

## North Korean Human Rights: Major Characteristics and Changes

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KINU's Center for North Korean Human Rights Studies published the 2012 Korean edition of the *White Paper on Human Rights in North Korea*. In line with the release of its Korean language version of the white paper, the center would like to introduce major characteristics of North Korean human rights issues, focusing on civil and political rights as well as economic, social, and cultural rights. KINU has evaluated human rights violations in North Korea by means of two criteria. First, North Korea is a member state of the U.N. and a party of four international human rights instruments – which are the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Convention on the Rights of the Child (UNCRC) – and the contents of the four instruments are based on the rights stipulated in the Universal Declaration of Human Rights. Second, given that the North Korean regime has enacted and revised its own national laws to protect human rights, an analysis of the current situation was conducted to determine whether the regime complies with the laws. Although the human rights situation of a

particular country should be defined based on a conducted field survey, the North Korean regime has not permitted access to research its human rights conditions. Despite such obstacles, KINU has gained a profound understanding of the North Korean human rights violations through in-depth interviews with defectors who have settled in South Korea. *The White Paper on Human Rights in North Korea 2012* reflects the testimonies of the 230 interviewees who were selected amongst the North Korean defectors who entered South Korea in 2011 based on the results of a basic survey conducted on 1,983 respondents as well as significant demographic characteristics and social backgrounds (diverse regional distribution, direct entry into South Korea, experience of detention, etc.). The in-depth interviews were conducted for about two hours and utilized a questionnaire that specifically focused on the contents of the white papers.

## I. Civil and Political Rights

### 1. Public Executions

Public executions have continued in North Korea for offenses that include political dissidence; common law felonies such as murder, rape, and human trafficking; the distribution of overseas information; and drug smuggling and trafficking. However, there have been noticeable changes in the selection of the criminal acts subject to public executions. First, there were testimonies that in the regime's efforts to exert control over society and crackdown on its people, some North Koreans were caught and publicly executed for killing officials from Ministry of People's Security and National Safety Protection Agency. This incident demonstrates that some people were dissatisfied with the intensified social control during the course of succession, and the regime responded with austerity, perceiving it as an act of defiance against the regime. Second, it was determined that public executions were also conducted on those who did not supply electricity to Pyongyang or misappropriated state properties. The regime appeared to regard such actions as treasonous to its goal of a "Strong and Prosperous Country" and therefore, imposed a severe punishment. Third, after the currency reform, North Korean authorities have resumed publicly executing those convicted of smuggling and trafficking livestock, including cattle and goats, in addition to cannibalism, which had been on the decrease since 2000. These changes appear to reflect worsening economic conditions and the chronic food crises due to the failure of the reform.

However, the number of public executions has significantly decreased. Of the 230 interviewees from the 2011 interviews, only two testified that they witnessed or

heard of public executions in 2011. There are several possible reasons behind the recent decreases. First, the regime is likely performing secret executions or increasingly imposing indefinite hard labor as an alternative sentence in response to the international community's condemnation. This action demonstrates that it is important for South Korea to cooperate with the international community, including the U.N., to continuously voice their concerns over North Korea's atrocious record based on the universality of human rights. Second, the regime intended to maintain its authority by threatening its people into submission through public executions, but they have failed to show any effect. Third, the decrease appears to correlate with the overall corruption in North Korea, since bribery has recently become prevalent in the North. There have been some cases in which people avoided punishment or faced a lighter sentence for crimes that are subject to public executions by offering bribes.

It is difficult to conclusively determine the main cause of the decline in public executions in North Korea due to the uneven regional distribution of the defectors and the possibility that many North Koreans who witnessed or heard of public executions in 2011 have not yet defected. Meanwhile, it remains to be seen whether Kim Jong Un, North Korea's supreme leader, will increase public executions as part of his reign of terror to strengthen his regime or continue replacing them with secret executions and indefinite hard labor as a means to placate the international community.

Disclosed documents revealed that public executions are the consequences of specific crimes defined in North Korea's criminal law and its addenda in regards to general offences, and the executions are conducted according to an established procedure once the verdicts are determined. For example, the Pyongyang court sentenced Lee Sung-cheol to death for deliberately destroying state properties, which is subject to Article 4 of the addenda regarding general offences. On September 2010, the Supreme Court requested permission to publicly execute Lee, thereby enacting the death sentence established by the Pyongyang court. In addition, Kim Choon-nam received the capital punishment in the North Pyongan Province court under Article 4 of the addenda, and the Supreme Court requested permission to enact Kim's death sentence. The documents are significant because they provide evidence that North Korea complies with its criminal laws in regards to public executions. Nevertheless, it is doubtful whether all of the public executions are conducted according to the procedures described in the documents.

## 2. Personal Freedom and Right to Safety

In various types of detention and correctional facilities, including *jip-kyul-so* (collection centers), *ku-ryu-jang* (detention–interrogation facilities), *kyo-hwa-so* (correctional camps) and *ro-dong-dan-ryeon-dae* (labor–training camps), forced labor, torture and beatings are common. Although facility officials participate in the abuse, leaders of the detainees or other detainees under the direction of officials are largely responsible for the harsh conditions of the facilities. This is possibly due to the fact that the regime is wary of outside criticisms that can be provoked when North Korean officials are found to be directly involved in the blatant abuses. In addition, nutritional and medical conditions in the facilities are dire. Although the facilities provide minimum care, such as the exemption from labor for those in serious conditions, they do not provide any medicine or treatment. Forced labor and harsh treatment have relentlessly caused injuries and diseases in addition to cases of malnutrition, which often result in death. Testimonies on North Korea's violations on personal freedom and right to safety have been concentrated on the Cheongjin *jip-kyul-so*, Jeongeory *kyo-hwa-so*, and the *ku-ryu-jang* run by the Onseong County Security Agency among other *jip-kyul-so*, *kyo-hwa-so*, and *ku-ryu-jang*, respectively. In the case of *ro-dong-dan-ryeon-dae*, there were testimonies of nationwide infringement on personal freedom due to the regime's oppressive control and crackdown on North Koreans, but the regions of Hamgyeong Province, Yanggang Province, and Jagang Province experienced more severe changes than those of Pyongan Province and Hwanghae Province.

In the North, 150,000 to 200,000 political prisoners and their family are struggling to survive in abject conditions in six political concentration camps. The regime continues to imprison the people who attempted to escape to the South or have made contact with South Koreans on charges of espionage, whose family members escaped from the North, and those who participate in religious activities. While the camps are for political prisoners, there have been some cases in which people were imprisoned for felonies against common law. For instance, testimonies on individuals detained for human trafficking are frequent and some economic offenders who were involved in state matters were found to be detained in the camps as well. For instance, a North Korean defector, OOO, testified of witnessing a chief and a secretary of an oil station imprisoned along with their families in February 2010 for stealing, using, and selling oil from an oil storage facility in Cheonnae County, Gangwon Province, which is also known to be a secret storage for Kim Il Sung and Kim Jong Il.

Testimonies and memoirs of North Korean defectors further detail the situation

in the political concentration camps. Once detained, prisoners have their citizens' certificates seized and are deprived of their basic rights, such as the right to vote and run for election, while ordinary rationing and medical benefits are suspended and marriage and childbirth are banned. A particular individual, however, demonstrates that this is not always the case. Kim Hye-sook, a North Korean defector, who had been detained in the Bukchang political concentration camp (*kwan-ri-so* No. 18) for as long as 27 years, joined the party in October 1984 as a model member of the Socialist Workers and Youth Union, married a coal miner and even gave birth to a child in the camp. Furthermore, a detailed testimony of the Hoeryeong *kwan-ri-so* No. 22 was reported. In the camps, parents and children have specific tasks that they must individually complete, and couples are given different shifts to prevent sexual intercourse. There is also a ditch that is used to drown the prisoners as a means to save valuable bullets.

### 3. Rights to Legal and Procedural Protection

In some cases, criminal trials in the North are reported to be conducted according to the legal process stipulated in penal code, criminal law, and the law of constitutions of courts. There were also instances in which the duration of the investigation, trials and preliminary trials were complied as stipulated in the criminal law. Nevertheless, violations of the legal process persist. Under the North Korean criminal law, a judge and people's jury must participate in the first trial; however, there were many situations in which a trial was conducted without the aforementioned participants during the investigation phase or the preliminary trial and in other cases, the trials were conducted solely on paper. In addition, there were numerous cases in which the duration of the investigation, preliminary trials and trials were not upheld.

In order to better inform the public and prevent crimes, North Korea implemented on-site open trial system; however, in many instances, public trials lead to public executions although that is not always the case. Among the regions where public trials are held, Hyesan City in Yanggan Province, and Musan County and Hoeryeong City in North Hamgyeong Province were found to have conducted the most trials, in all probability due to the fact that many of the defectors come from these areas. The most frequent cases include common law felonies such as human trafficking, murder and prostitution, followed by economic offences and defection by crossing the river into China. The testimonies from the interviews demonstrate that forced labor for a fixed term is the most common sentence, while the "unknown" was the second most frequent answer because those convicted did not actively engage in the trial but were still forced to participate in them.

Furthermore, it was discovered that in many instances, the sentence was predetermined during the preliminary trials, in which the verdict was read and the sentence was executed. However, there were also many cases in which the sentence was made after the public trials.

Although the comrade trial is utilized as a warning for the people whose sentence has been predetermined, there were some testimonies claiming that the verdicts have been announced at the trial after the comrade trial. It is suggested that in recent years, the comrade trial has been mainly conducted in the military for crimes such as desertion and border crossings. Thus, it is indicative that North Korea's chronic food shortages and economic difficulties also affect the military.

There is a period of time in which an individual can apply for a formal appeal; however, in reality, such scenarios are extremely rare. Even if an appeal is made, the plaintiffs are likely to face additional sentences or other disadvantages. This is also the case for complaints that are institutionally supported but rarely made. In addition, the rights to defense, which is protected by the North Korean constitution and the Lawyers' Law, is unknown to more than half of the North Korean population. Lawyers are also perceived to be individuals who explain the party's policies and disclose crimes of the suspect rather than represent the suspects or defendants. While there are some instances in which the lawyers defend their clients, they usually do not represent the defendants or even inform them of their crimes.

#### **4. Strengthened Social Control and Widespread Corruption**

With the power succession in progress and common law crimes becoming more pervasive due to the economic recession, control and punishment against North Koreans have become more severe. In this situation, people are more inclined to offer bribes in order to avoid punishment. In particular, there were a number of cases in which people who were caught using cell phones or distributing videos managed to avoid or mitigate their sentences by providing bribes. There were also reports of people being released from detention or correctional facilities, including *jip-kyul-so*, *ku-ryu-jang*, *kyo-hwa-so* and *ro-dong-dan-ryeon-dae*, or received an alternate sentence to their term through bribery. Furthermore, there have been continuous reports of instances in which bribery is involved during the process of investigation and preliminary trials; thus, receiving lighter sentences or a reduction of the prison term through corrupt means during the trials are found to be commonplace. Moreover, there were other testimonies in which those who offered bribes were released from the facilities for social education or probation.

Divorce is also closely associated with corruption. In North Korea, divorce is on the rise due to a number of factors including domestic violence, increase in women's commercial activities to ensure survival, and familial troubles. There have been a growing number of testimonies claiming that in order to file for divorce, hundreds of thousands of won is necessary to bribe the officials; however, the divorce suits are conducted unfavorably toward women.

### **5. Less Discrimination based on Family Political Background due to Stronger Focus on Economic Power**

Although the North Korean constitution stipulates equal rights, there has been perpetual discrimination based on the family background. Nevertheless, a social atmosphere which focuses more on economic power than on the family background has been expanding, though with little effect on the Korean Workers' Party, National Safety Protection Agency and the Escort Bureau. In particular, since the mid and late 2000s, bribes have become a significantly influential factor, even in joining the Party and appointing executives. Moreover, according to testimonies, even those who worked in the *kyo-hwa-so* were able to join the Party through bribery. In addition, bribes appear to be a necessary condition to enter Kim Il Sung University, which is one of the most prestigious universities in North Korea, and there were other testimonies claiming that bribes could change the family's political backgrounds. Such instances demonstrate that bribery is becoming ubiquitous in society due to the nationwide economic crisis.

However, people who have attempted to escape to the South or have a history of imprisonment in political concentration camps are prohibited from joining the Party. Furthermore, those whose family members have escaped to South Korea, have relatives in China, or are of Chinese descent are reportedly subject to extreme prejudice in Party memberships, appointments to executive positions, acceptance into universities, and in marriage. Recently, however, there have been testimonies that Party membership does not offer many benefits, and as a consequence, people are reluctant to pay their way into the Party. It appears that the social trend, which place more emphasis on economic power than on the political background, has even spread to the Party organizations that support the North Korean society.

## **II. Economic, Social, and Cultural Rights**

Among economic, social and cultural rights, major research and characteristics on the right to food and health are introduced as follows:

## 1. Right to Food

Even in 2011, an ordinary North Korean's right to food is under constant threat due to food insecurity. As a result of the military-first policy, the regime's discriminatory rationing policy and distorted budget allocation continues to threaten its people's right to food. In particular, the regime does not officially abolish its public distribution system (PDS) when food is absolutely scarce, so the working class citizens are exploited as a consequence of the discriminatory policy.

First, the elites have access to the food secured by the regime through the public distribution system. Second, major institutions converge to strengthen their food sufficiency system, and consequently, urban workers have different rationing based on the nature of the mergers. Third, although the food situation is relatively better in the rural areas, the farmers' recent condition has worsened. Fourth, a flawed PDS is threatening the right to food from the vulnerable, including the elderly and children from underprivileged families. Fifth, the North Korean regime prioritizes the military's food security under the military-first policy, since the military forces are considered paramount to marinating power. There is, however, a significant gap in the access to food within the military. In addition to the differences in the access to food based on social class and occupation, regional discrimination exists.

As a result of a severe shortage of food and the discriminatory rationing policy, the working-class citizens are increasingly dependant on the black market to supply all or part of their food. Thus, discrimination in the access to food based on purchasing power has become widespread. Also, such discrimination is increasingly accompanied by polarization. The November 2011 currency reform served as a key factor in the right to food, but North Korea appears to have avoided the worst-case scenario, as its people adjusted to the reform.

As a consequence of the buying methods and purchasing power, polarization in the access to food has produced two types of discrimination in terms of the availability of food and the polarization in the food quality and access to non-staple foods. In this situation, people who cannot afford food from the market believe that their chances of survival are under threat. Furthermore, the nutritional intake of the working-class does not appear to be improving. The nutritional level in North Korea was specifically surveyed through the 2011 interviewees utilizing a scale of one to five. Of the 110 who escaped the North after 2010, 83% of the respondents answered at the situation was deteriorating (37% deteriorating and 46% severely deteriorating). It has even been reported that some

of the poorest have attempted to sell their blood in exchange for food.

## 2. Right to Health

As mandated in the Socialist Constitution and the Public Health Law, North Korea nominally maintains a free medical treatment system, but its overall support systems have collapsed. In 2011, the general collapse of the system was a key factor that disproportionately affected the right to health based on social class. The difference in the extent of the medical structural collapse for the working-class and party leaders has been the most important issue. The degree of the collapse in the support system and the differences in access to health preserve the gross disparity in medical benefits amongst the social classes.

The doctors are the core of the North Korean medical structure, which aims to provide an integrated healthcare system through prevent and treatment services. However, the system is flawed. In a survey of 86 respondents among the 2011 interviewees, 74% said that the system was not effective (24% ineffective and 50% seriously ineffective).

Following the collapse of the North Korean medical system and a severe shortage of drugs, there appears to be a large disparity amongst the social classes in regards to the right to health. First, when there is a deficiency, each class has different access to the available drugs, so even when the hospitals receive an inadequate amount of medicine, the party leaders and the privileged still benefit from the limited medical supplies. The right to health is subsequently aggravated by discrimination and the provision of drugs is solely based on connections and power. Second, the personal acquisition of drugs has become prevalent, but the effectiveness of the drugs depends on the buyers' purchasing power, which disproportionately affects the right to health. In particular, many cheap drugs sold in the market are counterfeit, which is extremely detrimental to the health of the working class. Moreover, North Koreans are not aware of the fact that drugs should be bought from certified professionals, so the transaction of drugs from those without knowledge of medicine may also have a fatal effect on the people's health. Third, there are a growing number of cases of drug abuse and misuse, specifically the use of narcotics for treatment due to the economic hardships, which threatens the health of the North Koreans.

In 2011, it was determined that free medical treatment, which is stipulated in Article 10 under Free Medical Services of the Public Health Law, was only in name. First, hospitalization is technically free, but every cost incurred in the hospital is to be paid by the patients. Second, in an increasing number of cases, patients must

offer cash or presents to healthcare professionals in order to receive proper treatment. Third, a disproportionate amount of medical benefits are accorded to those with economic power, which is often observed in difficult cases such as those requiring operations. In order to receive surgery at a large hospital, patients must make appointments through personal connection including relatives. There are also extreme cases in which people have no choice but wait for death, since they lack the financial assets. Fourth, the length of time patients wait to see a doctor is largely dependent on the bribes, while the length of time they wait for treatment varies based on whether the patients can offer their doctors cash. Moreover, doctors also face difficulties in maintaining their livelihood due to North Korea's economic conditions and the irregular rationing system; thus, they resort to several alternate methods to ensure their survival. First, doctors insist that their patients provide bribes in cash or of the kind during the treatment process. Second, doctors have reported for illegally practicing medicine in their homes, most commonly abortions. Third, doctors misappropriate the already scarce drugs, further affecting the poor's right to health.

### III. Outlook of North Korean Human Rights under Kim Jong Un Regime

At the third meeting in September 2010 and the fourth meeting on April 11<sup>th</sup>, 2012 of the Party Delegates' Conference, and the fifth meeting of the 12<sup>th</sup> Supreme People's Assembly on April 13<sup>th</sup>, 2012, powerful members of the elite under Kim Jong Un's regime were unveiled. In particular, the fourth meeting of the Party Delegates' Conference demonstrated that affiliates from the public security were at the forefront. In the National Defense Commission, members from the military and public security formed two pillars.<sup>1)</sup> A closer look at the elites who support the new leader demonstrates that a heightened social control during the short term is to be expected through the use of public security agencies in order to stabilize the new regime. Therefore, it appears that North Koreans will not experience any improvement in their overall civil and political rights, while conflict between the people and the authorities over black market activities are likely to increase. This will affect human rights in North Korea in two aspects. First, as the human rights conditions continue to deteriorate, some North Koreans will express discontent with the strengthened control over social order. Second, even if the government

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1) Park Hyeong-jung, "Outline of the Kim Jong-il's Ruling Coalition Advanced in this April," *Online Series 2012-18* (Seoul: KINU), April 23, 2012.

control becomes tighter, people will still have the means to gain outside information, including videos from South Korea, to change their perception of the world.

It is difficult to expect any fundamental improvement in North Korea's economic, social and cultural rights. In addition to the fact that the National Defense Commission is comprised of officials from the military, Kim Jong Un clearly stated that he would rule according to the final injunctions of his predecessor, particularly in regards to maintaining the military-first policy, during the meeting with leading officials of the Korean Workers' Party (KWP) on April 6th and at the April 15th military parade. Consequently, there will be no changes to the disproportionate amount of the budget that is allocated to the national defense industry. While finalizing the power succession in April, Kim Jong Un has also highlighted policies for the people. At the April 15th military parade, he asserted, "The country would not let people tighten their belts." Furthermore, at a meeting, Korean Worker's Party concluded that in a list of issues of national priority, improvement of the people's livelihood came second only to the national defense industry. In contrast to past efforts, the work stresses the revitalization of electric power, coal, metal, and railway and the transportation sectors to improve the livelihood of its people. In addition, there was an emphasis on addressing the food, housing and drinking water issues. Such efforts can be perceived as an encouraging change, since Kim Jong Un appears to understand the limits in strengthening his power through authoritarianism and is placing an emphasis on improving the people's lives. Despite the shift in focus, however, such policies are unlikely to fundamentally improve social rights as long as the budget is limited and the military-first policy continues to be employed. Furthermore, disparate access to food and healthcare amongst the working class and the underprivileged will not improve as long as the discriminatory rationing policy is still in effect. Only in restructuring the overall food and medical system and eliminating the discriminatory policies and corruption, the working class's human rights conditions can progress.