of the Child expressed “concern over the seasonally low attendance record of 60~80 percent and the long-term absentees due to the extended economic difficulties” (Section 54a). The committee also recommended North Korea to “take necessary measures to reduce and prevent student absenteeism and provide classroom heating in the winter season”(Section 55a). According to a related report,⁴⁵² in Juwon Middle School (located in the Workers’ District, Juwon, Onsung County, North Hamkyung Province) only seven to eight students were present in June 2005 in a class of 30 students, while another class of 27 students had only one or two present. The attendance record of middle school first-graders was generally good. However, the number of absentees would increase as the grades went up. The reason for this was that the poor families would want to utilize their manpower when their children reached certain age. Instead of going to school, students could work at patch-land farms or for small wages. In any case, they could be of help either at home or doing income-generating work of some kind.

North Korean schools are known to have poor educational facilities and educational aid materials. As the economy began to experience a sharp downturn since the 1980s, the supply of educational aid materials began to slow down. Since the onset of economic hardship in the 1990s, the supply had completely stopped and repair orders were

⁴⁵¹ DPRK, *The Second Progress Report on the Implementation of International Covenant on Economic, Social, and Cultural Rights*, Apr. 9, 2002.

⁴⁵² Good Friends, *North Korea Today, North Korea Tomorrow*, pp. 120~121.

not properly carried out. Even North Korean authorities have admitted this situation. In its second progress report on human rights Covenant-A in 2002, North Korea said it has experienced difficulties in realizing the right to education since natural disasters struck North Korea. The report said the 1995 floods destroyed 2,290 schools and 4,120 kindergartens. In addition, lots of educational tools and facilities have been washed away. Also destroyed were paper mills and education-related production facilities. As a result, North Korea was experiencing enormous difficulties in the field of education, the report said.⁴⁵³

⁴⁵³ DPRK, *The Second Progress Report*, op. cit. above, (DPRK: The Second Progress Report on International Covenant on Economic, Social, and Cultural Rights, April 9, 2002).

V. Other Human Rights Violations

1. South Koreans Abducted and Detained in North Korea

A. South Koreans Abducted during the Korean War

The exact number of South Koreans abducted to North Korea during the Korean War is not known at this time. There are considerable differences in the numbers cited in various published documents and statistics. For example, the Statistics Bureau of South Korea's Ministry of Public Information listed the number of abducted Seoul citizens to be 2,438.⁴⁵⁴ The Family Association for the Korean War Abducted Persons had published a list in 1951, containing the names of 2,316 abducted persons.⁴⁵⁵ In 1952 the South Korean government published a list of names of 82,959 abducted persons during the war,⁴⁵⁶ but the 1953 Statistical Almanac listed 84,532 names. The Police Headquarters of the

⁴⁵⁴ This list contains three categories of names: killed, abducted, and missing, and describes personal identifications, including name, sex, age, job, company and position, date and place of abduction, types of abduction, personal history and address at the time.

⁴⁵⁵ This list was compiled by the family association during the war in 1951. Most of the victims were from Seoul, and the list contains personal information, including name, job, age, address, and date of abduction.

⁴⁵⁶ This five-volume data compiled by region contain names, sex, age, occupation, company and position, date and place of abduction, and address.

Ministry of Internal Affairs had a list of 17,940 abducted persons,⁴⁵⁷ and the Korean Red Cross had 7,034 names listed in its 1956 report.⁴⁵⁸ Many names appear on different lists, indicating that they were clearly abducted to the North during the war.

<Table V-1> Number of Abducted Persons during the Korean War

Category	Source	Number abducted
Abducted Seoul citizens	Korean Statistics Almanac (1950), Statistics Bureau, Ministry of Public Information	2,438
South Koreans abducted during the Korean War	Korean Statistics Almanac (1952), Statistics Bureau, Ministry of Public Information	82,959
South Koreans abducted during the Korean War	Korean Statistics Almanac (1953), Statistics Bureau, Ministry of Public Information	84,532
South Koreans abducted during the Korean War	Police Headquarters, Ministry of Internal Affairs (1954)	17,940
List of dispersed persons as registered by the family	South Korean Red Cross (1956)	7,034

According to the Korean War Abductee’s Family Union,⁴⁵⁹ Kim Il Sung had written in 1946 an article entitled “About Fetching

⁴⁵⁷ This is a two-volume list compiled by the Police Headquarters, Ministry of Internal Affairs. It contains names, sex, age, occupation, date and place of abduction, the circumstances at the time of abduction, and address at the time. The “family association” surmised that the reason the number of abducted persons was much smaller on this list was because the names of young people who had been drafted as “volunteers” in the People’s Army have been removed. In view of the fact that the names that did not appear in the 1952 list re-appeared on this list, the number of abducted persons would be much greater than the 82,959 names appearing in the 1952 list, said the association.

⁴⁵⁸ This “registration” list contains very valuable primary evidence, because it is the only such list containing the descriptions of circumstances at the time of abduction.

⁴⁵⁹ See website at <http://www.korwarabductees.org>.

Intellectuals from South Korea.” In line with this instruction and to solve the manpower shortage, North Korea had abducted a large number of South Koreans (88.2 percent of all abducted persons) during the first three months of the war (July, August, and September of 1950).⁴⁶⁰ By region, Seoul and the Greater Seoul Metropolitan Area had the highest ratio of abducted persons (42.3 percent), followed by Kyunggi and Chungchong Provinces. Kangwon Province showed the highest ratio of abducted persons even though it had a relatively smaller population, perhaps due to the mountainous regional characteristics, which made it difficult for anyone to flee.

Most of the abductions were carried out by North Korean soldiers who showed up at the homes of individuals with specific names and identification in hand. Some 80.3 percent were taken away from homes (72.1 percent) or near their homes (8.2 percent). This is an indication that the abductions were carried out intentionally and in an organized manner. Most of the abducted persons⁴⁶¹ 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 also confirmed these abductions. The documents said some of the abducted persons were turned over to China.⁴⁶²

⁴⁶⁰ Kim Myong-ho, “A Study on the Evidence-based Analysis of the Reality of Korean War Abducted Persons,” *A Collection of Materials on the Korean War Abducted Persons* (Seoul: The Korean War Abducted Persons Data Center, 2006), pp. 1114-49.

⁴⁶¹ As for the profile of Korean War Abducted Persons, see *Monthly Chosun, The 82,959 Korean War Abducted Persons* (Seoul: Monthly Chosun, 2003).

⁴⁶² According to an intelligence report on “How North Koreans handled POWs in

No one abducted during the Korean War has been officially confirmed to have returned to South Korea. This is quite unusual given the large number of abducted persons during the war. One reason could be that they were forced to adjust to the North Korean system under the 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 tell their past to their North Korean family members.

On September 1, 1951, the Family Association for the Korean War Abducted Persons (or “Family Association”) was organized. The Family Association had compiled a list of abducted persons and submitted the list to the then Speaker of the House, Shin Ik-hee. In accordance with the terms of Korean Armistice Agreement, there was an exchange of dispersed persons on March 1, 1954, but North Korea decided to return the 19 foreigners without returning any South Korean abducted persons. The Family Association subsequently appealed for their return 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 had conducted from June 15 to August 15, 1956. The Korean Red Cross submitted its list to the International Red Cross, requesting it to start negotiations with the North Korean Red Cross. The North Korean Red Cross indeed proposed a meeting with its South Korean counterpart on February 26, 1957, but no meeting was arranged. Then, the North Korean Red Cross responded on November 7 with a letter entitled “A

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. See *Yonhap News*, Apr. 13, 2007.

Reply based on a Survey of Dispersed Citizens,” containing names of 337 abducted persons, along with their addresses and jobs. On December 3, the North Korean Red Cross sent a request to its South Korean counterpart through the International Red Cross, asking to know the status of 14,132 North Koreans who came to the South during the war. Meanwhile, the Family Association paid three visits to the Armistice Committee, which was compiling a list of abducted persons, and submitted its regular reports. (However, the Family Association ceased its activities on June 30, 1960.)

The issue of abducted persons during the Korean War could not be properly discussed during the era of the Cold War and given the South-North systemic confrontation, partly because the problem had occurred during the chaotic wartime and partly because it was difficult to know precisely whether the persons in question were abducted or voluntarily fled to the North. The “missing persons issue” had only complicated the life of the remaining family members and contributed to their mental anguish.

On November 30, 2000, a “Family Group for the Korean War Abducted Persons” was organized, and on September 6, 2001, the group renamed itself into the the “Korean War Abductee’s Family Union” (hereinafter, KWAFU), and began actively to re-focus on the issue. In March 2002, the KWAFU began anew to compile a detailed list called the “List of Korean War Abducted Persons.” The list contained 94,700 names with eight items of detail, including the name, sex, age, job, company and position, date and place of abduction, and address at the time. In June 2005, the association revised and updated the list. It also established the “Korean War Abducted Persons Data Center” and developed a computer database and began to operate a webpage, along with a collection of witnesses’ testimonies.⁴⁶³ Through these activities, KWAFU

⁴⁶³ See <http://www.kwari.org>.

hopes to confirm the status of these people as early as possible.

During the 4th Inter-Korean Red Cross meeting held in September 2002, the two sides agreed to discuss and resolve the status and addresses of “those who went missing during the wartime.” During the 15th Inter-Korean Ministerial Meeting (June 21~24, 2005) the two sides agreed to “consult humanitarian issues,” including the confirmation of status of those who went missing during the wartime. (Section 3, Joint Press Release) During the 6th Inter-Korean Red Cross meeting (August 23~25, 2005) and the 16th Inter-Korean Ministerial Meeting (September 13~16, 2005), the two sides again agreed to continue their consultations on confirming the status of those who went missing during the wartime. 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, 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. Therefore, 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.

B. The Abducted Persons in the Postwar Years

Since the Korean Armistice in 1953, a total of 3,795 people have been abducted and taken to North Korea. Many of them have been forcibly detained in North Korea contrary to their wishes, partly because North Korean authorities found their knowledge and manpower useful to them.⁴⁶⁴ A total of 3,315 of them (or 87 percent) have returned to South Korea. Five persons have recently returned to the South, leaving a total of 480 persons still in the North. Among those kidnapped were five high school students who were reportedly brought to North Korea by a North Korean espionage agent in the late 1970s. This fact was revealed in the process of examining the Choi XX and Kang XX espionage case of 1997.

<Table V-2> Status of Abducted and Detained Persons

Division	Total	Fishermen	Korean Air	I-2 boat	Coastguard Boat 863	Other	
						Domestic	Overseas
Abduction	3,795	3,696	50	21	2	6	20
Detention	480	428	11	21	2	6	12

⁴⁶⁴ Lee Jae-geun who returned to South Korea after abduction to North Korea, testified that the 27-men crew of boats Bongsan No. 21 and No. 22 were transferred from Haeju to Pyongyang. They were interrogated to ascertain whether or not they were spies. In the process, they picked seven healthy and educated (10-years of education or higher) individuals, and gave them special training in Chongjin. The North released the rest of the crew back to South Korea.

<Table V-3> Status of Abducted Persons by Year

Year	Number detained	Total	Year	Number detained	Total
1955	10	10	1973	8	392
1957	2	12	1974	30	422
1958	23	35	1975	31	453
1964	16	51	1977	3	456
1965	19	70	1978	4	460
1966	4	74	1980	1	461
1967	42	116	1985	3	464
1968	127	243	1987	13	477
1969	19	262	1995	1	478
1970	36	298	1999	1	479
1971	20	318	2000	1	480
1972	66	384			

<Table V-4> Status of Abducted Persons Returning to South Korea

Name (age)	Date of birth	Date abducted	Occupation	Date of defection	Date returning home
Lee Jae-geun (68)	Sept. 6, '38	Apr. 29, '70	Fisherman on Bongsan 22	Aug. 30, '98	Jul. 23, '00
Jin Jung-pal (66)	Dec. 14, '40	Apr. 12, '67	Fisherman on Chundae 11	Sept. 3, '01	Oct. 30, '01
Kim Byung-do (53)	Jan. 10, '53	Nov. 24, '73	Engineer on Daeyoung-ho	Apr. 21, '03	Jun. 23, '03
Ko Myung-sop (62)	July 27, '44	Aug. 17, '75	Fisherman on Chunwang-ho	Mar. 23, '05	Jul. 12, '05
Choi Wook-il (67)	June 20, '40	Aug. 17, '75	Fisherman on Chunwang-ho	Dec. 26, '06	Jan. 16, '07

Beginning with the first kidnapping of 10 fishermen aboard the Daesung-ho on May 28, 1955, North Korea has abducted a total of 3,696 fishermen since the Korean Armistice in 1953. They subsequently returned 3,267 and are presently still holding 428 fishermen.⁴⁶⁵ As recently as May 30, 1995, North Koreans kidnapped eight fishermen aboard the No. 86 Woosung-ho. Three of the eight were killed as they struggled with their kidnappers. They were returned through Panmunjom on December 26, 1995. In some cases, the crew insisted that their captain voluntarily went north under the guise of abduction, which automatically put them in the “voluntary” category rather than “abduction” category when they returned to South Korea later. A North Korean patrol boat, while engaged in fishing, sank the Suwon No. 32 boat in 1974. The whereabouts of the crew remain unknown, and their names are still on the list of the abducted. In the case of kidnapped fishermen, some of them worked on boats without reporting or recording their names. For that reason their names are not included in the list of kidnapped or abducted persons.

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, including crew and passengers, hijacked on December 11, 1969. North Korea has also been detaining a South Korean schoolteacher, Ko Sang-mun, 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 to ten agents, including four or five agents from the state security detachment in North Hamkyong Province, and Chinese Korean agent

⁴⁶⁵ A total of four persons defected and came to South Korea, but some of them have not been included in the list of abducted persons.

Ryoo XX and three others. Reverend Kim was handed over to the Chief of the Security Agency named Ji XX at Goksan (cigarette) factory in Hoeryong City, North Hamkyong Province. According to the Citizen's Coalition for Human Rights of Abductees and North Korean Refugees (hereafter CHNK), Reverend Kim was detained in Mankyungdae Visitor Center in Pyongyang in November 2000. In the process of interrogation, the captors asked him to defect to North Korea and cooperate with them. When he refused conversion, he was tortured. Suffering from malnutrition and claustrophobia, as well as dehydration, he is reported to have died in February 2001.⁴⁶⁶ 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."

The five persons who were abducted were newly identified in 1977—Kim Young-Nam, Hong Keon-pyo, Lee Myung-woo, Lee Min-kyo, and Choi Seung-min—had previously been regarded as missing persons. Kim Young-Nam (being in Kunsan Technical High School at that time) was reported missing from Kunsan Seonyudo Beach on August 5, 1978. Hong Keon-pyo (a student at the Cheonnam Commercial High School at the time) and Lee Myung-woo (a student at the Cheonnam Agricultural High School at the time) were found to be missing from Hongdo Beach in Cheonnam Province on August 10, 1978. Lee Min-kyo and Choi Seung-min (students of the Pyeongtaek Taekwang High School at the time) were also found to be missing from Hongdo Beach in August 1977. A North Korean espionage agent on his way back to the North kidnapped these five high school students, who were enjoying themselves at the beach during their vacation.

According to the testimonies of North Korean defectors and

⁴⁶⁶ *Yonhap News*, Jan. 6, 2005.

former abducted persons who have returned to the South, there are many abducted persons in North Korea, whose names, as well as the circumstances of abduction, are unknown to the South Korean authorities. “The Association of Families of Abducted South Koreans” (hereinafter, the “Association of Families”) has been releasing additional names of kidnapped persons based on testimonies of defectors who had earlier been kidnapped. On February 1, 2005, the group also released a picture, taken in 1974, of 36 kidnapped persons (abducted in 1971 and 1972) during a group tour of Myohyang Mountain north of Pyongyang. Former abducted fisherman, Kim Byung-doh, who defected in 2003, testified that he had met Chung Hyung-rae (of the fishing boat Odaeyang No. 62), Kim Ok-ryul, Park Young-jong, and Park Yang-soo (of Odaeyang No. 61) during a 3-month re-orientation in Wonsan City in 1981.⁴⁶⁷

⁴⁶⁷ *Joong-Ang Ilbo* (Seoul), Feb. 3, 2005.

<Table V-5> List of Unconfirmed Abducted Persons

Name	Age at the time	Place of birth	Occupation at the time
Park Sung-man	50	Youngdo, Busan	Captain (Kilyong-ho)
Lee Duk-hwan	56	"	First Officer (")
Kim Kwang-sup	49	Joongku, Busan	Engineer (")
Lee Saeng-ki	53	"	Fisherman (")
Lee Go-tae	22	Youngdong, Busan	(")
Yang Hyo-geun	48	Tonyoung, KN prov.	(")
Kim Doo-suk	36	Youngdo, Busan	(")
Nam Jung-sik	33	"	(")
Suh Al-yong	29	Saha, Busan	Radioman (")
Jeong Bok-sik	40		Fisherman (")
Suh Tae-bong			(")
Kim Bun-nam			Fisherman (Hiyoung-ho)
Lee Min-woo			Captain (Daeyoung-ho)
Kim Yang-hoon	53		Fisherman (")
Kim Young-du	51		(")
Cho Min-chol	54		(")
Kim Dong-ho	50		(")
Kim Chang-bae			
Tak Jae-yong			
Chun Geuk-pyo			

* Based on the testimony of formerly abducted Kim Byung-do (Fisherman on Daeyoung-ho), who has returned to the South. (List provided by the Association of Families.)

<Graphic V-1> Photograph of Abducted South Koreans



Source: The Association of Families of Abducted South Koreans, February 1, 2005.

Amnesty International released the names of 49 political prisoners on July 30, 1994, and the names of abducted persons appear in the list. When the AI list drew international attention, both Ko Sang-mun (August 10, 1994) and Yoo Sung-keun (August 11, 1994), whose names were included on the list, were made to confess their voluntary entry into North Korea. The defector, who came to South Korea in 1993, testified that the South Koreans, who had been kidnapped by North Korean espionage agents, were engaged in spy training.

Some of the abducted South Koreans are being used in broadcasts to South Korea or in espionage training. The Korean Airliner stewardesses Sung Kyung-Hee and Chung Kyung-sook have been used in broadcasts to South Korea. Other detainees are used as instructors for North Korean espionage agents sent to the South. According to the

testimonies of defectors who came to South Korea in 1993, about 20 unidentified abductees from South Korea were working as spy instructors at the “Center for Revolutionizing South Korea” located in the Yongsung district of Pyongyang. This center is a replica of South Korea designed to teach and train graduates of the Kim Il Sung Political Military College (renamed as such in 1992) how to adjust to life in South Korea. The center is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South. According to the testimonies of former kidnapped fisherman Lee Jae-geun, who defected from North Korea in June 2000, some of his colleagues were engaged in “South Korea projects” after undergoing a period of special training. Lee said he himself also received some espionage training.⁴⁶⁸

The rest of the abducted, whom North Korea presumably did not find useful, are in all probability detained in various concentration camps. Some abducted individuals from South Korea are detained in the detention camps and can be identified from the AI report above. In a special report entitled “New Information on Political Prisoners in North Korea,” published in 1994 by AI, the names of abducted individuals, who had probably been detained in the now defunct concentration camp at Seunghori, were included in the report. South Korea’s National Security Planning Agency also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, were detained in a political prisoner detention camp.

Meanwhile, in a Red Cross statement on September 24, 1996, North Korea insisted that the Reverend Ahn Seung-wun, who was abducted in July 1995, was not forcibly kidnapped but instead voluntarily entered North Korea. On the contrary, however, the Chinese government on September 13, 1996, sentenced Lee Kyung-choon, who

⁴⁶⁸ Testimony of defector XXX during an interview in Seoul, Jan. 7, 2004.

was found to have been one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year 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 practice of not confirming the existence of abducted and detained people from South Korea. For example, during the second batch of South-North Separated Family Reunions (November 30~December 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been seized by the North on January 15, 1987, met with his mother from South Korea in Pyongyang. But he was told to identify himself as having voluntarily entered North Korea. A stewardess of the Korean Airlines, Sung Kyung-hee 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 informed that among them, Lee Jae-hwan, who was abducted in 1987, was dead. His family and organizations in South Korea wanted to know the date and cause of Lee's death and requested the return of his remains to the South. But North Korea refused both requests. During the 5th separated family reunion (September 13~18, 2002), Captain Chung Jang-baik of the Changyoung-ho, which was seized by the North on April 17, 1968, met with his mother from South Korea. In 2003, during the 6th family reunion (February 20~25), 7th reunion (June 27~July 2), and 8th reunion (September 20~25), the crew of the Odaeyang No. 61 (seized

December 1972) Kim Tae-jun, the crew of the Changsung-ho (seized May 23, 1967) Yoon Kyung-gu, the crew of the Dongjin-ho (seized January 15, 1987) and Kim Sang-sup, met their mothers from South Korea.⁴⁶⁹ During the 9th family reunion in 2004 (March 29~April 3), kidnapped person Yoo Sung-keun met with his elder brother Yoo Hyung-keun. The younger Yoo is known to have been working as a researcher at a “unification research center” for the past 20 years. Three more kidnapped persons were known to have met their Southern families during the 10th family reunion (July 11~16). During the 12th family reunion meeting (November 5~10, 2005), the abducted South Korean Chung Il-nam was able to meet with his South Korean family.

In 1977, the Association of Families had requested the South Korean and Japanese governments to verify personal information on Kim Chol-jun, who was married to an abducted Japanese woman, Yokoda Megumi. The association believed that he was one of five South Korean high school students who had been abducted to the North in 1977~78. 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-happening in the era of confrontation.” At the time, he had gone to the beaches on Seonyu Island. He had

⁴⁶⁹ See Youn Mi-ryang, “The Process and Results of Negotiations Concerning the Abducted Persons,” in *the Public Hearing Proceedings on Human Rights of the Abducted Persons and Possible Solutions* (Seoul: Public Hearings sponsored by the National Human Rights Commission, Dec. 19, 2003).

encountered his high school senior, who had beat 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.

Since 2000, there have been 15 family reunion meetings, and South Korean Red Cross requested its North Korean counterpart to confirm the status of 83 persons abducted to the North in the postwar years. North Korean Red Cross responded by confirming that 15 were alive, 19 were deceased, and that they were unable to confirm the status of the other 53. 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 that 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 have agreed “to consult humanitarian issues including the current status of the ‘missing persons’ during the war time” at the 15th Inter-Korean Ministerial Meeting (June 21~24, 2005). At the 6th Red Cross talks (August 23~25, 2005) and the 16th Inter-Korean Ministerial Meeting (September 13~16, 2005), South Korea repeated its call for an early resolution of the two issues, including a pilot project on the status and whereabouts of the missing persons. In response, North Korea proposed that the project be limited to the confirmation of status of “missing persons during the war time” without civil-military distinctions and to have the overall results included in the “family reunion framework.” In short, North Korea is still refusing to admit any cases of abduction of South Korean civilians in the postwar years. At the 7th Red Cross talks (February 21~23, 2006), the two sides officially agreed to consult and resolve the issue by including the status confirmation of “those missing during and after the war” within the framework of family reunion meetings, thus allowing discussion of the abduction issue.

South Korea’s National Assembly enacted on April 2, 2007 the “Law for the Victims of Abduction to the North in the Postwar Years” (or, the law concerning the assistance and compensation for the abducted persons since the Korean Armistice Agreement). Based on this law, the abducted persons, upon return to South Korea, will be entitled to get assistance, and he and his family would be entitled to compensation for the human rights violations they sustained during the period.

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

A total of 41,971 South Korean soldiers went missing-in-action during the Korean War. Most of them were believed to be in the North. A total of 8,726 have returned as part of POW exchanges. Some 13,836 have been determined as killed-in-action based on reports and other materials. To date, the status of a total of 19,409 soldiers has not been confirmed. Since they were not included in the POW exchange negotiations at the end of the war, a more accurate assessment on their whereabouts would be possible only when the relevant materials from China and North Korea were made available. In view of the POW negotiation process, there is a strong possibility that more POWs are held in North Korea than the South Korean Defense Ministry estimates.

<Table V-6> Status of South Korean POWs

Total	POW exchange	Assumed killed-in-action	Missing-in-action
41,971	8,726	13,836	19,409

Source: Ministry of Unification, *Annual Audit Material, 2006* (Bureau of Social and Cultural Exchanges), Oct. 10, 2006 (www.unikorea.go.kr).

South Korea's Defense Ministry said on January 22, 2007 that it has confirmed the status of 1,738 POWs through the testimonies of North Korean defectors and the former POWs who have returned from North Korea. A total of 545 former South Korean soldiers are believed to be alive in the North. However, some of the returning former POWs had been listed as killed-in-action, so the possibilities are high that there are more POWs still held in the North than the Defense Ministry has estimated.

<Table V-7> Status of Confirmed POWs

Total	Alive	Deceased	Unknown
1,734	545	888	301

Note: List as of Jan. 22, 2007.

Source: See materials cited above.

Since Second Lieutenant Cho Chang-ho returned to the South in 1994, many former South Korean POWs have returned to the South. As of January 2007, a total of 67 former POWs have returned to the South, along with 133 family members.

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 they were "group assigned" between 1954 and 1956 to coal mines, factories, and farm villages for the rehabilitation projects. According to a U.S. Defense Department document⁴⁷⁰ 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.⁴⁷¹ The number of POWs transferred to the Chukotsi Sea region was at least 12,000. As they were mobilized for difficult road and airfield construction work, their death rate was high, the report said.

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 dire need of manpower for its coal mines, and ordinary

⁴⁷⁰ 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.

⁴⁷¹ *Yonhap News*, Apr. 13, 2007.

North Koreans hated to work in them. Furthermore, in the mines it was easy to control and supervise all individuals daily.

South Korean POWs were given citizen ID cards and released to the society from collective detention centers, but most of them were assigned to the coal mines near their old collective detention centers, since the authorities needed their manpower there. In addition, they were constantly subjected to oppression and discrimination due to their personal background as former POWs, particularly in terms of their choice of jobs and residence. Since their personal background was bound to impact the life of their children, many of them had to choose not to tell their children about their past personal life. In fact, the children of former POWs have been discriminated against in their career, including Party membership, college admission, and jobs.

Since the 1990s, most of the POWs had to retire from their jobs, and depend on pensions. From the mid-1990s, however, their livelihood was seriously jeopardized, like other North Koreans, when the food shortage and economic hardship struck North Korea. Many North Koreans living along the border regions began to defect under the situation, and many former POWs decided to return to South Korea, accompanied by their family. The information about South Korea's generous policy for the 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 the process. In December 2004, former POW Han Min-taek was arrested by the Chinese security while attempting to return to South Korea. He was deported to North Korea. After this unfortunate incident, it was reported on August 31, 2006 that South Korea and China have reached an agreement pertaining to the former POWs in April 2006. Henceforth, the agreement said South Korea would, in similar cases, hand over the former POWs to the Chinese authorities for a two-week investigation, after which China would hand them over to South Korea for a safe trip to Seoul.

Through the 15 rounds of family reunion meetings, the status of 91 former POWs has been confirmed, with 13 alive, 11 deceased, and 67 unknown. As well, 11 of them have met with their relatives. So far, a total of 75 individuals from 19 families have met with their relatives.

<Table V-8> Status of Returning POWs by Year

Year	Number of people	Names
1994	1	Cho Chang-ho
1997	1	Yang Soon-yong
1998	4	Jang Mu-han, Kim Bok-gi, Park Dong-il, Sohn Jae-sool
1999	2	Huh Pan-young, Park Hong-gil
2000	9	Suh Byung-yol, Jang Jin-hwan, Kim Won-bae, Roh Sa-heung, Kang Dae-sung, Kim Kwan-won, Huh Jae-suk, Yoo Young-bok, Park Young-gi
2001	6	Park Jong-mun, Chun Tae-hyung, Kim Sung-tae, Kim Young-chol, Park Joo-hong, Han Jae-bok
2002	6	Choi Wan-jong, Lee Sam-chool, Koh Eul-won, Jeong Mun-soo, Choi Ki-ho, Han Byung-soo
2003	5	Kim Kyung-yol, Kim Ku-yon, Lee Jae-hak, Choi Young-chan, Jeon Yong-il
2004	14	Ha In-soo, Kim Ki-jong, Ha Chol-soo, Jo Man-bok, Shin Dong-kil, Lee Soon-ok, Nam So-yol, Oh Jin-sang, Kim Tae-ho, Lee Won-sam, Lee Wan-sop, Lee Ki-choon, Shin Ho-sik, Nam Kyo-tae
2005	11	Roh Chang-won, Jang Pan-sun, Yang Han-sop, Kim Sang-ho, Yoo Jong-ho, Lee Jong-soo, Cha Ki-joon, Choi Dong-kil, Lee Jong-man, Jang Sun-saeng, Choi Sang-kyu
2006	7	Yang Hwei-gap, Kwon Hwan-ok, Park Hee-chang, Lee Sun-woo, Lee Dae-bong, Song Young-chol, Woo Soo-ki
2007	2	Shim Soo-taek, Hah Tae-won
Total	68	

All POWs who have returned to South Korea will receive full salaries and pensions, plus a support stipend from the government,

counting from the date they became POWs to the date they returned to South Korea and retired from active military service (technically all the years they were held in North Korea would be counted as active duty), in accordance with the “Law Concerning the Treatment of Former POWs” and related administrative orders. The family members (spouse and children) accompanying the former POW will be entitled to the stipends given to all North Korean defectors, plus “support funds for the POW families from the oppressed areas.”

3. Human Rights Violations on North Korean Defectors

A. The Life and Status of Defectors 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 an unstable legal status and are unable to openly ask for help. The Tuman River region is normally used as the defection route for many North Koreans because it is easier to cross than other geographical points. Others flee from their officially assigned jobs abroad, such as from the timber mills in the Russian Far East.⁴⁷² In estimating the total number of North Korean escapees, most observers have focused their attention on the number of

⁴⁷² At the time, the number of North Korean defectors in Russia was estimated to be about 200~300. See *White Paper on North Korean Human Rights* (Seoul: KINU, 1999), p. 138.

escapees in China. Many humanitarian workers and civilian activists, as well as researchers, estimate the number of North Korean escapees in China to be between 100,000 and 400,000.

As the North Korean food shortage was alleviated thanks to the assistance of the international community, the number of defections declined. As China tightened its surveillance activities, the number of defectors decreased further. Many observers' estimate the number of North Korean escapees in China to be between 30,000 and 100,000.⁴⁷³ For example, Secretary General Yang Cheng-ming of the Chinese Human Rights Research Association said the number was about 30,000.⁴⁷⁴ Wang Yi-sheng of the Chinese Military Science Institute said the number should be below 50,000, probably between 30,000 and 40,000, because many of those counted were repeat offenders.⁴⁷⁵

In February 2005, the U.S. State Department announced that the number of North Korean defectors had reached its peak between 1998 and 1999, and said that as of 2000 the number was somewhere between 75,000 and 125,000.⁴⁷⁶ In June and July 2005, Good Friends Association

⁴⁷³ Park Sang-bong, "North Korean Defectors in China: Status, Policy and Prospects," *The North Korean Defector Issue at a New Dimension: Approaches and Solutions* (Seoul: Korea Maritime Strategy Research Institute, 2003), p. 46. Based on its on-site surveys in China, the Refugee International has estimated the number of defectors to be between 60,000 and 100,000. See Joel Charny, "North Korean Refugees in China: the Current Situation and Strategies for Protection," *Testimony to the Senate Committee on Foreign Relations*, Nov. 4, 2003.

⁴⁷⁴ Yang Cheng-ming, "The Problem of North Korean Defectors in China and its Solution," a paper presented at the International Symposium on North Korean Human Rights sponsored by the National Human Rights Commission, Seoul, Dec. 1, 2004, p.77.

⁴⁷⁵ Wang Yisheng, "Perspectives on 'North Korean Escapees' in China," a paper presented at the conference on Human Security in Northeast Asia: Focusing on North Korean Migration into and through China, Jan. 6, 2004.

⁴⁷⁶ 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,

conducted on-site surveys in the rural areas of northeastern provinces of China, covering up to 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 50,000.⁴⁷⁷ In 2006, it conducted another set of surveys on a Korean village (about 20,000) in the northwestern corner of the Three Far Eastern Chinese Provinces, and on the cities of Shenyang, Dairen, and Qingtao and their vicinities (about 30,000). Based on the new surveys, the association revised its estimates and said there were about 100,000 North Korean defectors in China, plus their children of about 50,000.⁴⁷⁸ The International Crisis Group also estimated the number of North Korean defectors to be as many as 100,000 based on its interviews with local Chinese and Korean-Chinese, as well as other NGO reports.⁴⁷⁹

In the latter part of the 1990s most North Korean defectors were living in the ethnic Korean communities scattered around China's three northeastern provinces (Jilin, Liaoning, and Heilongjiang). As the Chinese tightened surveillance activities and as the defectors' language skills improved, they began to relocate to the Chinese communities and urban areas. There are many reasons for the declining number of North Korean defectors in China. For example, the tighter Chinese surveillance, the beefed-up border patrol, the improving food situation

Feb. 2005).

⁴⁷⁷ *Yonhap News*, Aug. 21, 2005.

⁴⁷⁸ The Good Friends Association sample-surveyed 135 villages along the Korean-Chinese border in January 2006. The association has found 267 children born between 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.

⁴⁷⁹ International Crisis Group, "Perilous Journeys: The Plight of North Koreans in China and Beyond," Asia Report No. 122 (Oct. 2006).

in North Korea, increases in defection expenses, increases in lawful travel as more passports are issued for visits to China, and increases in short visits for trading purposes.⁴⁸⁰

In addition to China, the defectors appear to be attempting to move to all regions wherever Korean communities flourish, including Russia and other CIS countries, Mongolia, and Southeast Asia. Assisted by civilian organizations, volunteers and activists, they are seeking asylum and safe havens around the world, including in Southeast Asian countries, Australia, and the United States. These countries, except for China and Russia, are basically transit points for final destinations, including South Korea, rather than choice of residence. Many Southeast Asian countries and Mongolia have been used as transit points for the trip to South Korea.⁴⁸¹

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 also undergone significant changes during that period. Many North Koreans who have relatives in China cross the border to get help from them. In 1996 and 1997, most North Koreans who had done so returned once they obtained what they needed, as the relatives had done their best to help them out. As the food shortage continued on over a longer period, even the relatives, who were not economically well off either, began to feel it burdensome to help their North Korean brethren. Consequently, with the help of their relatives, the visiting North Koreans now look for jobs in China.

⁴⁸⁰ *Ibid.*

⁴⁸¹ Yoon Yo-sang, "Local Management of North Korean Defectors Abroad and Education Programs for them: with emphasis on those in Southeast Asia" (Mar. 2002, An unpublished manuscript). See <<http://www.iloveminority.com>>.

In addition, many North Koreans who did not have relatives in China also began to cross the border in search of food and jobs. Once in China, these people obtain food and clothing from the sympathetic ethnic Koreans in China. There they stay with any sympathetic family, doing some household chores or paying a small fee for a longer stay.

According to the surveys of Good Friends, the ratio of North Korean women defectors among all those who crossed the border between late 1998 and early 1999 was very high—75.5 percent. A majority of them (51.9 percent) got married to Chinese men in the form of “live-in” marriages. As the food shortage persisted over a long period, more North Korean women ventured into China to earn money, and the number of North Korean women in China, instead of returning to the North, began to increase. Many North Korean women—not only single women but also married women with husband and children—would choose to “live in” with Chinese men, simply to avoid the famine situation back home. These extreme cases would often come about through a third party introduction or the women would be involuntarily “sold off” to the Chinese. Some women would voluntarily enter into such a relationship, while others would be unwittingly sold. If they were forced to get into such a relationship, and particularly if they were faced with inhuman and degrading treatment, some would run away from the region to other places. Others would choose to endure such a degrading life for the simple fact that they could avoid hunger and starvation. In many cases, however, these women would be placed under constant watchful eyes because the men had paid for their services. In reality, most North Korean women who crossed the border illegally had no other choice but to “live in” with Chinese men, particularly since they had many handicaps, including not being able to speak Chinese and not having any legal documents to be there. Consequently, many North Korean defectors came to accept “living in” as a way of life, given their dire situations.

Many North Koreans who crossed the border even though they did not have relatives in China had to move around to find jobs and other means to feed themselves. As their stay in China was prolonged, however, their lifestyles had to change. Unlike during the early phase, now more North Koreans began to live in Chinese homes rather than in the homes of ethnic Koreans. As rapidly as their language skills improved and as they became familiar with the Chinese environment, many defectors would rent a room of their own. Some would take jobs at an office or in the homes of South Korean businessmen in China. In exceptional cases, some women would “live in” with South Korean businessmen in China and subsequently come to South Korea.

C. Types of Human Trafficking

Human trafficking is absolutely prohibited under international law and the municipal laws of most countries. Many human rights groups are actively watching out for human trafficking activities around the world, while promoting international campaigns against such activities. According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime, “Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” The concept of “exploitation” is critically

important here. The major difference between human trafficking and human smuggling is that under the human trafficking scheme “exploitation” of the person will continue even after the arrangement for illegal border crossing is over.⁴⁸²

Over the years, the international community has repeatedly raised the issue of human trafficking of North Korean women who have defected. Many international reports have pointed out serious human trafficking cases of forced marriages and prostitution involving female defectors. The U.S. State Department, in particular, listed North Korea as a source of human trafficking for purposes of forced labor and sex exploitation, and classified North Korea under Category 3 along with Myanmar, Cambodia, Cuba, and Venezuela. It also pointed out that North Korea did not treat human trafficking as a serious issue and has not taken any measures to improve the situation.⁴⁸³

The human trafficking phenomenon involving North Korean escapees has gone through several stages over the years. Thus, it is necessary to examine the changing patterns at each stage and the punitive measures the North Korean authorities have taken. The first type involves professional river-crossing guides engaged in human trafficking schemes. These “guides” will approach young 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.”⁴⁸⁴ In the period of 1997~98, when the food crisis was most

⁴⁸² Norma Kang Muico, *An Absence of Choice: The Sexual Exploitation of North Korean Women in China* (London: Anti-slavery International, 2005), p. 3.

⁴⁸³ U.S. Department of State, “Trafficking in Persons Report,” June 2005. See <http://www.usinfo.state.gov/gi/Archive/2005/Sep/26-687070.html> (Noted on Nov. 2, 2005).

⁴⁸⁴ Defector XXX testified that he had been an eye-witness to a case in which a guide lured a woman who was waiting in the rail station plaza at Daeheungdan County, Yangkangdo Province, telling her that he would provide a job and a place to stay

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, they simply helped the people searching for food to illegally cross the border, perhaps for a fee. Whether this practice amounted to “human trafficking” is difficult to say. In many cases, North Koreans themselves, or their families, have asked the guides or brokers to help them illegally cross the border into China. In later stages, the brokers would introduce the North Korean(s) to their ethnic Korean contacts in China for a fee. These “human traffickers” inside North Korea would operate in close contact with ethnic Koreans in China. They have been involved in the border crossing of many North Koreans⁴⁸⁵

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.⁴⁸⁶ In an

in China. Subsequently, he turned her over to an ethnic Korean.

⁴⁸⁵ Defector XXX (who came to South Korea in 2002) said he helped send about 20 North Korean women to China. At the request of ethnic Koreans in China, “I have sent them to China at a cost of about 4,000 yuan per person (6,000 yuan for a 21-year-old, 3,000~4,000 yuan for women over 30 years old). And there were many women who wanted to go to China and marry. We would turn them over for about 4,000 yuan. The ethnic Koreans would then turn them over to others for 10,000 yuan.” Defector XXX (who entered South Korea in 2002) testified that in 1998 his mother had sent six women (living in Hogok, Sambong Work District, Musan County, North Hamkyong Province) to an ethnic Korean from China. His mother did not intend to get involved in any “human trafficking,” she simply responded to a request to introduce some women. Nonetheless, it amounted to human trafficking since she received money. He said there had been many similar cases at the time. Testimony of defector XXX during an interview in Seoul on Nov. 16, 2002.

⁴⁸⁶ Defector XXX previously lived in North Hamkyong Province. She said that a 50-year-old woman suggested to her that she could provide an opportunity to do

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 on their own. 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, and so on. 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.⁴⁸⁷ The organized human traffickers even

business in China. So XXX crossed the border. Later on, however, she was sold to an ethnic Korean in China. Defector XXX previously lived in Danchon, North Hamkyong Province. She testified that her uncle sent her over to China along with other women, and she was later sold to an ethnic Korean man. Testimony of defector XXX during an interview in Seoul on Jun. 28, 2003.

⁴⁸⁷ Defector XXX testified that Kang Hak-keum, (an ethnic Korean woman about 40

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 defectors 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 against human trafficking rings. Subsequently, organized human trafficking rings have mostly disappeared.⁴⁸⁸ As North Koreans’ stay in China has become prolonged, however, the illegal North Koreans themselves become involved in the human trafficking of fellow North Koreans. For example, a North Korean woman “living in” with an ethnic Korean or a Chinese would introduce or turn over another North Korean woman to a Chinese or an entertainment establishment for a fee.

As China industrialized, women on the farms began to relocate to urban areas or to other foreign lands to earn more money. 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 the Chinese men. Some North Korean women knew this before being sold, but most of them would not know where she was being taken, in most cases to a Chinese man, until the end of the deal.

years old) living in Hoeryong City, Jilin Province, China, has systematically human-trafficked about 10 North Korean women. Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

⁴⁸⁸ “A Workshop for NGOs and Specialists on North Korean Defectors,” sponsored by KINU on Jun. 27, 2005.

In the mid-1990s when defections first began, relatives or ethnic Koreans living in the border region would introduce North Korean women as potential brides to much older ethnic Korean men. In these cases, the ethnic Korean family would offer some kind of gift to the introducing person as a token of thanks. The process of introduction was never violent or forcible. The people around the woman would usually persuade her in terms of mutual convenience and benefit, given the economic hardship in North Korea. In some cases, not only unmarried women but married women would volunteer to “be introduced” to help solve the economic hardship situation in her family. In these cases, the person arranging the introduction—also referred to as a “go-between”—would not feel guilty because they were simply helping those in dire situations. Regardless, human trafficking is illegal in China, and if detected, those involved would be heavily fined. Since the “go-betweens” would usually receive money for their services, others around them would begin to keep their distance as soon as they learned of the go-between’s activities.

In some cases, when a North Korean woman is forcibly married to a Chinese man, the marriage still could last for a long period. 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 be forcibly deported to North Korea, and the relationship would end. Many sexually abused North Korean women suffering from gynecological diseases have not been able to get proper treatment.⁴⁸⁹ When a North Korean woman becomes pregnant after ‘living in’ with a Chinese man for a long time, the Chinese man decides whether or not to have the fetus aborted. If the man wants to continue on with the

⁴⁸⁹ Regarding the life of North Korean women defectors, see Paik Young-ok, “The Life of North Korean Women in China and Ways of Helping,” *The Journal of North Korea Research Association*, Vol. 6, No. 1 (2002).

relationship, he will in most cases want the baby 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. In some cases, if the man wants to continue with the “live-in” relationship, he will even provide economic assistance for the woman’s family, such as expenses for their river crossing.

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 exactly like a forced marriage. Unable to speak Chinese, it would be impossible for her to work at any public places, like restaurants. 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 the North Korean women stayed in China for an extended period of time, they would gradually learn simple Chinese expressions and get adjusted to life in China, which would then contribute to the decreases in the number of forced marriages. In other words, even if they were forced into a marriage, they would find ways to run away from the situation. However, if a baby was born to the couple, the mother would be hard pressed to abandon her child, so she would continue her forced marriage. If she was lucky enough to get married to a Korean-Chinese, the marriage would be a little smoother and last relatively longer. In fact, many Korean-Chinese men would encourage their spouses to have babies, so that they could maintain the relationship on a longer term basis.

As their life became more independent, “live-in” propositions from local men would increase, and the cases of starting a new “live-in” life on a voluntary basis would increase. It has been reported that many North Korean women have restarted “live-in” relationships with friendly ethnic Koreans or South Korean men they befriended while working at places of work like restaurants. In some cases, they actively ask their

partners for economic compensation, including remittances to their families back in North Korea, or expenses for their border crossing. In cases like these, the North Korean woman would likely defect again if she were forcibly deported to North Korea. She then looks for the man she previously lived with, especially if the couple had a baby born to them.

Recently, many North Korean women who were sold in China are forced to provide sex services at restaurant bars and “sing-along joints.”⁴⁹⁰ In order to prevent them from fleeing, the bar operators would withhold their pay, saying they would save money for them.⁴⁹¹ It is also reported that organized criminals are operating pornographic “computer chatting” businesses in China, using North Korean women defectors.

D. Punishment for Human Trafficking in North Korea

As the international community has expressed its concerns over human trafficking of North Korean women, North Korea has launched a strong campaign to apprehend those engaged in such practices. Individuals who sold North Korean women in China have been publicly executed, and stern warnings have been issued against any and all human trafficking activity.

As Table V-9 shows, North Korea has imposed extremely harsh punishment on human traffickers, but not on simple river-crossing guides. Public executions have been carried out only in cases of human trafficking, dealing in narcotics, or antiques smuggling along the border regions, and mostly in locations of frequent border traffic, such as near the cities of Musan, Hoeryong, Chongjin, and Onsung. Clearly, North

⁴⁹⁰ A woman from Sebyol County, North Korea, was forced to provide sex services in Heilungjiang Province, China, in December 2000. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁴⁹¹ Testimony of defector XXX during an interview in Seoul on Apr. 6, 2007.

Korean authorities, like the Chinese, have taken stern measures against human trafficking in response to the concerns of the international community. North Korea has raised the level of punishment for human trafficking since 1998. 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.

<Table V-9> Punishment Records for the Crime of Human Trafficking

Date/period	Type of punishment	Place of punishment	Criminals
Fall 1996	Public execution	a coal mine, Musan, North Hamkyung Province	-
Aug. 1997	Public execution	Sambong-ku, Onsung, North Hamkyung Province	one woman (61)
Sept. 1997	Public execution	Poong-in Mine, Onsung, North Hamkyung Province	Han XX (28) Byun XX (30)
1998	Correctional Labor	Kaechon Correctional Center	-
1998	Correctional Labor	-	Kim XX (Kang-an, Onsung County)
Spring 1998	Public execution	Sambongku, Onsung, North Hamkyung Province	2 women (50s, 60s)
1998	Public execution	Yuson Mine, Hoeryong, North Hamkyung Province	2 (husband and wife)
Jul. 1998	Public execution	a market, Hoeryong, North Hamkyung Province	1 woman (mid-50s)
1999	Public execution	Yuson Mine, Hoeryong, North Hamkyung Province	1 woman, 2 men
Jun. 1999	Public execution	Hesan City, Yangkang Province	1 woman (45)
Aug. 1999	Public execution	a market, Musan, North Hamkyung Province	-
Aug. 1999	Public execution	Chongjin, North Hamkyung Province	Ahn XX (34)
2000	Public execution	Chongjin, North Hamkyung Province	7 men
Jun. 1, 2000	Public execution	a market, Musan, North Hamkyung Province	Uhm XX (53) Rhee XX (37)
Jan. 2000	Public execution	a market, Hoeryong, North Hamkyung Province	1 woman (20s)
2001	Correctional labor (15 years)	Onsung, North Hamkyung Province	Husband of Rhee XX
May 2002	Public execution	Hoeryong, North Hamkyung Province	2 women
2004	Public execution	Sunam Market, Chongjin, North Hamkyung Province	1 woman
Nov. 2005	Public execution	Pohang Dist., Chongjin, North Hamkyung Province	1 woman
Nov. 2005	Correctional labor	Pohang Dist. Chongjin, North Hamkyung Province	2 women

E. Levels of Punishment on North Korean Defectors

In Article 86 of the 1992 constitution, North Korea defined the most serious crime as treason against the fatherland and the people, and anyone found 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 defectors. 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 into two categories: simple acts of crossing or “those crossing the border illegally” would be punished with correctional labor for up to three years (Art. 117); crossing the border “to flee from the country to another country or with the aim of toppling the Republic” would be sentenced to correctional labor for five to ten years. In more serious cases, correctional labor punishment for over 10 years or death sentences would be handed down, along with confiscation of all properties. Also, Article 233 of the revised 2004 penal code defines “border crossing” broadly as “those going and coming across the border” instead of “simple crossing.” Furthermore, the level of the mandatory sentence for the crime of “illegal going and coming cross 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.”⁴⁹² Article 62 of the 2004 penal code stipulates a mandatory sentence of correctional labor in excess of five years in cases of crimes involving treason against the fatherland. For example, “death

⁴⁹² Han In-sup, “The Contents and Meaning of Revision of North Korean Penal Code, 2004: Is it a Progress toward the Principle of No Criminality without Prescribed Laws?”

sentence, or life correctional labor in addition to confiscation of all properties,” is mandatory in serious acts of treason against the state. Correctional labor punishment of five years or more for other acts of treason would be imposed on crimes such as the transfer of confidential information, or surrender, conversion, or defection to another country in acts of treason. 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.⁴⁹³ Art. 118 of the penal code of 1999, which stipulated two to seven years of correctional labor for border patrol guards who illegally aided border-crossings, was revised and relaxed in Art. 234 of the 2004 penal code, which only imposes up to two years of correctional labor. This relaxation was perhaps inevitable given the increasing number of people crossing the border and the frequent involvement of border guards in providing “systematic” assistance to them.⁴⁹⁴ North Korean defectors could also face additional charges such as the crime of dealing with foreign currencies (Art. 104), or of interfering with

⁴⁹³ North Korea accused that South Korea and other human rights organizations had systematically organized, induced and kidnapped the North Korean escapees under the direction of the United States, and demanded their repatriation. These demands came through its front organizations like the Fatherland Unification Committee, the National Reconciliation Council and the North Korean Human Rights Research Association.

⁴⁹⁴ Good Friends reported that unlike earlier periods, safe border crossing would now be possible only if advance arrangements were made between the North Korean and Chinese border guards. See Good Friends North Korea Research Institute, *News from North Korea Today*, No. 2 (Oct. 6, 2004).

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’s hometown. Depending on the case, deportees are sent to local agencies via the border region labor training camps or to provincial collection centers. Sometimes, they are directly sent to their hometown agency (Social Safety Agency or local labor training camp). Once in the hands of the local agency, they will be sent to labor training camps, or immediately released, or sent home on condition that they make daily reports (self-criticism) to the local Safety Agency. The punishment procedures vary from one detention facility to another. If the initial detention facilities are in the detainee’s hometown, or near it, the level of punishment is determined more quickly, and chances are that the detainee’s family can exercise some influence or offer some bribes to obtain a reduced sentence.⁴⁹⁵ 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

⁴⁹⁵ Good Friends, “North Korean News Today,” No. 52 (Dec. 27, 2006).

unexpected flight, notifies the immediate family, and so on.

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.

The results of personal interviews with defectors in South Korea reveal that the cities of Onsung, Hoeryong, and Musan show the highest rates of border crossing, and other areas (including the cities of Heisan and Seibyol in Yangkang Province and movements by boat) show very low rates. Deportations from China usually come over the Tumen River bridges, in most cases to the Onsung, Hoeryong, and Musan areas. Deportees from the inner Chinese areas come through Dandong (China) to Shinuiju City.

The deportees are investigated at a “first-level” detention facility. The National Security Agency maintains detention centers in the border cities of Onsung, Musan, Hoeryong, and Shinuiju. The detainees go through a “naked search,” examination of personal effects, and a medical exam (including testing for AIDS). There are separate facilities for men and women, but when the number of detainees is large, both are often combined in the same facility. Many defectors have testified that the returning North Koreans use a variety of tricks to hide from the inspectors the money earned in China. The inspectors, however, employ numerous methods to find hidden money or valuables of the returnees. The inspectors thoroughly examine the detainees, including their private parts. They order naked sit-ups, and examine human waste.⁴⁹⁶ In

⁴⁹⁶ Defector XXX was detained in a labor training camp in Eorang County in late March 2001. He testified that he saw camp guards burning a woman’s bosom with lit cigarettes. They took her to the OB/GYN clinic and touched and looked at her body. These sexual harassment behaviors were reported to the authorities, and all three guards (the director, his secretary, and a supply chief) were banished after an investigation on Mar. 30, 2001. After this incident, similar sex harassment has

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.

The National Security Agency branch in the border area interrogates the deportees regarding such 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 porn videos or South Korean videos of any kind). After these interrogations, the deportee will be 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.⁴⁹⁷ The purpose of a preliminary examination is to discover evidence, scientifically examine any proof of the commission of a crime, and charge the suspect for criminal responsibility. In illegal border crossing cases, the testimony of the suspect and other witnesses, along with the personal effects in possession of the suspect, serve as the sources of criminal evidence. According to Article 114 of North Korea’s Criminal Procedure Law, in the process of investigating or searching for criminal evidence “two independent witnesses must be present, and a female witness must be present in the case of female suspects.” Investigators try to determine every detail concerning the suspect’s

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

⁴⁹⁷ The North Korea Study Association, ed., *Compendium of North Korean Laws under Kim Jong Il* (Seoul: North Korea Study Association, 2005), p. 180.

activities in China, and try to obtain relevant information from other witnesses. During this phase, investigators will use blackmail, beatings and kickings, 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.

Pregnant suspects should not be detained for three months before and seven months after childbirth (Art. 106 of the 1999 and 2004 Criminal Procedure Law). However, many defectors testified that National Security Agency branch officers in the border region did conduct investigations of women within 10 months of childbirth, and sometimes the guards forced these women to undergo abortions. In the face of mounting international criticism over the practice of forced abortions on North Korean women who got pregnant in China, as well as over the cases of willful neglect of newborn babies to force their death, North Korea has begun to allow the deported pregnant women to give birth to their child, but it would try to hand over the newborn to the Chinese fathers. 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 help out with the delivery. However, the forced abortions and willful neglect of the newborns were known to persist in North Korean detention facilities.

<Table V-10> Cases of Human Rights Violations against Deported North Korean Pregnant Women

Date	Place	Facts of Testimony	Date of Testimony
1997	Chongjin-Songpyong Labor Training Camp	A woman (20s) from Chongjin was deported to Shinuiju Security Agency and detained in Kangdukdong Labor Training Camp in Kangdukdong, Chongjin-Songpyong District. Her baby was born premature, but alive. However, other inmates were told to put the baby face down, and the baby died from suffocation.	Mar. 10, 2007
1998	Shinuiju Security Agency	Witnessed an abortion by injection on a pregnant woman nearing the birth of a baby.	Jan. 15, 2005
Nov. 1999	Musan Military Hospital	Six-month pregnant woman, XXX (33), was forced to abort the baby by injection.	Mar. 10, 2007
Apr. 6, 2001	Onsung County Labor Training Camp	A woman (20s) from Chongjin gave birth to a baby (of a Chinese father) by cheating pregnancy by two months. A nurse at the Onsung military hospital gave an injection to the baby. The baby died.	Jan. 14, 2005
2002	Onsung Labor Training Camp	They routinely kick pregnant women in the stomach.	Apr. 26, 2003
Jul. 2002	Hesan City Hospital	XXX was deported from Hubei Prov., China. A guard at Hesan Training Camp told her to abort the child, and she did.	Mar. 10, 2007
Oct. 2002	Chongjin Prov. Collection Center	A newborn was left to die after birth, because it was considered Chinese.	Jan. 17, 2005
2002	Onsung Security Agency	Abortion conducted at a cost of 50 won, if the mother desired.	Mar. 10, 2007
Oct. 2003	Onsung Military Security Agency	A woman from Hwanghae Prov. paid 700 won to get a midwife, and gave birth to a boy.	Mar. 17, 2007
Jan. 6, 2004	Chongjin Province Collection Center	A woman (late 20s) gave birth to a stillborn child due to malnutrition.	Jan. 17, 2005
Mar. 2004	Onsung Security Agency	Forced abortion.	Jan. 17, 2005
Feb. 2004	Onsung Training Camp	XXX from Namyang, Onsung County, was forced to abort a child.	Jan. 17, 2005
Feb. 2004	Onsung Training Camp	A woman in last month of pregnancy was allowed to give birth, but the child was placed face down to suffocate and die.	Mar. 10, 2007
Jul. 7, 2004	Hoeryong Training Center	A woman (32) was forced to abort a child.	Jan. 15, 2005
Nov. 2004	Onsung Training Camp	Induce abortions. If in the final month, allow childbirth, and hand over the child to father.	Mar. 7, 2007
May 15, 2005	Nongpo Province Collection Center, Ranam Dist. of Chongjin City, North Hamkyung Province	On May 13, a 4-month pregnant woman was mobilized for farm work at Uhdajin, Ranam District. When she was too weak to work, the guard kicked and beat her. For fear of group hazing, the inmates took her to work on May 14. Inmates had to criticize her during the "harmonious life" session. On May 15, she went to work, and died at noon.	Mar. 10, 2007

* This table is based on the testimonies of defectors.

A review of sentencing records shows that since 1999 most deportees received labor training sentences. This “labor training” punishment was not on the books in 1999, but was introduced in the revised 2004 penal code. The labor training punishment before 2004 apparently was based on the Sentencing Guidelines and the Prosecution Supervision Law, which contains regulations concerning “labor training” and “unpaid labor.” Under this provision, to carry out sentences of labor training and unpaid training, the authorizing agency (courts) must dispatch a copy of the sentence and a confirmation notice to the implementing agency (Article 43, Sentencing Guidelines).

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 he was 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 to take him over. 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, where disease and hunger constantly threaten one’s health.⁴⁹⁸

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, section 3 of the Decision and Judgement Law). However, many defectors testified that the inmates who were dying of serious illness (tuberculosis, dehydration, malnutrition) would have their terms suspended and handed over to hometown safety agents. The law also prescribes when cases are suspended or terminated. Article 18 Section 3 of the Sentencing Guidelines stipulates, “If an inmate serving the labor training or unpaid labor terms fell gravely ill or a woman was three months before or seven months after childbirth, the sentence shall be suspended or terminated.” Defectors have testified that when an inmate was dying (from tuberculosis, dehydration, or malnutrition), the sentence was terminated for local safety. However, in most cases, a pregnant women (before or after 10 months of childbirth) does not get her term suspended. Quite the contrary, the camp guards assigned the detainee hard labor or they 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 the newborn to die by separating it from the mother or they would ask other inmates to look after the baby, saying that the mother had been released from the camp on a suspended or terminated sentence.

A defector has testified that if a North Korean woman brought in 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 hand the baby over to them.⁴⁹⁹

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

⁴⁹⁸ Good Friends, “North Korean News Today,” No. 11 (Dec. 12, 2005).

⁴⁹⁹ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

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.

F. Evolution/Devolution of Defector Punishment

As international concern about the human rights of deported North Koreans has increased, North Korea, through its overseas missions, has intensified its search and arrest activities while simultaneously relaxing the punishment levels for them at home.⁵⁰⁰

(1) Punishment Before 1995

In the past, North Korea treated the deported defectors as political prisoners and forcibly transferred them, along with their families, to “special control areas.” Since 1993, North Korea has beefed up border surveillance activities by deploying military manpower along the border regions in addition to the Social Safety (police) patrol personnel. When the defectors were deported, North Korea would often carry out public executions in an attempt to dissuade others from attempting to flee the country. All defectors, along with their families, were charged with the crime of opposing the Kim Il Sung and Kim Jong Il ideology and imprisoned in political prison camps.

In relation to this, several defectors gave the following account of their experience during personal interviews.

⁵⁰⁰ Network for North Korean Democracy and Human Rights, “The Process of Defection and the Fate of Defectors after Deportation,” Report No. 25 (Jun. 2002).

- Defector XXX used to live in Bujon County, South Hamkyong Province. When he came to South Korea in 1992, North Korea imprisoned his brother in one of the ‘management centers.’
- In 1993 XXX used to work as an accounting manager at Shinpo Shipyard. When his younger brother fled from his lumberyard security guard duty in the Russian Far East and came to South Korea, his family members, except for a sister who was married to another man, were forcibly relocated to a remote area.
- Defector XXX crossed the border in 1993. He was arrested in China on November 21, 1993 and deported from the Dandong detention center to the Shinuiju Security Agency on November 26, 1993. After spending six months in the agency’s detention center, he was transferred and locked up in the “revolutionary district” of Yoduk Detention Camp in April of 1994.

Until 1995, North Korea treated border crossing itself as a “political crime” and punished not only the defector but the defector’s family as well.

(2) Punishment from 1995-1998

As the food shortage became serious, the number of people crossing the border began to increase. After September 27, 1997, in the face of mounting border-crossing violations, the North Korean authorities began to ease the level of punishment. In most cases, the defectors were detained for a period of time in the “9.27 relief centers” (known as the “flower swallow centers”) and released. More serious cases were handled by the Security Agency or Social Safety Agency. As the number of border crossings increased, North Korea tried to prevent defections by intensifying the State Security Agency’s surveillance and arrest activities and the level of education⁵⁰¹ for the inhabitants in the

⁵⁰¹ Since 1995, North Korea has been showing a video entitled “Realities of Traitors

border regions, while at the same time relaxing the levels of punishment for crossing the border. Furthermore, the authorities began to bring charges of treason only against defectors; but they no longer bothered to send the defector's family members off to a political concentration camp on charges of treason. North Korea, however, would banish the families of those defectors who fled to South Korea for fear of their influence on other citizens. In any case, the neighbors sharply condemned the defector's family as a "traitor's family," causing unbearable mental anguish to the family. They also shunned the family, often creating additional false charges against them.

North Koreans who had crossed the border illegally would usually be transferred from the Chinese customs area to the North Korean Security Agency, which would transfer them to their respective local security agency. The agency's "anti-espionage section" would conduct investigations and after a physical shakedown, all valuables and cash would be confiscated. The deportee was then required to sign a sworn statement, pledging not to make false statements and that any false statement would be grounds for a "correctional labor" sentence of 2-3 years under the DPRK Penal Code. The convicted would be required to submit a written account of his or her activities, including name, date of birth, relatives, personal history, purpose of defection, process of defection, life in China, and other details. Most of them underwent another round of investigations at the Social Safety Agency's detention facility. As the number of defectors and deportees increased, the authorities began to line them up and require them to squat motionless for hours with their heads down. Children, and mothers with children at home would be released early, and defectors with minor offenses would

against the Fatherland" to the inhabitants along the border regions to prevent defection. The video informs its viewers that all defectors (to South Korea) will be shot on sight, and those captured alive will be executed or otherwise murdered after extracting necessary information from them.

be transferred to their respective hometown “labor training camps” (known as the “flower parks”). Safety agents from their hometowns would come and transport them back to their hometown detention centers.⁵⁰² There, the detainee would submit another set of statements. If the detainee was charged with a simple river-crossing, the detainee would be sent to the local labor training camp. If, however, the detainee had had contact with Christians or had attempted to enter South Korea, the detainee would be sent to a correctional center.

Some relevant testimonies provide some background of the period in question:

- In 1995, the XXX brothers (approximately 40-year-old workers at the Rajin Mine) had died of starvation while being detained at the correctional center in the Market Street in Hoeryong.
- In 1997, a woman from Hyang-amri, Hoeryong City, was shot to death by Chinese border guards in the Samhap region while trying to defect. Her body was handed over to North Korea.⁵⁰³
- In June of 1997, defector XXX of Hamhung City was arrested while attempting to defect. The agents kicked and beat him at the “9.27 office” in Heisan City, Yangkangdo Province.
- Defector XXX, a shoe factory worker at Sakju, had taken nude photos that were circulated in the detention center. A prostitution charge was lodged against her, and she was executed.⁵⁰⁴

(3) Punishment since 1998

Due to the rapid increase in defectors and the worsening

⁵⁰² Quality of life for a deportee would deteriorate if the turnover to his hometown safety agent is delayed.

⁵⁰³ Testimony of defector XXX during an interview in Seoul on Sept. 1, 2002.

⁵⁰⁴ Testimony of defector XXX during an interview in Seoul on Jun. 28, 2003.

economic situation since 1998, North Korea came to experience more and more cases of social disorder. This has led to a relaxation of punishment levels on the defectors. As the cases of human rights violations on defectors were reported worldwide, the punishments also became quick and discreet. Unlike past practices, the defectors would be detained in and interrogated by the Security Agency regardless of their hometowns. During the investigation, the inmates would be ordered to remain motionless in a kneeled position with their heads down. If anyone violated this rule, he or she would be severely beaten up.⁵⁰⁵ Those who tried to go to South Korea, dyed their hair, or were wearing blue jeans would also get battered.⁵⁰⁶ The Safety Agency handled smugglers and simple river-crossing violators and put them through “forced labor” at the provincial collection centers. But those detainees who had had contact with South Koreans, Christians, or other foreigners were charged with political crimes and sent to political detention camps or correctional centers.

Under the special directive announced on February 13, 1998, the authorities began to classify the deportees into two broad categories. If the inhabitants living in the border region had crossed the border to secure food, they would be given light sentences; but those from the inner regions of North Korea, such as southwestern Hwanghae Province, would be treated as political prisoners and charged with treason. In addition, the government has significantly lowered the levels of punishment for the violators’ families. Even though the levels of punishment imposed on the border violators have been reduced as their number increased, it is reported that cases of death were frequent in the labor training camps due to malnutrition, disease, and hunger.

In an effort to cope with the rapidly increasing cases of defection,

⁵⁰⁵ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁵⁰⁶ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

North Korea has relaxed the levels of punishment for border violators, for example, by deleting Article 86 (“treason against the fatherland and the people”) from its old constitution. But the levels of punishment vary depending on the violator’s hometown,⁵⁰⁷ personal and family background, age, and duration and places of stay in China.

In March 2000, the Chinese authorities launched a three-month special search and arrest campaign against North Korean escapees, forcibly deporting everyone they arrested. But the levels of punishment in North Korea itself were not as harsh as before.⁵⁰⁸ Since June 2000, China has relaxed its campaign. Perhaps this relaxation was in consideration of the lenient policy North Korea implemented on the occasion of the inter-Korean summit meeting held in Pyongyang in mid-June 2000. During the summit meeting at Baekhwawon Guest House, at about 3 pm on June 14, 2000, Kim Jong Il expressed his sympathies for the escapees, saying, “The escapees were dropping tears.” One defector said that in July 2000 he was detained in the Onsung County detention center after being transferred from the Hoeryong Security Agency on “river-crossing” charges. However, he was immediately released when Kim Jong Il issued personal instructions commanding “a lenient treatment of defectors.” This policy of lenient treatment did not last long, however.⁵⁰⁹

There was another case featuring temporary relaxation orders

⁵⁰⁷ Border crossing charges are more lenient for those living in the border region. They would be released after serving time in the county Safety Agency detention center. But if people from inner North Korea were captured while fleeing the country, they would be treated as “real defectors” and charged with heavy penalties. They were sent off to serve time in the “labor education centers” or “correctional centers.”

⁵⁰⁸ The U.S. Committee on Refugees reported that a total of 1,500 North Koreans were deported in June 2000. At least 6,000 individuals were sent back to North Korea during the year.

⁵⁰⁹ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

from the central authority. A defector was transferred from the Tomen border guard unit to Onsung Security Agency on June 12, 2001. General instructions for a lenient treatment of “food-seeking deportees” came from the central authority, and she was released on June 23, 2001. Another defector was transferred from Tomen border unit to the Onsung Security Agency on December 1, 2001. On December 30, however, she was released in the middle of her “hard labor” at the provincial collection center, supposedly on account of “Kim Jong Il’s Order of General Amnesty.”

In July 2004, the South Korean government admitted a large group of North Korean defectors into the country. Subsequently, North Korea voiced a strong protest and demanded the group’s immediate return to North Korea, accusing the South Korean authorities, along with the United States and human rights organizations, of having systematically lured and kidnapped the escapees. Joining this protest were North Korea’s Committee for the Peaceful Unification of the Fatherland, its Committee for National Reconciliation of the People, and the Chosun (North Korean) Human Rights Research Association. It was unusual for North Korea to lodge such a strong protest over the admission of ordinary defectors into South Korea, because previously only the defection of high-ranking officials had brought a protest. This protest appears to have been an expression of warning against mass defections and South Korea’s potential accommodation of the defectors. Evidently, North Korea was extremely worried about mass defections and about the United States legislating of the North Korean Human Rights Act of 2004. In fact, from October 2004 through to February 8, 2005, on the occasion of the U.S. legislation, North Korea launched a massive campaign against defection. It also raised the level of punishment for the members of the defectors’ families who remain in the North.⁵¹⁰

⁵¹⁰ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

According to the testimonies of defectors, some 208 households in Hoeryong and Onsung that received remittances from the defectors have been forcibly banished to the Yoduk area in South Hamkyung Province between January and May of 2005.⁵¹¹

North Korea and China have significantly reinforced and tightened their border security. When the food situation deteriorated in the wake of the floods in July 2006, defections increased and the border security was tightened. Instructions were issued to stop issuing travel permits (river-crossing permits) until November.⁵¹² These instructions came down from the Central State Security Agency to prevent the outflow of border-area residents into China, since many people would travel to China never to return or return long after the permit expired. Some would even flee to South Korea. North Korean authorities have also issued repeated instructions to the Security Agency, Public Safety Agency, and Border Guard Command to close off the border and increase surveillance over local residents. At one point, the officials even maintained a shoot-to-kill policy along the border areas.⁵¹³ In December 2006, there was a major campaign to check out missing persons in addition to reinforced border patrols.⁵¹⁴ When the border-guard

⁵¹¹ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

⁵¹² Good Friends, "North Korean News Today," No. 39 (Sept. 27, 2006).

⁵¹³ Good Friends, "North Korean News Today," No. 46 (Nov. 15, 2006).

⁵¹⁴ Good Friends, "North Korean News Today," No. 52 (Dec. 27, 2006). The Party, government agencies, and law enforcement agencies would conduct independent surveys on the residents at all levels of administrative units (city, county, sub-county, sub-divisions, and Inminban (neighborhood units). They would closely check out the status of those who no longer lived there, who disappeared recently, and who left long ago, etc. In the border regions, security and public safety agents would conduct constant checks on the status of room and board houses to confirm personal identification, where the lodgers came from, where they were headed, and so on. The border guard network consisted of four redundant loops; the first loop led by the border guards, the second by the security agency, third by the public safety agency, and finally by the border patrols.

defection and AWOL incidents occurred, the Security Agency conducted massive search and arrest activities in the Border Guard Command.⁵¹⁵ Again, in January 2007, strict control measures were taken for the purpose of controlling illegal river-crossings. A multiple guard and patrol network was put into operation along with the “shoot to kill” orders. On the Chinese side, the authorities have tightened security checks on place of room and board and the surveillance was tightened on the use of cell phones to detect informants among border patrol guards.⁵¹⁶

Even though charging political crimes on illegal river-crossing was relaxed, those who were caught trying to go to South Korea would be subject to particularly serious penalties, including detention in the political concentration camps.

- According to an interview with a defector, whose family was deported to North Korea after they were arrested in Mongolia in 1998, he and his entire family were released when his father, Kim Young-nam, 54, a worker at Onsung County Irrigation Management Office, took full responsibility and was imprisoned in the Yoduk Detention Camp.
- Another defector and her family of 11 were arrested by public security agents in Pingshang while she was traveling along the borders of Vietnam, Laos, and Myanmar looking for an opportunity to go to South Korea. They were transferred to the Tomen border unit. During the interrogation, she had persistently denied any plans to go to South Korea. However, her sister-in-law confessed the truth about their plan, and the sister-in-law was released, but XXX, her sister, and her brother were sent off to the Yoduk Detention Camp to serve time in the

⁵¹⁵ Good Friends, “North Korean News Today,” No. 52 (Dec. 27, 2006).

⁵¹⁶ Good Friends, “North Korean News Today,” No. 54 (Jan. 10, 2007).

camp's "revolutionary district." The authorities sent their children to a "relief center."

Since 2003, incidents of North Korean defectors entering into foreign diplomatic missions in China have significantly increased, and their attempts to go to South Korea have been widely reported. Also increasing were the incidents in which the defectors were forcibly deported to North Korea after apprehension in the process of entering into foreign missions.

- Many defectors were arrested by the border guards in Inner Mongolia or while trying to enter the South Korean Embassy in Beijing. They were forced to serve less than a year in a North Korean detention center after deportation.
- A defector who came to South Korea said the Chinese public safety agents arrested her in January 2003 along with two other women while they were attempting to enter the South Korean Embassy in Beijing. She spent two months in a Beijing detention center for foreigners. She was deported via Dandong to Shinuiju Security Agency in March, and was sentenced, without a trial, to one year of correctional labor at Ranam Branch "detention point" in Chongjin City. She was then sent to Jeungsan Correctional Center (in Ryongdong-ri, Jeungsan County, South Pyongan Province). However, the correctional center arbitrarily extended her term to one and a half years because she was a defector, so she had to serve one year plus five months and 12 days before she was released.⁵¹⁷
- Another defector said she was arrested by the border guards in Inner Mongolia in September of 2003. She was sent via Dandong to Shinuiju Security Agency in October and then to Onsung Security Agency. She was sentenced to 6 months of "labor

⁵¹⁷ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

training,” but was released after three months from Onsung Training Camp on account of illness.⁵¹⁸

- Another defector was arrested in Inner Mongolia in June 2004 while trying to flee to South Korea. However, she was released when her Chinese “live-in” husband paid 10,000 yuan for her. In September, she was arrested in Beijing again while trying to go to South Korea. She was sent to Musan Security Agency in October via Shinuiju Security Agency. Fortunately, there was no mention of her trying to go to South Korea in her documents, so she bribed the officials during the investigation and was able to get three months of labor training, instead of correctional penalty.⁵¹⁹

G. North Korean Defectors in South Korea

A total of 10,088 North Korean defectors came to South Korea as of February 2007. Since 1994, the number of defectors coming into South Korea rapidly increased. Numbers for each year from 2001~2004 show a slight increase: 312 defectors came to South Korea in 2000, 583 in 2001, 1,139 in 2002, 1,281 in 2003, and 1,894 in 2004. The number in 2005 showed a slight decrease (1,383) from the previous year. The reasons for this decrease may be attributed to the tightening of control and surveillance activities in China and the less active involvement of individuals and NGOs who used to assist defectors’ entry into South Korea.

However, in 2006 a total of 2,019 defectors came into South Korea, showing a 46 percent increase over 2005. Some 44 percent of those

⁵¹⁸ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007. A woman and her daughter from Hoeryong were arrested in Inner Mongolia for attempting to flee to South Korea. They were sent to Jeonkori Correctional Center in Hoeryong, and a 29-year-old woman from Hamhung was locked up in Oro Detention Camp in South Hamkyung Province.

⁵¹⁹ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

entering South Korea in 2006 had received help from their relatives already in South Korea while they were staying in China or North Korea. Many of them brought their entire family with them.

The planned entry attempts through foreign missions or foreign facilities in China have decreased since 2004. Trying to come to South Korea through China would normally take as long as one and a half years, so there were rapid increases in attempts to come to South Korea through Mongolia or Thailand. The Thai police have arrested groups of defectors staying in Korean churches in Bangkok and expelled them to South Korea after indicting them as illegal immigrants. (There have been three such cases, involving 175 defectors⁵²⁰ on August 22, 11 defectors on October 20, and 94 defectors on October 24.)

On September 18, seven North Korean defectors voluntarily appeared before the Thai police, demanding “refugee status.” Those North Korean defectors arrested along the Thai border regions as illegal immigrants would be expelled to a third country after staying in a detention facility for illegal immigrants.

Four North Korean defectors and three North Korean young people who had been waiting entry into South Korea at the Korean Consulate General in Shenyang jumped into the nearby American Consulate General on May 20 and in early September, respectively, and applied for asylum in the United States. On July 22, three of them were granted asylum.

A total of 23 organizations concerned over North Korean human rights, including Korean Christians for Social Responsibility, conducted a massive candlelight vigil in Seoul on June 8, demanding the release of

⁵²⁰ Among them, 16 people who had travel permits issued by the UNHCR were released on Aug. 24 and came to South Korea on Aug. 25. However, all other defectors, except for 23 minors, have been sentenced at the Bangkok Northern Branch Court to penalties of either 30 days of detention or 6,000 baht of fine (about 150 dollars) each on charges of illegal entry into Thailand.

Sohn Jeong-nam, who was reported to have been sentenced to public execution in North Korea in April.

As the number of North Korean defectors entering into South Korea rapidly increased, South Korea became more aware of the changing motivations, defection types, ages, and occupations these North Koreans had. The types of North Koreans who came into South Korea in 2006 showed that 70 percent of them were single woman fleeing alone. Most of them were also from North Hamkyung Province (85 percent), and 95 percent of them had been workers or farm hands.

In the past, most were inevitable last resort cases under circumstances of extreme background discrimination and/or human rights violations. As can be seen in the case of an entire family fleeing aboard a boat, recent cases involve people mainly motivated to escape the severe food shortages and economic hardship.

The reasons for increases in family defections include (a) the increasing risks due to the tightened Chinese surveillance activities, (b) increases in information about South Korean society, (c) economic assistance from the defectors who entered South Korea, and (d) increasing activities of professional intermediaries and business-type agencies.

As family unit defections increased, the age groups of defectors also began to show an even distribution. There were also cases in which earlier defectors planned and assisted the defection of their families from the North. Defectors' occupations also vary widely. They range from high officials (such as Hwang Jang-yop), diplomats, and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants. Since the return of former POW Lt. Cho Chang-ho in 1994, a total of 68 former POWs have returned to South Korea, including Shim Soo-taek and Ha Tae-won. With the return of Choi Wook-il, who came in 2006, a total of 5 abducted persons (i.e., civilians) have voluntarily fled North Korea and returned home.

H. Protecting the Escapees

The predominant view in the past has been that North Korean defectors should be given “refugee status” because political persecution and heavy penalties under Article 62 of the DPRK Penal Code were waiting for them upon deportation.⁵²¹ However, there seem to be some practical difficulties in demanding “mandatory refugee” status for all North Korean defectors in light of the terms defined under the refugee convention and its protocols and in view of North Korea’s history of relaxing punishment for illegal river-crossing for food since 1996,⁵²² and improving the manner of handling deportees during the deportation process. Since North Korea is no longer automatically bringing charges of political crimes on all deportees, there is less possibility of political persecution for most deportees. There is still social and structural discrimination against the deportees and there still exists the possibility of excessive penalties and mistreatment during investigations. Indeed, these people should not be treated like ordinary illegal migrants.⁵²³ Because of their need to search for food under dire conditions, they were compelled to cross the border into China. Strictly, they may not qualify as “mandate refugees” under the terms of the Refugee Convention, but they do qualify as people who need

⁵²¹ Article 62 of North Korea’s 2004 Penal Code stipulates, “A person who betrays the fatherland and flees to another country, surrenders, changes allegiance or turns over confidential information (to the enemy), shall be sentenced to a ‘correctional labor’ sentence of five years or longer. In particularly serious cases, he will be sentenced to death or an unlimited term with confiscation of all of his/her property.”

⁵²² Article 233 of the revised 2004 North Korean Penal Code stipulates, “Illegal border crossing shall be punished with a ‘labor training’ sentence of two years or less. In serious cases, three years of ‘correctional labor’ sentence shall be given.”

⁵²³ Joel Charny, “Acts of Betrayal: The Challenge of Protecting North Koreans in China,” *Refugee International*, Apr. 2005. Also see Hazel Smith, *The Plight of the North Koreans: North Koreans in China* (Monterey Institute of International Studies, May 2005).

international protection and support.⁵²⁴

UN special rapporteur Vitit Muntarbhorn said the North Koreans crossing the border were, in fact, “refugees *sur place*” and the international community and the concerned nations should extend necessary protections for them. In other words, even though they did not cross the border with political motives, they are constantly at risk of being arrested. They are also certain to face heavy penalties if deported. For these reasons, they should be defined as “refugees *sur place*” or someone who has become a refugee while in the country. Offering refugee status is a discretionary decision of the host country. The UNHCR can take action only in cases when the host country requests assistance or when offering the status is essential for the refugees’ survival. To be sure, defining the North Koreans who cross the border as “refugees” and extending them protection and free choice would entail an unusually heavy political burden on the host country (in this case China). North Koreans’ border crossings are occurring in so many different forms that it is very difficult to generalize them in a uniform pattern. For example, the levels of punishment assessed after deportation will vary depending on the individual’s social status, family background, hometown, and the duration of stay abroad. Their individual situations in the host country also are so diverse as to preclude a general category. Furthermore, some individuals upon deportation would still be charged as political criminals, which would certainly endanger their lives.⁵²⁵

⁵²⁴ The Human Rights Watch in its November 2002 report has defined the North Korean defectors in China as “Refugees *sur place*,” or people who became refugees while in the host country, in view of the impending penalties they would face upon forcible deportation.

⁵²⁵ AI has reported that unlike ordinary citizens Government and Party personnel would be given heavy sentences if they were caught fleeing the country. See Amnesty International, “Starved of Rights: Human Rights and the Food Crisis in DPRK.” See http://www.reliefweb.int/w/rwb.nsf/vID/6F7C02087E4E3D_5C49256E240017E506?OpenDocument.

If protection for North Koreans as “refugees” is needed, the Republic of Korea is prepared to offer necessary protection. For this reason, the urgent need to offer “refugee” status is often overlooked. However, if North Koreans attempt to get South Korea’s protection, they would be branded as “political traitors.” Furthermore, if they were officially accorded “refugee status,” this decision would probably trigger mass defections from North Korea.

There are realistic constraints in trying to define their status as “political refugees.” Given the circumstances, however, various ways to offer realistic protections urgently need to be devised.

According to the International Organization for Migration (IOM), even illegal migrants are entitled to fundamental human rights, including the right to life, freedom from slavery and forced labor, freedom from torture, freedom from inhuman treatment, right of privacy, freedom of movement, freedom of religion and ideology, and freedom of expression. Consequently, every conceivable measure should be taken to protect them against human rights violations, especially since their border crossings were an inevitable result of the desire for survival.

Chinese authorities maintain that most defections are not politically motivated but to secure food and necessary daily commodities. Consequently, it would be more realistic and effective to ask them to extend a “minimum protection,” instead of asking them to grant “refugee” status to North Koreans crossing the border into China. The assumption here is that border crossers will not be penalized upon returning to North Korea when the country’s grain shortage is over. Once they are provided with temporary protection, their requests to relocate to South Korea would presumably diminish; a situation that North Korea would also welcome. If China were to extend minimum protection and treat them as ordinary illegal aliens, not subject to immediate deportation, China would be able to minimize its burden and contribute to the protection of the human rights of border crossers. This

is a realistic alternative that should be considered.

It is also necessary to develop some protective measures for North Korean women who are “living in” with their unmarried Chinese domestic partners for extended periods of time. China is known to offer legal status for the children born of Chinese and foreigners. But these North Korean women are unable to complete the necessary legal procedures due to their illegal status and the fear of deportation.⁵²⁶ It would be highly desirable to take a census of these women and their children, and offer them legal status. Since the children born of Chinese and North Korean parents will have to obtain legal status before their school age, more effective and detailed measures should be developed through dialogue and consultation.⁵²⁷ In some parts of China, local authorities are known to issue family registries to the children born between North Korean women and Chinese men. However, some expenses are needed to obtain necessary documents, like hospital certificates, in order to register a child. Thus poor families in particular would experience some difficulty when they tried to register a newborn child.⁵²⁸

In order to improve the human rights situation of illegal North Koreans in China, the activities of various NGOs should be guaranteed so they could monitor human trafficking and provide relief measures for the victims. Openly guaranteeing the activities of all human rights watchdog NGOs would also contribute to the prevention and reduction of other human trafficking activities in China.

⁵²⁶ Kwak Dae-jung, *Minutes of the KINU Consultants Meeting*, Jun. 24, 2005.

⁵²⁷ Hazel Smith, *The Plight of the North Koreans: North Koreans in China*.

⁵²⁸ Testimony of defector XXX during an interview in Seoul on Apr. 6, 2007.

Appendix **Chronology of Major
North Korean Human Rights
Events in 2006~2007**

1. Major Human Rights Events in 2006

Date	Events
Jan. 2	WHO announces a \$10 million trust fund to assist and support newborns and their mothers in North Korea.
Jan. 17	Fifteen family members of those abducted during the Korean War bring a lawsuit against the government.
Jan. 20	The Human Rights Watch releases its “Annual Human Rights Report” on the human rights situations of 70 countries.
Jan. 26	The Civilian Cooperation Groups for North Korea decides to form an association.
Jan. 29	North Korea’s Committee for the Peaceful Unification of the Fatherland denounces South Korea’s National Human Rights Commission for raising North Korean human rights issues.
Feb. 6	The Graduate School of International Studies, Korea University, hosts the First Asian Human Rights Forum.
Feb. 8	The Family Association for the Abducted Persons to North Korea and the Citizens’ Alliance for the Abducted Persons jointly submitted a letter complaining that six former South Korean Presidents have neglected their

- duty to solve the abducted persons issue.
- Feb. 11 Japan's Liberal Party drafts a North Korean Human Rights Bill.
- Feb. 13 The Hangyorae Cultural Foundation for Unification launches a campaign for "Warm Winter for North Korean Children," and sends a boatload of assistance materials to Nampo Harbor, North Korea.
- Feb. 17 Japan's Liberal Party finalizes the North Korean Human Rights Bill.
- Feb. 21-23 The 7th Inter-Korean Red Cross Talks (at Kungang Mountain) discuss the abducted persons and POW issues.
- Feb. 25 World Food Programme prepares a North Korean relief plan, proposing to provide North Korea with \$120 million worth of grain between April 2006 and March 2008.
- Feb. 27-28 4th Inter-Korean Family Reunion meeting held. A total of 40 families met with relatives (South Korea using 13 rooms and North Korea using 10 rooms).
- Feb. 28 First boatload of South Korean fertilizers sent to North Korea.
- Mar. 3 The Free Citizens' Alliance launches a North Korean Human Rights Committee.
- Mar. 6 The former commandos, and their families and colleagues of South Korean HID (intelligence unit), releases for the first time the names of 41 South Korean commandos (specially trained agents dispatched to the North).
- Mar. 7 Mrs. Sakie, the mother of Yokoda Megumi, a Japanese woman abducted to North Korea, testifies before a

- hearing hosted by the U.S. House of Representatives on the abduction of her daughter to North Korea.
- Mar. 9 U.S. State Department releases its Annual Human Rights Report on relevant nations.
- Mar. 16 A resolution establishing the new UN Human Rights Council (formerly UNCHR) is passed.
- Mar. 17 Performances of the musical “The Yoduk Story” open at the Cultural Education Center in Yangjae-dong, Seoul.
- Mar. 20-25 The 13th Inter-Korean Family Reunion meeting held in Kungang Mountain. A total of 368 families met, including the families of abducted persons.
- Mar. 21 At the reunion meeting, North Korea stops transmission of South Korean TV tapes, complaining that they used expressions like “abducted persons.”
- Mar. 22 The 3rd International Conference on North Korean Human Rights was held in Brussels, Belgium, jointly sponsored by human rights groups in Europe and the United States, including Freedom House (USA) and Human Rights without Borders (Belgium).
- Mar. 23 South Korean press corps covering the family reunion meeting at Kungang Mountain decides to return home in protest of North Korean restrictions on the use of expressions like “abduction” and “kidnapping.”
- Mar. 24 A hearing was held on North Korean human rights in the EU Parliament building in Brussels.
The entire South Korean press corps withdraws from the 13th Family Reunion meeting.
- Mar. 29 The South Korean government agrees with WHO to provide \$20,050,000 during 2006~2008 in support of North Korea’s newborn babies.

- Four North Korean defectors apply for exile at the South Korean Embassy in Hungary.
- Mar. 31 Seven members of former POW Lee Ki-choon arrive in South Korea in 5 groups over a period of 16 months.
- Apr. 6 U.S. State Department releases its “Annual Report on Human Rights and Democratic Support.” South Korean National Assembly’s Foreign Affairs Committee hosts an experts seminar on North Korean human rights.
- Apr. 7 The DNA tests on the husband of Megumi, a Japanese woman abducted to the North, reveals that he was an abducted Korean man.
- Apr. 15-31 Members of overseas North Korean human rights links stage a rally calling on North Korea to improve the human rights situation.
- Apr. 21-24 Representatives at the Inter-Korean Ministerial Talks held in Pyongyang agree to cooperation on the abducted persons and POW issues.
- Apr. 22-30 American groups concerned over North Korea, including the North Korea Freedom League, host a North Korean Freedom Week in Washington, D.C.
- May 1 Freedom House (USA) denounces freedom of the press in North Korea as “worst of the worst” in the world in its “World Freedom of the Press Report, 2006.”
- May 4 The Human Rights Watch releases its report “The Problem of Survival—the North Korean Government’s Grain Control and the Starvation Crisis.”
- May 9-11 The 7th International Conference on North Korean Human Rights and Refugee Problems was held in Norway. The South Korean government participates.

- May 12 World Food Programme decides to reopen food assistance to North Korea.
- May 22 Good Friends Association sponsors an “Experts Seminar on the Improvement of North Korean Human Rights.”
- May 23 In a news conference held in Los Angeles, a North Korean defector in the United States reveals the many cases of North Korean and Chinese human rights violations.
- May 26 The South Korean government confirms the husband-wife relationship of South Korean Kim Young-nam and Japanese Yokoda Megumi.
- May 27 China determines that the four North Korean defectors who entered the American Consulate General were illegal “economic immigrants.”
- May 30 The United States, after consultations with China, decides to admit the four North Korean defectors into the United States without a third country transit.
- Jun. 2-3 South Korea’s Student Alliance for North Korean Human Rights holds a “College Students Rally for the Improvement of North Korean Human Rights and Democratization” at Jeonbuk University.
- Jun. 3 The U.S. Special Envoy for North Korean Human Rights, Jay Leftkowitz, plans to visit Kaesong Industrial Complex.
- Jun. 4 The Second Coordination Committee of South Korea’s Hannara Party (Grand National Party or GNP) said it has confirmed that there were 489 abducted persons and 1,743 POWs held in North Korea.
- Jun. 14-17 A June 15 National Unification Festival was held in Kwangju, South Korea. North Korea sends a delegation of 148.

- Jun. 15 The U.S. Committee for Refugees and Immigrations reports the number of North Korean defectors in China to be about 50,000 in its “Report on International Refugees, 2006.”
- Jun. 16 EU Parliament adopts a strongly worded North Korean human rights resolution.
- Jun. 17 The Japanese government passes the North Korean Human Rights Bill, which calls for economic sanctions on North Korea.
- Jun. 19 The “UN Human Rights Council” (formerly UNCHR) opens its first session in Geneva, Switzerland.
- Jun. 19-30 The 14th Family Reunion meeting is held at Mt. Kumgang.
- Jun. 22 The Family Association for the Abducted Persons hosts a rally at Seoul’s Sudaemun Memorial Prison calling for the return of abducted persons during the Korean War and in 1956.
- Jun. 28 A high school student abducted to the North, Kim Young-nam, and his mother, Choi Gyewol, from the South, meet at Mt. Kumgang for the first time in 28 years.
- Jul. 5 North Korea launches 7 missile tests, including a “Taepodong-2” missile. It asserts the test-firing was “successful” and was “part of military exercises to upgrade its self-defense capabilities.”
- Jul. 11-13 The 19th Inter-Korean Ministerial talks are held. South Korea expresses regrets over the missile test-firing and demands the North to return to the Six-Party Talks. North Korea demands abolition of restrictions on observation sites and of South Korea’s National Security Law. The meeting ends abruptly.

- Jul. 19 North Korea suspends Family Reunion meetings. North Korea informs South Korea that it was stopping the construction of the family reunion center at Mt. Kungang.
- Jul. 20 U.S. Congress promotes an East Asian version of the Helsinki Accord to increase pressures on North Korea to improve its human rights situation and political system.
- Jul. 22 Three of the four North Korean defectors accorded refugee status for the first time in China leave for the United States.
- Jul. 26 Japan denies the entry of North Koreans into Japan—the first occurrence since North Korea’s missile test-firing.
- Jul. 28 North Korea’s Arirang Festival is cancelled due to the flood damage in the country. It is rescheduled for the spring of 2008.
- Aug. 14 “A study on the reality of Korean War abducted persons based on an analysis of evidence” is presented. The joint study was conducted by Professor Kim Myung-ho at the Kangneung University’s Management Department and the Korean War Abducted Persons Data Center under the Family Association for the Korean War Abducted Persons.
- Aug. 17 A former political prisoner (an ideologue) in South Korea, Kim Suk-hyong, who was returned to the North, dies.
- Aug. 25 Eighteen North Korean defectors held in Thailand enter South Korea.
- Sept. 13 A South Korea-U.S. Summit meeting is held.
- Sept. 19 Thai police detain 7 female North Korean defectors.
- Sept. 28 Twenty North Korean defectors held in Thailand enter

- South Korea.
- Sept. 30 The Korean Bar Association publishes its “White Paper on North Korean Human Rights, 2006.”
- Oct. 9 North Korea conducts a “nuclear test.”
- Oct. 27 Thai court finds 76 North Korean defectors guilty of illegal entry, and hands down suspended sentences.
- Oct. 31 Nobel laureates Elli Wiesel, Vaclav Havel, and Kjell Bagne Bondevik jointly release in the United States a human rights report on North Korea.
- Nov. 7 South Korea’s National Human Rights Commission publishes a “Critical Study on North Korean Human Rights.”
- Nov. 18 The UN passes a North Korean human rights resolution, with South Korea supporting the resolution.
- Nov. 20 North Korean Foreign Ministry denounces the “UN Human Rights Resolution.”
- Nov. 27 The Inter-Korean Shoulder-to-Shoulder Children’s Group opens a “Center for the Health of Mothers and Children” in Pyongyang.
- Nov. 30 South Korea’s National Human Rights Commission announces that North Korea was not within the purview of its human rights investigations.
- Dec. 2 Dr. Kang Kyung-hwa, a Bureau Director at South Korea’s Foreign Ministry, is slated for appointment as a Deputy Commissioner at the UN High Commission for Human Rights.
- Dec. 15 Vitit Muntarbhorn, the UN Special Rapporteur on North Korean Human Rights, visits South Korea.
- Dec. 28 A special provision is inserted into South Korea’s “Law on

Citizens Defecting from North Korea,” allowing new defectors in South Korea to divorce their North Korean spouse and remarry.

2. Major Human Rights Events in 2007

Date	Events
Jan. 12	Human Rights Watch announces that the human rights situation in North Korea has further deteriorated in 2006.
Jan. 17	A fisherman abducted to the North, Choi Wook-il, returns home after 31 years.
Jan. 18	A nine-member family of a former POW who defected to China in 2006 was forcibly deported to North Korea due to the negligence of South Korea’s Consulate General in Shenyang.
Jan. 22	UNDP decides to suspend cash assistance to North Korea.
Jan. 26	South Korea’s National Human Rights Commission issues a stern warning to the National Policy Agency for revealing the personal identity of a new defector.
Feb. 7	The United States appropriates \$2 million in next year’s budget for the promotion of democratization in North Korea.
Feb. 9	World Food Programme announces that its fundraising campaign for North Korean grain assistance recorded its lowest amounts in 10 years, saying that it was able to raise only 18 percent of its target amount.

- Feb. 10 Three North Korean defectors held in Thailand are admitted to the United States.
- Feb. 15 Inter-Korean Ministerial Working-level meetings are held in Kaesong.
- Feb. 17 The number of North Korean defectors in South Korea passes the 10,000 mark. About 100,000 North Korean defectors are believed to be staying in other countries.
- Feb. 22 International Red Cross announces that the measles are spreading all over North Korea. The first case was found in November 2006 with four deaths. It estimates the number of cases to be about 3,000 patients.
- Feb. 23 Freedom House (USA) provides the “Open Radio for North Korea” in South Korea with a \$25,000 grant.
- Feb. 27-Mar. 3 Inter-Korean Ministerial Talks open in Pyongyang.
- Mar. 2 Twelve North Korean defectors arrive in the United States, asking for asylum.
- Mar. 5 UN Development Programme suspends its activities as North Korea refuses to guarantee transparency.
- Mar. 6 U.S. Consulate General in Shenyang, China, denies exile requests of six North Korean defectors.
- Mar. 8 U.S. State Department’s “North Korean Human Rights Report” names North Korea as the most oppressive regime in the world.
- Mar. 10 The South and North Korean Red Cross agree to resume the construction of the family reunion center at Mt. Kumgang.
- Mar. 17 South Korea announces it will start transporting 300,000 tons of fertilizer to North Korea from March 27th.
- Mar. 21 One North Korean defects to South Korea’s Ulleung

- Island (in the East Sea) aboard a Russian boat.
- Mar. 27-29 Inter-Korean family reunion meetings via video resume.
- Apr. 3 Thai police arrest 52 North Korean defectors.
- Apr. 4 Belgium decides to accord 'refugee status' to North Korean defectors.
- Apr. 7 U.S. State Department announces that U.S.-DPRK normalization of relations would be possible only if North Korea were to improve its human rights record.
- Apr. 10-13 Inter-Korean Red Cross Talks begin.
- Apr. 12 Chinese police arrest six female North Korean defectors (attempting to reach South Korea) in Winnan Province along the Chinese-Laotian border.
- Apr. 13 A declassified document of the U.S. Defense Department reveals that several thousand South Korean POWs were forcibly sent to the Soviet Union.
- Apr. 26 Four hundred North Korean defectors held in Thailand begin hunger-strike, demanding to go to South Korea. Three North Korean young people held in Laos enter South Korea.
- Apr. 28 A defector in South Korea whose personal information was revealed, applies for asylum in the United Kingdom.
- Apr. 30 President Bush released a statement at a North Korean Human Rights Week rally that the United States would continue to assist North Koreans who were fighting for freedom.

