

## The People's Safety Enforcement Law (Formerly the Social Safety Enforcement Law) and Stronger Control of North Korean Citizens

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Among several laws related to human rights that North Korea has recently adopted or revised, the People's Security Law deserves special attention. The following analysis compares the old Social Safety Enforcement Law with its newly revised version, the People's Safety Enforcement Law, in order to provide a concise overview of the features of the revised law.

Late last year the revised articles of the People's Safety Enforcement Law were made public. From early this year it has become clear that, in addition to the name change, the law's contents have been broadly revised.<sup>1)</sup> The reason for the name change from Social Safety Enforcement Law to People's Safety Enforcement Law is to reflect that the Social Safety Agency (Ministry) was changed to the People's Safety Ministry (the present-day People's Safety Agency). The Social Safety Enforcement Law was adopted on December 28th 1992 and revised once on March 24th 1999. At that time it retained the same name. It was

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1) The contents of the People's Security Enforcement Law can be viewed (in Korean) by referencing the *Handbook of North Korean* published by South Korea's National Intelligence Service in 2010 or by accessing the Ministry of Government Legislation's Korean homepage ([www.moleg.go.kr](http://www.moleg.go.kr)) and navigating to 북한법제정보센터 → 남북법제 → 법률목록 → 북한법령.

further revised on September 13th 2001, May 22nd 2002, and July 26th 2005, and at some unknown point during those revisions it took on the new name of People's Safety Enforcement Law. However, considering the timing of the name change from Social Safety Ministry to People's Safety Ministry, we can infer that the law's name was probably changed during the September 13th 2001 revision. As an organization charged with the central task of maintaining public safety, the function of the People's Safety Agency is equivalent to that of the police in South Korea. The People's Safety Agency, originally known as the Social Safety Agency and then the Social Safety Ministry, was renamed the People's Safety Ministry in 2000. In April 2010 it was elevated and placed directly under the control of the National Defense Council chairman.

An examination of the revised People's Safety Enforcement Law shows several elements that, on paper, appear to represent improvements with respect to the North Korean people's rights to physical freedom and safety. In terms of the law's methods and procedures, the following features are most conspicuous.

First, the People's Safety Enforcement Law makes specific mention of the term "human rights." It includes provisions prohibiting the infringement of "human rights" or abuses of authority in the process of enforcing public safety (Article 6). The old Social Safety Enforcement Law simply prohibited Social Safety organs from exercising excessive force or abusing authority in the process of enforcing social safety, and did not make explicit mention of human rights (Article 6). Aside from the People's Safety Enforcement Law, other laws mentioning human rights that existed prior to the 2009 revision of the North Korean Constitution include the Attorney Law (Article 2) and the Criminal Procedure Law (Article 5).

Second, the law states that when a People's Safety officer seeks to confirm that someone has violated the legal order, the officer must first identify him/herself and state the grounds for enforcement (Article 42). The former Social Safety Enforcement Law did not specifically require personal identification of officers (Article 30).

Third, a new provision was added specifying that when a law violator is detained it must be reported to the public prosecutor within 24 hours, and the detainee's family, workplace, and living unit must also be notified (Article 49).

Fourth, a provision was added making it illegal to detain women 3 months before or 7 months after giving birth, as well as patients who are critically ill or contagious (Article 50 Clause 3). The previous law had no provision corresponding to this

(Article 34).

Fifth, Article 36 of the old law specified procedures for the investigation and handling of detainees, but the new law contains an additional clause stating that when a detainee's clothing is examined by a People's Safety agent to identify traces, features or items related to the legal violation, two witnesses must be present (Article 52 Clause 2).

Despite these positive elements, overall the revisions to the People's Safety Enforcement Law tend to move in the direction of tightening control over the people.

First, the stated objective or mission of this law emphasizes "observing systems and maintaining order," at the expense of human rights. The old Social Safety Enforcement Law stated that its purpose was to "defending national sovereignty and the socialist system" along with "preserving the people's constitutional rights and protecting their lives and property" (Article 1). By contrast the People's Safety Enforcement Law eliminates mention of protecting the people's rights, lives and property and instead defines its objective as "strictly maintaining systems and order, preventing activities which violate the legal order, and accurately handling and punishing violations when they occur" (Article 1).

Second, the most major problem is that the People's Safety Enforcement Law broadly expands the scope of activities subject to regulation. The old law dedicated 21 articles (Articles 8 through 28) to describing activities subject to regulation, whereas the new law expands this to 33 (Articles 8 through 40). This represents a roughly 50% increase. The same acts regulated by the old law, listed in Appendix 1, are also stipulated in the new law, but the new law supplements these with additional acts (see Appendix 2). This law enables control of all aspects of daily life, including provisions against illegal confiscation of equipment or materials belonging to agencies, workplaces, and groups; unauthorized commercial transactions for the sake of making money; failure to properly manage farm machinery or livestock; and activities which waste electricity.

Third, the old law stipulated that when someone is subjected to law enforcement for committing a crime, a report must be made within 24 hours (Article 32); by comparison, the new law simply states that a report must be made at the scene or a relevant location, without specifying a time limit (Article 46).

The name change from "Social" to "People's" Safety Enforcement Law speaks to the shift in emphasis to more specific control over individual persons rather than society as a whole. It is worth paying attention to the possible connection between the

revision of this law and the Kim Jong Eun succession system. The People's Safety Enforcement Law was last revised on July 26th 2005, and it appears unlikely that the regime had the Kim Jong Eun succession in mind at that time. However, at the very least, it is a given that rising successor Kim Jong Eun will make use of this law to keep control of the population. The People's Safety Enforcement Law, the Administrative Punishments Law and the Penal Code together constitute a strong legal mechanism for controlling the people. North Korea uses the People's Safety Enforcement Law to deal with violators of the legal order that it is unable to hold criminally accountable (Article 7). Violators are sentenced to administrative punishment according to the Administrative Punishments Law (Administrative Punishments Law Articles 6 and 7). This law defines eight levels of administrative punishment: ① warnings or severe warnings; ② unpaid labor or labor training; ③ demotion, dismissal or removal from duties; ④ fine; ⑤ suspension; ⑥ indemnification; ⑦ confiscation of property; ⑧ suspension of certification, downgrading of status, or de-certification (Article 14). Among these, unpaid labor appears to be the most frequently imposed sentence. In short, it appears that the revised People's Safety Enforcement Law will result in greater government control over the people's everyday lives and more instances of people receiving administrative punishments such as unpaid labor or, in extreme cases, criminal punishments such as labor training or re-education. We must consider practical ways of responding to improve North Korea's human rights and prevent violations.

## Appendix 1: Acts subject to enforcement in the existing (old) Social Safety Enforcement Law

- Acts which disrupt the orderly conduct of society
- Acts which threaten the political safety of the nation
- Irresponsible management of facilities, raw materials, or products rendering them unusable; the misappropriation, waste or illegal disposal of such items; filing false plans for use; or violation of orderly procedures for import or export.
- Acts which violate the orderly conduct of business through illegal sale of products, violation of fixed prices, etc.
- Violating orderly procedures for managing foreign currency, such as working to earn foreign currency without a permit or buying/selling foreign currency

- Acts which violate the orderly conduct of work, such as failing to report to work for no appropriate reason, laziness, failing to observe work schedules
- Acts which violate the order of mass society, such as the importing, creating, copying or circulating morally decadent music, dancing, artwork, photography, literature, videos or recordings without permission; gang fighting or delinquency; destruction of public facilities or violation of their proper use.
- Illegal medical practices or manufacture of pharmaceuticals for sale
- Acts which violate orderly travel procedures or the orderly use of paths and roadways
- Acts which violate the orderly preservation and use of classified materials or printing facilities belonging to an agency, workplace or group, or the leaking of classified information
- Acts which violate the security of an agency, workplace or group
- Acts which violate orderly civilian registration, lodging registration, or use of living quarters
- Acts which violate the order of safe public transit, such as failure to register automotive machinery or receive technical inspections, or the operation of such machinery without a license
- Failure to to maintain the safety of transit facilities, such as unauthorized construction or blockage of roadways
- Failure to maintain equipment and materials for the prevention of fires at agencies, workplaces or groups, or the unauthorized construction or use of buildings or storage units for flammable materials
- Acts which violate the orderly handling of explosives, firearms, or radioactive or poisonous materials
- Acts which violate the orderly operation of internally pressurized or spring-wound riding equipment or ferries, or failure to undergo regular inspections of such equipment
- Failure to establish plans for preventing flood damage, earthquake damage, and submersion accidents
- Acts which violate the orderly preservation of the national territory and environment, such as the harvesting or capturing of profitable plants or

animals by illegal means or at forbidden times; misuse of land; misuse or secret harvesting of timber; polluting of water, air, or land.

- Acts which violate the people's constitutional rights, life and property, or the property of the state or cooperative organizations

## Appendix 2: Additional acts subject to enforcement in the (new) People's Safety Enforcement Law

- Illegal hoarding of equipment or materials from an agency, workplace or group, or unauthorized establishment of service facilities for profit such as food stands
- Organizing of employees of an agency, workplace or group for illegal money-making activities
- Failure to properly manage farm equipment or laboring animals, or violation of orderly storage and use of agricultural materials such as pesticides
- Acts which waste electricity such as illegal use of power cables, etc.
- Redirecting labor from an agency, workplace, or group for another purpose or failing to mobilize labor for planned activities in a timely manner
- Spreading superstitious behavior, falsifying or distorting the facts, or spreading rumors
- Violating the proper registered use of recording materials such as computers, printers, digital cameras, solid-state radios
- Harassment of women or defilement of other people's clothing
- Walking along railways or automotive roadways, or violating the established order and public morality of areas near tourist roads
- Destruction of equipment attached to trains, trams, or buses, or interference with their orderly operation
- Manufacturing alcohol for the purpose of barter or commerce, trading in banned materials, or trading outside of official marketplaces
- Illegal smuggling or sale of goods, or unauthorized transit across national borders

- Concealment or trade of stolen goods
- Driving while intoxicated, or dispersion of harmful fumes exceeding emissions standards
- Acts of violence, defiance, or insults directed against persons issuing warnings or notifications of legal violations