

**White Paper on Human Rights
in North Korea
2005**



**KOREA INSTITUTE FOR
NATIONAL UNIFICATION**

White Paper on Human Rights
in North Korea, 2005



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White Paper on Human Rights in North Korea

2005

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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 Korea Institute for National Unification.

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Preface

The issue of human rights in North Korea during the year 2004 may be summarized in terms of the international community's repeated calls on North Korea to improve human rights. Due to the continuing decade long food crisis, the "security rights" of ordinary North Koreans, including their right to life, have been seriously impaired, and they have had to depend on humanitarian assistance provided by the international community. However, North Korea's refusal to open its doors to the international community and its confirmation of a continuing nuclear weapons program, has served to deepen international anxiety and suspicions about human rights violations inside North Korea. North Korean policies have prompted the UN Commission on Human Rights (UNCHR) and other civilized nations, including the United States, to take more concrete steps to help improve the human rights situation in North Korea.

Human rights are universal, and all rights are inter-related. The most important and fundamental of all rights, inherently related to the survival of individual persons is the right to eat. Suspension of a person's right to food is certain to result in the abridgement of other rights. Due to the lack of food, many North Koreans are forced to find their own ways of survival, often committing socially unacceptable behaviors or attempting to flee

to China. North Korean authorities have routinely arrested, tortured and even executed their own citizens for food-related crimes. Indeed, the food shortage and human rights violations have developed into a terrible, vicious cycle that constantly repeat.

To escape from international isolation and to obtain assistance from the international community, North Korea, in recent years, has established diplomatic relations with many Western nations. Internally, it has been seeking to expand the scope of individual economic activities through such policies as the Economic Management Improvement Measures of July 1, 2002. Although hurdles such as the nuclear issue and North Korea's denial of liberal on-site access are hampering various international assistance projects, humanitarian assistance has nevertheless been playing an important role in preventing the recurrence of food crisis in North Korea.

In view of the persistent food crisis in North Korea and the international concern for on-going human rights violations, the UNCHR has adopted three consecutive human rights resolutions on North Korea, since 2003 and appointed a special rapporteur on human rights in North Korea. The United States has also enacted a North Korean Human Rights Act, in 2004, to promote human rights for the North Korean people and to assist activities providing protection for defecting North Koreans.

The Korea Institute for National Unification (KINU) has been publishing the "White Paper on Human Rights in North Korea" annually in both Korean and English. Our objective is three-fold: to report worldwide objective facts, evidence, and realities of the human rights situation in North Korea and to call for an immediate cessation of any and all abuses of human rights by North Korea and to promote on a continuing basis concerted

international efforts to improve the human rights situation in North Korea.

We are restricted from independently monitoring or directly approaching the sources of objective information on the realities of human rights violations in North Korea. North Korea's refusal to open its doors makes it impossible for us to conduct firsthand surveys or confirm detailed information. In our efforts to fill the gaps and add to the paucity of firsthand information, this White Paper has drawn from various sources, including extensive questionnaires and intensive personal interviews with "new settlers"(North Korean defectors in South Korea) reports by inter-governmental and international organizations, as well as the written and public statements of their officials and reports, publications, and testimony of various nongovernmental organizations (NGOs).

Despite its inherent weaknesses, it is hoped that this report will meet the needs of those who are looking for valid information about North Korea, and serve to direct focus both national and international attention on the important issue of human rights in North Korea.

Park Young-kyu, Ph. D

President
Korea Institute for National Unification
Seoul, Korea

May 2005

Executive Summary

North Korea took some positive institutional steps in 2004, for example, it revised its penal code in response to the growing human rights concerns of the international community. Despite the positive responses, however, the human rights situation in North Korea remains very poor and unimproved. The North Korea Human Rights Resolution adopted at the 60th UN Commission on Human Rights meeting has pointed out that serious and wide-ranging human rights violations are taking place in North Korea. Professor Vitit Muntarbhorn, who was appointed by UNCHR as Special Rapporteur on human rights in North Korea, said in his report to the 61st UNCHR meeting that although some steps designed to improve human rights have been taken in the past 10 years, he doubted if the steps had been implemented. Various human rights reports on North Korea, including those of Amnesty International, generally agreed that the human rights situation in North Korea was very deficient. North Korean human rights violations appeared to stem from a variety of causes, including the imperative of regime maintenance and its need to reinforce the power base, the idolatry of its leader, the inherent malfunctioning of its socialist economy, repeated natural disasters, and the

self-imposed isolation exacerbated by its nuclear ambition.

In the wake of repeated calls by the UNCHR and the international community, to improve human rights, North Korea has apparently begun to realize the importance of human rights. But North Korea has chosen to react to the calls by emphasizing the sovereignty principle and creating a cultural relativism called “our-style human rights.” However, as North Korea has needed international assistance they have found it unwise to completely ignore the human rights concerns of the international community, if only to avoid complete isolation. So, they have been pursuing a two-track policy, taking some positive steps, such as revising relevant laws, without really improving the human rights situation inside North Korea.

On April 29th and May 6th, 2004, North Korea extensively revised its Penal Code and its Criminal Procedure Law, respectively. The revisions seemed to show an attempt to make a transition from a legal system designed to protect the regime to a system designed to control crimes. It was especially noteworthy that North Korea had finally deleted the provision that had been widely criticized by the international community; specifically, the provision that allowed arbitrary applications of the law while ignoring the principle of *nullem crimen sine lege* (no criminality unless prescribed by law). Furthermore, it has also adopted the “no criminality” principle by stipulating, “the State shall prosecute criminal responsibilities only for those violations prescribed as crime in the penal code.” And the penal code has strictly defined the elements constituting criminal behaviors. Thus all criminal procedures will comply with the prescribed laws. In the wake of the penal code revision in 2004, North Korea has also recognized that ordinary people had difficulties in accessing the

laws, and published a compendium containing 112 laws for public access and use.

Nevertheless, North Korea still has not given up the essence of a class-based society and its missions. That it has not completely divorced itself from that political orientation is clear when we look at the mandatory death sentences prescribed for such crimes as sedition, terrorism, treason, and traitors. The North Korean penal code recognizes the concept of a statute of limitation, but there is no statute of limitation on seditious and treasonous crimes. According to the revised criminal procedure law, death sentences would fall within the purview of provincial (major city) courts. But many new settlers have testified that in the cases of public execution the sentences were handed down on site. The penal code identifies only five crimes that are subject to death sentence but additional death sentences are handed down, and public executions carried out, for “anti-social behaviors” such as stealing cows or copper products, for human trafficking, and for other decadent behaviors. As the cases of public execution demonstrate, death sentences are not carried out in full compliance with the penal code or criminal procedure law, or court decisions. Clearly, flagrant breaches of right to life persist in North Korea today.

Some positive steps to protect human rights have been taken. For example, the revised criminal procedure law strictly defines the arrest and detention procedures and prohibits torture and inhuman treatment. It prescribes mandatory punishment for those who use torture and other unlawful treatment. However, despite the new revisions, new settlers testified that torture was routinely carried out in the labor training camps, collection points, and detention centers.

In revising the penal code, North Korea has introduced

new categories of punishment, for example, “labor training” and “unlimited-term correctional labor,” thus creating more detailed punishment categories for criminal behaviors. In addition to the official correctional facilities called the “correctional centers,” North Korea has also been operating illegal detention facilities like political concentration camps, or “political criminal kwanliso,” labor training camps, and collection points. In particular, political criminal kwanliso have not disappeared and are known as the most notorious source of human rights violations in North Korea. North Korea has persistently denied the existence of hard labor camps but by newly installing the “labor training” punishment, North Korea has indirectly admitted the existence of “labor training” (or, hard labor) as a type of punishment. North Korea has in fact been practicing hard labor punishment without listing it in the penal code. The “labor training” centers are loosely defined as “certain designated places.” According to the new settlers, people are sent off to “labor training” centers without formal trials. It would be necessary to clarify the difference between detention in labor training centers and labor training as punishment. According to the testimony of new settlers, the names of facilities and the reasons for detention would greatly differ from region to region, except for the “correctional center,” which was the same all over the nation.

Despite the revisions of the criminal procedure law, the class structure is still maintained. Since independent judiciary and due process of the law are not guaranteed, the potential for human rights violations still exists. In particular, elements of “people’s trial”(or, trial by the mob) still exist because the law permits both on-site trials and on-site accusations by the chiefs of agencies, organizations and workplaces. Despite the positive institutional

steps, such as revising the penal code and providing more detailed crime categories, no improvements have been made, institutionally or in practice, in the areas of religious freedom, freedom of residence, freedom of movement (especially the freedom to travel), and discrimination against the handicapped and persons of unfavorable family background. As people's daily lives have deteriorated under economic hardship, punishment for "reactionary words" has been relaxed, but swearing at Kim Jong-il and his family is never tolerated. Also, many new settlers testified about human rights violations such as forced abortions on forcibly deported women. One noteworthy step taken in June 2003 was the introduction of the Handicapped Persons Protection Law, which creates an institutional device for the promotion of their rights.

Although North Korea's agricultural output has been recovering in recent years, North Koreans have not been free from the fear of food crisis in 2004. In a grain status report on North Korea, the World Food Programme estimated that due to the dwindling amount of State grain rations and rising grain prices another food crisis would hit North Korea in April~June of 2005, slightly before the arrival of the annual grain shortage season. Since the July 1 Economic Management Improvement Measures most North Koreans have been suffering from inflationary pressures caused by rising prices and dwindling supplies.

North Korea insists that its human rights protection should be viewed as superior because it has been providing the people with materialistic guarantees. Recently, however, the level of protection has been rapidly declining. Under the economic hardship, the rights of the child have been seriously violated as the number of underweight children increased and "gotchebbi (homeless, child beggars)" filled the streets of North Korea. Due

to poor medical facilities and the lack of medicine, patients become responsible for obtaining their own medicine from the market, and medical operations are hampered constantly by the lack of electricity. Indeed, medical benefits are hardly available in North Korea today. The gap between the rich and poor is widening and as a result, crimes and decadent behaviors are increasing. This in turn exacerbates the vicious cycle of human rights violations. Reflecting this poverty-triggered social development, North Korea has introduced new categories of crime.

In terms of educational rights, the proportion of effort devoted to political and ideology education is still very high because the safeguarding of the regime is of primary importance. The textbook supply situation reportedly is improving, however, the class attendance rate remains low.

Putting an end to the problem of kidnapped South Koreans has not seen any progress even as the South Korean government tried to resolve the issue. North Korea continues to deny the existence of kidnapped persons altogether. However, the existence of kidnapped persons was confirmed when their South Korean families publicly released a photograph of 36 kidnapped persons, taken at Myohyang Mountain north of Pyongyang. Additional names have since become available from former kidnapped persons who have returned to South Korea. North Korea's abduction of South Korean personnel was clearly proven when North Korea's Security Agency and a professional kidnap unit abducted Reverend Kim Dong-shik of South Korea.

North Korea has begun to handle the defector problem in two ways: They distinguish political defectors from simple defectors, and under the penal code punish accordingly. Since a massive defection case last July, North Korea has begun to insist that

defections are part of South Korean plans to abduct North Koreans. They have lodged a strong protest, saying that South Korea was trying to create chaos in North Korea.

In short, although North Korea is taking some positive steps, such as revising its laws, to improve human rights, so long as North Korea continues to approach human rights issues from a regime security standpoint the law revisions do not necessarily translate into improved human rights for North Korean citizens. A large gap continues to persist between the legal measures and human rights realities. However, in view of the fact that North Korea has begun to gradually accommodate persistent international demands, the international community should continue to press North Korea to make concrete improvements in accordance with international human rights standards.

I

Human Rights and the North Korean Socialist System

1. Human Rights and Peculiarities of the North Korean Socialist System

Most experts in various UN specialized agencies and international non-governmental organizations have pointed out that North Korea remains in a blind spot as far as human rights are concerned.

In a resolution adopted during the 60th Assembly in 2004, the UN Commission on Human Rights (UNCHR) expressed deep concern about the systematic, wide-ranging, and serious human rights violations taking place in North Korea. It also called on North Korea to faithfully observe the terms of international human rights covenants to which North Korea is a party.

In his report on the human rights situation in North Korea, submitted to the UNCHR and the UN General Assembly on January 10, 2005, Prof. Vitit Muntarbhorn, special rapporteur on human rights in North Korea, called upon North Korea to improve its human rights situation. His report supported most of the facts contained in the concluding observations of UNHRC in 2001 and the resolutions of UNCHR of 2003 and 2004. He asked the North Korean leadership to observe all human rights-related international covenants, improve laws and practices that failed to meet international human rights standards, ensure the independence of the judiciary, and expand civil and political freedoms. He further observed that there have been some improvements of policy in the past 10 years, but expressed doubt as to their implementation. Most of these reports (the UNCHR, UNHRC and the rapporteur's report) evaluated the human rights situation in North Korea in

the negative and concluded that immediate actions were imperative to prevent further human rights abuses.¹

Amnesty International (AI), a non-government human rights organization, in a January 2004, report on human rights in North Korea said over 40 percent of North Korean children were suffering from chronic malnutrition due to food shortages. In addition, the North Korean government continued to deny its citizens fundamental human rights, including freedom of expression and freedom of travel.² The Human Rights Watch (HRW) in the United States, in its “World Report 2005,” assessed North Korea as the most oppressive regime in the world. It further said that since Kim Il-sung’s death Kim Jong-il has been ruling North Korea with an iron-fist and idolatry, with the government exercising firm control over all sectors: political, social and cultural. It also sharply criticized North Korea for violating almost all international human rights standards even though North Korea was a party to international human rights covenants.³ Freedom House, another U.S. non-government human rights organization, placed North Korea lowest in terms of political freedom and civil liberty (North Korea was placed in the lowest category with nine countries, including Myanmar and Cuba).⁴

In short, all international human rights organizations and

¹ 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,” E/CN.4/2005/34, 10 January 2005.

² <<http://web.amnesty.org/web.nsf/print/COFA42909A0D4B0480256...>> (Searched on January 28, 2005).

³ <<http://hrw.drg/English/docs/2005/01/03/nkorea9850.htm>> (Searched on January 18, 2005).

⁴ *The Chosun Ilbo* (daily), December 22, 2004.

experts concerned about human rights in North Korea were without exception in full agreement that the human rights situation in North Korea was worse than existed in any other place. The testimonies of new settlers in South Korea also supported the conclusions of the international human rights watchers. In light of their consistency, it's unlikely these testimonies are simple coincidences.

A Russian human rights activist, Alexandro Podhravinek, once observed that the seriousness of the human rights situation in North Korea is rooted in the nature of socialist system itself.⁵ The idiosyncrasies of the North Korean socialist system derive from the Confucian tradition mixed with the legacies of defunct socialist systems, where totalitarianism was built by fortifying the “unitary ruling system” around a leader. The wielding of brute power to maintain the leader’s power base and the imperatives of socialist economy have been the sources of human rights abuses in North Korea.

A. Legacies of Building a Socialist Society: Concentration of Power and the Abuse of Brute Power

North Korea not only inherited the legacies of socialist revolution from the former Soviet Union but also in the process of building and justifying Kim Il-sung’s permanent rule revised them to fit the North Korean reality.

One of the main features of socialist revolution and nation

⁵ *The Chosun Ilbo*, November 28, 1999.

building was the concentration of power in the leader and the state. This totalitarian earmark is pervasive in all socialist systems. As a common legacy handed down from Lenin and Stalin, it calls for the dictatorship of the working class (proletariat). This power is then entrusted in a leader who will monopolize power. He, in turn, will rely on methods of terror to maintain power and build socialism.⁶ Lenin insisted that a leader and the state agencies under him should monopolize all power and build the nation through a system of mobilization. In the process, terror would be employed to purge all “reactionaries” and address problems in all sectors: political, economic, social and cultural. For this purpose the leader would utilize secret police and highly trained political party machinery.

Lenin’s legacy was handed down to Stalin, during whose rule state-sponsored violence reached its peak. Everyone was obliged to obey the dictator and the state. Idolatry for the leader was reinforced and bureaucratized. The system was enforced through a highly organized and complex power structure.⁷ This totalitarian dictatorship and system of centralized economic planning had achieved some success in the early stages of socialism, and later socialist societies like North Korea followed the system as a developmental model. The economic development of the former Soviet Union (1928~1940) was considered a success, a success attributed to Stalin. The sectors that had succeeded most included heavy industries, social welfare and education. But

⁶ Zbigniew Brzezinski, *The Grand Failure* (NY: Charles Scribner’s Sons, 1989), Ch. 1 passim.

⁷ *Ibid.*, p. 23.

history informs us that the successes came at the expense of tremendous human sacrifice, the achievements of socialist revolutions entailed a serious imbalance between the enormous human sacrifices and the modest socio-economic benefits.⁸ Under Stalin's rule, the politics of terror reigned. No one remained outside the grip of state terrorism. Massive genocide ensued (perhaps more vicious than Hitler's Holocaust) and anywhere from 20 to 40 million Russians perished.⁹

Article 1 of the North Korean Constitution stipulates that North Korea is a socialist system and defines its economy as a planned economy. This indicates that it is a system of centralized power and socialist economy. In an effort to surmount the structural flaws of a socialist system and overcome the food crisis brought on by its self-imposed isolation, North Korea has been forced to introduce under the July 1 Economic Management Improvement Measures (hereinafter, "July 1 Measures") an economic system with free market elements. But this action was meant only to supplement the efficiency of the socialist planned economic system and address certain structural weaknesses rather than substitute for the system itself.¹⁰

The totalitarian characteristics of the North Korean system derive from its legacy of socialist revolution. These characteristics are expressed in terms of state-centered Hegelian dogma, idolatry

⁸ *Ibid.*, p. 236.

⁹ *Ibid.*, p. 27.

¹⁰ Suh Jae-jin, Choi Eui-chul and Jun Hyon-jun, "*The Changing Perceptions of North Korean Inhabitants since the July 1 Measures*," A Research Paper under contract with the Ministry of Unification (Seoul: Ministry of Unification, 2003).

for the leader, and concentration of power. They provide justification for human rights abuses in North Korea. Article 11 of the North Korean constitution stipulates, “The DPRK shall conduct all activities under the leadership of the Workers’ Party of Korea (KWP).” The revolution was organized under the Juche Ideology and Unitary Leadership of Suryong Kim Il-sung, founder of the Workers’ Party, who devoted his entire life to the victory of socialist revolution. Kim Il-sung sought to concentrate the power of state unto himself, and continue the system of totalitarian rule. He relied on brute power to solve political, economic and social problems and suppressed any opposition by employing the repressive party apparatus and secret police. The succession of power by his oldest son, Kim Jong-il, is justified as a symbol of continuing revolution, hence, the idolatry of Kim Jong-il, as successor to Kim Il-sung and a great leader in his own right. Ultimately, North Korea’s totalitarian ruling style is the legacy of Lenin and Stalin.

B. Confucian Tradition: Patriarchal and Authoritarian Leadership

In its ruling structure, North Korea is a system based on the strong and absolute authority of its leader. This authority derives from the experiences of socialist revolution and the Confucian tradition of paternalistic hierarchy. The preamble to North Korea’s revised 1998 constitution declares, “The DPRK Socialist Constitution is a Kim Il-sung constitution.” North Korea has constitutionally abolished the position of Jusok, and enshrined Kim Il-sung as

“the eternal President of the Republic.” The constitution further declares, “The Korean people will uphold Kim Il-sung, defend and carry forward his ideas and exploits and complete the Juche revolution.” In this manner, Kim Il-sung derived his absolute authority and leadership from the superior morality of Confucian doctrine of a bygone era.

That Kim Il-sung also drew his Juche Ideology from the teachings of Korean scholars of the early 20th century may be explained in terms of internal and external “self-reliance.”¹¹ Self-reliance for North Korea means economic self-sufficiency (self-support), external self-defense (against imperialist threats of capitalist countries like the United States), and political independence from its political and economic patrons (like the former Soviet Union and China).¹²

The essence of Juche Ideology is to theoretically justify the legitimacy of Kim Il-sung’s power in terms of Suryong (leader) dictatorship, where Suryong and the people are defined as one socio-cultural being.¹³ The theory teaches that a communist revolution can be successful only when the people and classes faithful to Juche Ideology completely control society.¹⁴

Taking advantage of the Confucian tradition, North Korean authorities demand absolute obedience to the authority of Kim

¹¹ Don Oberdorfer, *The Two Koreas: A Contemporary History* (Reading, MA: Addison-Wesley, 1997), p. 47.

¹² *Ibid.*, p. 48.

¹³ *The Chosun Central Annual 1983*, “On Juche Ideology,” March 31, 1982, p. 131.

¹⁴ *The Philosophy Dictionary*, “The Revolutionary Ideology of Comrade Kim Il-sung” (Pyongyang: Social Science Philosophy Research Institute, 1985), pp. 107-115.

Il-sung and Kim Jong-il, they place priority on collectivism, and reject any pursuit of individual interests.¹⁵ North Korea always stresses and utilizes “loyalty and filial piety” as sources of the hierarchical relationship. The prime example of this policy is the “10 great principles to build a ‘Unitary Ideology’ system” (the ‘10 principles’). Absolute loyalty and obedience to the leader and to collectivist attitudes and values are supreme virtues under the rule of Kim Il-sung and Kim Jong-il. Therefore, as a logical consequence of the idolatry of the leader, the situation is created where human rights become gifts handed out by the benevolent leader to the loyal and obedient people rather than inherent rights of the people, guaranteed under legal and institutional arrangements.

The former KWP secretary Hwang Jang-yop and new settlers in South Korea both testify that Kim Il-sung and Kim Jong-il achieved a status similar to a feudal lord or a Confucian king. Kim Il-sung monopolized power and enjoyed special privileges that were more lavish than that of kings. Kim Il-sung’s personality cult was far stronger than Stalin’s or Mao Tse-dong’s. Prof. Suh Dae-sook, who specializes in Kim Il-sung’s career, concluded that he was a “leader who possessed more power than the kings of Chosun Dynasty, and enforced a unique ‘Oriental totalitarianism.’ His power was built on this basis rather than on his credit as a founding father of a communist society in North Korea.”¹⁶ Once, in the 1960s, Kim Il-sung explained to a former Soviet party

¹⁵ China under Mao was defined in terms of Confucian Leninism, and the Confucian tradition was exploited for purposes of solidifying Mao’s political power. See Lucian W. Pye, “*The Spirit of Chinese Politics* (1968)” and Richard H. Solomon, “*Mao’s Revolution and the Chinese Politics* (1971).”

¹⁶ Don Oberdorfer, *Ibid.*, p. 21.

official the growing movement to deify Kim this way. He said that in our country, like in China and Japan, we respect and support elders and we live in the realm of Confucian culture. This statement demonstrates that the Confucian tradition was being effectively utilized to build up his leadership.¹⁷

In addition to being called, like Stalin and Mao, the ‘Great Leader,’ Kim Il-sung is worshiped as “the sun of the nation” and “beloved Suryong.” Kim Il-sung’s year of birth, 1912, has been designated as the first year of “Juche Era” and this era title is used for all dates in North Korea today. This absolute charismatic order made possible the hereditary succession of his son, Kim Jong-il. The idolatry of Kim Jong-il and his concentration of power are continually being reinforced through repeated propaganda and ideology education. New settlers testified that Kim Jong-il is more ruthless and arrogant than Kim Il-sung. Furthermore, Kim Jong-il believes that his own personal safety is inseparable from the safety of the State and the socialist system.¹⁸

C. Human Rights and the Decline of Socialist System

The former Soviet Union extended powerful support for Kim Il-sung’s leadership during the founding years of the North Korean socialist regime. The Soviet ruling structure and developmental model served to expedite the economic growth for North Korea

¹⁷ *Ibid.*, p. 21.

¹⁸ Testimonies of new settlers Huh XX, Park XX and Kang XX during interviews at KINU on September 20, 2004, September 23, 2004 and September 18, 2004, respectively.

in its early years. But it would later hamper North Korea's growth.

Kim Il-sung was able to achieve significant progress by relying on the Stalinist model in the post-Korean War years. In his effort to compete successfully with South Korea, he secured political and economic support to commence rapid economic reconstruction of the North Korean economy out of the ruins of war. North Korea was economically more powerful than South Korea until the early 1970s. But it then fell behind South Korea and has remained behind.¹⁹ Currently, South Korea's gross national income (GNI) stands at US\$12,646 compared to North Korea's US\$818. The South Korean economy is 15.5 times larger than North Korea's. The inter-Korean GNI difference was 23.1 times in 1995 and 30.4 times in 2000, each time in South Korea's favor.²⁰ Due to the food crisis that swept across North Korea in the 1990s, the official number of starvation deaths, as released by North Korea, was 220,000. Unofficial reports estimated the number to far exceed the official account.²¹

In terms of human rights, North Korea's long-held claim of "self-reliance" is falling far behind the international trend. Due to the economic hardship, its claims of full employment, free medical treatment and free education have become empty slogans. A special report released in November of 2004 by WFP and FAO

¹⁹ Choi Eui-chul and Shin Hyun-ki, *"Unification Policies of South and North Korea and Exchanges and Cooperation"* (Seoul: Paiksan Data Center, 2001), p. 96.

²⁰ *The Joong-Ang Ilbo* (daily), December 10, 2004.

²¹ *White Paper on the Human Rights Situation in North Korea, 2004* (Seoul: KINU, 2004), p. 37. Doctors without Borders (MSF) estimated that some 3.5 million North Koreans would have perished between 1995~1998 due to starvation and hunger-related diseases.

said that the rate of unemployment in North Korea was 30 percent due to the economic situation.²² Most new settlers in South Korea also testified that workers at factories where operation had been suspended were not paid their wages. Free medical treatment and free education were no longer available except in theory.

Since the end of the Cold War, many international leaders, including UN Secretary General Kofi Annan, have repeatedly emphasized the importance of human rights. Human rights today are regarded as having a higher universal value than such traditional values as sovereignty and independence. Despite the changing circumstances, Kim Jong-il is still immersed in his illusion that he can maintain his power base through reinforcement by ideology, education and social engineering, or through the forced reformation of human nature. He has forced everyone into subservience to his power by ruthlessly purging all opposition elements to his leadership or policies. In his November 1997 book, *"The Black Book of Communism,"* the French writer Pierre Rigoulot estimated that about 100,000 North Koreans had died since the founding of North Korea as a result of political purges carried out by Kim Il-sung and Kim Jong-il. He also calculated that some 1.5 million had perished in concentration camps.²³

This style of rule has stifled all creativity in the society and shut off any intellectual ideas of reform. Indeed, it has created a police state where possibilities of correcting institutional flaws are weak or non-existent. North Korea continues to emulate the

²² *The Yonhap News*, December 21, 2004.

²³ *White Paper on Human Rights in North Korea, 2001* (Seoul: KINU, 2000), p. 17.

features of Stalinist and Maoist socialist systems, with all their pitfalls and negative outcomes. The strong leadership, the concentration of power in State agencies, and the abuse of human beings have turned into a dogmatic tool of control, which in turn has lowered economic productivity and hampered progress in arts and in sciences. The erroneous decision to bask in the early successes and overlook the technological advances of the capitalist world has greatly weakened the competitive abilities of the North Korean system. The totalitarian style of rule has weakened the ability for institutional self-adjustment and protection against systemic flaws. Consideration of policy alternatives will be difficult under this system and revisions have been possible only at enormous cost and casualties.²⁴ Additionally, change of leadership depends not on the success or failure of policies but on the effective exercise of power. Currently the leader maintains his power until his physical and political life expires.²⁵

The institutional, functional and philosophical flaws inherent in the socialist system have brought on crises and decline to the former Soviet Union and Eastern bloc countries and their ultimate collapse has resulted in a great transformation of the socialist world. China has launched a thoroughgoing reform and is headed for significant economic development. But North Korea is becoming a “failed state,” unable to get rid of the legacies of

²⁴ In the early 1930s, several million Russians perished under Stalin’s rule, and it is estimated that 20~30 million Chinese farmers perished between the late 1950s and early 1960s during the “Great Leap Forward” movement. In North Korea’s case an unknown number of starvation deaths occurred in North Korea in the 1990s, and the food crisis still continues today.

²⁵ Zbigniew Brezezinski, *The Grand Failure*, pp. 239-242.

its socialist system.²⁶ The massive executions and political concentration camps North Korea has maintained and justified in the name of class struggle constitute serious human rights violations are comparable to ‘ethnic cleansing’ committed by some multi-ethnic countries in the aftermath of Cold War.

2. Signs of Change in North Korea’s Human Rights Policy

A. The Uniqueness of North Korea’s Concept of Human Rights

North Korea insists that human rights cannot be considered separately from the nation’s right of self-reliance, arguing that under “our-style human rights” everyone is entitled to equal rights and that these self-reliant rights are exercised in all areas of social life.²⁷ This concept is explained in the following manner: since the establishment of a socialist regime in North Korea, the rights of working people or citizens have replaced the term “human rights.” According to socialism and Juche Ideology, the working people are the masters of socialism; thus, demanding human rights is meaningless, because human rights are already highly respected and fully guaranteed in North Korea, a country supported by the people.²⁸

²⁶ Robert I. Rothberg, “Failed State in a World of Terror,” *Foreign Affairs* magazine, Vol. 81, No. 4 (July/August, 2002). Among the “failed states,” North Korea is an exception in that the leader is exercising control over the military and police, but he has failed to provide basic goods and services to the people.

²⁷ Kim Jong-il, “Socialism is Science,” *The Rodong Shinmun*, November 4, 1994.

²⁸ *The Rodong Shinmun*, March 2, 2001.

Second, the most important part of human rights is not the rights per se but the right of self-reliance. North Korea insists that in terms of external relations there can be no human rights divorced from the right of national self-reliance. It argues that the principle of sovereignty must be preserved and international intervention in North Korea's domestic affairs in the name of human rights must be rejected. North Korea, thus, denies the universal value of human rights.²⁹ North Korea upholds cultural relativism and insists protection of human rights is already guaranteed by the North Korean system of national self-reliance.

Third, in domestic terms, North Korea argues that human beings, as social units, will be able to enjoy genuine freedom and exercise their rights only when they realize and understand themselves in terms of societal and political existence as part of a "sociopolitical being." Under this formulation, which is an application of Marxism overlaid by Juche Ideology, human rights will be guaranteed only for those who render absolute loyalty to the great leader, Suryong, and a dictatorship should be imposed on the class of people who are opposed to the socialist revolution and Juche Ideology. In this way, human rights are treated as part of the class struggle, with emphasis placed on duties to collectivism and the State rather than on individual rights.³⁰

Finally, the North Korean authorities repeatedly emphasize "developmental rights"; the unique feature of North Korea's concept of human rights where materialistic guarantees are thought to

²⁹ See Kim Jong-il, "Socialism is Science."

³⁰ *White Paper on Human Rights in North Korea* (Seoul: KINU, 2004), pp. 15-16.

be more important than freedoms. North Korea claims that socialism stands as the bulwark of human rights protection through its social welfare and social security systems. North Korea internationally advertises that materialistic foundations are fully guaranteed for the people through full employment, free medical treatment and free education.³¹ It argues that it would be meaningless to guarantee individual rights and freedoms without guaranteeing materialistic foundations for all people, because that would be tantamount to providing rights and freedoms only for the rich. For these reasons, North Korea argues, human rights violations are, in fact, taking place in the capitalist Western nations.³² It also claims that guaranteeing all other rights would be impossible without first guaranteeing the right to life.

The “developmental rights,” which many developing nations and socialist countries claim as necessary, have been recognized at the World Human Rights conference held in Vienna, Austria in 1993. The conference resolved to treat Covenant A and Covenant B as equal, recognizing that in order to protect human rights, economic development was absolutely necessary. However, advanced countries expressed concern about the possibility that developing countries and socialist countries like North Korea might justify their human rights violations by citing the concept of developmental rights. The food crisis and economic hardship experienced by North Korea in recent years has clearly demonstrated the

³¹ Kim Jong-il, “Socialism is Science,” *The Kim Il-sung Collection*, No. 13 (Pyongyang: KWP pub., 1998), p. 482.

³² Ri Bong-hak, “The Capitalist Society is a Reactionary Society where Rich Gets Richer and Poor Gets Poorer,” *The Worker*, No. 6 (1997), pp. 92-97.

negative consequences of the socialist and ‘unitary ruling’ structure. The North Korean experience persuasively shows that human freedoms and materialistic guarantees must go hand in hand. In other words, economic prosperity and political freedoms are mutually reinforcing rather than mutually exclusive. Nobel Laureate Amartya Sen said that of all cases of starvation history there has never been a serious case of starvation in democratic countries with a free press, regardless of the level of national wealth or poverty.³³ By contrast, it is widely known that great numbers of people have died of starvation under the dictatorial governments of Stalin, Mao and Kim Jong-il.

Currently, North Korea is trying, under Kim Jong-il’s unitary ruling structure, to respond to the dual pressures of internal economic hardship and external denunciation by the international community, all while simultaneously trying to maintain its traditional position on the issue of human rights. In an effort to safeguard the Kim Jong-il regime, however, North Korea appears to be taking selective steps toward gradual improvement in human rights policy.

³³ Amartya Sen, “Human Rights and Economic Achievements,” in Joanne Bauer and Daniel A. Bell, eds., *The East Asian Challenge for Human Rights* (NY: Cambridge Univ. Press, 1999).

B. Trends of Human Rights Policies of the Kim Jong-il Regime

North Korean society became extremely unstable in the 1990s due to some unexpected and cataclysmic events, including the collapse of socialist systems in other parts of the world and the end of the Cold War; the death of Kim Il-sung; and the food crisis. In an effort to protect and preserve its regime amid the increasing social and political instability, North Korean authorities were forced to search for suitable policy changes both internally and externally. In the wake of the death of Kim Il-sung in July 1994, Kim Jong-il's unitary ruling structure was launched, but it faced grave challenges in the areas of regime maintenance and human rights. In terms of changes in Kim Jong-il's internal and external human rights policies, the following two periods were crucial. The first period was September 1991 to September 1998. In September 1991, the two Koreas became members of the United Nations, and subsequently North Korea actively pursued a pragmatic foreign policy in the United Nations and on the international stage in an effort to overcome the economic hardship and food shortage. The second period was from September 1998 and the constitutional revision and the official launch of the Kim Jong-il regime to the present. During this period North Korea has pursued an all-out diplomacy effort, including some deliberate attempts to alleviate the human rights pressure applied by the international community, by participating in many human rights programs and streamlining domestic laws.

(1) Pragmatic Diplomacy of Transition and the Duplicity of Human Rights Diplomacy (1991 ~ September 1998)

In the early 1990s, the Cold War came to an end following the collapse of the former Soviet Union and other socialist countries. As a result the international community experienced a major transition, China essentially abandoned its socialist system and focused on pursuing more openness and economic reform and development.

Meanwhile, Kim Il-sung and Kim Jong-il were facing serious threats to their regime as North Korea quickly became isolated from the international community and fell far behind in its ideological competition with South Korea.

The first challenge Kim Jong-il faced was a rapidly deteriorating economic situation following the end of the Cold War, especially the escalating food crisis. As he witnessed the domino like collapse of socialist regimes in the 1990s, Kim Jong-il felt genuine fear for the future of his regime, especially in light of its international isolation. North Korea had been relying on favorable “assistance-type” trade with China, the Soviet Union and Eastern European countries, most significantly for strategic materials for its industrial and agricultural sectors. But North Korea discovered it could no longer expect this type of favorable trade. Consequently, supplies of fertilizers and energy decreased dramatically, and overall industrial activities, together with the agricultural sector, began to contract rapidly. The sudden death of Kim Il-sung further added to the political and social instability by creating a period of power transition.

During this post-Cold War period the human rights issue, which had emerged as a major issue on the international political agenda, also began to challenge the North Korean system. This issue, once buried under the weight of the Cold War, had become a major international concern, and uneasiness and misgivings about violations of human rights were mounting, especially as North Korea began to deal with its impending food crisis.

In response to these challenges, it appears that North Korea decided to pursue a dual strategy. On the one hand, it pursued a course of pragmatic diplomacy at the United Nations and on the international stage. North Korea joined various international human rights agreements in an effort to build a favorable international image and to overcome economic hardship. As for the pressure to improve human rights in accordance with international human rights principals North Korea maintained a hard line policy, including threatening to withdraw from the treaties.

In July 1991, North Korea dropped its opposition and agreed to enter the United Nations jointly with South Korea, in an attempt to bolster its regime through UN diplomacy. It also began to take a conciliatory and cooperative approach toward various UN humanitarian agencies and UN human rights agreements. Clearly, its objective was to secure humanitarian assistance from the United Nations and the international community. As early as 1981, even before South Korea signed, North Korea signed onto the International Covenant on Economic, Social and Cultural Rights (“Covenant A”) and the International Covenant on Civil and Political Rights (“Covenant B”). In 1990, it also signed onto the Convention on the Right of the Child, and submitted its first

report in June of 1996.

North Korea created a Human Rights Section within the Foreign Ministry in the mid-1980s and formed a “human rights task force” to assist Kim Jong-il’s policies and respond to international pressures, and to promote related issues.³⁴ The task force, of course, was for external propaganda purposes rather than for the promotion of human rights for the North Korean people.

After the Cold War ended in the early 1990s, the United Nations began to express concern about the human rights situation in North Korea, and various UN human rights forums began to direct sharp criticism at North Korea because of the human rights situation there. At its 44th session, held in 1992, the UN Subcommittee on Human Rights, especially the delegations of the United States, the EU and Russia, began to call attention to human rights violations in North Korea. The concerns of the UN and the international community have been increasing ever since and the North Korean human rights issue has been discussed at all subsequent annual meetings.

Due to the repeated natural disasters that struck North Korea in the mid-1990s, agricultural output was sharply reduced, and the subsequent food crisis produced enormous numbers of starvation deaths and also a large number of defectors. North Korea was forced to openly request humanitarian grain assistance from the international community, including the UN Humanitarian

³⁴ Testimony of new settler Kim XX (a former North Korean diplomat) during an interview at KINU, August 21, 2003.

Assistance Bureau, WHO, UNICEF, FAO and WFP, as well as the individual countries of France, Germany, and the United States. The UN member nations and the international community quickly provided grain assistance to North Korea to help overcome the food crisis. At the same time, however, the humanitarian assistance also presented an occasion to expose North Korea's extremely poor human rights situation to the outside world.

In 1992, as UN pressure to improve human rights mounted, Kim Jong-il resolved to withdraw from the UN human rights agreements, but ultimately withdrawal did not take place.³⁵ In 1994, North Korea and the United States signed the Agreed Framework in Geneva. At that time, Kim Jong-il told his diplomats that in view of the warming US-Chinese relations the United States would continuously criticize the human rights situation in North Korea, and instructed them to be fully prepared to respond to such criticisms. One former North Korean diplomat, Kim XX, testified that Kim Jong-il instructed North Korean diplomats to emphasize full employment, free medical treatment and free education in defending North Korean human rights at international forums.³⁶

Despite UN admonitions to improve human rights, no positive improvement measures were forthcoming from North Korean authorities. The Human Rights Subcommittee has adopted two consecutive "resolutions on the human rights situation in North Korea" at its 49th meeting in 1997 and its 50th meeting in 1998.

³⁵ Above testimony.

³⁶ Above testimony.

The resolutions call for genuine improvement measures, including the freedom of residence and travel, cessation of illegal executions (public executions) and detention of political prisoners, observance of the terms of international human rights covenants, and open doors for the monitoring activities of international human rights organizations.³⁷ In 1997, as UN pressure on North Korea's human rights record increased, North Korea gave notification that it was withdrawing from Covenant B (on civil and political rights) and warned that it would also withdraw from other international human rights agreements. However, the UN Human Rights Committee informed North Korea in October of the same year that withdrawal was not possible, and the committee on Covenant B also notified North Korea that withdrawal was not possible. In the face of firm rejections by various UN human rights authorities, North Korea decided to remain with the UN human rights agreements for pragmatic reasons; namely, obtaining humanitarian assistance and economic cooperation from the international community, while making only symbolic and selective concessions in the area of human rights.

(2) All-out Diplomacy and Gradual Incorporation of Human Rights Demands (September 1998 ~present)

With the constitutional revision of September 1998, the Kim Jong-il regime was officially inaugurated. At that time North Korea launched an "all-out diplomacy" to solidify the "unitary

³⁷ Choi Eui-chul, "UN and Human Rights in North Korea," *Life and Human Rights*, Vol. 20 (summer 2001) (Seoul: Citizens'Alliance for Human Rights in North Korea, 2001), pp. 6-7.

ruling system” for Kim Jong-il and to improve the image of the Kim Jong-il regime, and hopefully, to win international support. It also changed its attitude toward UN human rights agreements from a negative/passive attitude to a positive/active attitude. Of course, this switch of attitude was intended to ease international human rights pressure rather than to improve human rights at home.

<Domestic Measures>

Even though North Korea has expressed dissatisfaction over the repeated human rights resolutions of the Subcommittee on Human Rights, it has nevertheless taken limited but positive steps; for example provisions addressing the freedom of residence and travel were added to the 1998 constitution. But new settlers in South Korea (North Korean defectors) testified that despite these legal improvements, laws were not properly implemented because advance permission was still required for travel or relocation of residence.

<Apparent Incorporation of UN Human Rights agreements>

North Korea’s all-out diplomacy has achieved some “synergy effect” as it pursued an active foreign policy concurrently with South Korea’s “sunshine policy” of the Kim Dae-jung regime. Under the so-called “sunshine policy,” South Korea had sought to dissolve the Cold War structure on the Korean Peninsula and to help North Korea break out of the self-imposed isolation. Subsequently, North Korea was able to join the ASEAN forum, establish diplomatic relations with the EU and its member states, and agree to discuss human rights issues with the EU.

In connection with the UN human rights agreements, North Korea consented to the Convention on the Elimination of Discriminations against Women (CEDAW) and participated in various seminars and educational and technical programs sponsored by the UN human rights agreements.³⁸ In 2000, North Korea also submitted to the UN Human Rights Committee a second regular report that it had neglected for 16 years, and attended the sessions reviewing the report in 2001. North Korea's attitude was positive and quite different from the past. Its delegates participated in the discussions and debated with committee members throughout the review process. The North Korean delegates responded positively to most of the normative and legalistic aspects of human rights, but were unable to provide details or specific points of performance, sometimes taking negative attitudes. Generally, they chose to emphasize self-reliance and special circumstances stemming from Korea's territorial division.

In May of 2002 North Korea also reported the steps it had taken in response to the various recommendations of UNCHR, even though most of them were in the negative. By and large, however, North Korea appeared to be trying to accommodate the terms of UN human rights agreements, however nominally.

<UNCHR Increases Human Rights Pressure on North Korea>

Since the year 2000, the North Korean human rights situation

³⁸ North Korea has participated in a number of international seminars on human rights, including the international seminar on discriminations against women held in the Philippines in 2002, the human rights education program held in Sweden in 2002, and the seminar on reporting methods on the performance of international human rights covenants in the United Kingdom.

has become widely known to the outside world through the accounts of defectors and reports of officials and volunteers of the international humanitarian assistance organizations. As a result, concerns of the international community began to mount. Western nations, especially EU member nations, adopted a North Korean human rights resolution at the 59th UNCHR meeting in 2003. Many factors had contributed to the emergence of this resolution. For example, the conclusions of the WFP/UNICEF joint “Nutritional Assessment Report on North Korea, 2002” ; North Korea’s negative responses to the UNCHR recommendations, North Korea’s second regular report on the Right of the Child Convention; active lobbying by many international non-governmental organizations (NGO’s); and also lingering suspicions about North Korea’s nuclear ambitions.

Through its resolution, the UNCHR recommended that North Korea guarantee broad liberty rights to the people, revise its penal code to guarantee independence of the judiciary, abolish public executions and hard labor, improve the status of women, and prevent human trafficking. It also demanded that North Korea guarantee people’s right to eat (have food) and provide transparency of distribution of materials made available by humanitarian assistance. In addition, the UNCHR asked North Korea to join the international convention on the prevention of torture and racial discrimination. Responding to this UN resolution, North Korea complained that using human rights as a political tool was an imperialist tactic to transform socialism peacefully. North Korea’s human rights section chief, Jang Sung-il, criticized the EU for having joined hostile US policies toward North Korea.³⁹ However,

through its “Chosun Central Broadcast” on May 24, 2003, North Korea emphasized the need to improve relations with the EU. Clearly, this strategy was to obtain economic assistance from the EU to help maintain its regime and to use its relationship with the EU as leverage in North Korea’s policy debate with the United States.

When international pressure failed to produce tangible results, the UNCHR adopted another resolution at its 60th annual meeting in 2004. The main points of the new resolution were similar to those of the previous year. In a stronger move, however, the committee identified the need for a special rapporteur on human rights in North Korea and the committee chairman appointed Prof. Vinit Muntarbhorn of Thailand to that position. In January of 2005, Special Rapporteur Muntarbhorn submitted reports to both the UN General Assembly and UNCHR, in which he asked North Korea to improve in the following areas: guarantee transparency in the distribution of aid materials provided in response to people’s right to have food and their right to life; protect the right to security of person, including protection from torture and crime-by-association; guarantee the right to travel freely; and protect the rights of women and children. He further asked North Korea to improve legal practices that were contrary to international human rights standards, to guarantee liberal political rights and independence of the judiciary, to improve penal systems, to provide lenient treatment for defectors, and to resolve the question of kidnapped foreign nationals in North

³⁹ *The Chosun Ilbo*, April 22, 2004.

Korea.⁴⁰ The North Korean foreign ministry spokesman reacted strongly to these demands, saying that they were consisted of fabrications and were a form of intervention in North Korea's internal affairs.⁴¹ North Korea temporarily suspended its relations with the EU, but soon resumed the relationship.

In October 2004, the United States placed added pressure on North Korea by enacting the “North Korean Human Rights Act of 2004,” that announced stepped-up efforts to protect defectors, urged the enhancement of human rights, and promoted openness and democratization of North Korea. The US State Department also is to appoint a special N. K human rights envoy, allocated the necessary budget, and conducted a fact- finding survey.⁴² In the face of mounting international pressure as well as agitation for change at home, North Korea has been forced to confront the imperatives of change and improve various legal and institutional arrangements, however superficially.

<Gradual Domestic Incorporation of UN Recommendations>

North Korea has been heavily dependent on the economic assistance of the international community in its efforts to overcome the food crisis and to maintain the regime. Given the circumstances, it is no longer possible for North Korea to maintain a totally negative attitude toward international human rights agreements, and in particular, those agreements specific recom-

⁴⁰ Special Rapporteur, Vitit Muntarbhorn, “Question of the Violation of Rights and Fundamental Freedom…” ” *op. cit.*

⁴¹ *The Chosun News*, April 20, 2004.

⁴² Statement of James J. Foster, the US State Department Korea Section Chief, during an interview on February 23, 2005.

mentations. North Korea has already demonstrated some positive diplomatic efforts and taken measures to incorporate certain nominal recommendations. Since the formal launch of the Kim Jong-il regime North Korea has endeavored to alleviate international human rights pressure by participating in additional human rights agreements rather than remaining isolated from the international community. So, it is possible to expect that North Korea will undergo selective and limited improvement measures, however minimal, so long as they do not pose direct threats to the stability of the regime, help contribute to an improved international image, and ease the level of people's discontent.

In this connection, North Korea made wide-ranging improvements in the legal sector in 2003~2004. In April and May of 2004, North Korea's SPA Presidium revised the penal code and amended the criminal procedure law. In the past, North Korea's penal code and criminal procedure law had been criticized as pre-modern and undemocratic because they ignored the principle of "no criminality without prescribed law" and because they were treated as confidential documents. North Korea has now deleted the provisions that allowed arbitrary interpretations so that under the new penal code behaviors not prescribed by law would not constitute a crime, hence not result in punishment. The correctional sector also has been improved. In the past, there was only one type of "correctional labor" punishment. North Korea now has detailed categories such as "unlimited-term correctional labor," "limited-term correctional labor," and "labor-training." With these revisions, the State is able to hand down punishments based on the penal code, and law violations are punished only

in accordance with the penal code.

North Korea has also provided detailed definitions of economic crime in an effort to reflect the changes that may develop from the 1998 constitutional guarantee of private ownership and the broadening scope of commercial activities under the July 1 (2002) Measures. In 2002, North Korea enacted a law permitting inheritance of houses, automobiles and personal property and a casualty compensation law allowing the victims of illegal acts to get compensation for civil as well as criminal damages. In June of 2003, it also enacted for the first time a law (containing 54 articles) for the protection of handicapped persons. This law is intended to legally protect the rights of physically impaired persons. At the same time, it has also revised several sections of the penal code to safeguard the socialist system. For example, it has added new categories of crime, such as crimes involving national defense management (Chapter 4), economic crimes (Chapter 5), and crimes damaging socialist culture (Chapter 6). Moreover, the entire compendium of laws, including the revised penal code, has been made public.

As a result of these wide-ranging revisions and additions to the law, the level of punishment for law violators would now be legally determined and the roles and functions of the judiciary, the lawyers, and the courts, are expected to expand. Respect for human rights could then increase as citizens pursue their daily lives and behave in more responsible and stable manners.

These changes seem to reflect the changes currently taking place in North Korean society and the changing style of economic management. But they should also be taken as part of North

Korea's responses to the sustained and repeated pressure of the international community. North Korea, which absolutely needs outside assistance and support, could not really ignore the international pressure. By making these changes, North Korea was clearly hoping to reduce international pressure and improve its international image. In view of North Korea's customary pattern of behavior, however, it would be unrealistic to expect that the revised penal code and the newly enacted laws in practice would be faithfully implemented. But possibilities are greater than before that they will be carried out. At least some progress is being made.

In order to improve the human rights situation in North Korea, it would be more effective for the international community to ask in concert for specific improvement measures based on international human rights standards, rather than demanding the fundamental reform of the North Korean system itself. So long as the international community patiently and persistently endeavors to bring about change in North Korea's policies, positive outcome can be assured.

II

The Civil and Political Rights Situation

Since the official inception of the Kim Jong-il system, North Korean authorities have actively reacted to the human rights issues raised by the international community. As a signatory of the International Covenants on Human Rights, North Korea submitted its “second regular report” on “Covenant B (civil and political rights)” to the UN Human Rights Committee (UNHRC) in March of 2000, some 16 years after its first regular report in 1984. It appears North Korea is trying to fulfill its procedural duties as a signatory of various UN human rights regimes by submitting regular reports.

The national human rights reports submitted by members to the UNHRC generally emphasize legal and institutional aspects rather than the more practical aspects of guaranteeing human rights. So, it remains difficult to verify human rights realities in individual member states. 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, and requested that within a year the North Korean delegate submit two reports: a report on improvement measures and a regular annual human rights report. In this connection, North Korea has shown a positive response, submitting its initial performance report in August of 2002.

Mindful of this situation, the UNHRC in its “final observations” has recommended North Korea to abolish Article 10 of

its penal code, which was incompatible with Article 15 of the Human Rights Covenant B calling for the realization of the principle of “no criminality without prescribed laws.”

In 2004, in particular, North Korea has initiated a number of measures to promote a more lawful disposition of criminal matters. On April 29, 2004 it revised various laws involving civil and political rights, including its penal code (SPA Presidium Order No. 432) and again on May 6, 2004 its Criminal Procedure Law (SPA Presidium Order No. 436). Despite North Korea’s positive responses to the UN recommendations and the various improvements and revisions of its domestic laws, realistically the civil and political rights of North Korean citizens have not improved. North Korea continues to enforce public executions, and refuses to guarantee independence of its judiciary or to establish an independent human rights commission. It also has not opened its doors to international human rights organizations. Clearly, then, it would be difficult to conclude that human rights situation in North Korea has really improved any in 2004.

1. The Right to Life

The Right to Life and North Korean Laws on Death Penalty Capital Punishment in North Korea

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.”

The recent consensus of the international community is to guarantee the liberty and dignity of human persons including their right to life; and no government or society is allowed to insist or justify inhuman actions such as extra legal executions, tortures, or massive genocide in terms of officially enacted domestic laws or traditional culture or custom.

As a signatory of Covenant-B (the international covenant on civil and political rights), North Korea has the duty to fulfill the terms of the covenant. In its second periodic report submitted in March 2000 to the UN Human Rights Committee, North Korea unequivocally stated that it has incorporated this treaty as part of its municipal law in December 1998. The covenant mandates that the signatory must execute the treaty faithfully. The covenant further mandates that the covenant on civil and political rights shall have the same force as domestic laws (Art. 17).

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 has made it mandatory for the courts to hand down death sentences for the anti-state and anti-people crimes “conspiracy to overturn the State,” “terrorism,” “treason against the fatherland,” “treason against the people,” and “premeditated murders.” But the revised 2004 penal code has defined 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 North Korean Penal Code

Conspiracy to overturn the state	Particularly serious cases of participation in a coup d’Etat, 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	Particularly serious cases of cold-blooded murder based on greed, jealousy or other cowardly motives, or to conceal serious crime(s), or to threaten multiple lives. Also, in case a person responsible for taking care of another murdered the person

The above provisions requiring the death penalty have been criticized for 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 death penalty would be sentenced only in “exceptional” and “grave” cases. But, the phrase still leaves room for arbitrary interpretation. Nevertheless, it would appear that efforts have been made to clarify various elements that would constitute crimes punishable by death.⁴³

<Table II-2> Changing Levels of 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...” (Art. 44)	“Participating in a coup d’Etat, armed rebellion, civil disturbance, or attack, with the aim of overturning the state, or conspiracy thereof...” (Art. 59)	More specific by illustrating patterns of criminal act
“Who engaged in terrorist acts...” (Art. 45)	“Terrorist acts inflicting injuries on, or murdering and kidnaping...” (Art. 60)	More specific by illustrating patterns of criminal act

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 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.

⁴³ 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, December 9, 2004.

Public Executions

As already discussed, North Korea's penal code specifies cases subject to the mandatory death penalty. In the past, North Korea painstakingly explained to international human rights organizations that executions were carried out only in exceptional cases, and yet it refused to make public concrete data on death sentences and executions. However, the UN human rights review subcommittee demanded North Korea to release the number of executions in the recent three years. North Korea responded by reporting that there were 6 death sentences and 5 executions in 1998, 4 sentences and 4 executions in 1999, 5 sentences and 4 executions in 2000, and as of March 2001, no death sentences or executions were carried out in 2001. Despite the penal code provisions and North Korea's official position, new settlers testified that death sentences would not only be handed down for the crimes listed in its penal code but also for unlawful behaviors arising from economic hardship. So, the right to life of ordinary citizens as well as political criminals is threatened.

Apart from the provisions of penal code, the most blatant violation of the right to life in North Korea is public executions. As illustrated in <Graphic II-1>, North Korea issued a warning in 1997, saying that anyone stealing grains from the agricultural cooperatives would be shot. This proclamation was released and distributed by the Social Security Agency on August 5, 1997.

<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>

North Korea defines execution as a merciless iron hammer of the revolution to terminate the tainted destinies of the class enemies and a most formidable legal means of guaranteeing a firm victory for the class struggle. In this manner, North Korean authorities place political meaning on capital punishments, and

from time to time gather large crowds of inhabitants and carry out public executions to force subservience on them and create fears in their mind.

A special report on North Korea published by Amnesty International (AI) in October of 1993 discusses public executions 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.

AI issued another special report on public executions in North Korea in January of 1997, which stated that over 23 public executions were carried out between 1970 and 1992. This report also concludes that because most witnesses testified that they saw more than one public execution the number of executions cited represents only a small percentage of the actual number. Lastly, the report states that in all probability these executions continue today because they have occurred in such diverse regions as Wonsan, Chungjin, Hamheung, Shinuiju, Pyongsan and Pyongyang.

Articles 127 and 129 of North Korea's criminal procedure law specifies that only the central (government) court and provincial (or major city) courts can try such serious cases as anti-state and anti-people criminal cases and such other criminal cases punishable by "unlimited-term correctional labor." Under Article 126, the People's Courts are authorized to handle ordinary criminal cases that do not fall within the purview of the Central Court, Special Courts, or Provincial (major city) Courts. But the 2004 revisions have stipulated stricter provisions by separating Chapter 7 (Trials) of the 1999 version into Chapter 9 (District Court) and Chapter 10 (Superior Court).

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 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).

Public executions are the most conspicuous cases of human rights violations departing from the legal provisions concerning the death sentence and its execution.

New settlers testify that public executions are not being carried out according to clearly established standards but for the purpose of providing examples to residents. The 1999 criminal procedures assigned the area social safety agency the responsibility for the implementation of death sentences (Art. 295). The security

agents and other executioners of death sentence usually take precautions to eliminate any possibility of resistance from the one to be executed by beating him up before setting him up for execution. They then carry out the execution after reading a few words of charge and terms of sentence, and execute the prisoner.⁴⁴ The 2004 revision has assigned the responsibility of executing death sentences to the “punishment execution agency” rather than to the social safety agency (Art. 422). In addition, the “sentence execution law,” revised in 1998, specifies that death sentences should be carried out by the agency that has received the death sentence execution order (Art. 24). It is therefore quite obvious that public executions are not carried out in accordance with either the criminal procedure law or the sentence execution law.

Usually, public executions are carried out at places where large crowds gather, and schools, enterprises and farms are notified in advance of the scheduled public executions. The proceedings of public execution include the reading of the convict’s personal background and the nature of crime committed before an assembled crowd. A judge dispatched from the People’s Court will then hand down the sentence of execution, and the execution is carried out immediately.⁴⁵ At each implementation of the death sentence, the law requires that a prosecutor must be present (Art. 421). But it is not altogether clear whether this provision is ever observed during these executions.

The “sentence execution law” specifies that a death sentence

⁴⁴ Testimonies of new settlers Park XX and Kim XX during interviews.

⁴⁵ Testimony of new settler Kim XX during an interview at KINU, September 8, 1998.

should be carried out by a firing squad. Thus, most death sentences are carried out by firing squads, however, some people testified that death by hanging has also been used.

Sometimes the execution is carried out in the presence of the convict's families. There are also cases in which the convict is not blindfolded before the execution. When a People's Safety agent announces the name of the crime and orders the execution, a firing squad will fire 9 shots at the victim.⁴⁶

In 1998, Kim Jong-Il instructed to shoot at the victims' heads, as their brains were bad. Since then, scenes of firing nine shots at the head are frequently observed.⁴⁷

It has been widely reported that public executions were frequently conducted to prevent socially delinquent behaviors between 1997~1998 when food shortages was severe. In spite of these inhuman practices of public execution, the level of North Korean inhabitants' awareness of them as human rights violations is very low. They are recently becoming completely insensitive to life. They seldom feel sympathy toward the dead even if they happen to come across dead bodies along the streets, as the number of starvation deaths and execution deaths mounted.

According to the testimonies of defecting North Korean residents, public executions were suspended for a brief time following the death of Kim Il-Sung in July of 1994 but resumed at the end of 1995.⁴⁸ They also report that public executions

⁴⁶ Testimony of new settler of Sohn XX during an interview at KINU, September 9, 1998.

⁴⁷ Testimony of new settler of Lee XX during an interview at KINU, August 31, 2001.

of criminals arrested after the death of Kim Il-Sung have been carried out with renewed frequency.

In their testimonies, New settlers gave the following details of public executions:

- (1) Public executions on anti-regimes changes: These are cases in which people had criticized the North Korean system: The entire family of Shim XX of Sanghwa-ri, Onsung County, North Hamkyung Province, all neighbors of the witness, was publicly executed by a firing squad in 2002 for anti-state crimes.⁴⁹ Yoon XX testified that chairman Kim Man-kum of the agricultural committee and a senior Party secretary in the Kaesung City branch of the Communist Party 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.⁵⁰ According to the new settler Suk XX, North Korea in April of 1998 carried out a mass public execution of 13 cadres from the Social Safety Agency at Songrim City, North Hwanghae Province.⁵¹ New settler Ma XX testified that the

⁴⁸ Testimonies of new settlers Chung XX, Chang XX and Hong XX testified that public-executions has reappeared from the latter half of 1995 under Kim Jong-il's "handwritten instructions."

⁴⁹ Testimony of new settler Cho XX during an interview, October 19, 2004.

⁵⁰ Testimony of new settler Yoon XX during an interview at KINU, May 24, 2000.

⁵¹ Songlim City is a trade port. Kim Jong-ill, 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 People's Military Ministry proclaimed martial law in the city of Songlim, encircling the whole

members of an organized crime syndicate in Musan, North Hamkyung province, shouted in loud voices the name of their boss, Sungdo. They were charged with political crimes for showing respect for their boss. The boss was executed.⁵²

In connection with punishment for South Korea-related behaviors, a new settler testified that he had witnessed a death by firing squad without any trial. In 1989, when he was serving in the army, a sergeant in his regiment named Kang Won-sook (age 21) fled from his barracks (absence without leave) after reading a South Korea leaflet. He was subsequently arrested and executed.⁵³ New settler Kim XX testified that Kim Jung-rae, the father of his friend Kim Jung-soon, was executed as an anti-revolutionary after a gun and a South Korean leaflet were found in his home, and the entire family of Kim Jung-rae, was banished.⁵⁴ In another case of punishment for resisting against the official(s), New settler Kim XX testified that Hyun Chul-nam was executed for striking a security guard while in the process of being arrested at Jinha, Moosan County, for having stolen grains at Sangchang, North Hamkyung province, in 1996.⁵⁵ New settler Kim XX testified that Yoo Sang-chul was publicly executed after a violent confrontation

city with a brigade. Then the Security Commander in the Ministry searched for and executed thirteen criminals. Testimony at KINU on May 20, 1999.

⁵² Testimony of new settler of Ma XX during an interview at KINU, August 17, 2002.

⁵³ Testimony of a North Korean defector in China during an interview on Oct. 19, 2001.

⁵⁴ Testimony of new settler Choi XX during an interview at KINU, July 6, 2002.

⁵⁵ Testimony of new settler Kim XX during an interview at KINU, August 17, 2002.

with a Social Safety agent, and that this execution was carried out to maintain social order by showing to others the consequences of such confrontations.⁵⁶ According to new settler Lee XX, a husband and wife were publicly executed on March 15, 1998 in Haeju City for quarreling with a people's security agent. The couple had loaned 2,000 won to a friend in 1997. When the friend failed to pay back the loan, the couple took some furniture from the friend's home. The friend then asked the security agent for help. A quarrel ensued when the couple told the agent not to interfere. Subsequently, they were arrested and executed.⁵⁷ New settler Suh XX testified that a group of seven thugs were publicly executed in Wonsan in 1998 on the pretext that they organized the so-called "Hong sons" gang led by Hong Sung-chul which had intimidated the staffers.⁵⁸

- (2) Public executions on economic crimes: The second category of public executions deals with so-called economic crimes. Most public executions on charges of economic crime are for theft of government property and theft of livestock. It is well-known that copper is state property. In September of 1994, a staff sergeant, named Suh X, at a communications unit stole some copper communication lines. He was arrested

⁵⁶ Testimony of new settler Kim XX during an interview at KINU, October 20, 2003.

⁵⁷ Testimony of new settler Lee XX during an interview at KINU, August 31, 2001.

⁵⁸ Testimony of new settler Suh XX during an interview at KINU, November 3, 2003.

and publicly executed.⁵⁹ In another case, brothers Lee XX and Lee XX stole some copper lines from a coal mine and tried to sell them in China. They were arrested and executed by firing squad, and their father was sent to a political prison camp.⁶⁰ New settler Kim XX testified that Lim Chol-san living in Yong-am District, Myungchun County, stole a goat living in Yong-am District, Myungchun County, stole a goat being raised at an enterprise. He and four other perpetrators were executed.⁶¹ New settler Nam XX testified that Lim Chol-san and nine others conspired to butcher an animal on a goat farm. They were put to death in November 1998 for engaging in butchery.⁶² New settler Suh XX testified that he personally witnessed the public execution of a family for having stolen eight head of cattle. Another case is a case of punishment for organized robbery.⁶³ New settler Um XX testified that three men, including Kim Yong-ju and Kim Woong-kil, were publicly executed at Sunamjang grounds, Chungjin City for having stolen a car, a television set, and a motorcycle.⁶⁴ New settler Yoon XX also testified that two brothers were publicly executed at the Chong-am Market in Chong-am District, Chongjin City for smuggling a Japanese used car from China. In another case, 12 people disguised

⁵⁹ Testimony of new settler Park XX during an interview at KINU, June 29, 2002.

⁶⁰ Testimony of new settler Choi XX during an interview at KINU, July 6, 2002

⁶¹ Testimony of new settler Kim XX during an interview at KINU, June 29, 2002.

⁶² Testimony of new settler Nam XX during an interview at KINU, August 17, 2002.

⁶³ Testimony of new settler Suh XX during an interview at KINU, November 3, 2003.

⁶⁴ Testimony of new settler Um XX during an interview at KINU, June 29, 2002.

as soldiers had systematically stolen grains. They were publicly executed at the Nanam Market in Nanam District, Chongjin City in 2000.⁶⁵

- (3) Public execution for socially delinquent behaviors: This type of public execution is carried out in order to prevent socially delinquent behaviors stemming from economic hardship. Typical cases would include the sale or consumption of “human meat” and “human trafficking.” Two sisters who defected to the South, Chang XX and Chang XX, testified that a family of five was executed on charges of selling human meat in the Mankyungdae District of Pyongyang in December of 1995.⁶⁶ New settler Yoo XX testified that four persons, including a man, his wife and his parents, were publicly executed for selling human meat at a market in the Yongsung District of Pyongyang in April of 1997.⁶⁷ Former kidnapped fisherman Lee XX testified that sales of “human meat” and the subsequent public execution of the perpetrator in 1997 in Hamju County, North Hamkyung Province.⁶⁸ The kidnapped returnee Lee XX testified that he had witnessed the public execution of the people who were involved in a

⁶⁵ Testimony of new settler Yoon XX during an interview at KINU, January 10, 2004.

⁶⁶ Testimonies of new settlers Chang XX, Chang XX during interviews at KINU, May 14, 1998. Sub-sequently, a number of other North Korean defectors also confirmed this particular public execution.

⁶⁷ Testimony of new settler Yoo XX during an interview at KINU, November 22, 2000.

⁶⁸ Testimony of Former kidnapped fisherman Lee XX during an interview at KINU, January 7, 2004.

“human meat” case at Hamju County, North Hamkyung Province in 1997. Also, six persons were publicly executed in February of 1998 on charges of slave trade in Onsung County in North Hamkyung Province.⁶⁹ One woman was publicly executed for slave trade in China in May of 1999 in the Yuson district of Hweryong City, North Hamkyung Province.⁷⁰ Kim XX was reportedly public-executed for involvement in human-trafficking crimes in Hweryong City, North Hamkyung Province, in May of 2000, after a “people’s trial”(mob trial).⁷¹

Public execution is also imposed on socially unacceptable behaviors such as the disturbing of social order. In Onsung County in October 1997, four drunken high school graduates, boys and girls, were engaged in a game of streaking. They were spotted and were all executed.⁷² New settler Park XX testified that her husband’s cousin, Kim XX, was a bully. He struck one of his friends. He fled to China unaware of the fact that his friend died. Upon his return, he was arrested, and executed for having gone disco dancing and followed revisionist fashions.⁷³

In January 1999, two women and a man were executed

⁶⁹ Testimony of new settler Choi XX during an interview at KINU, May 30, 2000.

⁷⁰ Testimony of new settler Joo XX during an interview at KINU, November 17, 2000.

⁷¹ Testimony of new settler Lee XX during an interview at KINU, June 29, 2002.

⁷² Testimony of new settler Moon XX during an interview at KINU, June 29, 2002.

⁷³ Testimony of new settler Park XX during an interview at KINU, August 3, 2002.

in Onsung. They were sent to rehabilitation camps for drinking and singing decadent songs at a school reunion meeting. Their parents petitioned to the central party. The result, on the contrary, was that their sentences were changed to the death sentence and they were executed.⁷⁴ According to defector Kang XX, Choi Min-sung was a bully in the marketplace, and he was arrested for disorderly conduct and was publicly executed.⁷⁵

- (4) Public executions in political concentration camps: Public executions and secret executions are carried out at political concentration camps and ‘Kyohwaso’ on an even broader scale. New settler Ahn XX, 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.⁷⁶

Those subject to public executions are usually people who are arrested during an escape attempt. New settler Choi XX, a former security officer at a concentration camp between May 1983 and June 1986 before he defected in December of 1994, stated that at Control Center No. 11 in Kyung-sung, North Hamkyung Province, an entire family, including a

⁷⁴ Testimony of new settler Lee XX during an interview at KINU, August 31, 2001.

⁷⁵ Testimony of new settler Kang XX during an interview at KINU, August 17, 2002.

⁷⁶ Testimony of new settler Ahn XX during an interview at KINU, June 9, 1996.

grandmother, her son and grandchildren, were publicly 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.⁷⁷

New settler Ahn XX 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 Agency produces oil from human bodies to make cosmetic products and whips from human tendons. Ahn explains that for their personal fame or career advancement, some security personnel deliberately execute innocent political prisoners and frame them to appear as if they caught them while attempting 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.⁷⁸

- (5) Public executions in ‘Kyohwaso’: Public executions at ‘Kyohwaso’ also remain a serious problem. New settler Lee XX, who

⁷⁷Testimony of new settler Choi XX during an interview at KINU, June 8, 1996.

⁷⁸Testimony of new settler Ahn XX during an interview at KINU, June 9, 1996.

defected in December of 1995, testified that between December of 1987 and December of 1992 she witnessed nine public executions (seven males and two females) while she was imprisoned at the Kaechun Rehabilitation Center, in South Pyongan Province. These executions were carried out within the center's factory grounds in the presence of the deputy warden of the prison and all the inmates. In 1990, Suh Yong-soon(female, age 23 at the time), formerly a cook for a group of construction workers known as the Pyongyang Commandos, was executed. She was initially sentenced to a three-year term for food shortages caused by serving portions larger than the rations allowed. After a new trial her sentence was increased to twenty years. She was later executed after it was discovered that she had tried to hide damaged products made at her factory.⁷⁹ New settler Yoo XX insisted that when he was detained at Chungjin No. 25 Correctional Center after his arrest upon return to North Korea, he eye-witnessed two individuals get executed by firing squad for having discussed religion.⁸⁰

North Korea is strongly rejecting the charge of public executions as absolute fabrications of hostile elements. But, it admitted to one case when evidence was presented during the UN review process. The case was about a public execution of Ju Soo-man for heinous murders of his grand parents Ju Jong-eun(age 84) and Choi Yun-ok(age 72) in October of

⁷⁹ Testimony of new settler Lee XX during an interview at KINU, July 12, 1996.

⁸⁰ *Yonhap News*, February 17, 2002.

1992 in Hamheung City. While admitting the case, North Korea argued that it was simply complying with the demands of local residents. The UN review subcommittee urged North Korea to revise the criminal code provisions relating to capital punishment in a way that would be consistent with the relevant articles of international covenants, and to prohibit any form of public execution. In its annual report released in May 2001, Amnesty International (AI) complained about the information control by North Korea, pointing out that there are persistent worries about unreported human rights violations being committed inside North Korea, including tortures and illegal confinement of political prisoners.⁸¹

Most new settlers have witnessed that public execution was carried out most frequently between 1997~1998 when food shortages were most severe. They testify that North Korea resumed the practice in 2000 when crime began to increase. However, they said, unlike in the past when public executions were pre-announced to mobilize a large crowd on school grounds, these days they are conducted without advance notices at marketplaces or railway stations where large groups of people gather. Now that UNHRC has demanded a total ban on public executions, North Korea seems to be continuing the practice of public execution and secret execution without advance notice. However, the cases of public-execution appeared to be decreasing since the authorities announced in March 2003 that they would refrain from such practices.

⁸¹ Amnesty International, *Annual Report 2001* <<http://www.web.amnesty.org>>.

The reasons for this decision included, according to the testimony of new settler Hong XX, Kim Jong-il's personal complaint that "too many gunshots were heard in the socialist country" and the widespread complaint among the people that public-executions were too harsh as a punishment.⁸² New settler Kim XX testified that in the face of rising complaints that public executions were too harsh and excessive the North Korean authorities announced in March of 2003 that they would refrain from such a practice. Since then, public executions have been diminishing, he said.⁸³

Clearly flagrant violations of right to life, often in the form of public executions, persist in North Korea. Even with the recent revisions of the penal code and criminal procedure law, it is doubtful that in the areas of the death sentence and executions North Koreans' right to life is guaranteed. Before that can occur, the perceptions of North Korean authorities regarding the role of law and the administration of the death sentence must undergo a radical transformation. Therefore, it is important to keep collecting data and to keep a close watch on the practice of public executions in North Korea; and whether their system of executions changes.

⁸² Testimony of new settler Kim XX during an interview at KINU, October 27, 2003.

⁸³ The Korea Institute for National Unification (KINU) plans to continue with its activities of collecting data and testimonies concerning public-executions from the new settlers from North Korea.

2. The Freedom of Individual Liberty

Illegal Confinement and Torture

The right to individual liberty consists of those freedoms of personal security and autonomy that cannot be limited or abridged without due process of the law. 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 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. And, 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 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 “pretrial 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 “pretrial examination” (Chapter 7), indicating an attempt to provide stricter and more independent procedures. More detailed procedures have been specified concerning the pretrial period (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 the arrest and their period of detention in the process of investigations and pretrial examinations.

North Korea’s penal code classifies detention in three cate-

gories (Art. 184): “physical detention” (Art. 185~188), “house arrest” (Art. 189) and “confined-area detention” (Art. 190). 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 needed to detain a suspect the agent had to apply for and receive pre-approval from a prosecutor. In the past, there has been 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, “A suspect’s family or organization shall be notified within 48 hours of arrest of the reasons for and the place of detention.” It has yet to be seen if this provision is followed in the cases of political criminals, whose families previously were not notified when they were arrested.

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 criminal procedure 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, “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 penal code revised in 2004 contains many provisions designed to punish illegal methods of interrogation, stipulating, “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 shall 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, searches or seizures. 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.

In fact, according to the testimonies of defectors, inhuman treatment is easily found all over North Korea, including detentions and tortures without due process of the law. In cases of transgression of party policies or Kim Il-sung/Kim Jong-Il instructions, even the basic human rights of the suspect are routinely violated to show to the people the severity of punishment.

Regarding unlawful detentions and tortures, new settlers have testified as follows:

When I was deported to North Korea and detained in prison, they twisted my legs and ordered me to lift a heavy bar with both hands fully extended. If I moved a little they would beat me, and if I uttered a word, they said I was lying or not telling the truth. If I kept quiet, they asked if my lips were frozen. Since I would get beat up either way, the best policy was to keep silent.⁸⁴

They put me up in a 'Kyohwaso', beat me up and confiscated all

⁸⁴ Testimony of a man from Onsung County, North Hamkyung province, during an interview at a support organization for North Korean defectors in China.

my money and belongings. The interrogation began at 5am. They asked me whom I contacted, and which intelligence agency gave me what mission. All these had nothing to do with me. But, they clubbed me at will and did not give me enough water, so I was unable to wash my face or go to bathroom properly.⁸⁵

Two inmates in my room were starved, beaten and frozen to death. With the dead body in front of us, they said they wouldn't blink an eye even if thousands of these lowly beings were to perish, and threatened, 'you guys saw it with your own eyes, didn't you? You will all end up like this.'⁸⁶

At a collection point at Hweryong 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... While we were there, a 28-year-old man called Choi XX 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.⁸⁷

As already documented, many new settlers have testified about human rights violations directed toward woman. Lee XX, who was deported to Namyang in April 2003, was forced to take off her clothes and was then searched by male security agents at both Onsung Security Detachment and Manpo Security Detachment.⁸⁸

North Korea has denied as untrue the charges brought by the international community that torture and cruel treatment

⁸⁵ Testimony of a woman defector from Eunduk County, North Hamkyung province.

⁸⁶ Testimony of a man defector from Gilju County, North Hamkyung province.

⁸⁷ Testimony of a woman defector from Chungjin City, North Hamkyung province, May 2, 2001.

⁸⁸ Testimony of new settler Lee XX during an interview, October 19, 2004.

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. But, North Korea partly admitted to certain cases, saying that some law enforcement workers sometimes beat the resisting detainees in violation of the 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 3 cases of petition against torture or ill treatment in 1998, 1 case in 1999 and 2 cases in 2000, and all the agents were given administrative punishments.

North Korea argues that torture has disappeared as a result of relevant law revisions and the thorough education of law enforcement officers. But, the members of the UNHRC review panel refuted these assertions and said that if the North Korean position were true, North Korea would indeed be a unique state. The UNHRC in its “concluding observations” also demanded that North Korea guarantee that all unfair treatments, tortures and other inhuman treatments be swiftly reported to and investigated by, an independent organization. In addition, they demanded that North Korea and to establish an independent surveillance system to prevent any abuse of power in the process of illegal arrests and detentions. In its response of August 2002 North Korea said

that it could more effectively prevent the law enforcement officials' abuse of power through regular institutions rather than through an independent national human rights commission. North Korea reacted negatively toward such a commission, saying that establishment of such an independent commission would require many discussions in the future.

New settlers testify that all sorts of tortures and inhuman treatments are inflicted at various detention facilities such as correctional centers, worker reinforcement training centers, collection points, and retention centers. Recent new settlers testify that the incidents of harsh treatment are being reduced after Kim Jong-Il's instructions. This shows that North Korea is a society that is run at the instructions of a supreme leader rather than on the basis of institutional means such as an independent supervisory agency as recommended by the UN. In reality, a branch office manager of the People's Security Agency routinely threatens the people by saying, "No body would care if scum like you were to die."⁸⁹ In most cases, beatings are carried out not by the instructors at detention centers but by other detainees under orders from them. New settler Moon XX testified that her husband died during the preliminary hearings in November 1999 from complications of beating after he was arrested in China and repatriated to North Korea.⁹⁰ New settler Kim XX testified that in March 1997 a man was hung on a tree and indiscriminately beat up at a People's Security Agency patrol post in Obongku,

⁸⁹ Testimony of new settler Cho XX during an interview at KINU, July 6, 2002.

⁹⁰ Testimony of new settler Moon XX during an interview at KINU, June 29, 2002.

Eunduck County. He died of intestinal ruptures.⁹¹ New settler Kim XX testified that while his father was detained in a PSA center in Musan County in 1999, he said he saw a fellow detainee with severe bruises all over his body.⁹² New settler Cho XX testified that Yo Sung-sam was arrested for larceny and subsequently beat up in the retention center and died of hunger.⁹³ New settler Lee XX testified that he himself was beat up with wooden clubs in the detention center and hung over a tree with fetters on.⁹⁴ According to New settler Park XX, in 1996, due to hunger, Park Chol wanted to escape from a worker reinforcement center at Seungpyongku Station in Chongjin City. He died while being transferred to a district hospital because the instructor told other detainees to do away with him.⁹⁵ New settler Shin XX testified that he was tortured by electrocution when he was under detention at the Gaesong City Security Agency.⁹⁶ From these testimonies, it is quite clear that there are numerous deaths and victims of beating, starvation, and combinations of both.⁹⁷ New settler Kim XX testified that he was detained for about a month and a half at a Labor Training Center, but he was not beat up

⁹¹ Testimony of new settler Kim XX during an interview at KINU, August 3, 2002

⁹² Testimony of new settler Kim XX during an interview at KINU, August 17, 2002.

⁹³ Testimony of new settler Cho XX during an interview at KINU, August 3, 2002.

⁹⁴ Testimony of new settler Lee XX during an interview at KINU, August 31, 2002

⁹⁵ Testimony of new settler Park XX during an interview at KINU, September 7, 2002.

⁹⁶ Testimony of new settler Shin XX during an interview at KINU, November 30, 2002.

⁹⁷ Testimony of new settler Kang XX during an interview at KINU, August 3, 2002

by fellow detainees or others in the center after Kim Jong-Il's special instructions. However, North Korean defectors testified that "group beatings" and inhuman treatments continue to persist in North Korea today.⁹⁸

Detention/Correctional Facilities and Human Rights

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 SSA(it was then located within MPS and called the Political Security Department) from 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 State Security Agency 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, the unlimited term of correctional labor, the 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

⁹⁸ Testimonies of new settlers Yoon XX and Shin XX during interviews at KINU on January 10, 2004 and November 3, 2003, respectively.

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	'Kyohwaso' Labor Training Camps collection points	Concentration Camps

'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, and each North Korean province contains one or more of these facilities.

According to the new settler Ahn XX, who entered South Korea in May 1997, North Korean authorities are consolidating their correctional facilities because of food shortages and soaring death rates. For example, the Chunnae 'Kyohwaso' at Chunnae, Kangwon Province was merged with the Third Corrections Facility at Shinuiju, North Pyongan Province.

North Korea also disclosed to AI 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 held in the Hyungsan 'Kyohwaso'.

During the review of the second report, North Korea was asked to permit on-site inspections to international human rights organizations. But, North Korea refused the request, saying that

it had twice permitted visits to AI, but because hostile elements attempted to take advantage of the occasions for their impure intentions, the concerned agencies in North Korea were growing nervous with such visits.

The North Korean penal code revised in 2004 defines crimes and types of detention as follows:

<Table II-4> Types of Crime Subject to Detention

Types of crime	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 disturbing national defense system (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, Creating or Dissemination of false information (29 types)

Continued from <Table II-4>

Types of crime	Correctional centers		Designated location
	Unlimited term	Limited term	Labor training
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 murders (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	

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. But the fact is that the

human rights violations inside the detention facilities are absolutely cruel and inhuman. We can confirm the facts through the testimony of new settler Lee XX, who came to South Korea after having been detained in the Gaechun ‘Kyohwaso.’⁹⁹ 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. New settler Yoo XX testified that a friend of his aunt, X Yon-hwa, was arrested for adultery. She was not aware of her pregnancy at the time, but later she died in a correctional facility in Jeungsan, South Pyongan province, due to complications after losing the baby (premature abortion).¹⁰⁰ New settler Chi XX testified that while he was detained in a detention camp, the wardens sexually harassed female detainees under the pretext of “personal interviews.”¹⁰¹ And, it is reported that if a female prisoner gave birth to a child, the newborn baby would be murdered.

Although DPRK labor law provides that general labor should

⁹⁹ Testimony of new settler Lee XX during an interview at KINU, July 12, 1996.

¹⁰⁰ Testimony of new settler Yoo XX during an interview at KINU, August 3, 2002.

¹⁰¹ *The Chosun Ilbo*, April 2, 2003.

be eight hours per day and prison labor should be ten hours per day, inmates here normally get up at 5:00 am and work until 12:30 am the next morning, for a seventeen-hour work day. Total rest time during those hours, including mealtime, is only about an hour. Twice a year, usually for ten days each in the spring and in the fall, healthy people may be sent to work in areas outside the rehabilitation facility for planting and harvesting.

Meals consist of 300 grams of corn and cabbage soup per day even though the regulations call for 700 grams, and the penalty for underproduction is reduction to 240 grams. For underproduction three consecutive times, only 180 grams are given, and for those in solitary confinement or preliminary review confinement, 90 grams are issued.

New settler Lee XX 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 as physical fatigue due to life in the facility.¹⁰²

According to new settlers, 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 offenses. An example is the “labor training” punishment. It is widely known

¹⁰² Testimony of new settler Lee XX during an interview at KINU, October 12, 2002

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) specifying 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 new settlers have testified, punishments not defined in the penal code were being carried out in reality. Under the 2004 penal code revision, North Korea has installed “labor-training” as a new type of punishment. At this time it is not known on what legal grounds the labor-training penalty has been enforced. 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. But, according to the testimonies of new settlers 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. For harsher penalties, the punishment is correctional labor. Without exception, the “labor

training”penalty is not given for anti-state crimes. But more than half of the crimes involving national defense will result in labor training penalties. And labor training is the sentence in almost all crimes involving economic and land management, environmental protection, labor administration and socialist culture. Most crimes involving disturbance of social order are also punished using labor training penalties, and they are utilized as a form of punishment for newly installed crime categories.¹⁰³ In fact, the 39 articles in the code relating to new crimes mandate punishments exclusively in terms of labor training. According to new settlers, the names of centers and reasons for detention appeared to vary from region to region. Most of the crimes subject to labor training are similar in nature to crimes testified to by new settlers. So, a systematic identification of crimes by region the names of detention facilities other than “correctional labor centers” and the types of crime and detention procedures would be desirable.

The “collection points” are similar to the “correctional centers” and are established and run by the “Socialist Law abiding Life Guidance Committee” to provide proper guidance to young people. Staff at the collection points investigate and detain for six months to a year, without trial revocation of citizenship, various defectors, those transgressing the designated area, those overstaying travel permits, those on “wanted lists” and ordinary “loafers.” It is reported that at various “Provincial Collection Points” brutal acts are being perpetrated on suspects to obtain admissions of guilt.¹⁰⁴ If a person

¹⁰³ Han In-sup, “The Contents and Meaning of North Korea’s Penal Code Revised in 2004,” *op. cit.*

¹⁰⁴ Testimony of new settler Kim XX during an interview at KINU on January

is caught traveling without permits, he/she is sent to a “collection point.”¹⁰⁵ The cases handled by “collection points” 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.¹⁰⁶ Each Provincial Government runs a “central collection point” across North Korea. Anyone at these central collection points caught trying to escape, will be put to death. According to new settler Lee XX, he was beaten with clubs while detained in the Provincial Collection Point in Chongjin City in 1998, and at one point he was hung upside down on a wooden column with fetters on his legs.¹⁰⁷ New settler Kim XX testified that his neighbor, Kim Hyun-guk, 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.¹⁰⁸

Because North Korean authorities could not continue to operate

19, 2005.

¹⁰⁵ Testimony of new settler Cho XX during an interview at KINU on January 18, 2005.

¹⁰⁶ Testimony of new settler Yoon XX during an interview at KINU, January 10, 2004.

¹⁰⁷ Testimony of new settler Lee XX, during an interview at KINU, August 31, 2002.

¹⁰⁸ Testimony of new settler Kim XX during an interview at KINU, August 31, 2002.

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 “hard labor training units.”¹⁰⁹

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.

New settler Ahn XX 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.¹¹⁰ There are 12~16 hard labor units in North Korea, 2 or 3 in each province, and each unit houses 500 to 2,500 individuals who committed larceny or ran away from the collective environment.¹¹¹

¹⁰⁹ Testimony of new settler Lee XX during an interview at KINU, August 31, 2001.

¹¹⁰ Former ‘Kyohwaso’ used to house those who were not necessarily criminals but failed to follow instructions. They are subjected to 1~6 months of unpaid labor such as farming and construction. The units are installed mostly in cities and counties, and each facility houses 100~200 individuals. Because many of them are simple truants or school gangs and young, they are also called centers for youth and juniors.

¹¹¹ 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.

The labor units were initially run as an ad hoc organization called rehabilitation units, but later changed into hard labor units. The hard labor units are organized 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 3-revolutions unit of the Party-in-the-military, one instructor from military-socialist-youth, one troop leader, one rearguard and the commander.

These Labor Training Centers are not official detention facilities, so possibilities of human rights violations continue to exist. 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 Labor Training Centers, people are detained without formal trials as stipulated in the North Korean laws.¹¹²

According to new settler Bae XX, he was locked up in the labor training camp after the "Anti-Socialist Group" charged him with laziness at work.¹¹³ In 1998, the "Group" was dispatched to Onsung County, North Hamkyong Province, and it had sent off some 150 antique dealers and others who frequented to China to the labor training camps.¹¹⁴ Sometimes, people would be sent to the labor training camps for failing to report to work

¹¹² Testimony of new settler Soon XX during an interview at KINU, February 4, 2002.

¹¹³ Testimony of new settler Bae XX during an interview at KINU, January 20, 2005.

¹¹⁴ Testimony of new settler Lee XX during an interview, November 23, 2004.

without prior authorization.¹¹⁵

If anyone escapes from the labor unit, he/she is sent to a ‘Kyohwaso’, or a reform center. In the early days, service at the labor units was not recorded on the individual’s personal history, but the fact of service there is recorded today. Unlike the reform centers the individuals are allowed to retain their party and citizen cards after the service, but physically the service at the labor units is much harder to endure, since the objective is to rehabilitate through heavy physical burdens imposed over a short period of time.¹¹⁶

Human rights violations inside the labor units are also serious. New settler Park XX testified that Park X was detained in the LTC in Chongjn City. He was caught trying to escape due to hunger, and fellow detainees who acted on orders from the guard beat him up. He died of complications from the beating during a transfer to the district hospital.¹¹⁷ New settler Suh XX testified that he was caught while trying to defect, and was put through one month of “labor training camp.” Inside the camp, he was called “prisoner.” The detainees were allowed to use bathrooms only on appointed times, and the workload was very heavy and the duty hours would end at 6:30 pm.¹¹⁸ Sometimes they would cut hair off female inmates, and beatings were routine.

¹¹⁵ Testimony of new settler Cho XX during an interview at KINU, January 18, 2005.

¹¹⁶ Testimony of new settler Lee XX during an interview at KINU, August 31, 2001.

¹¹⁷ Testimony of new settler Park XX during an interview at KINU, September 7, 2002.

¹¹⁸ Testimony of new settler Suh XX during an interview at KINU, November 11, 2003.

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 “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.” But, according to new settler’s testimony, tortures and beatings are routine in the detention points. New settler Kim XX testified that he was forced to sit at full attention in his underwear for long hours. If he failed to comply with this 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. Furthermore, the use of bathrooms was allowed only at appointed times throughout the interrogation. All these tortures were inflicted on the inmates to secure confessions of crime. At “detention points,” he also saw about 10 or 15 starvation deaths due to malnutrition, and testified that they would execute in secret (“sending off for a haircut”) without trial those charged with the theft of communication equipment (especially for stealing 100kg of copper lines).¹¹⁹ New

¹¹⁹ Testimonies of new settlers Kim XX and Yoon XX during interviews at KINU

settler Shim XX testified that cellmates would be instructed to beat up the inmate who snored too much while sleeping.¹²⁰ 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."

According to the more recent defectors from the North, forced abortions are frequent in these detention facilities, a flagrant violation of women's human rights.¹²¹ Dr. Willy Porter, the representative of Doctors without Borders (MSF) in Brussels, reported, "Interviews were conducted with 35 defectors who 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.¹²² In its annual human rights report 2002~2004, the US State Department pointed out that there were cases in North Korea of forced abortion of pregnant female inmates and murdering newborn babies. During the Fourth International Conference on Refugees and Human

on October 20, 2003 and January 10, 2004, respectively.

¹²⁰ Testimony of new settler Shim XX during an interview at KINU, November 3, 2003.

¹²¹ Testimonies of many new settlers, including the one of new settler Suh XX during an interview at KINU, November 9, 2004.

¹²² *The Chosun Ilbo*, January 9, 2002. In this connection, the Chosun Central News Agency criticized, *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 false. *The Chosun Central News*, Pyongyang, January 18, 2002.

Rights in North Korea held in Prague, Czech Republic, investigator David Hawk of the U.S. Committee on North Korean Human Rights reported, “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 tortures, abortions and murders of newborn are carried out in North Korean prisons and detention facilities.”¹²³

David Hawk is the author of a report entitled, “The Hidden Gulag: Exposing North Korea’s Prison Camps.” In Chapter III, he reported testimonies of North Korean defectors on abortions and murders of newborn babies.¹²⁴ All North Korean defectors testify that they have never seen any female inmate being released from detention centers accompanied by their children. This fact supports the fact that murders of newborn babies are routinely carried out at detention facilities.

Regarding these grave violations of human rights and the numerous practices of inhuman treatments such as tortures, beatings, rapes, starvation deaths and murders of newborn, the UNHRC in its “concluding observations” strongly recommended North Korea allow on site inspections of various correctional and detention facilities in North Korea by independent national and

¹²³ *The Chosun Ilbo*, March 3, 2003.

¹²⁴ David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps* (Washington, DC: US Committee for Human Rights in North Korea, 2003), Part III.

international teams. But, North Korea insisted that it could improve such practices by means of existing systems, and maintained a negative position regarding this demand, arguing that opening doors to international human rights organizations and establishing an independent human rights commission would be difficult in light of the unique condition of inter Korean division.

3. The Right to Due Process of the Law

Human Rights and the North Korean Penal Code

Responding to international criticism concerned about the vulnerability of human rights under North Korea's penal code and in reaction to changing domestic realities, North Korea has revised its penal code repeatedly: in 1987 on March 15, 1995 on August 11, 1999; and again on April 29, 2004. North Korea has been restructuring its penal code to remodel it into a mechanism for crime control rather than an instrument of regime protection. For example, Article 1 of the 1999 revised penal code declared a "struggle against crimes." But Article 1 of the penal code revised in 2004 stipulates, "The purpose of this revision is to properly establish our penal system and penal responsibilities against crime." However, the penal code has not completely escaped its fundamental design as a system developed for a class-based society. In terms of basic principles for the handling of convicts, Article 2 enunciates class principles, declaring, "in dealing with criminals the State shall firmly maintain working class principles and social conventions when applying legal

sanctions.” 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. 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 anti-State crimes as defined in the 1987 penal code is still retained in the penal code of 2004.

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 final 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 penal 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, the penal code 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 penal code revision contains 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 stipulates that when an act was committed that was 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 North Korean penal 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 is 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 revised in 2004 concerning planning and preparation for a crime, 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 more lenient sentence than those who actually carried out the crime.”

But in cases of anti-state crimes, crime-by-association is 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.¹²⁵ 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.¹²⁶ 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 in 2004 published a legal compendium for public use. This legal compendium is also being sold in South 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, including 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, that are woefully insufficient to guarantee the basic rights of ordinary citizens. 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.

¹²⁵ Testimony of new settler Bae XX during an interview at KINU, January 20, 2005.

¹²⁶ Testimony of new settler Kim XX during an interview at KINU, January 19, 2005.

We must stop this,” and the reporter received an affirmative reply; then wearing blue jeans would be banned and punished.¹²⁷

The Unfair Trial Procedures

As part of their right to fair trial, 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. The North Korean criminal laws guarantee these rights nominally, but in reality it is difficult for the citizens to expect them to be applied systematically.

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 KWP rather than the rights of the accused. Despite the provisions in its penal code and criminal procedure law, just and fair legal procedures are ignored, or not strictly followed in the trial process, nor when sentencing political criminals.

In response to this criticism, North Korea in May 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

¹²⁷ Testimony of new settler Kim XX during an interview at KINU, January 19, 2005.

be handled according to the methods, principles and procedures set forth in the criminal procedure law, emphasizing trials based on lawful investigations, and describing pretrial 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 the “law concerning the composition of courts” in January 1976. It was revised 22 years later, in July 1998, a new law was added concerning “sentencing and enforcement of sentences.” Under the revised law, the section on “political roles and missions” was deleted, but the basic framework of trial procedures was not changed.

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. In addition, there is a military court and a 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 determined by a majority vote of the participating judge(s) and the people’s juries (Art. 17).

Structurally, the North Korean court system is placed below the Supreme People’s Assembly, the National Defense Commission, and the cabinet. As a result, there is a strong possibility of human rights violations because the independence of the court system is not guaranteed and the courts are controlled by the “guidance” of other state organizations. Most importantly, the independence of the court is difficult to maintain since the judges are politically

responsible for the sentences they impose. In addition, all judges, prosecutors and attorneys lack professional qualifications because they are appointed by the state from among the graduates of the Kim Il-sung University law school.¹²⁸ 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 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, "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, "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 open courts principle is essential for the fairness of trials. In fact, new settlers testify that officials

¹²⁸ Testimony of new settler Kim XX during an interview at KINU, October 20, 2003.

and staff are tried in closed courts or secret trials.¹²⁹ 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.

The UNHRC demanded an explanation regarding the section of the North Korean report that stated, “trials may not be open in case there are possibilities of leaking classified information or the opening could have bad influences on the society.”

North Korea replied that Article 16 of its criminal law defines state secrets as those directly related to national security and those facts and documents that must not be released without the approval of the government agencies concerned. The cases of “bad influences on the society,” North Korea explained, include sex crimes and other crimes that could disturb a healthy social atmosphere. North Korea then submitted statistics showing that there had been no closed trials in the last three years.

In revising its criminal procedure law, North Korea has newly installed a provision requiring that trials be open. But the UNHRC has pointed out the exception provision. Article 271, allows exceptions in cases which deal with confidential information of the State or when a person needing protection is involved, or

¹²⁹ Testimonies of new settlers Kim XX and Yoon XX during interviews at KINU on January 9, 2004 and January 10, 2004, respectively. Kim is a graduate of Pyongyang Mechanical Engineering College and Yoon 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.

if open trials would adversely impact the society. In such cases, all or a part of the trial process can be conducted behind closed doors. And as is the case with public executions, human rights violations can still take place even though the trials are open to the public, because the trials are often organized on the spot, in the form of “people’s trials.” In this connection, Article 286 stipulates, “Courts could organize trial procedures on the spot to prevent crimes and to warn the masses. In such cases, the representative of an agency, workplace or organization could reveal and criticize the actions of the accused.” The new settlers who had witnessed on-the-spot trials testified that they used to call them the “comrade trials.”¹³⁰

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. But, in reality, it is a system employed to exercise the Party’s control

¹³⁰ Testimony of new settler Cho XX during an interview at KINU, January 18, 2005.

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. Their role is defined in Article 230 of the criminal code, which states, “Whenever representatives of workers and farmers are present in the trials, they will be asked to make initial accusations of the crimes.” According to the testimonies of North Korean defectors, their role is indeed limited to confirming the list of crimes presented at the trials.¹³¹

New settler Yoon XX 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. They were required to express their opinions at the trial. So, they said, “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.¹³² Moreover, new settlers 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.¹³³ In reality, they are selected from among the more competent persons. But, since they lack professional knowledge, they remain largely nominal and would

¹³¹ Testimony of new settler Kim XX during an interview at KINU, January 9, 2004.

¹³² Testimony of new settler Yoon XX during an interview at KINU, May 16, 2001.

¹³³ Testimonies of new settlers Kim XX and Soon XX during interviews at KINU on January 9, 2004 and February 4, 2003, respectively.

not play proper roles.¹³⁴ New settlers Kim XX, Shin XX and Yoon XX all testified that at open trials a judge and People's Security agents will be present; and in most cases executions are carried out without witnesses or without specifying the crimes committed.¹³⁵

In North Korea, anti-state crimes are committed by so-called anti-revolutionary hostile elements that are opposed to the people's regime and the party (KWP). The verdicts are decided before the trial by pre-trial courts of the SSPA (Art. 74 of Criminal Procedures). City and provincial courts are designated as the lower (district) courts (Art. 181 of Criminal Procedures) where ordinary criminals are separately tried. Consequently, if investigators belonging to the MPS or the Prosecutor's Office were to arrest anti-state criminals such as spies, anti-party or anti-regime activists, they would be transferred to the National Security Agency. Thus, all political cases are tried by the SSPA independently of the prosecutor's office and the judiciary. This practice is the source of frequent violations of human rights.

In fact, it is commonplace that political prisoners and certain economic criminals are detained without fair trials or due process of the law.

A typical type of human rights violation is detention without trial in the "labor training camps," not for reasons of political crimes but to prevent social delinquency. There is another quasi

¹³⁴ Testimony of new settler Cho XX during an interview at KINU, January 18, 2005.

¹³⁵ Testimonies of the above three new settlers during interviews at KINU on October 20, 2003, November 3, 2003 and January 10, 2004, respectively.

law enforcement agency called “lawful life guidance committee.” Its purpose is to prevent crimes of, and provide law abiding education to, the people, and conduct surveillance of corruption and unlawful behaviors of party and government officials.

Even North Korea’s Criminal Procedure Law stipulates “emergency appeals” procedures if the court decision were to exceed the legal boundary. 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 appeals procedures, which would mean a longer and more painful period of detention in jails. So, many would prefer to serve in correctional centers, instead.¹³⁶

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 has revised its Petition Law in 1998, 1999 and 2000, respectively. And Article 250 of the revised penal code mandates punishment for officials who intentionally

¹³⁶ Testimony of new settler Soon XX during an interview at KINU, February 4, 2003.

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). New settler Lee XX 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 Sole-Ideology system.¹³⁷ New settler Kim XX testified that his friend Kim Duk-chul submitted a secret petition to the Petitions Bureau of the Central Party saying, "The economic policy of the Republic is not compatible with reality, and for our economic development, policies should be changed to allow private enterprises." A short time later, he was arrested and became a missing person. His grandmother, uncle and family members were all ostracized and sent to various control zones.

¹³⁷ Testimony of new settler Lee XX during an interview at KINU, September 9, 1998.

In light of these realities the UN human Rights Committee, in its concluding observation, urged North Korea to establish a national human rights commission.

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." According to new settler Yoon XX, there is a great amnesty every three to five years or on Kim Il-sung's birthdays, and 80 percent of prisoner releases are due to amnesty. Yoon, himself, was released after serving the full term of his sentence because his crime was striking a party official.¹³⁸ In this context, North Korea's Central Broadcast 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.¹³⁹

The Right to an Attorney

The right to an attorney's assistance throughout the trial process is an important right in that it is the individual's last chance to protect his/her rights against the state. The fairness

¹³⁸ Testimony of new settler Yoon XX during an interview at KINU, May 16, 2001.

¹³⁹ *Yonhap News*, December 27, 2001.

of trial procedures ultimately depends upon whether the individual's right to choose an attorney is legally guaranteed in reality.

In most civilized states, the right to receive the assistance of an attorney and related methods and procedures are stipulated in detail in the Constitution, the Criminal Procedures and Attorney laws. 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.

North Korea also provides for the right to the attorney's assistance. Article 106 of its criminal procedure law specifies, "In the process of handling criminal cases, the right of the suspect or accused to an attorney shall be guaranteed."

Although the system in principle does not differ much from that of Western countries, there are great gaps in actual practice. The North Korean attorney system also serves the dictatorship of the proletariat. By the very fact that lawyers are employed by the state, their scope of action is quite restricted. Rather than rendering functions such as providing legal counsel, they actually play the role of a political educator to facilitate the application of party and regime policy onto the population. 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.

If a suspect is indicted without an assigned attorney, the court should appoint an attorney from among the list provided by the attorneys' association (Art. 111), and Article 116 provides that privately chosen attorneys shall take precedence over publicly selected attorneys. However, most North Koreans do not know about the attorney system. Furthermore, North Korea exercises control over attorneys by organizing them within the Chosun Attorneys Association under chapter 5 of the law (organization of attorneys). All attorneys belong to various levels of attorney associations, and if 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).

New settler Soon XX said because his brother had faced trials, he was aware that there was an attorney system in North Korea. But he testified that most trials are conducted without the presence of attorneys, and even if attorneys are present their defense was usually ineffective.¹⁴⁰ Another new settler Kim XX 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. The attorney's role is to explain and make the accused understand what the law is rather than defending him/her.¹⁴¹ Consequently,

¹⁴⁰ Testimony of new settler Soon XX during an interview at KINU, February 4, 2003.

¹⁴¹ Testimony of new settler Kim XX during an interview at KINU, October 20, 2003.

even those who are aware of the attorney system do not exactly know the role of lawyers, and 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.

4. The Right to Equality

The Concept of Equal Rights

It is an evident truth that 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 and 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, “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.

Social Discrimination Based on Family Background

<Project to Classify the People by Family Background>

Article 65 of the revised 1998 Constitution recognizes, at least nominally, citizens' rights to equality, stipulating that, all citizens shall have equal rights in all sectors of the 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 Democratic People's Republic of Korea (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, Pyongyang strictly classifies every individual by his or her family background (or class origin) and by the 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 class 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-II's instructions, 13 sub-classes were added to the list.

Former KWP Secretary Hwang Jang-yup, 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. These checks covered family backgrounds, the history of their relatives and ancestors, their wartime experiences and other information deemed relevant.

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. But the exact nature of the project remains unknown (See <Table II-6>).

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-6> 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 ~ June '70	Based on the re-registration project all people are divided into Core Class, Wavering Class and Hostile Class, and then further divided into 51 sub-classes
Understanding 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, inspect and renew citizen. Certificates according to Kim Jong-Il's orders
Project concerning naturalized foreigners and defectors from South Korea	Apr. '80 ~ Oct. '80	Divide those outside people 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, "North Korea 2004" (Seoul: Ministry of Unification, 2003), p. 327.

<Class Categories of North Korean Inhabitants>

North Korea classifies the entire population into three groups: Core Mass (Core class), Basic Mass (Wavering class) and Complex Mass (Hostile class) (See <Table II-6~8>). The new settlers have testified that this classification, along with the background discrimination policy, has an important impact on daily lives in terms of political and social status, education opportunities, jobs, and marriage. According to the testimony of new settler Kim XX, all North Koreans are classified into Categories 1~7 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 "Core Masses," Category 4 includes factory managers and party workers. The rest of the general public is known as "bastards" or low people.¹⁴² In some cases, people attempt bribery to alter the records of their background if it interferes with their social advancement.¹⁴³

The core class, comprising about thirty 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 28 percent of the population. The mid-level cadres comprise mostly anti-Japan partisan fighters and their families, and the families of those killed

¹⁴² Testimony of new settler Kim XX during an interview at KINU, October 20, 2003.

¹⁴³ Testimony of new settler Kim XX during an interview at KINU, October 27, 2003.

in battle or otherwise during the Korean War.

For the education of core class children, 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. Their houses have telephones, and they are allowed to subscribe to foreign publications and have radios capable of picking up 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 Core Class (about 10 percent of the population) prefers the current system and enjoys the favorable treatment.¹⁴⁴ The former medical doctor Park XX testified that different levels of medical service was provided to people depending on their status and background. Large hospitals maintained special units for the treatment and care of party officials.¹⁴⁵

The so-called wavering 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

¹⁴⁴ Testimony of new settler Park XX during an interview, September 23, 2004.

¹⁴⁵ Above testimony.

party members. They represent about 45 percent of the population. Members of the wavering class are provided with meager incomes and food rations. Most of them live in small cities and in rural areas. Health benefits are insufficient. They can travel to Pyongyang only with special permits. These people usually become technicians or low-level officials. They maintain a living on irregular wages and individual vending efforts. Mostly living in small provincial cities and farms, they try to live and maintain their health under poor, inadequate and discriminatory conditions. However, some of them, depending on the quality of their loyalty and contributions, improve their personal status to become members of the Core Mass. Many new settlers 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 bribery.¹⁴⁶

The hostile 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 hostile 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,

¹⁴⁶ New settler Hwang XX during an interview at KINU on May 24, 2000.

sometimes does suppress the social mobility of the persons belonging to Basic Masses but those in the Complex Masses category suffer most directly.

Those classified as part of the hostile class are discriminated against in all aspects of their lives including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the hostile 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. New settler Kim XX testified that those belonging to the complex masses category are now allowed to live in Sinuiju, which is a border city, and the ratio of their number living in cities across the nation is very low.¹⁴⁷

¹⁴⁷ Testimony of new settler Kim XX during an interview at KINU, August 21, 1997.

<Table II-7> 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).
Wavering 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.
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	-Assign to dangerous or heavy-duty labor. -Block and suppress from school admissions, matriculations, and party membership.

Continued from <Table II-7>

3 Classes	51 Sub-classes	Treatment
Hostile Class	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.	-Classify as subjects of control, surveillance and persuasion. --Control: By forcible relocation, separate accommodation. --Surveillance: Place under constant surveillance of movements. --Persuasion: Intensive re-education. Re-classify very limited numbers (ex. Children)

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

<Table II-8> Categories of the 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, 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, and 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 the arrested.

* This table is based on the testimony of new settler Lee XX.

<Table II-9> 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 levels of misdemeanors are so minor as to warrant including 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.

<Discriminatory Education Benefits based on Personal Background>

Because North Korea offers education benefits on the basis of personal background, the students’ colleges and their major areas of concentration are decided upon regardless of individuals’ wishes. Special admissions without examination are offered to the children of senior staff or close aides of Kim Jong-Il and cabinet members, as well as senior Party staff. New settler Park XX testified that the children of high-ranking officials entering college upon instructions of Kim Il-sung or Kim Jong-Il are called the instruction student, or directed student or student who received word.

Students applying for admission to the Kim Il-sung University and other major universities are subject to family background checks extending as far as their second cousins. Those applying for admission to teachers’ colleges are subject to checks as far as their first cousins. Admissions will be cancelled even

if a minor demerit is discovered in the process of the background check. If the admission is cancelled, the rejected male applicant has to serve out military duty for 7~10 years, while the rejected female applicant is assigned to production facilities.

Many new settlers have testified about the family background checks in connection with college education. Students from less favorable classes have to pass the background check even if they passed the college entrance examinations. New settler Kim XX testified that he was at the top of the class throughout his elementary and secondary schools, but he could not take the college entrance examination in March of 1979 because he was not given the permit to do so.¹⁴⁸ Subsequently, his mother and the school principal visited the college and inquired about the reasons. They were told the student's uncle fled south in December of 1946 and he is classified as 'watch-list number 10' (family of defector to the south). New settler Huh XX testified that the only college one could enter without too much fear about family background was the Kim Chaek Polytechnic Institute. Most of the bright students with unfavorable family backgrounds matriculate to engineering schools or medical schools. Huh wanted to enter the Kim Il-sung University and become a lawyer or a newspaper reporter, but his family was classified as Wavering Class because his parents were Chinese-Koreans, so he had to attend the Kim Chaek Polytechnic Institute.¹⁴⁹ A major scandal occurred recently when a student was admitted to a college ahead of others simply

¹⁴⁸ Testimony of new settler Kim XX during an interview at KINU, January 9, 2004.

¹⁴⁹ Testimony of new settler Huh XX during an interview, September 20, 2004.

because he had more money, even though all the applicants came from similar family backgrounds.¹⁵⁰ Another new settler, Kim XX, said he was discriminated against in his bid to enter a college and to obtain party membership because his grandfather was from the landed class background, which placed him in the same class as well.¹⁵¹

Due to the economic hardship and the generally loose social atmosphere, North Korea began to embrace the masses under the “broad-range politics” slogan. Under this new policy, many students with unfavorable personal backgrounds would be admitted to colleges.¹⁵² In spite of this change, those with a bad family background still face formidable discrimination and are excluded from admission to colleges designed to educate elite cadres. Unlike in the past, however, bright students can advance to special-purpose universities or engineering colleges.¹⁵³ However, a student unable to enter a college or join the military is then assigned, if his father was a miner, for example, to a coal mine.¹⁵⁴ In this way, the parents’ and individual’s background becomes a major factor for restricting educational opportunities as well as ‘social mobility,’ ultimately forcing individuals to inherit the parents’ class status and even the parent’s job.

¹⁵⁰ Testimony of new settler X Keum-X during an interview at KINU, September 22, 2004.

¹⁵¹ Testimony of new settler Kim XX during an interview at KINU, October 20, 2003.

¹⁵² Testimony of new settler Kim XX during an interview at KINU, July 26, 2003.

¹⁵³ Testimony of new settler Kim XX during an interview at KINU, April 26, 2003.

¹⁵⁴ Testimony of new settler Byun XX during an interview at KINU, April 26, 2003.

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

North Korean authorities have strengthened elements of the family background system, which they use to screen possible cadres for membership in the KWP or in the legal field, on the assumption that the class origin of those who harbor an extreme enmity toward the system does not change, even after three generations. This policy has been especially apparent since the defection of Hwang Jang-yop in 1997. Immediately after the defection of former party secretary Hwang Jang-yop, the personal background of candidates was checked more carefully when considering promotions or for various other selection processes.¹⁵⁵

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. While it matters relatively less in low-ranking positions, it is more significantly applied among officers as a hiring standard. In the case of those working in the field of technology, on the other hand, the family background does not play as great a role as in the past. Thus, even those technicians who sided with South Korea during the Korean War are employed although supervision

¹⁵⁵ National Intelligence service, "Recent Realities of North Korea," No. 186 (Seoul: August 1999), p. 37.

of them is being tightened.¹⁵⁶

New settler Kim XX 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 he or she fails to qualify for party membership while in the military, he or she wouldn't be treated as a human being. And, because of family background, he could not join the KWP, and was discharged from the army. The stated reason for the discharge was "psychological" (unfit for military life), but the real reason was "life discharge" (undisciplined attitude in barracks life).¹⁵⁷ Yet, new settler Lee XX insisted that in North Korea job assignments are determined from birth. For example, he belonged to the Core Class and served as an officer at the Security Agency after graduating from college. Because his uncle was the Director of Prosecution at the National Security Agency, he was able to get a job there, which was the envy of everyone.¹⁵⁸ Clearly, then, background and contacts remain crucial elements for both education and job assignments in North Korea.

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 security jobs. This practice is indistinguishable from social discrimination. For example, to work

¹⁵⁶ *Ibid.*, pp. 37-38.

¹⁵⁷ Testimony of new settler Kim XX during an interview at KINU, May 23, 2001.

¹⁵⁸ Testimony of new settler Lee XX during an interview, September 20, 2004.

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 include investigating applicant's third cousins, because workers at the National Security Agency handle many classified materials.¹⁵⁹

<Guilt-by-Association as a Means of Control and Punishment
According to One's Family Background>

One way to determine the degree to which people are controlled through discriminatory policies based on one's family background is to examine forced relocations of families. "Guilt-by-association" is a system in which family members of convicted individuals are also punished in connection with political and ideological crimes. This system works horizontally to include all direct members of one's family, and vertically to affect one's children and grandchildren. The government maintains these records and uses them as a means of maintaining firm control over the people.¹⁶⁰ 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

¹⁵⁹ Testimonies of new settlers Kim XX and Kim XX. Also see National Intelligence service, "Recent Realities of North Korea," *op. cit.*, No. 180 (February 1999), p. 44.

¹⁶⁰ 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," p. 11.

to South Korea. They are therefore treated as part of the hostile class. These people continue to be dispossessed of their fundamental rights. Others are 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 remote areas, or to coal mines, or lumber mills, for physically unbearable hard 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. There are additional disadvantages related to social advancement. Essentially what exists is a systematic conferring of an unfavorable background to one's children and grandchildren.¹⁶¹

According to new settler Kim XX, the guilt-by-association system is being applied strictly to political prisoners. With respect to this, there are some articles regarding the guilt-by-association in the policies of the State Security Agency.

What is important is that if the husband's house were found in violation, the wife would be automatically divorced and sent home. But, in the case of wife's house the husband (or, the son-in-law) would be exempt from punishment.¹⁶² As the economic hardship worsened, the people's complaints increased and the so-called "verbal reactionaries" also increased. Under the circumstances, the North Korean authorities would not impose

¹⁶¹ Testimony of new settler Yoon XX during an interview, May 23, 2000.

¹⁶² Testimony of new settler Kim XX during an interview at KINU, October 19, 1999.

severe punishments so long as the complaints were not “politically motivated.” Even in cases of “serious verbal” violations, they would send only the person involved to the political concentration camp, showing that the practice of “guilt-by-association” was being relaxed.¹⁶³ There is a “principals only” political concentration camp in Chongjin City, North Hamkyong Province, but even to this day the practice of “guilt-by-association” persists.¹⁶⁴

Officially and externally, North Korea does not admit of 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. However, the final judgment depends upon the background or birth origin of the criminals and thus the death penalty is sometimes reduced to a prison sentence if the background of the criminal is good. By contrast, criminals having inferior backgrounds or birth origins, including orphans, are usually sentenced to death without any other considerations. Thus, people who have witnessed the executions complain that they are unfair and that the level of punishment for a crime varies according to one’s background. North Korean people complain that governmental authorities arbitrarily determine the level of punishment on criminals depending upon the criminals background

¹⁶³ Testimony of new settler Cho XX during an interview at KINU, January 18, 2005.

¹⁶⁴ Testimony of new settler Kim XX during an interview at KINU, January 19, 2005.

or birth origin.

Personal background also affects marriages. Men with unfavorable personal background has little chance to overcome the class barriers unless he is lucky enough to get marry a woman with a good personal background.¹⁶⁵ If one's background is unfavorable, control apparatus such as Security Agency will often systematically interfere with personal affairs. According to Lee XX, 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.¹⁶⁶

<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

¹⁶⁵ Testimony of new settler Kim XX during an interview at KINU, January 7, 2004.

¹⁶⁶ Testimony of former kidnapped fisherman Lee XX during an interview at KINU, January 7, 2004.

areas.¹⁶⁷

Also, 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 to hold 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.¹⁶⁸

The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains. New settler Chu XX testified that Kim XX, formerly the second percussion player in the light music band at Wangjaesan, Uihamyon, was exiled from Pyongyang to Hyesan in 1997.¹⁶⁹ According to new settler Park XX, people who are ostracized and forcibly relocated to remote places are called the Pyongyang evacuees.¹⁷⁰ These people are acutely despised and discriminated against by the local population. Instances of discrimination against expelled individuals can be

¹⁶⁷ New settler Soon XX testified that he was born in Pyongyang but had to relocate to Sinuiju because his father was born in South Korea and there were some minor problems with his job performance. Soon's testimony during an interview at KINU, February 4, 2003.

¹⁶⁸ Testimony of new settler Cho XX during an interview at KINU, January 18, 2005.

¹⁶⁹ Testimony of new settler Chu XX during an interview at KINU, July 6, 2002

¹⁷⁰ Testimony of new settler Park XX during an interview at KINU, August 3, 2002.

easily found.

While the local populace is allowed to assault these people, the relocated are not allowed to assault or inflict damage on the natives. It is routine for supervisors belonging to the MPS to publicly beat and torture these expelled individuals. Also, these exiled individuals are forced to work at the most difficult jobs, such as logging and mining. Even if they work long and hard, they are rarely promoted to staff positions in the work places. Rather, they are often stripped of their houses and private gardens and are forcibly relocated to inferior housing.

This discrimination extends to marriage, as the locals marry only among themselves, saying, “Backgrounds of the banished were no good.” In cases where natives and exiles are caught working together to commit a crime, the native is set free without suspicion while the expelled is punished as a criminal. Since the expelled are discriminated against in many ways, they always feel alienated. It is common for their co-workers to visit their houses on national holidays and at that time the expelled must treat them to liquor and meat. If the staff feels the treatment is not satisfactory, they insult the expelled, cursing them for their inhospitality. In this way the banished persons are being discriminated against and must live like foreigners in the place of banishment.

<Discrimination by the North Korean Authorities against Pyongyang Citizens>

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 account for almost 80~90 percent of the entire population of Pyongyang. The third category 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 category are mobilized when the heads of foreign governments visit Pyongyang. Hence, people belonging to the third category are always shunted aside and can only participate in general mass rallies. In this case, they are also discriminated against. People in the first and second category 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.¹⁷¹

¹⁷¹ Testimonies of new settlers Kim XX and Kim XX. Also see National Intelligence service, Recent Situations of North Korea, Vol. 180, pp. 42-43.

Oppression of the Disabled

The world has over 500 million disabled people, and due to such events as the Korean War, North Korea is known to have a considerable share of that number. It is a well-known fact that the disabled may not live in Pyongyang. North Korean authorities strictly prohibit handicapped persons from living in the special district of Pyongyang and other cities like Nampo, Kaesung and Chongjin where visits of foreigners are frequent. With the exception of talented individuals, ordinary handicapped persons are not allowed to live in Pyongyang or other places where foreigners visit frequently because they are said to give a bad impression of the country. The handicapped may not be transferred on a permanent basis, but they are sent away to other areas whenever the authorities wish, such as during special events.¹⁷² In an effort to portray Pyongyang as an international city, North Korean authorities are transporting handicapped persons off to the countryside in order that visiting foreigners will not see them.¹⁷³ In fact, outsiders visiting Pyongyang, and most defectors testify that they have never seen a handicapped person in the streets of Pyongyang.¹⁷⁴

North Korean authorities are practicing merciless discrimination against handicapped persons by setting up collective

¹⁷² Testimonies of new settlers Han XX and Yoon X during interviews at KINU on May 18, 1999 and May 23, 2000.

¹⁷³ Testimony of new settler Lee XX during an interview at KINU, February 15, 2003.

¹⁷⁴ Testimony of new settler Lee XX during an interview at KINU, February 15, 2003.

camps for them where they are designated according to their physical deformity or disability. Defectors from North Korea testify without exception that there exist collective camps for midgets in North Korea. 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. New settler Chung XX testified that there is a segregation facility for children with birth defects in Youngkwang County, South Hamkyung province.¹⁷⁵ Also, new settler Lee XX testified that there is a "midget camp" deep in the mountains of Jakang do Province.¹⁷⁶

New settlers Choi XX and Park XX testify that the so-called midget detention camps exist. Marriages at these camps are permitted but having children is not.¹⁷⁷ New settler Kim XX testified that midgets are separately detained in the detention camps, and 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.¹⁷⁸

Secretary Lee Sung-sim of the Chosun Handicapped Persons Assistance Association established in July 1998 gave an interview with *Choguk* (fatherland), a monthly magazine published by the

¹⁷⁵ Testimony of new settler Chung XX during an interview at KINU, November 30, 2002.

¹⁷⁶ Testimony of new settler Lee XX during an interview at KINU, February 15, 2003.

¹⁷⁷ Testimonies of new settlers Choi XX and Park XX during interviews at KINU on July 6, 2002 and October 12, 2002.

¹⁷⁸ Testimony of new settler Kim XX during an interview at KINU, October 20, 2003.

All Koreans Association in Japan. In the interview carried in its May 1999 issue, he stated that a sample survey was conducted between January and March of 1999. Exactly 435,866 inhabitants from four areas of Pyongyang, Pyongwon-gun and Pyongsung City (South Pyongan province), Tongchun-gun and Wonsan City (Kangwon province) and Pyoksung-gun (South Hwanghae province) were surveyed. Of those surveyed and found to be handicapped, as high as 38.85 percent were classified as unable to use their limbs freely, 22.03 percent as hearing impaired, and 21.63 percent as seeing impaired. In addition, 4.95 percent of them had mental defects and 3.5 percent had a level of intelligence that would hinder their normal social life. Some 9.04 percent were suffering from multiple impairment handicaps.¹⁷⁹

In June of 2003, however, North Korea for the first time introduced the Handicapped Persons Protection Law (consisting of 54 articles), providing an institutional device for the protection of rights of the handicapped. This law contains provisions covering requirements for education, work, living, and rehabilitation of handicapped persons. North Korea has also established within the Cabinet an ad hoc committee for the protection of the handicapped. Criminal as well as administrative charges can be brought against those officials and individuals who interfere with the rights of the handicapped.

This law has 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

¹⁷⁹ *Yonhap News*, May 5, 2002.

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). It is estimated that there are about 700,000 handicapped persons in North Korea. Except for the veterans who had been honorably discharged from the military, handicapped persons in North Korea have been extremely discriminated against in the past, including suffering banishment from the cities.

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. With the legislation of the handicapped protection law of 2003, it is expected that such discrimination will significantly diminish. It would be too soon to expect that all discrimination has completely disappeared as a result of the new law, but it is meaningful to note that a protective legal device has been put in place and the possibilities of its implementation have increased for those who had previously been discriminated against, especially the children and the handicapped. This by itself should be taken as a significant progress.

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 Rights and "human rights Covenant B" is the guarantee of rights to various freedoms. This White Paper will first deal with the freedom of residence, relocation the freedom of speech, publication (expression); the freedom of assembly and the freedom of association. In light of its importance, the freedom of religion will appear in a separate section.

Article 1 of the Universal Declaration of Human Rights declares, "All human beings are born free and equal in dignity and rights." And, "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, "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, Article 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.

Freedom of Residence, Movement and Travel

The freedom of residence and movement 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, "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 the freedom of travel and the right to choose one's residence. However, as its economy has collapsed and food shortages have worsened since 1990, social fluidity and movement of inhabitants in search of food have increased tremendously. Furthermore, the North Korean authorities were forced to tacitly accept this reality. And so, in revising the Socialist Constitution in September 1998, for the first time it stipulated, “Citizens shall have the freedom of residence and travel.” (Art. 75)

In practice, however, and to control society, significant constraints are imposed on the freedom to travel and to choose one's residence. In short, there is a significant gap between the law and reality in North Korea today.

According to the testimonies of new settlers Kim XX and Uh XX, people who wanted to travel must two weeks in advance submit an application to the chief of his workplace through the accounting department. 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/her 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. Another new settler, Kim XX, testified that travels to and from the Rajin-Sunbong 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.¹⁸⁰ Furthermore, if anyone wishes to travel to the border regions or military areas, they must obtain an approval number from the Security Guidance office.¹⁸¹

After arrival, the traveler reports to the head of the local neighborhood unit or Inminban, registers on the travel roster, and gets 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.¹⁸² In urgent cases, for example 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. However, many new settlers have testified that due to the economic hardship and to corrupt officials, permits are available if people pay enough money, with the exception being in Pyongyang and at certain restricted areas.¹⁸³

¹⁸⁰ Testimony of new settler Kim XX during an interview at KINU, September 8, 1998.

¹⁸¹ Testimony of new settler Suh XX during an interview at KINU, November 11, 2003.

¹⁸² Testimonies of new settlers Kang XX and Kim XX during interviews at KINU on September 17, 2004 and January 19, 2005, respectively.

As in the case with travel permits, North Koreans are not permitted to freely move their residences, and must obtain permission from the authorities. Individuals who change residence without permission would be unable to obtain a citizen card, hence they would face extreme restrictions in social activities including finding jobs and obtaining food rations. As new settler Chi XX 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.¹⁸⁴

The most obvious breach of the freedom of residence is forcible relocation. North Korea is forcibly moving and transplanting politically suspect people. 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-Sunbong and newly developed industrial or coal mine regions in Jakang and Yangkang Provinces.

The former secretary of the KWP, Hwang Jang-yup, 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.

¹⁸³ Above testimony.

¹⁸⁴ Testimony of new settler Suh XX during an interview at KINU, November 11, 2003.

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.¹⁸⁵

The reason North Korea imposes restrictions on movements and travel is to prevent anti-system and socially delinquent behaviors stemming from information exchanges. In other words, people on the road could easily get psychologically complacent, and through exchanges of information they could become critical of government policies. Despite the official regulations, however, it appears that in reality controls over travel are becoming less restrictive due to the deteriorating economic situation and 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.¹⁸⁶ According to an aid worker of NGO, the travel

¹⁸⁵ Testimony of new settler Lee XX during an interview at KINU, April 26, 2003.

permit system is still in place in North Korea, but control over travel has been significantly relaxed except for some important security sensitive areas. 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.¹⁸⁷ If one does not 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.¹⁸⁸

Due to the food shortages, unofficial movement is on the increase in North Korea, but the international community is still deeply concerned about the extreme travel restrictions the North Korean authorities impose on the movement of citizens.

During its 49th session in August 1997, the UN committee on human rights expressed concern over the serious breach of the freedom of residence and movement. During the committee’s 50th session in August 1998, the committee again urged North Korean authorities to guarantee the freedom of residence and movement, including travels abroad. The international community continues to monitor how well North Korea will guarantee the fundamental rights such as the freedom of residence and movement.

In its Second Human Rights Report submitted in 2001, North

¹⁸⁶ Testimony of new settler Soon XX during an interview at KINU, February 4, 2003.

¹⁸⁷ Testimony of a North Korea assistance organization during an interview at KINU, January 2004.

¹⁸⁸ Testimony of new settler Suh XX during an interview at KINU, November 11, 2003.

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 Koreans can obtain travel permits for travel only to China. Even obtaining application forms can be difficult. Applicants must apply to the city or county foreign affairs section, but North Korea pre-determines the number of travelers each year, hence the number of permits per month. People wait, sometimes as little as three years and sometimes as long as 10 years. In recent years, the process has been shortened to where it now normally takes about a year.¹⁸⁹

Regarding the freedom of movement, North Korea submitted the following status report on foreign travel applications and the number of application denials to the UN Human Rights Committee during the Committee's review of North Korea's second regular report. North Korea explained that the number of denials were due to the lack of approval of the destination countries.

¹⁸⁹ Testimony of new settler Huh XX during an interview at KINU, September 20, 2004.

<Table II-10> Status of Foreign Travel Denials

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

The international community is deeply worried about North Korea's severe restrictions on the freedom of movement of its citizens. 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.

Freedom of Speech and Press

The freedom of speech and press signifies the freedom to freely express 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, "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, “Civilians shall have the freedom of press, publication, association, demonstration and assembly.” The state should guarantee a democratic party and free activity of social organizations. 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.

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. New settler Suh XX testified that people must register their radios, televisions and tape recorders, and the frequencies must remain firmly fixed at all times.¹⁹⁰

In its second periodic report (Covenant B), North Korea stated that journalists could travel to any region in North Korea to meet with individuals they wish to meet. North Korea also insisted that foreign reporters are free to collect information and report it under regulations regarding the activities of foreign journalists.

However, the facts indicate that contact with foreign

¹⁹⁰ Testimony of new settler Suh XX during an interview at KINU, November 11, 2003.

journalists remains controlled. North Korea did agree to guarantee the activities of foreign reporters at the time it opened diplomatic relations with Germany. But the State Department report pointed out that the North Korean government continued to strictly control the activities of foreign visitors.

In answer to an oral inquiry during the review of the second report, North Korea frankly admitted that sale of foreign newspapers and magazines are not allowed on the North Korean streets.

In its responses to the concluding observations on the second report, North Korea argued that reporters' activities abroad were being restricted due to the shortages of foreign currency during the economic hardship. It is true that foreign newspapers and publications are not widely circulated in North Korea. Presumably, this is due to the shortages of foreign currency and the small number of people who can read and understand foreign languages. All news media in North Korea belongs either to the state or to public organs. In order to support the activities of correspondents abroad, the media organizations should guarantee financial support. But because the media organizations do not have sufficient foreign currency, they are unable to maintain correspondents abroad. The North Korean news media obtain information from such sources as foreign mass media and from reporters assigned to North Korean embassies abroad. North Korea also asserted that it does not restrict the dispatching of reporters abroad.

The role of the press in North Korea is not to improve the quality of life for individuals by providing information, protecting individual rights, monitoring the government, or transmitting entertainment, advertisement or culture. It exists only to justify

the policies of Kim Il-sung and Kim Jong-Il, as well as to monitor and reproach the people. North Korean citizens are utterly uninformed about international affairs because the sources of external information are completely blocked to them. Consequently, it is unrealistic to expect them to have any desire to freely express their views or any ability to criticize the policies of the North Korean authorities. Only recently, have the people in the border regions been somewhat exposed to outside information through defectors who come across the border. According to recent new settlers, some Chinese cellular phones are smuggled into the border regions of North Korea for communication with their counterparts in China.¹⁹¹

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

¹⁹¹ Testimony of new settler Byun XX during an interview at KINU, April 26, 2003.

training. Even though the level of punishment has been reduced compared to the previous punishment of up to one year of correctional labor, the duration of punishment has been extended. In short, an individual's rights to freedom of opinion, or to communicate with others, remains suppressed.

Due to the economic hardship, people's discontent and complaints have increased, and the degree of punishment for "verbal reactionaries" has been weakening, but many new settlers testified that criticism of, and swearing at, Kim Jong-il and his family is not tolerated in any form.¹⁹² It is obvious from their testimonies that for purposes of regime maintenance and idolatry of Kim Jong-il the right to freedom of opinion is tightly restricted.

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 actual problems

¹⁹² Testimonies of new settlers Park XX and Kim XX during interviews at KINU on September 23, 2004 and June 28, 2003, respectively.

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-own way” 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.

So, 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 KWP. And new settler Lee XX testified that an influx of foreign ideas through books would be difficult because three times a year joint censor teams consisting of MPS, SSA and Party officials conduct censorship reviews on all books and printed matter.¹⁹³

North Korea regulates literature and the arts as a means of educating workers in the communist way and for turning the

¹⁹³ Testimony of new settler Lee XX during an interview at KINU, April 26, 2003.

entire communist society into the 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.

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 ideology. This theory is a fusion between the Juche ideology and socialist realism, a new concept to communicate the socialist and realistic traits of the party, the working class and the people, and to solidly establish the party's unitary leadership and philosophy among the public at large. These traits are considered in North Korea to be prototypes for socialist literature and artistic theories.

The federation has under its control the Writers Union, Artists Union, Drama Workers Union, Musicians Union, Film-workers Union, Dancers Union, and Photographers Union. Under each union there are subcommittees, and in the provincial areas there are branch offices of the GFULA and their unions. 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.

The decision of whether or not to permit publishing or staging of creative works is strictly controlled, and the party is directly involved in every stage of the process. The assignment of themes

on works to be published or staged is made at the session discussed above, and the annual work plan of each publishing house and stage performance troupe is reviewed by the politburo of the Party Central Committee after first being examined by the central committee of the union. The GFULA, together with the union, routinely supervises works to be published, while both the Ministry of Culture and Arts of the Administrative Council and a relevant social organization in charge of stage performances controls theater companies.

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. The North Koreans insisted that the contents of the prohibited articles generally contained state and military secret materials. 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.

Freedom of Association and Assembly

The freedom of association and assembly permits a large number of people to gather freely and unite for a common goal. If freedom of speech and press could be considered as an individual type of freedom of expression, then the freedom of association and assembly could be considered as a type of freedom of expression with a broader meaning, carried out by a group.

Art. 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 party and social groups. In reality, however, only the assemblies and associations required by the party are permitted.

In its second regular 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 Party.

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 (Penal Code, 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 people's committee or local branch of 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 organizer and the size of the assembly or rally. The people's committee 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 sound 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. The

registration documents must contain such information as the objectives, membership size, structure, founding date and name of the president, as well as by-laws. In order to dissolve the association, it should be notified and registered with the government in writing. The dissolution documents should contain such information as the reasons and date of dissolution, financial status and the disposition of corporate property. These procedures are not aimed at interfering with or restricting the freedom of establishing democratic public associations, but intended for the state to know accurate facts about the association so that the state could provide necessary support. In North Korea, there are dozens of democratic public organizations, such as Workers' Unions, Farmers' and Working Masses' Cooperatives, Youth Alliances, Women's Alliances, the Federation of Literary and Artists' Unions, Democratic Attorneys' Association, Christians' Alliance, Buddhists' Alliance, Anti-nuclear Peace Committee and Association for African-Asian Coalition.

In its second regular report on "Human Rights 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.¹⁹⁴ In its “concluding observations” presented in 2003 after reviewing the second periodic report on North Korea’s performance involving Convention-A, the UN Human Rights 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 Korean Workers’ Party and its rights are subservient to the authority of 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 never 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, etc.

¹⁹⁴ 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/\(Symbol\)/c3b70e5a6e2df030_c1256c5a0038d8f0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030_c1256c5a0038d8f0?Opendocument)>.

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 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 new settlers 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 new settlers complained that North Korean people were experiencing the most regimented lifestyle in the world.¹⁹⁵

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

¹⁹⁵ Testimony of new settler Kim X during an interview at KINU, September 23, 2004.

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.¹⁹⁶ But these political parties, as satellite organs, are nothing but faithful supporters of the KWP, complying completely with the Party'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 organizations. 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

¹⁹⁶ As for the organization and operation of the Chundokyo Youth Party, see *Yonhap News (Seoul)*, April 13, 2001.

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 the Covenant B that defines the right of political participation.

6. The Freedom of Religion

The freedom of thought is a fundamental condition necessary to maintain the sanctity of human beings. This freedom includes the formation and conveyance of thought, acts of conscience and faith, and independent scholarship. Due to the very nature of these activities, they lose their significance without freedom from oppression and the interference of state power. In a democratic society the freedom of thought must be respected in order to maintain the system itself and to secure a democratic society.

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, “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 Karl Marx's statement, "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."¹⁹⁷

Many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. In particular, immediately before and during the Korean War, large numbers were arrested and executed or banished. Most religiously active people were categorized as anti-national and counter-revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they were regarded as tools of imperialist aggression.

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 (a Korean traditional

¹⁹⁷ Social Science Academy, *Dictionary of Philosophy* (Pyongyang: Social Science Pub., 1985), p. 450.

religion) have been eradicated or forced to recant their faith. Kim Il-sung stated in a speech made at the MPS in 1962:

(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.¹⁹⁸

According to official statistics, North Korea's total population at the end of liberation August, 1945 stood at 9.16 million. About two million, or 22.2 percent were religious practitioners, including about 1.5 million Chondogyo, or "heavenly way" followers, 375,000 Buddhists, 200,000 Protestant Christians, and 57,000 Catholics.¹⁹⁹ The actual number was believed to be much higher, however, because North Korea classified them (under the three classes and 51 categories system based on personal background) as "hostile" and "complex" classes, where as such they were kept under surveillance and persecuted. It is estimated that approximately 400,000 religious practitioners were executed or imprisoned in political concentration camps through 1970. Second and third generation children of religious practitioners have been classified as "reactionaries" and are supervised closely by the government.²⁰⁰

¹⁹⁸ Koh Tae-woo, *North Korea's Policy on Religion* (Seoul: Minjok Cultural Pub., 1989), p. 79.

¹⁹⁹ The Chosun Central News Agency, *The Chosun Central Annual 1950* (Pyongyang: Chosun Central News Agency, 1950), p. 365.

²⁰⁰ Huh Man-ho, "EU Human Rights Policy toward North Korea and the UNHRC Human Rights Resolution on North Korea," *The Journal of Korean Political*

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, “Citizens shall enjoy the freedom of religion and freedom to launch anti-religious campaigns.” Freedom of religion was the progressive development, but the complementary freedom of anti-religious campaigns served to deny full-fledged freedom legally and practically. 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 Chondogyo 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.

As the international criticism mounted over the freedom of religion issue in North Korea in the 1980s and 1990s, and as the contacts of its religious organizations with outside counterparts increased, North Korea relaxed its policies relating to religion. Subsequently, some superficial changes began to take place, such as the establishment of new churches and the addition of religion departments in colleges. In the 1990s when the food crisis worsened and Kim Il-sung died, social control became extremely difficult. Beginning about 1998, North Korea tried through its religious

Science Association, Vol. 12, No. 2 (2004), p. 18.

organizations to promote external religious contacts in an effort to increase foreign humanitarian aid, while still suppressing religious activities at home. Even as it suppressed the increasing influence of certain religions, it nevertheless sought to earn foreign currency through the promotion of religious activities. Although it has been neglecting them for years, North Korea has now decided to submit regular reports as a signatory to the UNHRC and the UN Social and Economic Council. By breaking out of its self-imposed isolation and remaining in various international human rights programs, North Korea is clearly seeking to avoid international isolation and abate international criticisms of its human rights violations.

In the 1990s, the international community repeatedly raised human rights issues with North Korea at the UNCHR and at the Subcommittee on Human Rights. In response, North Korea revised its socialist constitution twice, in 1992 and 1998. In the 1992 revision, North Korea added the freedom of residence and movement. In the 1998 revision, North Korea deleted the freedom of anti-religion clause, and 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.”²⁰¹ Relative to the freedom of religion, the revised North Korean constitution has shown some progress. Official steps have been taken, at least

²⁰¹ 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.

superficially, by recognizing the freedom of religion, to build religious structures and hold ceremonies.

Since the late 1980s, North Korea has been trying to streamline its religious policy to come in line with the changing atmosphere. First, it allowed the building of religious structures. Second, it allowed religious ceremonies. Third, it provided a legal basis for the operation of religious educational facilities. In late 1998, North Korea began to advertise its decision to guarantee religious freedom when it allowed construction of the Bongsu Church and the Jangchung Cathedral. Subsequently, Chilgol Church was built, and North Korea has since been taking positive steps and in 2003 North Korea began allowing South Korean religious organizations to participate in building or restoring religious facilities in North Korea.

On January 15, 1989, for the first time since the Korean War, North Korea permitted ceremonies at all Buddhist temples in North Korea to observe a special Buddhist occasion. Subsequently, North Korea has allowed observance of three major Buddhist holidays and ceremonies.²⁰² It has also permitted some religious ceremonies like Easter. In addition, South Korea's Buddhist Jogye Order for National Community Movement, in cooperation with its North Korean counterpart, has launched a campaign to repaint 59 Buddhist temples in North Korea, including Bopwoo-am Temple near Pyongyang. There are also plans to rebuild the Shinkesa Temple in Mt. Keumgang, which had burned during the Korean War. South Korea's Buddhist Chontae Order was active in the

²⁰² *Yonhap News*, May 5, 2003.

Youngtongsa Temple in Kaesong rebuilding project. The Korean Presbyterian Church, under an agreement with North Korean Christian League, has been building a new church in Chongryudong, Pyongyang.²⁰³

Under Kim Jong-il's instructions, North Korea has launched the construction of "Jongbaik Temple," a shrine of the Russian Orthodox Church, in Pyongyang on June 24, 2003. Regarding this project, Hur Jin-il, the chairman of Chosun Orthodox Committee, has observed that the construction of Jongbaik Temple in Pyongyang will contribute to a strengthened Russo-North Korean friendship. In order that church services can be conducted upon completion of the building, four North Koreans have been sent to study the teachings of the Russian Orthodox Church at a seminary in Moscow.²⁰⁴

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 making contacts for a month.²⁰⁵ The Chosun Buddhist League also sent delegates to the Asian Buddhist Peace Conference held in Laos.²⁰⁶

²⁰³ *Yonhap News*, November 26, 2003 and January 19, 2004.

²⁰⁴ *North Korean Central Broadcast*, June 25, 2003; Also, *Yonhap News*, June 24 and 27, 2003.

²⁰⁵ Kim Byung-ro, "Changes of North Korea's Policy on Religion and Realities of Religion" (Seoul: KINU, 2002), p. 48.

²⁰⁶ *Korean Central News*, February 10, 2003.

Unfortunately, these religious activities have also been used as a mechanism for propaganda against South Korea. The Chosun Christian League and the Chosun Buddhist League issued a statement on March 27, 2003, supporting the calls of (North Korean) government-party-organizations for the protection of peace and national self-reliance under a joint national effort.²⁰⁷

In 2001, a North Korean delegate to the session reviewing North Korea's second regular report to the UNHRC submitted the following data on religion in North Korea.

<Table II-11> 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 is advertising internationally the fact that religious educational facilities have been established and are in operation. According to the second regular report to the UNHRC in 2000, a department of religion was newly installed in the 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

²⁰⁷ *Korean Central News*, March 29, 2003.

and the Chosun Buddhist League Central Committee is running a Buddhist school. The Chosun Chondogyo Central Guidance Committee operate a Chondogyo 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 through the Chosun Christian League.²⁰⁸

Furthermore, 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, that “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 Chondogyo 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.

The fact that freedom of religion is not guaranteed in North Korea, despite the authorities repeated attempts to streamline legal

²⁰⁸ *Yonhap News*, March 31, 2003.

and institutional measures, can be inferred by the nature of the various religious organizations listed above. 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 free religious activities. According to new settler Suh XX a central party official told him that there were religious organizations for diplomatic purposes.²⁰⁹ Through these religious organizations, controlled by the central authorities, North Korea has been trying to internationally illustrate that freedom of religion is guaranteed in North Korea.

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 of 1998, only the building supervisor and his family live there normally. When foreign guests come to visit, however, several hundred carefully selected 40-50-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.

Many foreign visitors to Pyongyang said the church activities

²⁰⁹ Testimony of new settler Suh XX during an interview at KINU, November 11, 2003.

were staged. When the United States designated North Korea as a religion-suppressive country, North Korea refuted it through the “Chosun Shinbo” newspaper that reported that every Sunday 200~300 Christians were conducting services at Pyongyang’s Bongsu Church, and over 500 families across the nation were conducting services every Sunday.²¹⁰ In December 2002, the Chosun Christian League announced that there were 12,300 registered Christians in North Korea and a total of 513 family service locations.²¹¹

In summary, North Korea has indeed joined international human rights organizations, it has revised its constitution and other laws, and it has built religious facilities, established religious organizations, and allowed the creation of religious educational facilities. Through these activities North Korea has been internationally advertising the fact that there is freedom of religion in North Korea. But despite these efforts at international levels, North Korea does not, in fact, guarantee the freedom of religion. A double-standard exists on the part of North Korea. In reality, North Korea maintains a policy of “controlled, publicly sanctioned religion,” in which all religious activities are strictly controlled by the government.²¹² North Korea utilizes religious activities only for political and economic goals; namely, to improve its international image, to secure humanitarian assistance from overseas, and to earn foreign currency. As a matter of fact, North Korea imposes strict punishments on underground Christians, thereby

²¹⁰ Ministry of Unification, “Weekly News on North Korea,” No. 569, pp. 9-10.

²¹¹ *The Christian Newsweek*, October 19, 2002.

²¹² Kim Byung-ro, *op. cit.*

showing that North Korea's guarantee of freedom of religion is simply for external propaganda purposes. In a strict sense, freedom of religion does not exist in North Korea.

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 has a negative impact on the maintenance of the regime, North 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.²¹³

New settlers testified on the subject of the existence of "underground churches" as follows. The new settler Yoo XX testified that in 1996 he investigated for three years in an effort to uncover the existence of an underground church.²¹⁴ The new settler Hwang X testified that in Sariwon, Wunsan County, North Hwanghae 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.²¹⁵

One defector who had worked at the Security Agency

²¹³ North Korea educates and demands its citizens to report to authorities those who read the Bible. The testimony of new settler Kim XX during an interview at KINU, May 31, 2000.

²¹⁴ Testimony of new settler Yoo during an interview at KINU, May 22, 2000.

²¹⁵ Testimony of new settler Hwang XX during an interview at KINU on May 24, 2000.

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 detention camps. This Hwanghae incident was a clear case of massive repressions on an underground church.²¹⁶ New settler Kim XX testified that Bang XX 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.²¹⁷

Although North Korea is relaxing the severity of punishment for the defectors to China, it continues to impose heavy punishment on those who make contacts with South Korean practitioners of religion, believing that such behavior would lead to foreign encroachment and hamper social discipline. North Korean authorities are imposing severe punishments on those who were have been deported by Chinese security agents, especially if they were known to have contacted South Korean Christians. This practice is believed to be part of an effort to prevent transmission of Christianity into North Korea. These incidents clearly show that the freedom of religion in North Korea is superficial.

New settler Kim XX recounted that her sister was arrested and deported to North Korea for having met with a South Korean at a church in Yenji, Manchuria.²¹⁸ New settler Ma XX was arrested by the State Security Protection Agency because one of

²¹⁶ *Yonhap News*, June 15, 2001.

²¹⁷ Testimony of new settler Kim XX during an interview at KINU on April 26, 2003.

²¹⁸ Testimony of new settler Kim XX during an interview at KINU, August 3, 2002.

the defectors informed the authorities that he was related to the church.²¹⁹ In another case, new settler Huh XX reported that one Johan was sentenced to three years of work rehabilitation for having contacted Christians in China.²²⁰ New settler Um XX testified that the SSPA arrested him twice because someone informed the authorities that he had contacted a missionary. He was released after he testified that he was not a Christian.²²¹ These defectors also related an incident in which some 60 people were sentenced to 15-year prison terms because they visited a church upon unconfirmed news that they would be given 15 kilograms of corn if they became Christians.²²²

While relaxing controls over religious activities of citizens in view of economic hardship and changes in the international environment, North Korean authorities continue to maintain strict repressive policies. The perceptions and attitudes of the general public toward religion and religious freedom remain extremely negative despite the flexible religious policy. New settler Choi XX testified that North Korea absolutely was a society of no religion, where even fortune-tellers would be placed under arrest if they became well known and popular.²²³ He also added that young men traveling to and from China were the ones most involved in underground church activities, and that they were

²¹⁹ Testimony of new settler Ma XX during an interview at KINU, August 3, 2002.

²²⁰ Testimony of new settler Huh XX during an interview at KINU, September 7, 2002.

²²¹ Testimony of new settler Um XX during an interview at KINU, August 3, 2002.

²²² Testimony of new settler Moon XX during an interview at KINU, June 29, 2002.

²²³ Testimony of new settler Choi XX during an interview at KINU, September 21, 2004.

occasionally arrested. He said true religious practitioners were hard to find because North Koreans have long been indoctrinated to believe that religion was like opium. New settler Cho XX testified that he had been to churches with his mother when he was young, but he said religion had disappeared long ago. He insisted that the Bongsu Church in Pyongyang was built as a demonstration for foreign visitors, and that in view of the deification and idolatry of Kim Jong-il freedom of religion in North Korea was meaningless.²²⁴ New settler Bae XX testified that he was educated to never believe in any religions and to regard all religions as superstition. But, he said, after his defection to China he went to a church and received assistance in his attempt to flee to South Korea.²²⁵

One of the most important reasons for North Korean's perception of religion as a source of foreign intrusion and exploitation, as well as of social confusion, is the antithetical nature of religion vis-à-vis the unitary ruling structure of Kim Il-sung/Kim Jong-il. 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 need to be revered as all-powerful entities. Juche Ideology demands exclusive worship of Suryong (Kim Il-sung/Kim Jong-il) 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

²²⁴ Testimony of new settler Cho XX during an interview at KINU, January 18, 2004.

²²⁵ Testimony of new settler Bae XX during an interview at KINU, January 20, 2004.

structure of the leader(s). In reality, in North Korea today it would be impossible to conceive of worshiping any other entity but the creator Suryong of Juche Ideology.

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" rule has 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.²²⁶

²²⁶ Ten Great Principles are as follows:

1. Struggle with all your life to paint the entire society with the one color of the Great Leader Kim Il-sung's revolutionary thought.
2. Respect and revere highly and with loyalty the Great Leader Kim Il-sung.
3. Make absolute the authority of the Great Leader Kim Il-sung.
4. Accept the Great Leader Kim Il-sung's revolutionary thought as your belief and take the Great Leader's instructions as your creed.
5. Observe absolutely the principle of unconditional execution in carrying out the instructions of the Great Leader Kim Il-sung.
6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Kim Il-sung.
7. Learn from the Great Leader Kim Il-sung and master communist dignity, the methods of revolutionary projects, and the people's work styles.
8. Preserve dearly the political life the Great Leader Kim Il-sung has bestowed upon you, and 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.

Since interpretation of the ten principles is arbitrary, they are routinely used to frame political dissenters with political and ideological criminality.

For example, two entire families disappeared because in one case a nine-year old second-grade student scribbled over with pencil the faces of the Kim's in his text book; in the second family an elderly grandmother used issues of the Rodong Shinmun as wallpaper. Of course, they contained pictures of Kim Il-sung and Kim Jong-Il. Both families were punished on the basis of the Ten Great Principles.

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, is presented the 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 died when his boat capsized and while it was on the verge of sinking he 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 reinforce ideology education during the 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, "Tighten the workers" and "tighten them

without providing food or clothing. Tighten the organized living.” In addition, new settler Lee XX testified that the effort at deification of Kim Jong-il has been reinforced.²²⁷

New settler Lee XX testified that the most feared event in people’s daily lives was the discipline of “ten principles.” He said that anyone critical of Kim Jong-il or the party would be punished, without exception, under the “ten principles.”²²⁸ It appears then that it is the “ten principles” that are utilized to control and regulate people’s daily lives. New settler Kim XX concurred with this observation.

Since the economic hardship, especially since 1995, the “10 principles” are repeatedly emphasized at various people’s meetings. In the past the instructions of Kim Il-sung/Kim Jong-Il had been stressed.²²⁹

In a society that forces its people to pay absolute loyalty to its supreme leader, it would be realistically impossible to expect any guarantee of religious freedom, and it would be difficult to find genuine followers of religion in North Korea, except perhaps those officially recognized as such. Buddhist monks do not wear their religious attire on a daily basis, and they are appointed or ordained by the government. It is reported that some of them are not even familiar with Buddhist scriptures.

As a result of decades of religious repression, North Koreans

²²⁷ Testimony of new settler Lee XX during an interview at KINU, September 21, 2004.

²²⁸ Testimony of new settler Lee XX during an interview at KINU, May 14, 2001.

²²⁹ Testimony of new settler Kim XX during an interview at KINU, October 27, 2003.

generally regard the practitioners of religion as ignorant, crazy, or mentally deranged. In exceptional cases, there is a possibility that former followers of religion are still alive in control zones such as the political detention camps. As many South Korean Christian organizations have extended humanitarian assistance to North Korea and as world religious leaders increasingly have expressed interest in religious propagation in North Korea, it is quite possible that a small number of genuine religious followers have appeared in North Korea. In addition, there would still be a large number of North Koreans who had been introduced to religion long ago by their parents and hence perhaps have a more receptive attitude toward religion. However, after decades of anti-religious indoctrination, where religion was treated as opium, superstition, a tool of exploitation,²³⁰ and American imperialism, it would be hard to expect anyone to become true believers of any religion. Furthermore, under constant surveillance, there would be no one who would publicly say he or she had a religion, unless they were officially sanctioned by the government to do so.

In this context, the UNHRC did raise questions about whether religious beliefs and Juche Ideology could co-exist and were compatible in North Korea. The UNHRC pointed out that religious repression was a violation of Article 18 of the Human Rights Covenant B. In its concluding observations after the review of North Korea's second regular report on Convention-B, the UN committee asked North Korea to submit more recent information concerning religious followers and their facilities, as well as more

²³⁰ Ko Tae-woo, "North Korea's Religious Policy," *op. cit.*, pp. 81-83.

realistic measures of the steps it has taken to guarantee religious life.

Right to Privacy

The guarantee of the right to privacy exists so that individuals can maintain their human dignity. The purpose of a 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 North Korean constitution stipulates, "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." North Korean authorities in their second regular report to the UNHRC also confirmed that illegal and arbitrary breaches of the right to private lives were prohibited, and the privacy of correspondence was guaranteed.

In its second report, North Korea stated that illegal or arbitrary invasion of citizens' privacy is prohibited and the confidentiality of private letters is fully guaranteed. In this connection, 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, "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, pretrial 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 has launched an international e-mail service, and said it has begun international e-mail service, guaranteeing a normal speed of transmission and the confidentiality of private communication.²³¹

²³¹ *Korean Central News*, November 28, 2003.

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 the inhabitants personal life. The North Korean authorities are invading 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. To this query, North Korea replied that such reports were unfounded rumors spread by hostile elements. In other words, North Korean was saying that such speculations would not be spreading had North Korea not been confronting head-on the hostile external forces, and if North Korea did not engage in a struggle to safeguard "our-style system" and ideology.

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 rebel against Kim Jong-Il.

New settlers Yoo XX and Kim XX 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.

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 Han XX.²³²

North Koreans frequently tell foreign travelers of the atmosphere of terror brought about by the rampant monitoring of personal activities in North Korean society. Those outside the ruling classes fear criticizing or even mentioning politics or discussing issues in a way that might deviate from what has been decided by the party. People seldom exchange words even within the same residential complex. Family members rarely exchange opinions on current issues.

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.

²³² Testimony of new settler Han XX during an interview at KINU, May 18, 1999.

Ostensibly to prevent fires or unexpected accidents, workers must give their house keys to the leaders of their people's neighborhood unit (Inminban). 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.²³³

Many methods are employed to control the private lives of the people. The KWP, State Security Agency and People's Safety Agency are the major agencies of repression. The local party units normally exercise control over the people. The lowest party unit consists of 5~30 cells. Party cells are based on production units and expand upward from the primary party unit, district (or sector) party unit and city or county party unit. The Organization Guidance Department of KWP Secretariat is responsible for overall sur-

²³³ Testimony of new settler Kim XX during an interview at KINU, January 19, 2005.

veillance and the control of citizens, political party units and social organizations, as well as party apparatus and staff at the central party headquarters.

The SSPA is under the direct control of the National Defense Committee, and has been at the forefront of maintaining the Kim Il-sung-Kim Jong-Il system. Through writing and enforcing the ten regulations that parallel the ten Great Principles (delivered by Kim Jong-Il at a lecture to Those in Charge of Ideology in February 1974) this body has been exercising absolute power in North Korea.

This institution tracks down and arrests anti-party and anti-system conspirators, infiltrates special areas and arrests spies, collects and analyzes information related to domestic and foreign matters, and supervises the guard alert system in border areas and extraterritorial regions. During wartime, the SSA is to take full responsibility for ideological issues by culling out betrayers among the supposed supporters of the North Korean system. The institution accomplishes these tasks by closely watching the activities of officials and the general population as well as by supervising what are termed factional elements and political criminals.²³⁴ The party cannot interfere with matters of the SSPA and must render full cooperation.

As anti-regime activities increased rapidly in recent years, North Korea's State Security Agency has significantly increased

²³⁴ New settler Kim XX testified that the National Safety Protection Agency has a Surveillance Bureau and an Eavesdropping Bureau, and they are eavesdropping at any and all places, including Inns, Hotels, or public places. Testimony during an interview at KINU on October 19, 1999.

the number of surveillance agents to detect such incidents beforehand and flush out anti-regime elements. Agents are mainly recruited from the ranks of people with lots of citizen contacts, such as barbers, vehicle drivers and office security guards who keep the visitor logs. New settler Choo XX used to work as a stringer for the Security Agency when he was a college student, and he testified that he was required to report or bring up five or more items or accusations per day.²³⁵ The agents of the State Security Agency are known to constantly interfere with private lives, asking individually to describe the activities of friends in detail.²³⁶

During its incipient period, the ministry was devoted to eradicating the remains of Japanese imperialism immediately after liberation, and it later played a prominent role in purging the elements of the South Korean Workers Party, the Yenan and the pro-Soviet factions. After the Fourth Party Congress in 1961 it became an independent body, which reinforced its role, and it started to conduct political surveillance with direct orders from the KWP. Its role of political surveillance continued until the SSA was established in 1973.

The MPS professes to be a body representing the dictatorship of the proletariat that maintains social order and protects people's lives and property. However, the MPS has as its main duty supervision of the entire population for the purpose of maintaining

²³⁵ Testimony of new settler Choo XX during an interview at KINU, May 25, 2001.

²³⁶ National Intelligence service, "Recent Developments in North Korea," No. 188, pp. 21-22.

the North Korean system. Its purpose has been to eliminate any factors that might hinder the construction of socialism, and to suppress the populace in order to render them obedient to the dictatorship of Kim Il-sung and Kim Jong-Il.

The MPS is an organ of the Administration Council, and on the national level it is composed of its main body and affiliated bodies. In each province there is a Public Security Bureau and affiliated agencies, and there are Public Security Departments in all city and county areas. Its members, called security guidance personnel, are also dispatched to factories and enterprises.²³⁷

7. The Right of Political Participation

The right of political participation encompasses the subjective 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

²³⁷ For details on People's Security Agency, see Chon Hyun-joon, *North Korea's Social Control Agencies - with Emphasis on People's Security Agency* (Seoul: KINU, 2003).

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, “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” In Article 25 of the International Covenant on Civil and Political Rights, it states, “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, 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 inaugurated as Party Secretary General, but the people were deprived of their political rights because he was nominated to the position, not elected.

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 if one is considered guilty due to family history.

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, but in reality 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-no ballot box.²³⁸ 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.²³⁹

²³⁸ Testimony of new settler Kim XX during an interview at KINU, January 19, 2005.

According to new settler Chu XX, 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.²⁴⁰ 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.²⁴¹ New settler Kim XX testified that voting supervisions recently have been relaxed so that only the currently residing voters are allowed to participate in voting. However, new settler Bae XX testified that if a resident failed to vote, he would be suspected of 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.²⁴²

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

²³⁹ *Korean Central News*, August 4, 2003.

²⁴⁰ Testimony of new settler Chu XX during an interview at KINU, May 25, 2001.

²⁴¹ *Korean Central News*, August 4, 2003.

²⁴² Testimony of new settler Bae XX during an interview at KINU, January 20, 2005.

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 have been elected. It further stated, "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."²⁴³

During elections, Security and Safety agents exercise strict control over the people. Whoever does not participate in voting, or refuses to vote, is suspected of political motives and experiences a negative impact on daily lives. For these reasons, new settlers testified, they always participated in voting.²⁴⁴

²⁴³ Above testimony.

²⁴⁴ Testimonies of new settlers Bae XX and Kim XX during interviews at KINU on January 20, 2005 and October 27, 2003, respectively.

8. The Status of Women

Article 3 of the Universal Declaration of Human Rights 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.

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.²⁴⁵ In fact, North Korea is insisting that there is absolutely no discrimination against women in North Korea as it has been pursuing socialist policies based on gender equality. North Korea, indeed, joined the Convention on the Elimination of All Forms of Discrimination against Women in February 2001.

In practice, however, the status and roles of North Korean women have not improved as much as North Korea claims and the society wide discriminatory attitude stemming from the feudal patriarchal tradition continues to prevail in North Korea. The policies of women's social participation and socialist reforms in

²⁴⁵ 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 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.

household chores pursued during its founding years were motivated by the class theory and the need to mobilize the labor force for economic growth functions, rather than for the liberation of women. In the 1970s, North Korea tried to emphasize the importance of families, the paternal hierarchy and patriarchal national hierarchy for political reasons and succession concerns. As a result, there developed an unbridgeable gap between the ideal of women's liberation and the lives of North Korean women in reality

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. 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 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.²⁴⁶

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, anew phenomenon developed in which women were assigned to special fields where a woman's touch was required,

²⁴⁶ Lee Won woong, "An Observations Report on the UNHRC Review Session on North Korea's Second Regular Report on Human Rights," *passim*.

such as in the light industries, agriculture, commerce, communications, health, culture, and education.

However, most women are now assigned to work at specified job categories that are regarded as menial. According to North Korea's official statistics, women occupied some 70 percent of all government workers in the fields of health/hygiene, commerce, nursing, and education.²⁴⁷ One hundred percent of nurses and 86 percent of schoolteachers were also women.²⁴⁸

Even though women constitute 50 percent of North Korea's economically active population,²⁴⁹ 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.

The North Korean Democratic Women's League ("Women's League") is an organization in which North Korean women between the ages of 31 and 60, must join if they have no other

²⁴⁷ Above report.

²⁴⁸ 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 November 2003.

²⁴⁹ On March 6, 1999, North Korean Central News Agency reported the ratio of women in the composition of economic endeavors was almost 50 percent. See the Yonhap News, Seoul, March 16, 1999; 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.

specific affiliations. But 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 perform ideology education of women.

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 socialist 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 paternal 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 lives. Furthermore, the family law, promulgated in 1990, codified various elements of pre-modern, patriarchal family order, expanded the scope of family support duties and stipulated the principle of women's subservience to men.

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 Korean women still retain the deep-rooted traditional concept that family chores and the rearing of children are the natural responsibilities of women, and because they 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 a 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."²⁵⁰

Worse still was the fact that as the economic situation deteriorated in the late 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 alteration in women's situation is reflected in the North Korean constitution where Article 62 of the 1972 constitution

²⁵⁰ Park Young-sook, "Revolutionizing Families and Women's Responsibilities," in *The Korean Women magazine*, No. 3 (March 1999), p. 15.

stipulated, “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 stated, “Women shall enjoy the same social status and rights as men. ... The State shall provide all conditions for them to advance in the society.” Here, the clause “liberate women from the heavy family chores” has been deleted, indicating that the policies to “socialize” family chores and childrearing have been weakened or withdrawn during the food crisis and economic hardship. Since sharing the burden in terms of household chores and childrearing is not apparent in most North Korean families, most women have been suffering from the burden of excessive workload. Especially during the food crisis their workload has tremendously increased inside and outside of their homes.

According to the results of questionnaires and personal interviews with new settler 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. Even though women for all practical purposes assumed the leading role throughout the food crisis as the role of husbands shrank, the traditional male-dominant 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.” But in reality, the husband is the center of family life in North Korea. The wife calls him the head of household head and the head makes decisions on all family affairs with absolute authority. Under the strong influences of male-dominant 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.

Generally, there are three types of human trafficking involving North Korean women. The first is forcible abduction using force and violence. The second type is through enticement by intermediaries. The third is voluntary submission for purposes of aiding and supporting the family. It is also reported that organized women-trafficking networks are operating inside North Korea, engaged in the smuggling of women and where, by the late 1990s, even young girls were being traded. A new-settler woman testified that her relative, a mother of a 16-year-old girl, told the daughter, "Even though you are being sold off, I hope you will eat well and live well." The daughter was sold to a young Chinese man through North Korean and Chinese-Korean intermediaries.²⁵¹ Most North Korean women who have been "human-trafficked" to China are known to suffer a variety of ordeals, including forced marriage, sexual assault, unwanted pregnancies, gynecological diseases, labor exploitation, or forced

²⁵¹ Testimony of new settler Huh XX during an interview at KINU, April 16, 2004.

work at sex establishments. Most married North Korean women in China were also suffering from various mistreatments including poverty and hunger, mistreatment by her husband and his family, longing for her own family in North Korea, threats that her illegal status would be reported, and fears of arrest and forced deportation.²⁵²

The Human Rights Watch in the United States, in its 2005 North Korean Human Rights Report, stated the situation of human trafficking of North Korean women was becoming a serious issue. It reported that numerous North Korean women were being tormented as sex slaves after being kidnapped or taken by trickery. They would then be forced to marry, engage in prostitution or live as sex slaves. Some women were voluntarily living like slaves to make a living or to make more money.

In the past, sexual assault of North Korean women occurred at workplaces 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.²⁵³ On military bases, male officers would often sexually assault enlisted women.²⁵⁴ If a woman was arrested by an agent on the street for some minor violation, and did not have money to pay

²⁵² Kim Tae-hyon and Roh Chi-young, "Life of North Korean Women Defectors in China" (Seoul: Hawoo Pub. Co., 2003), passim.

²⁵³ Testimony of new settler Lee XX during an interview at KINU, January 7, 2004.

²⁵⁴ Testimony of new settler Huh XX during an interview at KINU, April 16, 2004.

the fine, she would be taken to the agent's place and sexually assaulted.²⁵⁵ In North Korean society, however, sexual harassment of women usually isn't 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 who 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.

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 examined wombs, or applied electrocution techniques on specific body parts of naked women.²⁵⁶

²⁵⁵ Testimony of new settler Lee XX during an interview at KINU, November 16, 2002.

²⁵⁶ Good Friends, "Food Crisis and Human Rights in North Korea," pp. 102-106.

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.²⁵⁷ The severity level differs from family to family, but the practice of wife-beating is widespread in North Korean society, and has become worse since the food crisis. Many North Korean women have testified that since women began to earn income for the family, husbands began to indulge in heavy drinking and to beat their wives. In many cases, housewives simply left their homes for this reason. However, there is no statistical data on wife-beating cases in North Korea, which would seem to indicate that incidents of wife-beating or family violence is not perceived in North Korea as a serious violation of the fundamental human rights of women.

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.²⁵⁸ Pregnancies occurring under conditions of severe malnutrition are resulting in abortions,

Also, testimony of new settler Choi XX during an interview, January 21, 2005.

²⁵⁷ Testimony of new settler Kim XX during an interview at KINU, October 20, 2003.

²⁵⁸ According to North Korean women defectors, since the food crisis many North Korean women have been experiencing irregular periods or no periods at all.

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. Since the late 1980s, however, premarital and extramarital sex has been increasing, partly to maintain livelihood through prostitution and partly due to the changing perceptions of sex in the wake of the influx of foreign culture. Women who become pregnant as a result of premarital or extramarital affairs attempt illegal abortions to avoid punishment and embarrassment. Since the food crisis, the infant mortality rate, as well as the death rate of young children, has significantly increased. In an effort to encourage women of childbearing age to have babies, North Korea held the 2nd Mothers' Rally in 1998. Kim Jong-il himself issued an "instruction on childbirth." For these reasons, it has become impossible to obtain contraceptives or go 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. In an extremely primitive case, a North Korean woman received pregnancy-preventive procedures at home using a heated rod. She not only had to suffer from

extreme post-procedure pains, but also became permanently sterile.²⁵⁹

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 businesses to support their families. But they operated under constant threats and fear of pickpockets, mugging, robbery, human trafficking, sexual assault and sexual harassment 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.²⁶⁰

²⁵⁹ Testimony of new settler Huh XX during an interview at KINU, April 16, 2004.

²⁶⁰ Testimonies of new settlers Huh XX and Choi during an interview, April 16, 2004.

III

The Economic, Social and Cultural Rights Situation

Article 22 of the Universal Declaration of Human Rights states “Everyone, as a member of society, has the right to social security and is entitled to realization... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” Then, Article 25 specifically spells out, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”

In addition, Article 1, Section 1 of the International Covenant on Economic, Social and Cultural Rights (hereinafter, “Covenant A”) stipulates, “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Section 2 of the same article further declares, “All peoples may, for their own ends, freely dispose of their natural wealth and resources... In no case may a people be deprived of its own means of subsistence.”

Article 1 of “Covenant A” contains the most essential elements of economic, social and cultural rights. But because it laid out specific details that would contradict with fundamental premises of socialist systems like North Korea, many socialist countries raised objections to the article. Basically, the socialist countries and developing nations emphasize the so-called “developmental rights,” while the advanced nations have stressed the importance of civil and political rights. This ideological discord, however, was somewhat relieved when the advanced nations accommodated the “developmental rights” as an important part of Covenant A

during the 1993 World Human Rights Conference in Vienna. Emphasizing the materialistic aspects of human rights, North Korea continues to insist that its people enjoy human rights because the government guarantees the rights to economic, social and cultural life.

Article 11, Section 1 of Covenant A reads, “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. And, Section 2 mandates,” The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, (all necessary) measures, including specific programs. In connection with the right to have food, this section specifically stresses the fact that the primary duty of a State is to guarantee its people the right to eat, because hunger is a problem that will directly affect one’s right to life. The right to life is an essential precondition for the protection of and respect for fundamental human rights.

Considering the right to food, the first World Food Summit was held in 1996, and until 2001 to define the concept of the right to have food. During the second World Food Summit in 2002, the UN High Commissioner for Human Rights said all governments had the primary responsibility for the protection of and respect for the right of the people to have food, and must carry out measures to this end. The right to food can only be realized when everyone, all men, women and children, individually or collectively, access to food physically and economic capacity

means to appropriate it. The right to food should not be narrowly to mean the simple provision of minimum nutrition, and the State has the primary responsibility to take necessary to address the problem of hunger.²⁶¹

1. The Right to Subsistence

Before North Korea announced the Economic Management Improvement Measures in July 2002, the citizens' daily commodities were supplied through a nationwide ration system, so much so that most North Koreans understood socialism to be a system in which the state provides, through ration systems, all daily necessities including food. Indeed, the ration system is one of the vital features of the North Korean Socialist System because the ration system encompasses not simply grains and food items, but also clothing, housing, education and medical care.

The grain ration system is a multi-purpose system. It is intended to efficiently distribute scarce grain resources and to exercise an effective control over the people. Some North Korean defectors in South Korea have voiced the suspicion that North Korean authorities purposefully reduced the amount of grain rations, believing that adequate provision of grain would permit the people to indulge in idle speculations.²⁶² The ration system is also intended to promote loyalty and gratitude to the ruler or

²⁶¹ Report of a Special Mission on the Right to Food, Section 23, E/CN4/2003/54, January 10, 2003.

²⁶² Testimony of new settler Cho XX(Deputy Base Leader, Military Unit 964 in North Hamkyung Province) during an interview.

the ration provider.

In the 1990, the North Korean ration system largely collapsed and became inoperative in most regions except in Pyongyang. By the 1990~1995 period, the amount of issue was ignored, Only three to five day's worth of grain(three kilograms) was rationed to each family per month. By the end of 1995 the ration stopped system had collapsed and rations were almost completely stopped. Since the end of 1996, individuals became responsible for their own food. 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 increased in the year 2000 and North Korea's grain output also increased slightly in 2001. As a result, North Korea's ration system appears to have improved somewhat, but there is absolutely no improvement in the grain shortages situation.

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 government officials and the military. New settler Lee XX fled south after working for 10 years at a grain administration office that handled grain purchase and distribution. According to Lee, 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 staff members. Ordinary people receive 2~3 days' worth of grain on special days like Kim Il-sung's birthday, Kim Jong-Il's birthday, Korean Thanksgiving Day, and so on.²⁶³

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 and the amount of food rationed to the enlisted men is so extremely limited that their faces look pale like tuberculosis patients. According to Kim XX, who defected after completing 22 years of military service, his ration was so little even though his rank was second lieutenant that he too had to live on corn porridge mixed with some edible field vegetables.²⁶⁴ Another new settler, Chu XX, testified that the food situation in the agricultural areas was relatively better than the provincial cities where ordinary workers were experiencing unspeakable difficulties.²⁶⁵ The grain situation in the farm areas is comparatively better, but the grain shortages is a serious threat to workers in the provincial cities. The food shortages is particularly serious in the remote mountain regions, such as the Hamkyung, Yang-gang and Jagang provinces, where transportation access is poor. The inhabitants in these areas are suffering from life-threatening food shortages due to the lack of energy and means of transportation, as well as due to the collapse of the central ration system and the diversion of international aid to other special areas.

The area where grains are distributed on a priority basis is Pyongyang. Pyongyang is the capital city and is the last bastion

²⁶³ Testimony of new settler Lee XX(Inspector at the Grain Administrations Office at Onsung County, North Hamkyung Province), September 2001.

²⁶⁴ Testimony of new settler Kim XX(former First Lieutenant, Peoples Army) during an interview at KINU, January 29, 2003.

²⁶⁵ Testimony of new settler Chu XX(Guide at Grain Purchase Unit) during an interview at KINU, May 6, 2002.

of the social security system maintained at the state level. However, as it became difficult to meet the grain ration demands for the citizens of Pyongyang, North Korea began to take steps to reduce the size of Pyongyang's population. It is reported that since 1998 North Korea has been engaged in an inhabitants relocation project to forcibly move out as many as two million people from Pyongyang and provincial cities to farms and other areas. On April 2, 1999, South Korea's National Security Planning Agency submitted a report, entitled "Recent Trends of Relocation of North Korean Inhabitants," to the Intelligence Committee of the National Assembly. In the report, the agency revealed that the relocation of two million people amounted to about eight percent of the North Korean population and was the largest relocation project since the birth of the North Korean regime. According to the report, North Korea is in the process of reducing, by stages, about one million out of the 3.61 million Pyongyang citizens between 1998 and 2003. Under a policy to relocate the citizens in provincial cities, another one million inhabitants are being moved out to farm areas. Kim XX, who defected in 2002, testified that North Korea was evacuating 100,000 Pyongyang citizens to the provinces every year, including the year 2002.

As soon as the rations were suspended, North Korean inhabitants were left to support themselves. Consequently, most North Koreans must support themselves with whatever supplies they can get from their relatives in the farm areas. In addition, due to the failure of the central ration system, various coupons, like ration cards and housing cards, are illegally circulating behind the scenes. Most inhabitants who lack purchasing power face

starvation, and so they are forced to concentrate on peddling or barter trading.

The inhabitants maintain their lives by securing most of their daily necessities, including grains, through the black market. Under such slogans as “rehabilitation with self-help [or, self-reliance],” the authorities are also encouraging self-support rather than continued reliance on the Party. In the past the “rehabilitation with self-help” used to be a Party slogan at the state level and a part of the economic development policy, but the slogan has been lowered to individual levels for survival. This is an inevitable result of the collapse of the ration system, and the black market has in fact replaced the ration system.

The Impact of the Economic Management Improvement Measures

In the wake of the Economic Management Improvement Measures of July 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 20- to 40-fold, food prices went up 40- to 50-times, and the rice price per kilogram was raised from eight NK cents to 44 NK dollars (North Korean units of jon (cent) and won (dollar), respectively). The trolley fare went up from 10 cents to a dollar and subway fare from 10 cents to 2 dollars. 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 circulations inside North Korea.

As North Korea raised commodity prices, it also raised wages proportionately. Regular office workers got a raise from 140 won to 1,200 won and some heavy-load workers like miners received over 20-fold increases. Other workers, farmers and scientists got a 10-fold raise and soldiers and bureaucrats received anywhere from 14- to 17-times higher pay.

The essence of the “July 1, 2002 Measures” was to the amount of goods and services the government had been providing free of charge or at less than cost, and require the people pay for them. In October 2001 Kim Jong-Il instructed, “Certain unreasonable social policies should be readjusted to reflect realistic conditions, except for those items that clearly display the superiority of socialism such as free education, free medical care and social security.” Accordingly, the government began to charge and significantly raised the cost of all free services such as rent and transportation. The North Korean leadership has taken these measures based on a judgment that the ration system, in which all commodities were provided at fixed prices regardless of individual productivity, contributed to lower productivity, which in turn produced a major cause for economic stagnation.

The wage system, The previous socialist social security system was abolished and a new wage system based on work-hours was adopted. This was a major shift in the economic management methods as well as in the nature of the North Korean system itself. Through this policy change, the social welfare system was drastically curtailed, and the North Korean people experienced a sea change in life, from a dependent to a market-oriented

lifestyle. For The result of July 1 Measures was the people was that prices went up high and the taxes they owed the government, include rent, electric bills, education and transportation costs, also rose.

Ordinary citizens experienced extreme economic hardship because the people's burden's were increasing due to these rising costs, while the production side of the economy failed to improve.²⁶⁶

In October 2003, FAO/WFP had reported that the citizens of Pyongyang were suffering less because they were paid wages on time, but that coal-miners were paid only one-third of their monthly wage of 2,500 won, and this amount was further slashed after October of 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 county levels.²⁶⁷ The reality of the situation was that the hourly wage system could never function properly because factories were not operating properly. In the absence of outside investment. of outside investment the chronic shortage of daily commodities could not be overcome.

The North Korean inhabitants are already complaining about the price hikes and wage systems. The essence of the problem is well expressed in their complaints: "In the past we barely managed our lives, but we were able to manage; but now we cannot live at all if we don't find work that pays."

Up to this point, a social security system had existed,

²⁶⁶ Testimony of new settler Hong XX(Manager at Childcare Center) during an interview at KINU, December 20, 2002.

²⁶⁷ 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>>.

however nominally. But the complete demise of this system came as a major shock to the North Koreans who were accustomed to the government-dependent lifestyle.

The July 1 Measures have brought an extreme confusion to those North Koreans who had depended on trading and vending in the black markets before the July 1 Measures.²⁶⁸ The July 1 Measures have had some positive impact by introducing a “general market” system that incorporates the black markets. But it also brought with it the negative impact of high prices. As the economy stagnated, people without regular wage income suffered from the burdens of rising prices and increased taxes.

Consequently, most North Koreans conclude that their livelihood had deteriorated under the new government measures, which pushed prices up more than ten-fold. They believed that at least their lives had been somewhat stable when they were engaged in vending and peddling in the black markets. The rising prices brought chaos to the black market economy. As previously stated prices rose drastically and taxes increased greatly, and the livelihood became all the more difficult to maintain. In the past, the electric bill was so low that they did hardly noticed it was there, but now the electric bills has become substantial up 70 times over the previous rate. Individuals holding land in excess of 10 pyong (1 pyong is 3×3 meters) are subject to pay property tax.²⁶⁹ In this fashion high prices have been imposing enormous burdens and hardship on the lives of ordinary people.²⁷⁰

²⁶⁸ Above testimony.

²⁶⁹ Above testimony.

²⁷⁰ Above testimony.

The July 1 Measures have resulted in several negative developments; a serious deterioration in the existing ration system, a drastic inflation in the price of daily necessities, including rice, and a significant setback in economic human rights, an area to which the North Korean authorities have so emphatically pointed in the past as a primary advantages of their system.

Status of Grain Supplies

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. In 1992, the ration system became quite irregular after the decision to reduce the ration amount by 10 percent. By the summer of 1994, the grain ration was suspended except on certain national holidays. The people living in the remote northeastern region where cultivable land was limited and transportation was poor, suffered from extreme shortage of grains because they had depended on grain rations from the State.

The already declining grain production took a sharper downturn during the “three year natural disasters” in 1995 ~ 1997, so much so that in 1997 only six percent of 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 from its structural flaws. First, North Korea has pursued energy-intensive agricultural production methods on a relatively small area of arable land, using tractors and excessive fertilizers. 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 negative impact on all production sectors, including the agricultural, industrial and transportation sectors.²⁷¹ The dominant reason for poor grain production was the shortage of fertilizer. 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. Every year the North Korean have requested from the South Korean government a large amount of fertilizer aid. In 2005, it asked for 500,000 tons of fertilizer. Third, North Korea tried to maintain its collective production methods, preserving the agricultural cooperatives, and in so doing failing to provide sufficient incentives to farmers, and thereby causing a sharp drop in agricultural output. Realizing the inefficiency of collective farms, China has successfully reformed its farming system into individual farms. In addition to these structural factors, the natural disasters contributed to sharply reduced grain output. The following <Table III-1> shows the grain production trend provided by the North Korean authorities.

²⁷¹ Meredith Woo-Cumings, "The Political Ecology of Famine: The North Korea Catastrophe and Its Lessons," *Asian Development Bank Institute Research Paper* 31, January 2002, p. 21.

<Table III-1> Annual Grain Output in the 1990s

Year	Amount of Production (tons)
1990	9,100,000
1994	7,083,000
1995	3,449,000
1996	2,502,000
1997	2,685,000
1998	3,202,000
1999	4,281,000
2000	3,262,000

Source: The Second Report North Korea submitted to the UN Human Rights Committee on Economic, Social and Cultural Rights in 2002.

As seen above, since 1990 North Korea has experienced an annual shortfall of one to two million tons of grain every year. While undergoing the “three-year disasters” in 1995~1997 North Korea fell short by 1.5~2 million tons of grain every year. North Korea’s grain output, which previously produced 4.7 million tons in the 1970s, had dropped below three million tons a year.

To fill the gap, North Korea has had to import about one million tons of grain from outside sources since 1990. Until 1994, all grain imports were commercially based. But, as the grain crisis has deepened since the flood damages in the summer of 1995, North Korea has had to depend on grain assistance from the international community every year. The percentage of grain from international aid sources out of the total grain imported from abroad is increasing 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 is still short of 0.51~1.28 million tons of grain each year 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.

Recently, North Korea's agricultural output has begun gradually to improve. Grain output totaled 4.25 million tons in 2003 and 4.31 million tons in 2004. This is the result of a variety of assistances from South Korea and the international community, including fertilizer agricultural know-how, an improving operability rate of various agricultural equipment, made possible by increased shipment of fuel assistance, and also some favorable weather conditions. Despite this improving trend, North Korean grain production still falls short of its estimated normal demand of 6.3 million tons a year by about two million tons a year. 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 2005, South Korea is expected to provide North Korea with about 400,000 tons of grain, the same level as 2004. At the same time, the international community has no plans to provide grain assistance to North Korea this year. North Korea is expected to commercially import about 100,000 tons of grain. Even if assistance from the international community was put into the calculation, North Korea still falls short of its needs, and the food shortage there will persist through the year 2005.

The World Food Programme (WFP) recently estimated that in light of the rising grain prices and dwindling amount of

government rations North Korea would be facing another food crisis before the arrival of the annual “spring hardship” in April~June.²⁷² WFP reported that the North Korean government reduced the amount of low cost grain it had provided the people between January and June to 250 grams per person, and expressed worry that this amount would be less than half the target amount of 575 grams.²⁷³ This reduction was the first since January 2004. Between November 2003 and October 2004, North Korea was able to provide an average of 350 grams per person. This reduction was puzzling in view of the fact that the grain output in 2004 had increased and there was no significant change in the amount of WFP assistance until May of 2004. Meanwhile, the price of grain has gone up drastically. The price of rice rose as much as 40 percent and corn 20 percent. The price of rice rose because people had to replace by going to the market the grain shortfall created when the government ration was reduced. As the market price is about 10 times the price of official grains, placing great burdens on low- income families, the food shortage has once again become serious.²⁷⁴

WFP estimated some 6.5 million North Koreans would face starvation in 2005, and called on the international community

²⁷² The “grain crisis” refers to a situation, in which there is a serious grain shortage but starvation deaths are rare, and in which chronic malnutrition persists but extreme malnutrition is less than during the period of starvation. Furthermore, it refers to a situation, in which the government lacks the capability for grain self-sufficiency and has to depend on assistance from the international community.

²⁷³ *Chosun Ilbo*, February 3, 2005.

²⁷⁴ The grain ration system is still maintained on a limited basis for the Pyongyang citizens and power elite, as well as workers at major industries.

for additional grain assistance in the amount of 500,000 tons.²⁷⁵

North Korea is still unable to provide minimum necessary amounts of food and grain to its people despite the agricultural recovery of the past three years. North Korea has had to depend on outside food and grain assistance due to its limited abilities to import grains.

It is indisputable that North Korea is in need of outside assistance. But because of the nuclear issue and North Korea's refusal to allow on-site inspections of the distribution process, the assistance of the international community has been drastically reduced. Japan had been one of the major sources of North Korean assistance, but it has suspended aid since 2001 due to the Japanese abduction cases and the nuclear issue. Japan had provided North Korea with 100,000 tons of grain in the year 2000 and 500,000 tons in 2001.

The United States was the largest assistance provider through the WFP. However, it announced recently that any additional assistance would depend on the accessibility of international inspectors to actual grain distribution areas. Previously, the United States had provided a total of \$3.111 million worth of aid through WFP.

The international community's grain assistance for North Korea was drastically reduced due to competing demands in Afghanistan, Sudan and for the starvation relief in Africa. As a result, UN relief agencies were unable to provide enough grain even for basic rations. Taken together, these reasons, explain why

²⁷⁵ *The Dong-A Ilbo*, February 2, 2005.

the North Korean grain crisis is expected to last for the foreseeable future.

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 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 main attack of this year’s revolution is the agricultural frontline” and “Rice is the barrel of the gun and national power.”²⁷⁶ 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, the former 8~17 member farming units now become 4~12 member units.²⁷⁷ However, it is doubtful if the gradually increasing rate of agricultural output will alleviate the food crisis. Since the July 1 Measures the wages has risen 20 times on average, and the prices of agricultural products also have risen sharply, as government subsidies for agricultural products were abolished and the supply of agricultural products fell drastically.

At the same time, the purchasing power of workers at workplaces and of government officials(and their families) was seriously weakened when they were not paid at levels promised by the governments. Thus, it becomes almost impossible for ordinary citizens to purchase enough grain.²⁷⁸ This grain crisis has had

²⁷⁶ *The Chosun Ilbo*, January 4, 2005.

²⁷⁷ *The Dong-A Ilbo*, January 4, 2005.

²⁷⁸ Amnesty International, “Starved of Rights ...,” *op. cit.*, pp. 6-7.

an especially serious impact on pregnant women and children who need extra nutrition.

The Impact of the Food shortages

The grain shortage has had a tremendously negative impact on the North Korean society. of was the malnutrition of women and children. A detailed report on this issue was contained in a “Report on the Health of North Korean Children, 2003” published by the Association of Medicine Support for Children.²⁷⁹

This report is a compilation of various data published by a number of sources, including the survey report on the status of nutrition of children and mothers conducted jointly by UNICEF and WFP in October 2003, the data and reports submitted by North Korea to various international organizations, and survey reports of various Korean and international relief organizations over the past two years. According to this report, North Korea’s infant mortality rate is still very high. In 1994, before the food shortages became serious, the rate stood at 14 per 1,000. In 1999, after the worst food shortages, the rate jumped to 22.5, and has stood at 21 deaths per 1,000 since 2002. During this same period in South Korea, the infant mortality rate showed a decreasing trend. In 1999 it was 9.9 per 1,000, and it fell to 7.7 in 1996, and 6.2 in 1999. The North Korean children’s nutrition level is very poor. Out of the 2.5 million children under the age of five, the number of malnourished children was 1.2 million, or almost

²⁷⁹ The Association of Medicine Support for Children, “Report on the Health of North Korean Children,” December 30, 2003.

one of every two children. Of these, 250,000 children needed immediate treatment for malnutrition. Forty thousand were suffering from serious lack of nutrition, 100,000 from pernicious anemia, and one million children were Vitamin A deficient. Some 70,000 children were in life-threatening danger that required immediate nutrition recovery treatment under hospital care.

The death rate of mothers (while pregnant or during delivery) was 70 per 100,000 childbirths in 1990. It increased to 110 in 1996, and then fell to 87 in 2002, but this is still five times higher than in South Korea. In North Korea, mothers usually breast-feed their children, and bottled milk is fed only when the mother is ill. Some two-thirds of newborn babies are breast-feed, but mothers' poor nutritional levels are likely to hinder normal growths of their children. Mothers with 45kg of body weight and with a child under two years of age were 16.7 percent of the total, and 32 percent of the total were suffering from nutritional deficiency.

There are about 37 orphan-related facilities across North Korea, and in 2001 there were about 15,000 orphans housed in them. The number was estimated to total about 7,500 in 2002. Some 1,863 orphans were between the ages of 0~4, 1,544 children were between the ages of 5~6, and 4,410 were between the ages of 7~17.

Here, we also need to consider the questionnaire surveys conducted in 2002 regarding children's growth levels. This survey was the most extensive ever, and was jointly conducted by UNICEF, the WFP and the North Korean government across all of North Korea. This was a survey of 60,000 mothers and their children under the age of seven randomly selected from 10 out

of 12 cities and provinces.²⁸⁰

According to the results, the ratio of under-weight children was 20.1 percent, which was a significant improvement over the ratio of 1998 when it was 60.6 percent.

In addition, the number of children in the “wasting” category (seriously underweight relative to height) was reduced from 16percent to 9percent, and the number of those belonging to the “stunting” category (seriously reduced growth due to malnutrition relative to the average height) was reduced from 62percent to 42percent. Comparing the seven year-olds from South and North Korea, South Korean children measured 125cm and 26kg, while North Korean children was 20cm shorter and weighed 10kg less.²⁸¹

Even though the scope and methods of survey were different from their 1998 surveys, the surveys conducted by the two UN agencies showed that generally the nutrition level of North Korean children was clearly improving. But, compared to WHO standards, the agencies reported, the rates of acute and chronic malnutrition were still extremely high. The UN Human Rights Committee said in April 2003 that it was seriously worried about the impact malnutrition was having on the mental and physical development of North Korean children.²⁸² In addition, the October 2003 report of FAO/WFP also said that the rate of malnourished children was very high and that about 42 percent of all North Korean

²⁸⁰ “Report on the DPRK Nutrition Assessment, 2002,” General Bureau of Statistics, DPRK (November 20, 2002).

²⁸¹ Amnesty International, “Starved of Rights ...,” *op. cit.*, p. 13.

²⁸² UN Commission on Human Rights Decision, Situation of Human Rights in the DPRK <E/CN4/2003/L11, 2003/10, 16 April 2003>.

children were suffering from chronic malnutrition.

North Korea's Vice Foreign Minister Choi Su-hon read a report on starvations in North Korea in the 1990 at a UNICEF conference in Beijing on May 15, 2001.²⁸³ According to this report, the average life expectancy was reduced by six years from 73.2 in 1993 to 66.8 in 1999 due to the shortages of food and medicine. During the same period, the mortality rate for children under the age of five increased from 27 to 48 per thousand. The birth rate decreased from 2.2 percent in 1993 to 2 percent in 1999. Also, the per capita GDP decreased by more than a half from US\$991 to \$457 during the same period. The rate of supply of safe drinking water, which stood at 86 percent in 1994, dropped to 53 percent two years later. The vaccine supply for polio and measles dropped from 90 percent in 1990 to 50 percent in 1997.

This data was also contained in the second report on Covenant A North Korea submitted in May 2002 to the UN Human Rights Committee.²⁸⁴

Food shortages have had the greatest deleterious impact on children, who are the most vulnerable. According to various reports, including North Korea's reports of 2002 to various international organizations such as the WHO, UNICEF and the International Federation of Red Cross Societies (IFRC),²⁸⁵ two thirds of every one million North Korean children under the age of five suffer

²⁸³ UNICEF, "UNICEF Humanitarian Action, DPR Korea," July 12, 2001.

²⁸⁴ See <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030c1256](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030c1256)>.

²⁸⁵ The Association for Medicine Support for Children, "Symposium on the Health of North Korean Children" (Seoul: The Sejong Center for Culture and Arts, November 14, 2002).

from acute respiratory infections and over 20 percent from diarrhea. Diarrhea directly contributes to the infant mortality rate. Yet, this rate has increased by 30 percent since 1995, and the respiratory infections increased by 25 percent. The rate of death from these diseases reached almost 80 percent. Over 40~50 percent of children visiting the clinics were suffering from diseases caused by contaminated water, and during the monsoon season the rate shot up to 60~70 percent. The cases of malaria patients steadily increased until 2002: in 1998 the number was 2,100; in 1999 it increased to 95,960; in 2000 to 204,428 and in 2001 to 295,570. However, the number dramatically dwindled to 90,806 in July of 2002. Of this number, the ratio of child-patients were 6.1 percent, or 12,270, in the year 2000, which became 1.4 percent or 4,093 in 2001, and 5.9 percent or 5,908 in July of 2002. Such improvement owed greatly to the increased medical support extended by the international community.

Due to the malnutrition of pregnant mothers and lack of obstetrics facilities, the death rate of pregnant mothers also increased steadily. In 1990, some 70 out of 100,000 died and the number increased to 110 in 1996. The infant mortality rate also increased from 14 deaths out of 1,000 in 1993 to 22.5 in 1999. Some 30 percent of 450,000 baby-feeding mothers were suffering from pernicious anemia and iron deficiency. The number of underweight newborn babies has also increased steadily since 1995, and their average weight dropped from 3.3 kilograms to 2.2~2.6 kilograms.

Meanwhile, it was estimated that since 1995 a total of 6,423,600 North Korean inhabitants benefited from the grain aid

provided by the international community. Of the total, some 1,356,400 children (6 months to four years) at child-care centers, 649,600 at kindergartens, 1,394,100 elementary school children, and 676,000 middle school students received aid from the international community. Also benefiting were 365,000 senior citizens, 357,000 baby-feeding mothers, 1.2 million public works participants and their families, 144,000 inhabitants without food in the dire spring season, and 250,000 natural disaster victims.²⁸⁶

The economic hardship also had a considerable impact on the health and medical fields. tuberculosis, Especially was widespread. According to the report of the “Medical Aids for Children of DPR Korea,” North Korea is one of the 22 countries that account for 80 percent of the world’s tuberculosis patients. The rate of tuberculosis in North Korea was at 38 cases per 100,000 in the 1990s. In 2001, a total of 47,000 new cases were reported and the rate jumped to 220 per 100,000 in 2002. The rate of death due to the disease is estimated to be 10 per every 100,000. For 2004, the center forecast some 55,000 new cases. Currently, there are some 60 clinics and 12 hospitals. However, due to the lack of medicine, they almost entirely depend on outside assistance. Because there is no heating in the winter, tuberculosis patients have to return home in the winter.

The number of malaria patients has grown rapidly since 1998, by 2001 it had reached almost 300,000. Thanks to the support of international organizations like the WHO, the number was reduced to 254,000 in 2002. In 2004, the number was drastically

²⁸⁶ *Yonhap News*, November 14, 2002

reduced by 72.3percent from the 2003 number. As of September 10, 2004, the number stood at 38,920, down from 185,420 in 2003.

Hunger and diseases stemming from food crisis, combined with poor medical treatment, produced an enormous number of deaths. According to the testimonies of new settlers in South Korea, in Jungpyong County, North Hamkyung Province, more people had died from hunger and diseases than from a war.²⁸⁷

Since 1990, the numbers of starvation deaths vary from one North Korean agency to another. During the UNICEF conference held on May 15, 2001 Deputy Foreign Minister Choi Su-hon said some 220,000 North Koreans perished during the food crisis in 1995~1998. This number has since been cited as the official statistics of starvation deaths in North Korea.²⁸⁸ Doctors Without Borders (Medicine sans Frontiers -MSF) estimated on the basis of account by North Korean defectors accounts in China that some 3.5 million people died from starvation or disease between 1995 and 1998.²⁸⁹ David Morton, a representative of the World Food Programme(WFP) stationed in North Korea, reported the number of starvation deaths was about one million since 1995.²⁹⁰

In February 1999, the South Korean government estimated that the number of deaths from starvation to be about 2.5~3 million, citing documents from the North Korean Ministry of Social Security.²⁹¹ According to the testimony of another new

²⁸⁷ Testimony of New settler Lee XX(former worker at Herb Medicine Office, Jungpyung County, North Hamkyung Province)

²⁸⁸ UNICEF, "UNICEF Humanitarian Action," DPR Korea, July 12, 2001.

²⁸⁹ *Yonhap News*, July 30, 2001.

²⁹⁰ Yoshida Yasehiko (a Japanese professor), 『世界週報』 (1999.11.16).

²⁹¹ *Yonhap News*, November 25, 1999.

settler, during a KWP Partisans education class the attendees were told that the number of starvation deaths was about 2~2.5 million and the number of defectors about 200,000.

South Korea's Ministry of Unification estimated the number of malnutrition-related deaths to be about 500,000~800,000 a year over the past two to three years. Former KWP party secretary Hwang Jang-yop testified that he heard in mid-November 1996 from the chief of the KWP Organization Affairs, who was responsible for regularly reporting food supply levels and starvation death statistics to Kim Jong-Il, that in 1995 about 500,000 people died of starvation, including 50,000 Party members, and as of November 1996 the number had reached one million. If there was no improvement in the food situation during 1997~1998, he estimated that more than a million people would die of hunger each year. In addition, many organizations have estimated much higher numbers of starvation deaths than official North Korean numbers. For example, the Buddhist National Mutual Help Campaign Headquarters had estimated for 1994 some 3.5 million starvation deaths, former POW Chang XX has reported one million starvation deaths, and a 35-member special committee of Council on Foreign Relations has estimated one million starvation deaths in 1996~1997.

The number of starvation deaths seems to have decreased during 1999~2003 for the following reasons: First and foremost, North Koreans no longer expect to receive grain distribution from their government and have therefore learned to fend for themselves on the black market. Second, a large portion of those who were most vulnerable to food shortages, such as the infirm and the

elderly, may have already passed away. And third, grain assistance from the international community since 1995 has improved the situation.

However, the continuing food crisis poses a serious threat to the people's right to life. The North Korean people are entitled to protection from the threat of diseases and malnutrition occurring during the food crisis. The enormous number of starvation deaths is truly a humanitarian disaster. The right of 22 million North Koreans to enjoy healthy lives is being threatened by the food crisis. Their right to life will be protected only when their access to proper meals is guaranteed and when the government fulfills its responsibilities to provide for and respect their right to have food. The food crisis is an important cause of human rights violations beyond simply the violation of the right to have food.

The continuing food crisis is also having a negative impact politically and socially. Politically, regardless of the amount of ideology education that is conducted and how much harmonious life is emphasized, people's attitude toward the party and the leader has become more cynical, and cases of "verbal reactionaries" continue to increase. In the early days, those committing "verbal reactions" were sent to political concentration camps. As their number have increased, however, the authorities have begun to tolerate them as long as they don't involve direct and open criticism of Kim Il-sung / Kim Jong-il or their families.²⁹² The

²⁹² Testimonies of New settlers X Keum-X and Park XX during interviews at KINU on September 22, 2004 and September 23, 2004, respectively.

food crisis seems to have had the effect of relaxing the government's social control.

Socially, families are being split and young people tend to avoid marriage. According to the testimony of new settlers, fathers and mothers during the food crisis would travel far and away in search of food, and often never return. The children who had been left at home would roam around the streets or farms, ultimately becoming what the North Koreans call "gotchebbi." The numbers of these children increase and decrease depending on the severity of the food crisis, but their continued presence is an indication of a continuing food crisis. It has been reported that there were not many normal families along North Korea's northern border regions. All family members would live scattered until they were well enough off to live together again.²⁹³

New settler Hong XX testified that economic conditions have deteriorated since the July 1, 2002, Measures and the gap between the rich and poor has become wider. Crime was on the increase and the "gotchebbi" that had disappeared in 1999 had begun to reappear in 2003. There is a saying that a child can become a "gotchebbi" at any moment.²⁹⁴ Many new settlers testified that the food crisis intensified selfish behaviors, many people would avoid marriage, and the rate of divorce was increasing.

At the peak of food crisis during 1996~1998, North Korean authorities carried out many public executions. In order to survive under the food crisis, many people would commit crimes such

²⁹³ Testimony of new settler Kim XX (formerly of Propaganda Unit, Chongjin City, North Hamkyong Province).

²⁹⁴ Testimony of new settler Hong XX in September 2004.

as stealing grain or domestic animals, or stealing government property. North Korean authorities publicly executed these criminals as well as those defectors who had fled to China and were later forcibly deported. Recently, however, defectors are so numerous that the authorities have become somewhat lenient toward those who have traveled to China, unless it was found that they had had contacts with South Koreans or South Korean religious groups. North Korean defectors in China are not treated as “refugees” by the Chinese authorities and are forcibly deported back to North Korea. Defectors go through extreme physical and mental stress, treacherous life experiences, and some fall prey to sexual exploitation.²⁹⁵ Those forcibly deported from China are incarcerated in detention centers and mobilized for hard labor or undergo inhuman treatment such as beating and torture, and sometimes even death.²⁹⁶ It is also widely known that those women who became pregnant while in China undergo forced abortions, or are forced to kill their newborn baby.

As crimes mounted during the food crisis, the number of detainees at detention facilities like “correctional labor centers” increased. Many people testified to the difficulty surviving detention due to the bad meals, poor sanitation, malnutrition and torture. In fact, many new settlers in South Korea testified that living in the correctional labor centers was worse than living in filthy pigsties.²⁹⁷

²⁹⁵ Amnesty International, “Starved of Rights ...,” p. 15.

²⁹⁶ Above report, p. 16

²⁹⁷ Testimony of new settler choi XX, during an interview at KINU, September, 21, 2004.

The Housing Situation

The rate of the adequate housing supply in North Korea was hovering around 56~63 percent. The reason for this poor housing supply situation is due to lack of raw materials and shortages of manpower in housing construction. There is a lack of basic materials like cement, and also food shortages and lack of experienced construction workers. When the food shortages worsened amid the deteriorating economic hardship, North Korean authorities issued instructions to stop all housing construction work that required cement. This action was taken in order to export cement to allow for import of food and grains. Total cement output also declined when the electricity needed for cement production was diverted to coal production efforts.²⁹⁸ In 2000, housing constructions were resumed, and many housing units were recently completed that had begun being constructed in the 1990s.²⁹⁹

According to a “Study of Housing Problems in North Korea” published by South Korea’s Public Housing Corporation, an average of 2~3 households are living together in one unit in the outlying provincial areas. Heating is poor and tap water facilities are worn out. Bathrooms are in such short supply that several families have to share a community bathroom. High-rise apartment buildings are under construction in Pyongyang, but the housing situation in the provincial cities and farm regions

²⁹⁸ Testimony of new settler Kim XX (inhabitant of Nampo) during an interview at KINU, January 9, 2004.

²⁹⁹ Testimony of new settler Yoon XX during an interview at KINU, January 12, 2004.

is very poor.

North Korea addresses the housing situation in its Second Regular Report on Covenant-A submitted to the UN Human Rights Committee in May 2002. In this report, North Korea explained that floods destroyed many housing units and brought on the shortages of housing in North Korea. It further stated that the housing shortages amounted to a total of 186,000 units, including 151,000 independent units for family households and 35,000 condominium units.³⁰⁰

The housing construction trends in North Korea show that during the third 7-year plan (1987~1993) North Korea had targeted construction of 150,000~200,000 units per year and tried to build as many apartments and multiplexes as possible. But even during this very active period of housing construction, the average number of housing units completed was about 41,000~49,000 units per year.

Each year brings new housing demands of 50,000~60,000 units in North Korea. Supplying about 40,000 units per year would result in a significant shortfall, even to meet the new housing demands.

In September 2001, the North Korean press reported that almost 300,000 modern housing units were built during the period of the “Hardship March” and “Forceful March” (1995~1997). Specifically, the press insisted that some 94,000 units were newly supplied in Pyongyang and provincial cities and about 30,000

³⁰⁰ For the full text, see <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030c1256c5a0038d8f0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030c1256c5a0038d8f0?Opendocument)>.

units in the farm regions. In addition, 62,000 units were built in 1999.

Since the mid-1990s, rather than building new housing units, North Korea seems to have concentrated on repairing units broken due to devastating conditions including the deteriorating economic hardship, repeated heavy rains, and tsunami damages.

In view of the poor capabilities to build new housing at the time, the claim of 300,000 new units seems to include the number of units under construction during the entire year of 2001. The recent housing conditions in North Korea are believed to be below the levels of 1995.

North Korea's housing difficulty is well recounted in the testimonies of new settlers. New settler Kim XX testified that housing was not supplied to him even after 22 years of military service and at the rank of second lieutenant, so he had to stay at his sister's house and other places before finally defecting via China.³⁰¹

Recently, "housing deals" have been conducted in the cities. Those living in the public housing would often "combine" houses with their children or relatives. For a finder's fee the bureaucrats in the City's Management Department would introduce these units to people in powerful positions or to those who had accumulated wealth through trading or "foreign currency earning."³⁰² Under the North Korean law on inheritance enacted in March 2003,

³⁰¹ Testimony of new settler Kim XX(former second lieutenant of the Peoples Army) during an interview at KINU on January 29, 2003.

³⁰² Testimony of new settler Suh XX during an interview at KINU, November 11, 2003.

citizens are allowed to inherit state-owned housing units. Since this measure will permit investment in, and speculation on, housing properties the gap between the rich and poor, which has been growing since the July 1 Measures, is expected to grow further, and the housing shortage for ordinary citizens will become more acute.

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 North Korea's Constitution stipulates, "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: First, the State Social Insurance

and the State Social Welfare, which are the two pillars of North Korea's social welfare system. Second, 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. Third, as part of health care and medicine, there is a free treatment system. Unlike the other payment systems mentioned above, the free treatment system is in most cases offered in the form of medical payment.

The State Social Welfare, the food, clothing, and shelter supply system, and the free treatment system play the role of primary social safety net by protecting family members lives. The Industrial Accident Compensation System fills the role 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), citizens reaching the age of 60 for men and 55 for women are entitled to a retirement pension if qualifying by a required number of years of service (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 in North Korea's social security system because the system is not functioning properly owing to a 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 it is never fully carried out in reality.

The situation had seriously deteriorated when North Korea announced the July 1 Economic Management Improvement Measures of 2002, abolishing significant portions of social security benefits. Although the previous system is nominally maintained, the July 1 Measures changed the nature of operating principles and benefit payments. Under the July 1 measures, the food, clothing, housing supply system (ration system) 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, the July 1 Measures transferred the family welfare responsibilities from the state to individuals.

In addition, the levels, nature, and functions of cash payments have all changed. Under the July 1 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 life guarantee functions under the State Social Insurance and the State Social Welfare systems. As a result of these North Korean social welfare realities, the burden on the various welfare program recipients has greatly increased.

The North Korean social welfare system was distorted and has been inoperative since the economic hardship of the 1990s. North Korean authorities finally were forced to admit to flaws in their system and make revisions to reflect the realities. In the process, they reduced excessive state responsibilities in this sector. The July 1 Measures could be regarded as a North Korean style of "social welfare reform."

Under the North Korean concept of social welfare, the July 1 Measures have shifted the responsible parties for people's welfare, minimizing the state's responsibilities and maximizing the responsibilities of individuals and families.

The testimony of defectors fully documents these developments. According to a testimony of Kim San-X, who defected to the South after retirement, the retirees are entitled to 600grams of grain

and 60won 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 withdraw for personal use. It is also impossible to depend on one's children. Thus, once a person retires, his/her life becomes very difficult to manage.³⁰³

Under the slogan of "military-first" policy, priority is placed on soldiers. But retired soldiers are not even assigned a housing unit. New settler Kim XX, who retired as 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.³⁰⁴

This last is a good example of the reality of North Korea's public support system. It is clear that there is a wide gap between the system and reality. Under the deteriorating economic hardship and food shortages, children, senior citizens and people with various diseases are suffering from severe physical pains and hardships due to the breakdown of the grain ration system, which used to provide a minimum of basic means of subsistence.

Of its social security system, the feature North Korea is most proud of is the free medical system. Due to economic problems, however, this system is almost non-operative. Article 56 of the North Korean Constitution stipulates that the state shall strengthen and develop the free medical care system, and by promoting the

³⁰³ Testimony of new settler Kim XX(former party secretary at a university hospital). during an interview at KINU, November 13, 2002.

³⁰⁴ Testimony of new settler Kim XX(former second lieutenant, Peoples Army) during an interview at KINU, January 29, 2003.

district doctor system and preventive medicine, the state shall protect the lives of the people and promote the health of the workers.

North Korea's medical policy objective is to prevent diseases through the district doctor system, which in turn operates as part of the free medical system. Under this system, the 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 district doctor's diagnostic skills are poor, (b) their medical qualifications are not sufficient, and (c) each doctor is charged with a maximum of 4~5 districts, or up to 4,000 people.

The current structure of North Korean medical facilities is as follows: 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, the medical system is not

fair. The discriminative medical structure offers different treatment levels for people with different backgrounds. All hospitals have a list of pre-determined levels for patients according to rank, and they will not permit the treatment of 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 ordinary people. They must go to their local diagnostic center or to city/county/district hospitals to receive treatment.

North Korea’s so-called free treatment system is still maintained. However, with the deteriorating economic hardship, the medical system and medical care service have almost ceased to function. 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 markets or to the individuals introduced by the doctor to purchase the necessary medication.

Even though the entire nation is suffering from poor medical facilities and shortage of medicine, the situation in Pyongyang is said to be somewhat better than in provincial areas.³⁰⁵

The following is a collection of testimonies of various

individuals on the reality of the medical service situation in North Korea. Witnesses 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.

The WHO mission chief in North Korea, Eigil Sorensen, testified at an interview with South Korean reporters in January 2004 to the effect that the level of medical service in North Korea was so serious as to call it a crisis.³⁰⁶ 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.

Dr. Gro Harlem Brundtland, the director-general of the WHO, who visited North Korea in November 2001 to observe the medical service situation, concluded that the North Korean health care system was on the brink of collapse. She testified that the hospitals were not properly equipped with basic needs such as running

³⁰⁵ Testimony of new settler Park XX during an interview at KINU, September 29, 2004.

³⁰⁶ *Yonhap News*, January 29, 2004.

water and electricity, and the lack of medicine and equipment was beyond description. She further stated the farm areas were facing a far more serious situation.³⁰⁷ She estimated that the malaria patients numbered almost 300,000 at the end of 2001.

Norbert Vollertsen is a German doctor who provided medical service in North Korea between July 1999 and December 2000 when he was expelled. In an article he contributed to the Wall Street Journal, he testified that in most North Korean hospitals there were 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.³⁰⁸

Elizabeth Rosenthal, the Beijing correspondent of the New York Times, reported on the medical situation in North Korea after a firsthand visit there, and her report corroborated Dr. Vollertsen's observations. She accompanied the American civilian aid group, AmeriCare, to North Korea in February of 2001, and was able to check on the distribution of aid materials to orphanages and hospitals in and around Pyongyang. According to her report, a throat operation was performed with only local anesthesia due to the shortages of anesthetics, and the surgeons were using operating equipment that they themselves handmade at the blacksmith.³⁰⁹

³⁰⁷ See Dr. Bruntland's press interview on her visit to North Korea. *Yonhap News*, November 20, 2001.

³⁰⁸ Norbert Vollertsen, "The Prison State," *The Wall Street Journal*, April 17, 2001.

She also interviewed the UN Coordinator in Pyongyang, David Morton, and Morton stated that there were no medicines at hospitals, the tap water was contaminated, and the North Korean health system was facing the danger of collapse.³¹⁰

In an annual report on the world's disaster areas, released on June 28, 2000, the International Committee of the Red Cross (ICRC) reported that North Korea was 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. Owen Davis of the ICRC, who visited North Korea in February 2000, testified on the North Korean medical reality when he reported that even such major operations as amputations were performed on local anesthesia.

President Bradley of the Doctors Without Borders (MSB) group testified that the North Korean hospitals were so short of basic medical equipments and the existing equipments were so worn out that patients contracting such diseases as pneumonia would have to face death.³¹¹

This assessment by the international community of the medical crisis in North Korea is also corroborated by the

³⁰⁹ Elizabeth Rosenthal's report on North Korea, *New York Times*, February 20, 2001.

³¹⁰ See Rosenthal's article above.

³¹¹ See his speech before the "Future Forum," an informal forum of the opposition Grand National Party, the Korean National Assembly, December 15, 2000.

testimonies of new settlers. New settler Kim XX (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 as follows:

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. New settler Sohn XX, who defected in August 2002, testified that recently an increasing number of North Koreans are dying from liver infections and tuberculosis.³¹²

The most serious problem is the shortage of medical equipment. The hospitals are unable to fulfill their functions due to a lack of medical equipment. 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

³¹² Testimony of Sohn XX (foreign currency seeker) during an interview at KINU, February 4, 2003.

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 don't have their own stethoscopes. In Dr. Kim XX's case, she used the same stethoscope she obtained at the time of her graduation from medical school in 1968 until she defected from North Korea. She stated the rubber parts were so worn out that she could not quite hear the sounds of the heartbeat through the equipment. Thermometers were so rare that doctors usually felt for the patient's temperature by placing their forehead on the patient's forehead to judge the temperature level. 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, patients are required to purchase their own medicine from the market. The doctors simply diagnose and prescribe medication for the patients. Thereupon, the patients go to the market and obtain the medicine, and then the doctors give them instructions about how to take or apply the medicine.

According to Kim Ji-eun, who used to practice medicine in Chongjin City 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, North Hamkyung province, there were only one blood-pressure gauge and one body temperature gauge for every six doctors.³¹³

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 supplies in hospitals is dispensed only to ranking officials, not to ordinary citizens. As previously described, patients have to obtain medicine from the market since hospitals do not have enough supplies, but in many cases the medicines sold in the market are not genuine. 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.

Second, the collapse of the medical system and its poor facilities have made the operation of the free treatment system an unrealistic idea, consequently, the patient's family is now responsible for treatment. According to Cha XX,³¹⁴ 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 the patient admissions. In-patient numbers are pre-allocated to each division of the

³¹³ *Yonhap News*, July 3, 2002.

³¹⁴ Testimony of new settler Cha XX(a former Basic Unit Party Secretary at Hweryong City) during an interview.

hospital, and only emergency patients are admitted. A majority of patients are suffering from cholera, paratyphoid and typhoid. In the early stages, these contagious disease patients were treated in segregation at hospitals. As the number have increased, however, they are now being treated at their homes.

Third, in an effort to cover the shortage of medicines, the government is encouraging the use of folk medicines. They encourage the construction of production bases that will autonomously produce (herb) medicine on the theory of the revolutionary spirit of self-help and anti-Japan guerrilla-style projects. In order to spread the herb medicine treatments, they also introduced various cases of folk medicine treatment, while encouraging an all-masses campaign for the production and circulation of medicinal herbs.

Fourth, 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 they can visit patients' homes and provide treatment for a fee. One person testified that doctors make money by smuggling the medicines out of the medical facility to their friends and then asking patients to purchase the medicine they need from the friends.³¹⁵ 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.

³¹⁵ Testimony of new settler Kim XX(former employee at a trading company) during an interview at KINU, February 3, 2003.

A particularly serious problem is the poor electric service for medical facilities. Sometimes electricity will go off in the middle of surgery. Doctors worry about the electrical service while preparing for an operation. In many cases, they will talk to representatives at the electric unit and ask for their cooperation before each operation. But it is said that even the Pyongyang Red Cross Hospital is experiencing a 30 percent electricity cut-off rate.³¹⁶

North Korea is receiving several hundred tons of medicine from the Western world every year. 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. Kim XX, 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 market at high prices. On September 30, 1998, Doctors Without Borders (MSF) who had provided free medical service in North Korea officially announced their withdrawal from North Korea. Dr. Eric Goumart, secretary general of MSF, announced that MSF was withdrawing from North Korea because North Korean authorities had restricted the humanitarian activities of the doctors from MSF. He stated that North Korean authorities prevented the doctors from approaching the inhabitants and re-

³¹⁶ Testimony of new settler Park XX during the an interview at KINU, September 23, 2004.

fused to allow them to watch the process of distribution of medicine and medical supplies MSF had provided to North Korea.³¹⁷

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 as follows: “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.”

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration that provides all workers, as a minimum, with:
 - (i) 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

³¹⁷ See *Naewoe Tongshin* (Internal/External Communication), Seoul, daytime issue, No. 1131, October 15, 1998.

- by men, with equal pay for equal work;
- (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
 - (b) Safe and healthy working conditions;
 - (c) 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;
 - (d) 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) it is guaranteed 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. This provision is best interpreted as making labor a responsibility rather than a right.

Article 83 of the constitution states, “Labor is the sacred responsibility and honor of the people. The people must voluntarily and diligently engage in labor and strictly obey labor regulations

and labor hours,” and Article 82 further rationalizes the logic of forced labor when it states, “Collectivism is the foundation of socialist life. Civilians must value the organization and group and must be willing to sacrifice themselves ardently for society and the people.” Article 34 requires, “The state must accomplish the singular and specialized plans for, and guarantee high-speed production and balanced development of, the people’s economy. In essence, it provides that the state demand continuous and intensive labor to maintain this high-speed production.”

Therefore, in North Korea, labor is the responsibility of all people because labor is not for the individual’s benefit: based on collectivist principles, but 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 on April 18, 1978 which reads as follows: Section 2 provides that, “Labor is the most sacred and honorable thing.” Section 3 reads, “Labor under socialism is a group activity by laborers for the benefit and interest of everyone;” and Section 4 states, “Under socialism, civilians are responsible for participating in labor.”

Under these regulations and under Article 31 of the Socialist Constitution, all North Koreans above the age of 16 are obligated to work at work-sites as directed by the Party, regardless of whether one likes it or not, until the legal retirement age (60 for men, 55 for women). Since allocations depend upon the quantity and quality of one’s labor, everyone in North Korea must work to survive or continue work without retirement, and to

receive more one must work even harder.

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 KWP is solely responsible for representing the interests of the 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 Suryong (Great Leader).

The North Korean authorities severely oppress the activities of labor cooperative bodies through the penal code. Article 59 provides that any person who uses his or her employment to destroy or damage the state's industry, transportation, commerce, circulation of currency or credit system will be executed, and Article 61 further adds that people who carry out their work in an inattentive manner will be sentenced to at least five years imprisonment and cannot vote for four years after the completion of their sentence. These provisions make voluntary labor movements basically impossible.

In addition, Article 71 of the North Korean Constitution provides that people have the right to rest, and Article 62 of the labor law adds that laborers have a right to rest and this

right is guaranteed through the labor hours system, holiday system, paid leave system, state sponsored rest system and the increasing number of cultural facilities. The Socialist Labor Law specifically stipulates the number of rest days in the following manner: All laborers have fourteen official days of leave per year and depending on their occupation may have seven to twenty-one days of additional leave. Yet, despite these guarantees, most laborers cannot take advantage of this time because they are mobilized and pressured by the political organization at work. The only time people can really rest is during the one-or two-day celebrations of the births of Kim Il-sung and Kim Jong-Il, and on certain national holidays.

The constitution states in Article 30 that workers shall engage in eight hours of work a day. Despite the proclamations in Article 33 of the labor law that states, “The state must strictly guarantee the principle of eight hours of work, eight hours of rest and eight hours of study in the life of workers,” North Korean workers rarely have eight hours of rest. This is because, in addition to their basic workloads, these people are exploited for additional labor mobilization programs and various study sessions. Labor projects are planned by daily, monthly and quarterly schedules, and to surpass the goals of these plans socialist work competition movements such as the Chollima (flying horse) movement, the Three Red Flag Revolutions Movement, Speed Campaigns and the Speed Creation Movement have been established. Under these circumstances, the extended work hours are inevitable. Also, in regards to workers rights, there are no provisions to prevent coercive work by the authorities.

For North Koreans, work is not a right but a duty. Yet, a majority of North Korean industrial workers are unemployed. The ratio of operating factories is only around 20~30 percent due to economic hardship, and workers cannot find places to work. Because their factory is not in operation, if they report to work, they clean up around their workstations and then leave to go to unofficial markets to earn a living.

4. The 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, “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. (Page 190) 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 graduate from medical colleges with a license but the government assigns them according to a government plan. In the process, individual wishes are reflected 30 percent of the time.³¹⁸ The result of this is that in many cases doctors will bribe ranking officials to get better assignments. One new settler testified that he was assigned a job in Onsung by bribing an official with 5,000 won upon graduation from a community college.³¹⁹ Changing jobs is strictly controlled, but one can change jobs if released by the workplace where the job is located. 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.³²⁰ 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, other documents related to military service, residence and rations. In the meantime, however, one has to temporarily become a laborer.³²¹ But there are some recent cases in which

³¹⁸ Testimony of new settler Park XX during an interview at KINU, September 23, 2004.

³¹⁹ Testimony of new settler Kim XX during an interview at KINU, September 20, 2004.

³²⁰ Testimony of new settler Kim XX during an interview at KINU, January 9, 2004.

³²¹ Testimony of new settler Suh XX during an interview at KINU, November 11, 2003. new settler Kim XX said he knew some cases in which transfers were made after providing a TV or cigarettes to the County Workers' Division. Testimony of new settler Kim XX during an interview at KINU, January 29, 2003.

job transfers were permitted if the factory could not pay wages.³²²

High school³²³ graduates must first fill out documents provided by the city or county people's committee's labor departments and then submit them to their schools. Based on these, the school then completes an efficiency rating report, which is then given to the vice-principal in charge of political affairs. He in turn submits these evaluations to the labor department of the city or county people's committee three months before the student graduates, and the labor department reviews the papers, and assigns the student to a workplace.

Routinely, the government has already investigated the student's family lineage before they graduate. Students with low-class lineage-those whose relative have spoken out against the ideological system or with relatives in South Korea, 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 in a field that requires hard physical labor, such as a farm, village or mine. Sons of party cadres and government officials, i.e., good lineage, are stationed at desirable work places regardless of their ability.

But according to the testimony of a defector in 2002, many middle school graduates are assigned to factories and enterprises depending on demand. Personal backgrounds are frequently ignored since the background-check data are unorganized and

³²² Testimony of new settler Hwang XX during an interview at KINU, July 4, 2003.

³²³ Since September 1, 2002, North Korea changed its classification name for "senior middle school" to "middle school."

in disorder.³²⁴

There is also a 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.³²⁵

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 or Suryong believes necessary.

Recently, as North Koreans began to avoid hard labor, North Korean authorities began to sponsor loyalty resolution rallies and to send handwritten letters from Kim Jong-Il to discharged soldiers and graduates of high schools before group-assigning them to coal mines and construction sites.

In September of 2001, high school students and soldiers being discharged from the military were group-assigned to the

³²⁴ Testimony of new settler Hong XX during an interview at KINU, December 20, 2002.

³²⁵ Testimony of new settler Kim XX, during an interview at KINU, February 3, 2003.

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.³²⁶

In 2002, the practice of group assignment for retired soldiers continued. For example, in September 2002, a group of retiring soldiers were assigned en masse to the July 6 Railroad Factory.

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-assignment, 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 group-assignment means that one has to live there for life, the fear of group-assignment is tremendous.

³²⁶ *Yonhap News*, December 13, 2001.

Because rations are suspended if one does not report to work 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 and 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 today. 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.³²⁷ If an individual wants to change jobs, he or she will have to provide bribes, for example, cigarettes or a television set, to the guidance official at the city or county labor department or to the party secretary at his workplace.³²⁸ If one wanted to engage in a peddling or vending business, an individual would pay an established monthly amount to the office and then be allowed to conduct business

³²⁷ Testimony of Yoon XX during an interview at KINU, January 12, 2004.

³²⁸ Some 30~40% of workers will change jobs by bribing the party officials. The most bribery-infested units are Organization Unit, Cadre Unit, and Foreign Currency Unit. Testimony of new settler soon XX during an interview at KINU, feb 4, 2003.

at the marketplaces. For example, in Chongjin, most factories and enterprises have been shut down since the launch of the 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, workplaces usually look the other way and permit the workers to engage in peddling as long as they pay their monthly dues.³²⁹ Another new settler stated he moved around to a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South. It is clear that in North Korea today the system of job assignment by the central government is crumbling.³³⁰

5. The Right to Education

Everyone has the right to be educated without interference from the state and everyone has the right to request that the state actively seek to provide education. A primary characteristic of a free democratic society is that the right to education is a fundamental social right. This means that an able person who cannot receive education for economic reasons has the right to request the government to provide education through such means as the establishment of educational facilities or the operation of

³²⁹ Testimony of new settler Hong XX during an interview at KINU, December 20, 2002.

³³⁰ Testimony of new settler Son XX Testimony during an interview at KINU, February 4, 2003.

a scholarship system.

Article 26 of the Universal Declaration of Human Rights guarantees, “Everyone has the right to education, and education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.” Also, Article 13 of the International Covenant on Economic, Social and Cultural Rights stipulates, “The States Parties... agree that education shall enable all people to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”

Article 73 of the North Korean constitution stipulates, “Citizens have the right to education.” North Korea insists that all citizens enjoy the right to education under its advanced educational system and educational measures enacted by the State for the benefit of the people.³³¹ However, education is not equally available to everyone and depends on one’s political rank, class and status. Regardless of how gifted or diligent a student may be, without the requisite status he or she cannot enter college. Education in North Korea has varied depending upon such considerations as the construction of socialism or the progress of revolution, but the fundamental goals of training communist revolutionary talents remains unchanged. Article 43 of the Constitution provides that the goal of education is to fulfill the

³³¹ See North Korea’s “Second Performance Report on International Covenant on Economic, Social and Cultural Rights” (April 2002).

teaching of socialist principles and to train solid revolutionaries for the future, who will struggle for the society and for the people, and to educate new communist citizens with intelligence, wisdom and health. Based on these goals, North Korea emphasizes the need to safeguard an ideological fortress for the construction of socialism. To this end it has increased educational investments, setting the immediate educational goal of raising the entire population as intelligentsia. The eleven-year free compulsory education system in force since 1975 and the Thesis on Socialist Education introduced in 1977 were both designed to facilitate the training of communists. It is not truly an educational system but rather a system aimed at infusing Kim Il-sung's philosophy into the minds of young people with a view to producing uniform Juche men and women. North Korea enacted the "DPRK Education Law" in August 1999, and this law is the basic guideline for all education projects in North Korea.

The entire North Korean educational system operates under a strict control of the Department of Science Education under the Secretariat of the KWP Central Committee, which establishes important educational policies and guides and supervises their implementation. The Education Commission within the government is the administrative enforcement arm that carries out various educational policies and administrative tasks as determined by the Party. The actual teaching and educational affairs at each level of school are directed and supervised by the Department of Elementary Education and the Department of High School Education under the Education Commission.

North Korea's basic school system consists of 2-4-6-4 or

2-4-6-4/7, which includes two years of kindergarten, four years of elementary and six years of middle schools, plus four to seven years of college education. Some colleges recently reduced the required school years to 3.5 (Kim Chaek Polytechnic) and four (Kim Il-sung University) years.³³² In addition, there are 3-year researchers who are equivalent to graduate students, and 2-year doctoral candidates. Also, there are special educational institutes and the systems for the children of high-class people, as well as a set of separate systems for technical education and adult education. Finally, North Korea operates specialty schools outside of the regular school system, such as the Art and Sports Institute and Revolutionary Schools (such as those found in Mankyungdae, Kangbansok, and Haeju).

From 2001, North Korea began to emphasize computer education and the education of the talented in an attempt to catch up with the global trend toward knowledge and information-based industries. In an article in the Rodong Shinmun dated October 16, 2002, Kim Jong-Il instructed that North Koreans “Further strengthen the education of the talented and computer skills at schools, guarantee practical benefits and uphold the knowledge-first principle.” But education is politically distorted and, in any case, normal education is impossible in most areas due to the economic hardship, except in Pyongyang and some large cities. Consequently, the contents and quality of education for the students are inferior and poor.

³³² Since September 1, 2002, North Korea changed the names of school systems: The elementary “People’s School” became “Elementary School,” and the middle level “Higher Middle School” is now called “Middle School.”

The student selection processes at all school levels are not based on fair competition among candidates but affected by the ideological classification of their parents. According to defector's testimonies, no matter how bright a student is or how good one's academic records are, he or she cannot expect to receive a college education if one's personal background is unfavorable.³³³ If flaws are discovered in the course of background checks on the student, the children of the powerful will automatically be awarded the spot, even if the student scores higher on state college entrance examinations. Even if one is exceptionally good and is granted an opportunity to enter, admissions into major universities are denied if one's background is found unsatisfactory during the more detailed background checks conducted by the college. In the case of normal colleges (teachers colleges) everyone in the family up to and including one's cousins are subject to background checks. To enter Kim Il-sung University or Kim Chaek Polytechnic University, the scope of the check is expanded to include one's half cousins. Since the late 1980s, background check requirements have been tightened in the college recruiting process. Consequently, the only students who enter college are the children of Party cadres and the rich. The highest number of college entrance slots is allocated to the Pyongyang region because it is there that the highest number of Party officials and people with good backgrounds live.

As the economic crisis continued, cases have been increasing in which students with rich parents are admitted into major

³³³ Testimony of new settler Kim XX during an interview at KINU, January 29, 2003.

colleges through bribery. Excellent students are now allowed to matriculate to natural science colleges even if they come from unfavorable family backgrounds. These are new changes taking place in North Korea today.

Article 29, Chapter 4 of North Korea's Education Law stipulates, "Educational institutions shall impart healthy ideology and morality, as well as profound knowledge. They should primarily provide political ideology education so as that students may enjoy healthy body and resourceful mind..." Consequently, North Korea's education often neglects teaching universal values and knowledge, or basic qualities that nurture respect for the personal. At early stages of elementary and secondary schools, emphasis is largely placed on the deification of Kim Il-sung, Kim Jong-il, and Kim Jong-sook, as well as on communist ideology education. During four years of elementary education, students are taught about "the early years of Beloved Suryong Kim Il-sung" and "the early years of Great Leader General Kim Jong-il." Through the six years of middle school, students learn such subjects as "the revolutionary activities of Great Suryong Kim Il-sung," "revolutionary history of Great Suryong Kim Il-sung," "the revolutionary activities of Great Leader Kim Jong-il," "the revolutionary history of Great Leader Kim Jong-il," and "the current policies of KWP." North Korea also has introduced a new course on Kim Jong-sook, mother of Kim Jong-il. At elementary schools, students will study "the early years of Great Communist revolutionary fighter and mother Kim Jong-sook," and middle school students will learn about "the revolutionary history of Great Communist revolutionary fighter and mother Kim Jong-sook." The "communist

ethics” textbooks for the middle school 4th, 5th and 6th graders contain famous utterances of Kim Il-sung and Kim Jong-il under titles like “Kim Il-sung Instructions” and “Famous Quotations from Kim Jong-il.”³³⁴ Also, the “science readings” introduce stories about Kim Il-sung, Kim Jong-il and Kim Jong-sook.

Additionally, students are required during the vacation period to visit the Kim Il-sung and Kim Jong-il revolutionary and historical sites, as well as attend various field-training camps. Regarding the heavy emphasis on the deification of Kim Il-sung, Kim Jong-il and Kim Jong-il in North Korea’s educational curricula, one new settler testified that students whose performances were poor in math or physics would face few problems. But if they did poorly in subjects like the “revolutionary history of Kim Il-sung and Kim Jong-il,” they would face severe scolding and experience enormous handicaps not only in matriculation but also in their future careers.³³⁵

Juche Ideology is part of the education curricula at middle schools. As they reach advanced levels, students are told to join the Kim Il-sung Socialist Youth League (the old Socialist Workers Youth) and study the ideological structures of Juche Ideology and Communism.

North Korea’s education aims to infuse students with the Unitary Ideology of Kim Il-sung and Kim Jong-il and instill loyalty to them. This policy is reflected in the practice of having students

³³⁴ In 2004, the course title was changed into “Socialist Ethics.”

³³⁵ Hong Soon-kyung, “On the Realities of Human Rights and Education of North Korean Children and Young Students” in *Human Rights of North Korean Children and Young Students and International Cooperation* (Seoul: Korean Children’s Association, Fall Seminar, 2003), p. 39.

read the Rodong Shinmun (the party newspaper) or the works of Kim Il-sung and Kim Jong-il during “independent readings” and “uniform life” sessions. Once or twice a week, students are required to present self-criticism for about 90-minutes during the “uniform life” sessions. They will be asked to review whether they have faithfully acted in accordance with the Kim Il-sung / Kim Jong-il instructions and the 10 principles of Unitary Ideology. Students will review and critique each other and the instructor in charge also censors or reviews the contents of self-criticism.³³⁶

Recently, the quality of North Korea’s education has reached an extremely poor level due to the on-going economic difficulties. Above all, textbooks and notebooks are not properly supplied due to the shortages of paper. With the exception of Pyongyang and some large cities, almost no provincial schools, including elementary and secondary schools, have received new textbooks since the early 1990s. Students have to borrow textbooks from upper classmen and share the six or seven copies usually available per class. As a result, five or six students are grouped into one study group using one textbook each.

Some young new settlers testified that since 2003, North Korea began under a new policy to issue textbooks for most courses free of charge.³³⁷ As for student supplies, schools issue

³³⁶ Testimonies of X Keum-X and Hong XX during interviews at KINU on September 22, 2004 and September 17, 2004, respectively.

³³⁷ Korea Institute for Development of Young People, “Interview Results of Young North Korean Defectors in the Hanawon Facility in South Korea,” in *Plans for the Expansion of Inter-Korean Exchanges and Cooperation of Young People through Humanitarian Assistance* (Seoul: Korea Institute for Development of Young People, 2004), p. 218.

backpacks, fountain pens, pencils and pencil cases once every five years. As for other supplies that students need, they have to be purchased from the stores. But the quality of the supplies is so poor that students have difficulty using them.³³⁸

North Korea has also admitted that it has been experiencing enormous difficulties in the education field because of the loss of various production units, including textbook printing plants and other educational material production facilities. It reported that during the 1995 flood disaster, some 2,290 school-buildings and 4,120 kindergartens were destroyed and innumerable educational materials were lost.³³⁹

Due to economic problems, an increasing number of high school seniors try to avoid pursuing a college education because dormitories, too, are suffering from food shortages and students have to depend on food and money from their parents, who are also suffering from deprivation. Many college students are returning home due to malnutrition or illness.

Furthermore, as economic hardship has worsened, students' school attendance rate has fallen very low. On the subject of the low attendance rate of college students, the official Youth League magazine, "Youth Vanguard" (October 1, 1998) stated, "The problem of improving the college student attendance rate is one of the most important issues that the Youth League and the school administrations should strongly promote in close

³³⁸ Testimony of new settler Huh XX during an interview at KINU, September 20, 2004

³³⁹ Compliance with Covenant-A on Economic, Social and Cultural rights. See "North Korea's Second Regular Report" (April 9, 2002) submitted in compliance with Articles 16 and 17 of Covenant-A.

cooperation.” It further complained, “The school youth league units do not push the school administration hard enough and do not feel responsible for the low attendance rate, either.” The real reason for the low college attendance rate is that the students are engaged in peddling or trading for food. During the period of “Hardship March,” no one paid particular attention to the truancy problem even though education was compulsory because many students had to quit school to go into peddling and vending.³⁴⁰

According to (middle) new settler Lee XX, who was a teacher in a North Korean elementary school, the number of students absent from classes was only three or four out of a total of 25~30 students per class when he first started teaching in 1995. However, the number increased to seven or eight in 1996, and in 1997, only three students attended his class during the height of the famine.

In addition, according to a former schoolteacher, Kim XX, some 70 percent of all students were attending the classes at Soje Middle School in Jeryong-gun, South Hwanghae province, during the 1998~1999 school year. But recent defectors testified that in the provinces more than half of those enrolled failed to report to school, and many schools were operating with a far smaller enrollment than they would normally.³⁴¹ The reasons for the low attendance rate in the primary and secondary schools stem from the fact that the children have to stand watch at home

³⁴⁰ Korea Institute for Development of Young People, “Interview Results of Young North Korean Defectors in the Hanawon Facility in South Korea,” *op. cit.*, p. 185.

³⁴¹ Testimony of new settler Kim XX during an interview, February 3, 2003.

while their parents are away in search of food, or they have to follow their parents in their search for food. The students who are already hungry due to the poor food situation have generally lost interest in schoolwork, particularly since school conditions have deteriorated to a point where the students could not motivate themselves to study.

He also reported that usually only 17 out of a total of 23 teachers taught at the school. Even after coming to school, the teachers spent their time talking about how to find food rather than how to teach students. In kindergarten, too, during the school term only one teacher was in charge of teaching all students while the other teachers were away from school in search of food.³⁴² Officially, school hours run from 9 am to 5 pm. But in many cases nurseries release young children after the morning classes, and the teachers set out to peddle or in search of food.

The 2005 North Korean Human Rights Report published by the Human Rights Watch also pointed out that since the food crisis the compulsory education system has not been working in many areas of North Korea. Both teachers and students were spending more time in search of food than in schools.

North Korea insists that child labor is prohibited, and the realistic working age is 17. Even though the labor law defines the minimum legal age for employment to be 16, the actual working age is 17 because the young workers have to undergo one year of vocational education before they are allowed to join the production facilities. The reality, however, is that it is

³⁴² Testimony of new settler Yoon XX during an interview, January 12, 2004.

mandatory for all North Korean students to render voluntary manpower service at agricultural cooperatives twice a year for two and a half months, once in the spring and once in the fall.

According to young new settlers, students would take classes in the morning, and in the afternoon they would go to the farms and engage in various details such as tilling, hoeing, cultivating, removing rocks or planting corn.³⁴³

In other new settler testimony it was stated that in times of national emergency North Korea would draft even middle school students for military duty. There is also other testimony stating that in times of so-called “war-like” situations, middle school students are subject to conscription. A defector testified that at the time of the axe murders at Panmunjom on August 18, 1976, he was drafted and served in the military even though he was just a senior middle school student.³⁴⁴

Under the March 1959 cabinet decision to abolish tuition, all education in North Korean schools was made free of charge.³⁴⁵ However, students are required to pay much of the school operations fees anyway. For example, students are required to pay part of the expenses for student uniforms, textbooks, education equipment, and facility repairs. Even though education is free, current practice is to collect money or materials from students for purposes of school operating expenses. Several times a month,

³⁴³ Korea Institute for Development of Young People, “Interview Results of Young North Korean Defectors in the Hanawon Facility in South Korea,” *op. cit.*

³⁴⁴ Testimony of new settler Kim XX during an interview at KINU, January 29, 2003

³⁴⁵ See *Compliance With Covenant-A On Economic, Social, Cultural Rights, North Korea Second Regular Report.*

schools will collect cement, cash, or food. Students are also asked to pick pinecones or scraps of tree branches for classroom stoves.³⁴⁶

As exchanges with South Korea has increased, and as North Korea has gradually pursued openness, education in North Korea seems to show gradual changes. Occasionally, students are taught with South Korean economic textbooks, and about South Korean economic development models. Seoul National University and Kim Il-sung University have agreed to establish a “graduate school of international studies” in Pyongyang. Seoul’s Hanyang University and Kimchaek Polytechnic University have concluded an agreement for academic and technology exchanges. Also, special lectures on capitalism are offered to North Korean government agencies and private business units in the “Mt. Geumgang special zone.”

6. 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 Child³⁴⁷ (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,

³⁴⁶ Testimony of new settler Yoon XX during an interview at KINU, January 12, 2004.

³⁴⁷ 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.”

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, “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 the same year. It also established the National 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 of 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 government 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. Even the basic right to have food was not guaranteed for a majority of children and their lives were exposed to constant risks. Due to hunger and disintegrating families, many children were thrown into the streets as "gotchebbi." The 2002 UNICEF/WFP survey showed some improvement in conditions since the 1998 survey but still some 20.15 percent of 6,000 children surveyed were underweight, 39.22 percent were suffering from chronic malnutrition, and 8.12 percent suffered 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, kindergartens, schools and other educational and children 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, "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 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 service structure had 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.³⁴⁸ 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. But the report stated, as a result of active efforts to overcome the scars of natural disasters, the rate has been lowered in recent years. However, it was not difficult to find firsthand accounts from the testimonies of new settlers that many children had died or had been abandoned at rail station plazas or in waiting lobbies during the period of “hardship march.”³⁴⁹ The US Human Rights Watch 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

³⁴⁸ 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.

³⁴⁹ 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% of the seriously wounded were also children.³⁵⁰ 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. According to the new settlers, under-nutrition of women has contributed to the sharp drop in birthrates, and it also causes unintended abortions and stillborn babies, as well as immature and underweight babies. Once the medical service system collapsed, contraception became difficult, and many pregnant women attempted illegal or extra-medical abortions, in many cases endangering the lives of the mothers as well as the babies. To compound matters, in 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.

Article 14, Section 1 of the Child Convention requires, “States Parties shall respect the right of the child to freedom of thought, conscience, and religion.” Article 15 specifies, “State Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.”

³⁵⁰ The Children’s Medicine Assistance Center, “Report on North Korean Children’s Health, 2004” (Seoul: Children’s Medicine Assistance Center, 2004), p. 87.

But North Korean children are denied access to, or consideration of, various Western ideas and are forced to believe in the Kim Il-sung Revolutionary Ideology and the Juche Ideology. They are not allowed to choose religion by their free will, or form associations. From elementary school levels, North Korean children are forced to join organizations like “boy scouts” or the Kim Il-sung Socialist Youth League, and are required to live mandatory collective lives.

With respect to the right of education, North Korea stated it offered 11 years of free and compulsory education and free college education. It further stated it had increased school supplies for students. According to other sources, however, the educational environment and various conditions have drastically deteriorated due to the food crisis and economic hardship, and that school operations have become highly irregular. Normal classes were rare due to the run-down education facilities, lack of teaching aids, poor school facilities, and lack of student supplies such as notebooks and textbooks. These problems were compounded by student truancy for reasons of hunger and food-search and teachers’ absenteeism. The new settlers testified that a significant number of North Korean school children had to give up school since the onset of the food crisis, cross the border into China, or live as “gotchebbi.” Even inside North Korea, many children were engaged in non-education work like vending or farming, or were living as “gotchebbi,” like beggars and pickpockets. Surveys on new settlers corroborate this finding. Some 77.4 percent of the respondents said their students had missed school due to hunger, and 75.5 percent of them said the student

absenteeism was ‘very frequent.’³⁵¹ The responses of young new settlers gave descriptions of the impact of the food crisis on children’s education in North Korea. They said, “Earning money was more important than studying. It was difficult to live, so studying had to wait. Teachers would not scold us if we missed classes. Nearly one half of the class would not show up. Even if we studied hard we would not be allowed to go to college for reasons of unfavorable family background.”³⁵²

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 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

³⁵¹ Good Friends, “North Koreans’ North Korean Society, a survey of attitude and awareness on the economy” (Seoul: Good Friends, 2000), p. 34.

³⁵² Korean Youth Development Institute, “Interviews with North Korean young people at ‘Hanawon’ Home for New Settlers,” A Study on Ways to Promote Youth Exchanges and Cooperation between South and North Korea through Humanitarian Assistance (Seoul: Korean Youth Development Institute, 2004), p. 210.

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 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 new settlers, 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.³⁵³ 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

³⁵³ Good Friends, “People Who Crossed the Tuman River,” *op. cit.*

had ventured out on their own out of extreme hunger floated around streets and markets as “gotchebbi,” engaged in begging or stealing. North Korean authorities established and operated so-called “9·27 facilities” to house and protect “gotchebbi.” 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. The effort, however, is known to have failed as authorities soon found out that they could not feed the children so housed.³⁵⁴

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. Therefore, it stated, it had never had to deal with the question of protecting or assisting a refugee child. 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. They were sworn at, beaten, and humiliated. Some became involved in violence, larceny and human trafficking.

³⁵⁴ Good Friends, “North Korean Food Crisis and Human Rights,” *op. cit.* p. 83.

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, 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.’³⁵⁵ 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.³⁵⁶ 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.³⁵⁷

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 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

³⁵⁵ 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 (Seoul: Korea Family Study Association, 2000), p. 147.

³⁵⁶ Testimony of new settler Huh XX during an interview, April 16, 2004.

³⁵⁷ Kwon Hyuk, “The Hardship March,” *op. cit.* p. 149.

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 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.

IV

Other Human Rights Violations

1. Human Rights Violations at Political Detention Camps

It is widely and internationally known that North Korean political concentration camps are the one place where human rights are violated the most.

The fact that North Korea has been operating many political concentration camps was revealed to the outside world by the 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.

New settler Kim XX, who previously worked as an intelligence agent at the State Political Safeguard Agency, testified for the first time about the existence of political prison camps. Subsequently, several former inmates provided additional information on political prisons. They included Kang Chul-hwan and Ahn Hyuk, who defected after release from Yoduk Detention Camp, Ahn Myung-chul who defected while working as a security guard at Hweryong Detention Camp, and Choi Dong-chul who formerly a security guard at the State Security Protection Agency in the mid-1980s. New settler Lee Young-guk, who served a term at Daesuk-ri Unit No. 8 of Yoduk Detention Camp from 1995 to January 1999, recently disclosed his experience living inside a political prison camp. The Digital Globe zoomed in its satellite cameras on Unit No. 22 Political Prison Camp in April 2002, and the pictures were released to the international media, including the South Korean media, on December 5, 2002.³⁵⁸ The US Committee for Human Rights in North Korea published a

report in October 2003, on realities of political prison camps in North Korea, based on defector's testimonies and satellite pictures.³⁵⁹

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.³⁶⁰ 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. XXXX unit of the North Korean People's Security Guard.

According to North Korean documents seized during the Korean War and later released by the US State Department, North Korea has been operating collective camps since 1947, two years after 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

³⁵⁸ On January 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=114130475#BODY>>.

³⁵⁹ David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps* (Washington, DC: US Committee for Human Rights in North Korea, 2003).

³⁶⁰ New settler Kim XX was sentenced to a prison term as political prisoner after he was caught trying to flee south across the DMZ in 1958. From 1960, Kim had to spend 12 years at Susong Correctional Center in Chongjin. Testimony of new settler Kim XX during an interview at KINU, January 19, 2005.

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 came to South Korea in April 1994, testified that the controlled districts originated from the August Faction Incident. At first, according to Hwang, only the sectarians were sent to these camps, but later all political prisoners, including anti-Kim Il-sung elements, were sent there. He further testified that at the time Kim Il-sung argued that the sectarians were so wrong in their minds that they should be sent along with their families to remote rural mountain areas to lead segregated lives. Accordingly, the first controlled district was set up in the Dukjang Coal Mining region of Bukchang County, South Pyongan Province, at the end of 1958.

In the course of purging Kim Il-sung's political foes, such as those of the Yen-an Faction, the Pyongyang authorities retaliated against anti-party and anti-Kim Il-sung elements (and to contain the proliferation of their influence) by holding those unexecuted involved persons, together with their families, in remote mountainous areas.

Yoduk No. 15 'Kwanliso' began housing political prisoners in 1969 after the recorded speech of Kim Il-sung on "the Need to Revolutionize the Staff."³⁶¹ At the time, many well-known

³⁶¹ Testimony of new settler Kim XX during an interview at KINU on January

artists were detained in Yoduck 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 best-known dancer Choi Seung-hee.

During 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 and from 1967 through 1970 the entire North Korean population was categorized into three classes and fifty-one subclasses.

Among those categorized as belonging to the hostile class, about 6,000 people who were branded as sectarians or anti-revolutionaries were executed after being tried in 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 Party or Kim Il-sung himself.³⁶²

19, 2005. She and her family, except her husband, had been detained in the Yoduck Center from 1970 to December 1978. Initially, she was assigned to Work Unit No. 3. She testified that Unit No. 1 had many who had returned to North Korea from Japan, and that Unit No. 10 was inserted between Unit No. 3 and 4.

³⁶² Professor Ogawa insists that the current concentration camps have been formed in the process of establishing the Kim Il-sung-Kim Jong-Il Sole 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 Chosun Ilbo, The Civilian Coalition for the North Korean People's Lives and Human Rights, and Korea University: 1999.12.2).

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. The new settler Chu XX, who entered South Korea in May 1997, testified that seven or eight families whose heads of household had been involved in the Kim Chang-bong incident were sent away to Sangnam-ri, Huhchon County, South Hamkyung Province, and had been living there for over 20 years. The former general, and Minister of National Security, Kim Chang-bong, was purged during the Fourth Plenum of the Fourth Military Party Committee in 1969.

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 one hundred thousand were sentenced to hard labor at eight camps, isolated from the rest of society for the rest of their lives.

Following the fall of Eastern Europe in the late 1980s, the number of camps grew, the number of inmates reaching about two hundred thousand as the regime tightened its internal control to keep the wave of reforms from reaching North Korea. In terms of human rights conditions, these camps are reported to be worse in many ways than even the infamous Soviet Gulag.³⁶³

The Scope and Punishment of Political-Ideological Criminals

In referring to politico-ideological prisoners, North Korea calls them vaguely anti-revolutionaries, or people with unsound ideology or hostile elements, so that once a leader 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 revolution, we should oppress those anti-revolutionary elements who are opposed to and who impede the thought and passion of the revolution as well as hostile elements who stage a compromising struggle against unsound thoughts - especially those who try 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.” The “conspiracy” sentence is imposed on “those who had participated in a civil disturbance or in a conspiracy to overturn the Republic.” People who were charged with anti-party or anti-Kim Il-sung would be given this sentence and would be either

³⁶³ Harry Woo said in the seminar that Adolf Hitler in the Third Reich attempted to biologically transform human beings but China’s and North Korea’s concentration camps are more vicious and crafty because their purpose is to ideologically transform human beings. *Ibid.*

executed or banished to political concentration camps (Art. 44 ~55 of Penal Code). In order to impose heavy punishments on political and ideological criminals North Korea had enumerated 12 articles under its penal code (Articles 44 through 55). However, 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 agitations to sever foreign relations; and hostile actions against foreigners(Articles 59 ~66).” The 2004 revised penal code appears to have made some improvements on the 1990 version in that the new version contains more specific crime categories.³⁶⁴ For example, the “conspiracy” crime would be brought for “those who conspired or participated in a coup d’etat, violent civil disturbance, or raid with anti-State aims.” (Art. 59) The “espionage” crime 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 an innocent politico- ideological suspect can hardly be found not guilty and set free. New settler Lim XX said that Lee Dong-myong

³⁶⁴ See Han In-sup, “The Contents and Meaning of North Korea’s Revised Penal Code of 2004,” *op. cit.*

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.³⁶⁵ 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. According to Kim XX and Tak XX, 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 separated and returned to her original home. However, if a wife is indicted as a political prisoner her husband is not punished.³⁶⁶

New settler Lee Young-guk testified that political detention camps are where the authorities send those people who presumably said things or acted contrary to the one-man-one-party dictatorial system. There they are completely segregated from the outside world and forced to live in exile. Lee Young-guk recounted recent examples of criminal behaviors that are 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-II, their families and their personal lives, and those who have criticized the politics of Kim Il-sung and Kim Jong-II. Second are those who exercised negative influences in the process of amassing slush funds for

³⁶⁵ Testimony of new settler Lim XX during an interview at KINU, September 7, 2002.

³⁶⁶ Testimony of new settler Kim XX and Tak XX during an interview at KINU on November 30, 2002.

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 contacted South Koreans in a country (China, for example). Most of these people are former diplomats. There are 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. Finally, cases of forming anti-government cells are increasing recently. 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.³⁶⁷

³⁶⁷ Testimony during an interview at KINU on October 27, 2001. Testimony of new settler Kim XX during an interview at KINU on January 18, 2005. Testimony of new settler Bae XX during an interview at KINU on January 20, 2005.

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 actual realities in the camps are as follows.

Ahn Myung-chul³⁶⁸, who worked as a guard at the camp at Hweryong, 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. Later, five of them, including two in Onsung, North Hamkyung Province near the Chinese border and ones near Pyongyang, were closed or moved to prevent discovery by the outside world.³⁶⁹ 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 Hweryong, 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.

³⁶⁸ Testimony during an interview at KINU, June 9, 1996.

³⁶⁹ According to new settler Kim XX the No. 12 'Kwanliso' at Onsung was abolished in 1987, and No. 4.25 tobacco farm has replaced it. Testimony of Kim XX during an interview at KINU, November 30, 2002.

New settler Jin XX 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.³⁷⁰

New settler Shim XX testified that he had visited the Yoduck Center located in Inhwa-ri, Yoduck County, to see a fellow safety official while he was transporting supplies for the Safety Ministry.³⁷¹ According to new settler Um XX, there were two political concentration camps, one in Hweryong, North Hamkyong Province and another in Danchon, South Hamkyong Province. New settler Shim XX testified that the No. 18 Center located in Deukjang-ri, Bukchang County, South Pyongan Province was exclusively for convicted party officials.³⁷² 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.³⁷³ On February 25, 1998, New settlers Kang Chul-hwan and Lee Soon-ok testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently

³⁷⁰ Testimony of new settler Jin XX during an interview at KINU, September 7, 2002.

³⁷¹ Testimony of new settler Shim XX during an interview at KINU on January 12, 2005. David Hawk in his "Hidden Gulag" said that No. 18 Camp was not under the 7th Bureau of the State Security Protection Agency but under a garrison of People's Safety Agency. And, the families of criminals were detained in No. 14 Center.

³⁷² Testimony of new settler Um XX during an interview at KINU on June. 29, 2002.

³⁷³ For example, the No. 77 Correction Center located in Daeheung-ri, Danchon County, South Hamkyong Province was moved to Shinuiju City in 1982~1983 and renamed 'Kwanliso.' New settler Shim XX testified on February 15, 2005 during an interview at KINU that he saw the family of former party secretary Hwang Jang-yop being transported to this center on a train.

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 US 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.³⁷⁴

New settler Ahn Myung-chul said that North Korea established most political concentration camps in remote areas or coalmines. And, like the case of “Seung-ri concentration camp” (abolished in January 1991), some of them were built underground to avoid the exposure and revelation of secrets. 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 Myung-chul 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 ‘Kyohwaso’ at Sariwon.

³⁷⁴ Testimony of new settler Kim XX during an interview at KINU on January 19, 2005. Kim testified that when the international community focused on the Yoduck Camp via satellite, North Korea transferred the inmates to the Dukchon Camp in South Hamkyong Province.

The authorities told the AI mission that there are between 800 and 1,000 prisoners at three ‘Kyohwaso.’ Among them, they said, political prisoners numbered only 240 and they were being held at the Hyongsan ‘Kyohwaso.’ New settlers, however, have unequivocally stated that such assertions are untrue.

Detention camps are divided into complete-control districts and the Revolutionary districts. The complete control districts 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 educated because they will never return to society alive.

The revolutionized districts 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, etc.³⁷⁵ If an ex-political prisoner commits an ordinary crime, ten years imprisonment is

³⁷⁵ According to new settler Kim XX, Koh XX was working as an interpreter at the Foreign Press Bureau of the Ministry of People’s Army. He was arrested on espionage charges in 1989 during the process of ideology review of former Russian-educated students. He served prison terms at Yoduck Prison from May 1989 to February 1994. Subsequently, he was working as a laborer at Chungjin Steel Mill. Testimony of Kim XX during an interview at KINU, November 30, 2002.

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 Complete or Full Control zone. All others have only full control zones.³⁷⁶ 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 Revolution zone in No. 15 Control Center. The revolution zone simply means a boot camp, which dictates extremely harsh conditions and an unbearable subsistence life until individuals are exhausted or have expired.

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. Lee Young-guk also testified that during the period of his detention between 1995 and January 1999 numerous people had died due to beating and starvation, as well as by firing squads, and yet the number of inmates continued to grow.³⁷⁷ The Citizens Alliance for North Korean Human Rights presented a video entitled *The Seven Defectors and their Aftermath during the Third Conference on North Korean Human Rights and Refugees* on February 9, 2002 in Tokyo. In the video, it was stated the seven defectors

³⁷⁶ In his "Hidden Gulag," David Hawk at US 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 Pyong-an Province.

³⁷⁷ Testimony of new settler Lee Young-guk at KINU, during an interview, October 27, 2001. Testimony of new settler Bae XX at KINU, during an the interview, October 27, 2001.

crossed the border in January 1999 from China into Russia. They were caught by the border guards and deported to North Korea via China. One of the seven, Kim Eun-chol, it said, was detained in Yoduk Detention Camp.³⁷⁸

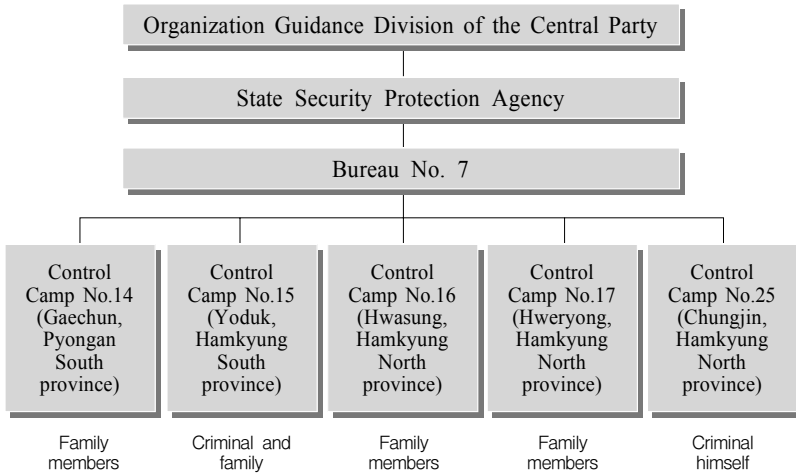
Inmates of the revolutionized zone consist mostly of Pyongyang's ex-elites, repatriates from Japan who have personal connections with senior officials of the pro-Pyongyang association of Korean residents in Japan, Chochong-ryon, and their families. The policy is to have them endure torture and thus make 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 lifetime full control zones. New settlers have stated that a very small number of life-term prisoners, exceptional cases, are transferred from full or complete-control zones to the revolution zone. 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.³⁷⁹

However, this would be an extremely exceptional case. In most cases, no one will ever return to the society once they are detained in a "full control sector."

³⁷⁸ See *NK Chosun Ilbo*, February 10, 2002.

³⁷⁹ Testimony during an interview at KINU, October 27, 2001.

<Graphic IV-1> Status of Special Dictatorship Zones



<Table IV-1> The Dissolved Camps

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

* This table is based on the testimony of new settler Ahn Myung-chul.

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 in practice 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 consist a political section, security section, management section, security guards section and supply service section.³⁸⁰

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 those who attempt escape, 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 a 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

³⁸⁰ 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.

finance, transportation and communications. Most dreaded by the prisoners are the security and guard sections, as both hold the right to determine prisoners' fates.

Selection of Prisoners and Procedures

The SSPA is responsible for catching anti-revolutionaries. Local SSPA officials select offenders and the central ministry without a trial makes the 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.

There are many cases where people are sent to prison camps for inexplicable reasons. Kim Myong-jun, a bellboy at the Koryo Hotel in Pyongyang, was investigated at the Maram Guest House for espionage because he failed to report a tip he received for carrying a foreign visitor's luggage. Nothing substantiated the charge, but the investigators nevertheless found him guilty of having betrayed the fatherland and had him serve three years

hard labor at Yodok.

In North Korea, one would be regarded as a political prisoner and detained in the camps if one is heard 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?” But since the severe food shortages in the mid-1990s, the cases of arrests due to inadvertent utterances has decreased as the levels and incidents of complaints rapidly rose.³⁸¹ 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.³⁸²

For one associated with a crime of political ideology, for whatever reason, all properties are confiscated and the entire family transferred to the detention camps at night. In many cases, families or neighbors do not know the transported’s whereabouts because they are taken away without advance notice or trial procedures.³⁸³

For 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. This reign of terror is to render people subservient to the system of Kim Il-sung and Kim Jong-Il.

³⁸¹ These cases are often called “verbal reactionaries.”

³⁸² Testimonies of new settlers Kim XX and Kim XX during interviews at KINU on August 30, 2001 and February 15, 2005, respectively.

³⁸³ New settler Kim XX testified that her husband was moved to a political prisoner ‘Kwanliso’ in 1970, but she was never notified of the transfer. Testimony of new settler Kim XX during an interview at KINU, January 18, 2005.

Dwellings and Camp Life

Once the condemned person enters a detention camp, medical service is suspended and regular food rationing no longer applies. Prisoners are barred from marrying or having children. They are completely insulated from the outside and no visits or letters are allowed from their relatives.

Normally, the inmates wake up before dawn, eat breakfast and get ready for work. The security agent and work supervisor conducts a 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, the security agent or supervisor confirms the progress of work, and if the work is behind schedule they decide whether to extend work-hours.

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 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.

However, due to the recent food shortages, rations for political prisoners were reduced. According to Lee Young-guk, the grain rations are divided into three grades depending on the workload: Grade 1 workers are given 160 grams of boiled corn

per meal, Grade 2 get 140g and Grade 3 get 100g. But when the grain shortages deteriorated in 1996 only 80 grams were given per meal and the inmates were forced to work from 5 am to 8 pm As a result, Lee testified, several inmates died each day.³⁸⁴

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 lead collective lives 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. Therefore, conditions are similar to those in the dwellings of primitive humans.

Electric power is generated at the camps, but power output is so meager that only one light bulb is allowed for a family. Power will be supplied only between 7:00 to 12:00 pm and 2:00 to 5:00 am. The voltage is so low and the lights so dim that there is barely enough light to read a book or newspaper. However, inmates in other camps envy camps with power facilities of any kind. At some camps a wooden torch is lit during meals.

³⁸⁴ During an interview at KINU, October 27, 2001.

The supply of fuel, too, is so short that people have scarcely enough to cook their meals and never use fuel to heat rooms. On cold winter nights, families usually sleep together to share body warmth. Some freeze to death. Making matters worse, there isn't enough clothing. For an entire internment period a single sheet of blanket material is issued to one family and one set of padded winter clothes to each person. To those living with their families, work fatigues are rationed only once every three years. Fatigues are usually not issued to those in the bachelors' barracks; they use the same clothes they wore when they entered the camps, patching them when needed.

Work shoes are issued once every one and a half years, and padded winter shoes only once every five years. No socks or underwear are given to the prisoners. Because of the lack of socks and underwear, many are frostbitten and toe amputations are not uncommon.

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases mainly due to malnutrition and heavy labor. Still, everyone, without exception, is forced to continue working. 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. When one's sickness becomes so bad that a foreman decides the prisoner can no longer work, the patient is sent to a sanatorium and essentially abandoned, as there are no proper medicines or doctors. There are said to be about 40~50 prisoners who die every year due to the lack of proper medical facilities at each center.

According to new settler Park XX, he testified that he

witnessed products produced by the political prisoners at ‘Kwanliso’ No. 22 in Hweryong, North Hamkyung Province, being transported by railroad.³⁸⁵

The products out of No. 22 Center are manufactured by the hard labor of inmates. The quality of these products is known to be far superior to the products produced at civilian factories.³⁸⁶

He estimates that because over 2,000 tons of coal and two to three tons of grain, and 60 tons of meat per day were transported to the camp, a large number of political prisoners are probably detained there.³⁸⁷ Also, it is reported that a certain number of political prisoners are moved to different places every three months so that political prisoners cannot escape the detention camp by recognizing the geographical features surrounding the Center.

Amnesty International reported that special punishment rooms were installed in the camps to punish the inmates that violated camp regulations. The rooms were said to be so tight that one could neither stand nor lie down, and the inmates were detained in such rooms for weeks at a time.

The housekeeping rules of the “kwanliso” reflect the inhuman treatment inside the camps. For example, if a prisoner does not finish the assigned daily work the meal ration is reduced. Movement is allowed only in a group of three or more. And

³⁸⁵ Testimony of new settler Park XX during an interview at KINU, October 20, 1999.

³⁸⁶ Testimony of new settler Choi XX during an interview at KINU, January 21, 2005.

³⁸⁷ Testimony of new settler Park XX during the interview at KINU, October 20, 1999.

the time allowed for toilet use is limited to five minutes.³⁸⁸

The Realities of Public Execution inside the Detention Camps

The human rights realities inside the political prison camps are extremely appalling. Anyone who is unable to endure the harsh conditions, tries to escape, or physically resists or assaults security officers is hanged or shot to death in front of the other prisoners. Kang Chul-hwan, An Hyuk and An Myung-chul testified that those who are executed or die from accidents number in the hundreds in each camp every year. Kang Chul-hwan stated that at the now closed Sungho-ri Camp, sometimes more than 300 prisoners died per month.

Lee Young-guk testified that the proper description of the inmates detained in the detention camps would be animals rather than human beings. He stated beatings would take place depending on the mood of “teachers.”³⁸⁹

New settler An Myung-chul testified that at camps under the control of Bureau No. 3, condemned prisoners have been used as objects of live medical experiments conducted by camp doctors-just like those conducted by the notorious Japanese Army

³⁸⁸ Testimony of new settler Lee XX during an interview at KINU on October 27, 2001.

³⁸⁹ Lee Young-guk testified that during his four years in prison he had witnessed about 50 executions by firing squad, or an average of one execution every 15~30 days. New settler Bae XX testified during an interview at KINU on January 20, 2005 that two inmates from Hweryong (North Hamkyong Province) were caught while attempting to flee and were executed in Yoduck Concentration Camp in 1995.

731 Unit or by Nazi doctors during World War II. All these reports from new settlers could not be confirmed.

But Lee Young-guk stated that he believed the authorities were conducting biological experiments on younger and healthy male inmates because they are usually removed to another location within six months of detention.³⁹⁰

At present, it is known that there is a military unit performing biological experiments on human bodies in Omok-ri, near Nampo City, South Pyongan province. The BBC reported a North Korean defector's testimony, stating that a new gas chamber for testing of chemical weapons was built at No. 22 prison camp in Hweryong, Hamkyung North Province, but that fact has not been confirmed.³⁹¹ Lee Young-guk still remembers the names of 15 inmates detained in the Daesuk-ri No. 8 camp at Yoduk Detention facility. One of them is dead.³⁹²

³⁹⁰ Above testimony.

³⁹¹ Testimony of new settler Kwon Hyuk at an interview. See *The Chosun Ilbo*, February 1, 2004.

³⁹² The Monthly Chosun (February 2001). In this edition, new settler Lee Young-kuk presented the following list of names (New settler Bae XX had to spend three years in Yoduk Camp after the Chinese Security had forcibly deported him to North Korea. He had defected from North Korea in 1993. Bae has confirmed the whereabouts of Lee Won-jo and Kim Dae-sung). Testimony of Bae XX during an interview at KINU, on January 20, 2005.

1. Lee Won-jo, age 47, detained in 1996, former North Korean ambassador to Indonesia. Crime: Criticized North Korea's isolationist foreign policy with a counselor at the embassy. He was put on a plane within two hours of his conversation and shipped to Yoduk Detention camp. Currently assigned at work unit No. 3 of an independent platoon.
2. Kim Dae-sung, age 62, detained in 1996, former trade counselor stationed in Libya (originally a party secretary at the foreign ministry). Crime: His son defected to South Korea. Currently assigned at work unit No. 1.
3. Kim Hi-chil, age 61, detained in May 1997, former director of Trade Management Office, South Hwanghae province. Crime: During the economic hard-

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- ship, he commented at a drinking party with friends, Kim Jong-Il sold out the economy. Currently assigned at work unit No. 1.
4. Paik Nam-chil, age 42, detained in 1996, formerly a staff at No. 3 Building of the inter-Korean liaison office. Crime: Addicted to narcotics. He was charged with the crime of failure in the bears' gall-bladder trading (smuggling) company for North Korea between Hong Kong and China. Currently assigned to work unit No. 1.
 5. Kim Hyung-sup, age 29, detained at the end of October 1997, former sergeant at the Social Safety Agency (His father was a civil defense director of Pyongyang). Crime: He and eight of his classmates (from Non-Commissioned Officer school) agreed that North Korea was a society that trampled on freedom. They conspired to terrorize against the defense minister and social safety minister and others. Their plot was uncovered and they were arrested. They all had tattoos on their arms with the words Sungdo (disciples) as they worked out terror plans (Their fathers were all director-level officials at the Central Party or the Cabinet). They were all arrested and currently assigned separately to work units No. 1, 2, and 3.
 6. Kim Chul-soo, age 60, detained at the end of 1995, former director of Central Railroad (His brother was director at Marine and Land Affairs Bureau in the Cabinet.) Crime: He sold the rail-line blueprints of the Central Railroad to China. Currently assigned as a caretaker at a duck farm.
 7. Lee Chul, age 57, detained in 1997, a former chairman of Taekwondo Association in South Hamkyung province. Crime: In connection with the food shortages, he commented, Kim Jong-Il was standing on top of the people's corpses. He was arrested and currently assigned to work unit No. 2.
 8. Han Young-chun, age 34, detained in 1996, former coal-miner at the Musan Coal Mine. Crime: While in the military he and three of his comrades tried to defect to South Korea with information about the Yongbyon Nuclear Power Plant. They were caught while crossing the border to China. Currently assigned to work unit No. 1.
 9. Kim Chul-soo, age 56, detained in November 1998, former deputy manager at Musan Coal-mine in North Hamkyung province. Crime: He tried to smuggle out to China the gold bullions the Japanese had buried in the mine, which he discovered. Currently assigned to work unit No. 1.
 10. Kim Ok-sun, female, age 43, detained in 1995, former housewife in Haesanjin City, Yangkang province. Crime: Tried to smuggle out an ox-tail of an illegally slaughtered ox to China (Ox and cow are used as a means of transportation, and illegal slaughtering is subject to 10-years' in prison). Currently assigned to work unit No. 1.
 11. Lee Chung-gun, age 41, detained in 1996, former overseas student in Germany (His father was chief secretary at Chungdan County, South Hwanghae province). Crime: He was charged with espionage with funds from the South

Internment of Repatriates in Detention Camps

There is little solid information on the present situation of the detained repatriates in detention camps. We do have testimony from defectors who themselves were in the camps. However, a recently published report by Amnesty International listed the names of some repatriates found in the Sungho-ri camp.

According to testimony from Kang Chul-hwan and An Hyuk, who were imprisoned at Yodok, about 600 people of the 100 families who were first detained in early 1974 are still held at the camp. They also stated that from 1974, 100 to 200 more families were added every year, totaling as of 1987 about 5,000

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- Korean embassy. Currently assigned to work unit No. 1.
12. Chung Hyun-soo, age 31, detained in 1995, former draftsman at Nakwon Machine factory in North Pyongan province. Crime: Sold the factory's blueprint to China. Currently assigned to work unit No. 1.
 13. Kim Myung-hwa (her Japanese name is Mitsubishi Damiko, her younger sister is Mitsubishi Fumiko and her elder brother, Gah-jang.), age 41 (born on August 2, 1960). Recollections about her are clear because they called her a Japanese spy. Detained in 1991. Crime: She returned to North Korea with Korean repatriates from Japan, but it was uncovered that she was a graduate of Japan's Ninoki Academy. She was then sent off to the detention camp, but later she was taken away to the Yongpyong District in September 1997. Upon return to the camp, she died of beating and starvation.
 14. Kim Ok-san, age 57, detained in 1992, former staff at Business 'Kwanliso' in Sariwon City, South Hwanghae province. Crime: He criticized Kim Il-sung as a dictator while intoxicated. Currently assigned to work unit No. 1 (Kim is well known within the camp as an expert catcher of rats and snakes for food).
 15. Kim Sung-hee, age 68, detained in 1975, former track and field head coach of the North Korean Athletic Association (and a highly popular former track athlete in North Korea). Crime: She jokingly talked about the family lineage of Kim Il-sung and his son and was charged as criticizing them. Currently assigned to work unit No. 1 as a caretaker of pigs. She is very thin-built, but very sturdy.

repatriated political prisoners from 800 families and 300 criminals.

Meanwhile, according to the testimonies of Kang Chul-hwan and Ahn Hyuk, former staffers of the pro-Pyongyang association of Korean Residents in Japan, Chochongryon and some industrialists were separated from their families and were presumably detained in different camps. Kang Chul-hwan still does not know the whereabouts of his grandfather, Kang Tae-whew (who was the Tokyo chapter Chamber of Commerce Chairman of Chochong-ryon). He was reported missing in 1977.

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 severe circumstances.

New settler Shin XX testified that she was sent for a year to the Revolutionary Section in the Yoduk Detention Camp for having contacted her elder sister, who was living in Japan, while Shin was in Yenji, China, in 1999. However, they did not beat her because she was old and a former expatriate who returned home.³⁹³

2. The Abducted

Since the Korean Armistice in 1953, a total of 3,790 people have been abducted and taken to North Korea. They have been forcibly detained in North Korea contrary to their wishes, partly because North Korea may have found their knowledge and manpower useful.³⁹⁴ Of them, only 486 people (see appendix I) are known to still be detained. 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.

Beginning with the first kidnapping of 10 fishermen aboard the Daesung-ho on May 28, 1955, North Korea has abducted a total of 3,662 fishermen since the Korean Armistice in 1953. They subsequently returned 3,255 and are presently still holding 407 fishermen. 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

³⁹³ Testimony of new settler Shin XX during an interview at KINU, November 30, 2002.

³⁹⁴ 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.

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 12 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 Yenji, China. In January 2000, South Korean Reverend Kim Dong-shik was kidnapped in Yenji, China by a special kidnap unit of eight to ten agents, including four or five agents from the state security detachment in North Hamkyong Province, and Chinese Korean agent 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 Hweryong City, North Hamkyong Province. According to the Human Rights League for the Kidnapped Defectors, 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. Secretary general Doh Hee-yoon of the League announced, “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.”³⁹⁵

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 people. 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.

“The Association of Families of Abducted South Koreans” has been releasing additional names of kidnapped persons based on testimonies of defectors who had earlier been kidnapped (See Appendix 1). On February 1, 2005, the group also released a

³⁹⁵ *Yonhap News*, January 6, 2005.

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 1981.³⁹⁶

<Graphic IV-2> Photograph of Abducted South Koreans



Source: The Association of Families of Abducted South Koreans, February 1, 2005.

When the AI list drew international attention, both Ko Sang-mun and Yoo Sung-keun, whose names were included on the list, were made to confess their voluntary entry into North

³⁹⁶ *The Joong-Ang Ilbo*, February 3, 2005.

Korea on August 10~11, 1994. The new settler Ahn XX, 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 Ahn Myung-jin, about 20 unidentified detainees from South Korea are 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 testimony of former kidnapped fisherman Lee XX, who defected from North Korea in June of 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.³⁹⁷

The rest of the abducted, whom North Korea presumably did not find useful, are in all probability detained in various

³⁹⁷ Testimony during an interview at KINU, January 7, 2004.

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 abducted individuals, who were most probably detained in the now defunct Seunghori concentration camp, 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, North Korea, in a Red Cross statement on September 24, 1996, 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 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 Reunion (November 30~December 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been abducted by the North in January 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) the captain of Changyoung-ho (abducted north on April 17, 1968), Chung Jang-baik, 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 Odaeyang No. 61 (abducted in December 1972), Kim Tae-jun, the crew of Changsung-ho (abducted May 23, 1967), Yoon Kyung-gu, the crew of Dongjin-ho (abducted January 15, 1987), and Kim Sang-sup, met their mothers from the South.³⁹⁸ During the 9th family reunion in 2004 (March 29~April 3),

³⁹⁸ See Youn Mi ryang, "The Process and Results of Negotiations concerning the Abducted," in *Human Rights of the Abducted and Possible Solutions* (Seoul: National Human Rights Commission, December 19, 2003).

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). All the abducted who participated in the family reunions had their newly married wives and children in North Korea. Through the eight family reunions, a total of 33 abducted persons were able to meet with their family members from South Korea.

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. The issue concerning the fate of South Korean prisoners of war and those forcibly abducted during the Korean War was raised, but no progress has been made so far. The Korean War Abductees' Family Union³⁹⁹ has been urging the confirmation of the status and/or the return of the remains of their abducted family members based on the data compiled from various sources. Some of their sources include the Republic of Korea Statistical Annual published in October 1952, which contains some 82,959 names; the 1953 Annual Statistics, which lists 84,532 names; the list of abducted persons uncovered from the home of the late independence movement leader Shin Ik-hee; the 1956 Korean Red Cross list, with 7,034 names; and the list of abducted persons compiled by the statistics department of the (South Korean) Office

³⁹⁹ See <<http://www.korwarabductees.org>>.

of Public Information with 2,438 names. The Family Association published online the names of 94,700 persons compiled from the above sources and listed them by name, sex, age, address, profession, organization and rank, the time, date and place of abduction.

3. Human Rights Violations against North Koreans Abroad

Status of the Fleeing North Koreans

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 South Korean government announced in October 1999 that the number of North Korean escapees staying in a third country such as China and Russia is estimated to be between 10,000~30,000, among whom about 500 escapees have sought refuge in South Korean embassies abroad.

However, civilian organizations helping North Korean escapees in China estimate that the total number of escapees may approach 100,000~300,000. Good Friends, a relief organization for escapees, announced that as a result of its own field research

conducted in 2,479 villages of the three northeastern provinces of China, 140,000~200,000 escapees from North Korea are hiding in the three northeastern provinces.

Meanwhile, the US nonprofit organization, United States Committee for Refugees (USCR), announced in its world refugee report released recently that there were about 50,000 North Korean escapees and 100,000 refugees in China.⁴⁰⁰ In June 2003, the UN High Commissioner for Refugees, Ruud Lubbers, estimated North Korean escapees in China to number as many as 100,000.⁴⁰¹

One of the datum that indirectly will help estimate the overall size of North Korean escapees abroad is the number of “deported escapees.” A state-run research institute under the Chinese central government published a report after on-site inspections of border cities along the three northeastern provinces. According to this report, the deported North Korean escapees numbered 589 in 1996, 5,439 in 1997 and 6,300 in 1998. Meanwhile, USCR reported that an increasing number of North Korean escapees were being arrested by the Chinese border units since 1999 and deported back to North Korea, and in the Spring of 2001 when China tightened the arrest and deportation measures, a total of 6,000 were arrested in June and July alone.⁴⁰² As can be seen from this, if the Chinese statistics on North Korean “deportees” totaled 6,000 a year, the South Korean Government’s total estimated number of defectors to be about 10,000~30,000 seems to be too conservative. As the North Korean food shortages are

⁴⁰⁰ *The Joong-ang Ilbo*, June 27, 2001.

⁴⁰¹ *The Chosun Ilbo*, June 20, 2003.

⁴⁰² USCR, World Refugee Survey 2002 North Korea (June 6, 2002).

alleviated as a result of international aid, the number of North Korean defectors may slow down, but it would be reasonable to estimate the total number of North Korean defectors abroad to number about 100,000. 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 asylums and safe havens around the world, including in Southeast Asian Countries, Australia and the United States. But excepting China and Russia, all other countries seem to serve only as transit points for their ultimate destination, South Korea. In Russia, there are many North Korean lumberjacks and construction workers dispatched by North Korea. Many of them are fleeing their workplaces seeking defection to escape from North Korea's control. In the Russian region, a total of 2,000 defectors are estimated, including local defectors and those drifting into the area from China. Some Southeast Asian nations⁴⁰³ and Mongolia are being used as transit points for entry into South Korea, and North Korean defectors in these regions awaiting admission into South Korea are estimated to number about 1,000.⁴⁰⁴

Most defecting North Koreans cross the border into China via the Yalu River or the Tuman River, and some of them flee

⁴⁰³ Using a special charter plane in late July 2004, the South Korean government has admitted entry into South Korea of 468 North Korean defectors who had been staying in Vietnam.

⁴⁰⁴ See Yoon Yeo-sang, "Local Management and Re-education Program for North Korean Defectors Abroad: With Emphasis on Those in Southeast Asia," March 2002 (unpublished) ... See <<http://www.iloveminority.com>>.

from the timber yards or construction sites in Russia. North Koreans choose China as a defection destination, since movement there is relatively easier than in other countries and because they can expect the help of the Chinese Koreans living along the border areas. Many North Koreans attempt the border crossing as a last resort to obtain food and daily necessities. Most of this last category of people will return to North Korea, although a large number of them will attempt to flee for good. Furthermore, due to lost parents or family dissolutions during the food crisis, there are increasing numbers of children and women escapees. They usually spend an extended period of time in North Korea before defecting.

The North Korean defectors staying in other countries are forcibly deported to North Korea if caught by local security agents or North Korean agents operating in the area. Deportations are carried out in accordance with the terms of illegal alien deportation agreements between North Korea and the specific country. In any event, these defectors are not protected even though they are faced with threats to their most basic right, the right to sustenance or to have food. Under these circumstances, the Chang Gil-soo family entered the UNHCR office in Beijing in 2001, demanding to be sent to South Korea. Subsequently, instances of North Korean defectors entering diplomatic chancelleries, including those in Beijing, and demanding safe passage to South Korea have appreciably increased, drawing the sharp attention of the international community. This new trend began after the Chinese authorities started tightening the surveillance over these defectors in China and pressuring the NGO's operating in China

that offer support to these refugees. The fundamental problem, however, is that these defectors are frequent targets of criminal elements operating in China, including prostitution networks. Under the South Korean Constitution, North Koreans are defined as citizens of South Korea. However, South Korea is not in a position to actively demand other governments to enforce measures of effective protection due to various realistic political and diplomatic considerations. Still, since the demands for safe passage to South Korea are increasing at South Korean foreign missions, the government is working hard to more pro-actively accommodate these demands.

As the number of North Korean defectors increase and international concerns over their human rights deepen, North Korean authorities have begun to tighten controls on its inhabitants. In 1995, North Korea declared its border areas as the frontline areas and strengthened border patrols by creating the new 10th Corps to prevent border crossings.

In addition, North Korea is doubling its efforts to arrest defectors by organizing bases in its embassies and consulates in neighboring countries. The search and arrest activities against defecting North Koreans and their deportations are conducted by arrest teams consisting of three to four security agents and consulate personnel, or by the national security agency group, dispatched directly from North Korea. Because the number of defectors has increased rapidly, North Korean authorities are taking measures to persuade the defectors to return to North Korea. Such measures include the propaganda that Kim Jong-Il has issued a no punishment instruction against them. However, most

defecting North Koreans understand this announcement as part of the search and arrest tactics.

Just as North Korea tightened its internal control system, it was also conducting recalls and re-training of its overseas personnel. In the face of the increasing defections of its elites such as former Party secretary Hwang Jang-yop and former North Korean ambassador to Egypt, Chang Seung-il, North Korea has quickly recalled home many overseas personnel and their family for re-training purposes. Already in October 1989, when the socialist bloc was collapsing, North Korea, in the name of the Party Central Committee, had issued instructions to all overseas missions on the recall of overseas workers, researchers, and students.

In the past, North Korea treated all deported North Koreans as political prisoners and sent them to political prisoner camps for special supervision, and their families were forcibly transplanted to certain control regions. However, as the number of defectors has rapidly increased, the level of punishment now depends on motivations for defection and the duration of the stay out of the country. Since September 27, 1997 when a more lenient measure was announced, punishment have been relaxed such that many of the defectors will be detained in the so-called '9.27 relief centers' for a certain period of time and released, except for special cases which are handled by security agency or safety agency detention centers. Following the February 13, 1998 measures, border-crossing cases are classified into certain categories; those living along the border will receive lighter penalties, while those from the inner regions of North Korea such

as Hwanghae provinces are accused as traitors of the fatherland and punished as political criminals. But even in the latter cases, their family members are subjected to lighter punishments than before.

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. 17). 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” in the old penal code. Furthermore, the level of the mandatory sentence for the crime of “illegal going and coming across the border” was reduced from three years to two years of “labor training” punishment. Since two years of “labor training”

is equivalent to one year of “correctional labor,”⁴⁰⁵ the level of punishment was reduced from three years to one year of “correctional labor.” Article 62 of the 2004 penal code stipulates a mandatory sentence of correctional labor in excess of five years in cases of crimes involving treason against the fatherland. For example, “death 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,” Even if a person had committed acts of treason against the fatherland and the people, the state would not prosecute the crime if he/she 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 of 2004 was a case of kidnapping and inducement, and encouraged them to return home.⁴⁰⁶ Art. 234 of the 1999 penal code, which stipulated two to seven years of correctional labor

⁴⁰⁵ 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?”

⁴⁰⁶ North Korea accused that South Korea and other human rights organizations had systematically organized, induced and kidnapped the North Korean defectors 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.

for border patrol guards who illegally aided border-crossings, was revised and relaxed in the penal code of 2004, 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.⁴⁰⁷ North Korean defectors could also face additional charges such as the crime of dealing with foreign currencies (Art. 104), or of interfering with foreign currency management (Art. 106), or of illegal transactions of goods and facilities in foreign currency (Art. 107) or the crime of smuggling historical assets (Art. 198). The DPRK immigration law (enacted in 1996, revised in 1999) also stipulates that “people visiting and returning without ‘border travel permits’” would be levied penalties, and charged with heavier punishments in serious cases.” (Art. 45) Since North Korea has drastically reduced the level of political punishment for defectors, it is becoming more difficult for the defectors to obtain “refugee” status.

Meanwhile, conferring refugee status on the defecting North Koreans is becoming more complicated and difficult for two reasons: (1) North Korea is relaxing punishment against border-crossing defection in its efforts to reduce the rapidly increasing number of escapees, and (2) it has deleted from its revised constitution the provision on the betrayal against the people and the fatherland (Art. 86 of the old constitution). Broadly,

⁴⁰⁷ The 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,” October 6, 2004.

defectors are classified into two categories: those who are clear cases for political punishment upon return and those to be released after simple punishment. However, it is not easy to identify and generalize from the levels of individual punishment. In other words, since punishments invariably differ according to one's background, regional origin, age, and the duration of stay out of the country, there still exist dangers and threats to a person if forcible deportations are carried out in complete disregard of an individual's wishes. From March of 2000, North Korea launched a special 3-month campaign to search out its defectors in China, tightening search and deportation operations. This was reportedly in preparation for Chairman Kim Jong-Il's anticipated visit to China. Therefore, the level of punishment was harsher in China, and less severe inside North Korea. The search was relaxed after June of 2000, in part to encourage the people to appreciate the occasion of the historic inter-Korean summit (of June 13~15, 2000 in Pyongyang). New settler Kim XX testified that she was detained at a detention center in Onsung County for the crime of river (border) crossing. But when Chairman Kim Jong-Il's handwritten policy regarding the easing of defector treatment was announced, she was immediately released.⁴⁰⁸

Immediately after the United States enacted the North Korean Human Rights Act of 2004, North Korea announced a special inspection period between October 2004 and February 8, 2005. It also relaxed the level of punishment imposed on

⁴⁰⁸ Testimony of new settler Kim XX during an interview at KINU, November 30, 2002

families of defectors to South Korea.⁴⁰⁹

This relaxation measure did not last long. Since the level of punishment for the defectors varies depending on circumstances, the fear of forcible deportation is still very serious.

New Settlers (North Korean Defectors in South Korea)

As of the end of 2004, a total of 6,304 new settlers had entered South Korea.⁴¹⁰ The number of new settlers in South Korea has drastically increased since 1994. In 2000, a total of 312 came to South Korea; the number was 583 in 2001; 1,139 in 2002; 1,281 in 2003; and 1,894 in 2004.

As their number increased, so did the size of groups. and their motives, types, ages, and occupations became diverse. Demographically, North Korean new settlers in South Korea in 2004 broke down this way: the percentage of women was 66.9 percent, showing a gradual increase. Most of them were former residents of North Hamkyung Province, and most of them were workers or farmers.

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 more individual motivations stemming from the severe food shortages and economic hardship.

⁴⁰⁹ Testimony of new settler Shim XX during an interview at KINU, January 19, 2005.

⁴¹⁰ The Ministry of Unification, February 28, 2005.

The reasons for increases in family-unit defections include (a) the increasing risks due to the tightened Chinese surveillance activities, (b) increases in information about the South Korean society, (c) economic assistance from the defectors who settled in South Korea, and (d) increasing activities of professional intermediaries and business-type agencies.

Most of the defectors entering South Korea have been staying in China, and the duration of their average stay in China was three years and 10 months in 2003. The average for the year 2002 was three years and two months. The difference of duration of stay in China indicates that even if defections were made at about the same period the time, the preparation needed to enter into South Korea are taking longer now than before.

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.

New settlers' occupations also show a wide variety. They range from high officials, such as Hwang Jang-yop, diplomats and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants. Between 1994, when the former POW, Cho Chang-ho, defected to South Korea, and 2003, a total of 34 former POWs have successfully returned to South Korea, including Chang Moo-hwan, Kim Bok-gi, Park Dong-il, Sohn Jae-sool, Huh Pan-young, Park Hong-gil, and Chun Yong-il. In addition, three people, Lee Jae-geun, Kim Byung-do and Jin Jung-pal, who were forcibly abducted to North Korea have also defected and returned to the South.

The Background of the Escapes

Despite the efforts of the authorities to stem the tide, defections out of North Korea continue. Some of the reasons are summarized below:

First, the main reason for defection is economic hardship and food shortages. During earlier stages, defections occurred among the people in the mountainous border regions and among the citizens of cities in North Korea's northeastern regions who were looking for food and daily necessities in the face of shortages. This humanitarian crisis was mitigated as international aid arrived and as the inhabitants sought to survive through peddling activities and other desperate efforts.

It appears that North Korea's food crisis has been abating since 1998. As a result, the motives of defection also seem to be changing from survival to voluntary relocations in search of better standards of living. Many defectors appear to believe that once they have risked the danger of crossing the border, they will be able to make more money in China. The number of defectors to China increased because defectors hoped to return to North Korea with enough money to go into business or assist family members left behind. Most of them had substantial information about China or South Korea through their previous defection experiences. In many cases, through careful and detailed planning and over a period time, they bring their family to South Korea. As a result, defections to simply survive are decreasing, while defections for jobs and enough money to fund a business back home in North Korea have been increasing.

<Table IV-2> Motives of Defection (as of June 2004)

(unit: persons)

Date	Economic hardship	Fear of discrimination	Regime instability	Followed other defectors	To settle in China	Family feud	Others	Total
'00	127	66	52	51	13	2	1	312
'01	293	73	33	171	7	2	4	583
'02	606	93	96	259	37	39	9	1,139
'03	774	80	123	194	46	53	11	1,281
'04.6	463	44	63	148	2	39	1	760
Total	2,263 (55.53%)	356 (8.74%)	367 (9.01%)	823 (20.2%)	105 (2.58%)	135 (3.31%)	26 (0.64%)	4,075 (100%)

Source: Social-Cultural Exchange Bureau, Ministry of Unification

Second, because they have been discriminated against in North Korean society based on their personal background, defectors seem to have serious psychological burdens relating to the fear of committing the “crime” of defection and its subsequent impact on their families left in North Korea. However, North Korean authorities came under pressure from the international community, and as defections rapidly increased, they became more lenient in terms of punishment. Consequently “re-defections” have become more commonplace. In the early stages, North Korea treated defectors as political prisoners and put them in political prison camps and forcibly moved their families to “controlled areas.” As the number of defectors increased North Korea began to dispense different punishments for different reasons, depending on the duration of defection, motivation, and so on. Usually, upon forcible deportation from the Chinese border to North Korea’s Social Safety Agency (currently People’s Security Agency),

defectors would be interrogated about whether they came in contact with South Koreans or Christians, whether they tried to enter into South Korea, or whether they were involved in human trafficking schemes. If the defectors were found to have committed these crimes, they would be punished as political prisoners. But other “simple stowaways” would be transferred to collection centers, and handed over to a county Social Safety agent from their hometown People’s Security Agency. They would be released after six months of “labor re-education” at “Labor Training” units.

Third, there are many cases in which the defectors could not endure life in North Korea after they had a chance to experience life both inside and outside North Korea. Even though the punishment for defection (“river-crossing”) was relaxed, they would decide to defect from North Korea again due to humiliating experiences such as body searches⁴¹¹ and beatings.⁴¹² However briefly, they had better living experiences in China, so they were unable to tolerate the unsanitary conditions⁴¹³ and poor nutrition

⁴¹¹ In search of the money the defectors might have hidden in their body, inspectors would force them to remain naked and make them repeat sit-ups. Some women would hide cash inside their uterus, and male inspectors would sometimes inspect them with their fingers. Testimonies of new settlers Choi XX and Shim XX during interviews at KINU on January 21, 2005 and February 15, 2005, respectively.

⁴¹² Most of the beatings on the defectors are inflicted by the “fellow inmates” in the detention centers, and not by the Security or Safety agents. One woman defector was severely beaten at night because she did not answer fully during the interrogations. The agents woke up all the inmates in the same cell at night, and conducted a “collective interrogation.” Subsequently, the inmates beat her for several hours until she was extensively bruised and bleeding, because she interrupted their sleep at night. Testimony of new settler Kim XX during an interview at KINU, May 17, 2003.

⁴¹³ Even when both male and female inmates shared the same cell, they were required

during the period of punishment back in North Korea. In the process of deportation, the experiences of these defectors are also relayed to other returning defectors for re-defection. The arrested North Korean defectors are returned through the Chinese border patrol units to the North Korean border collection centers and “labor re-training” units. While undergoing interrogations and punishment, information concerning re-defection is conveyed through word of mouth among the inmates.

Fourth, North Koreans were able to take advantage of “border-crossing” as a new survival method. The reason for the success of this method owes much to the support and protection extended by the Korean communities in China’s three northeastern (Manchurian) provinces. The Korean community in China is very strong in ethnic cohesiveness and Korean tradition. In addition, during the infamous Chinese Cultural Revolution, they are known to have received considerable assistance and support from the North Koreans. So, during the early stage of food shortages, the Korean-Chinese played the role of protector of North Korean escapees individually or in groups. South Korean individuals and religious organizations indirectly supported their efforts.⁴¹⁴ As the defection phenomenon continued, various problems involving the escapees such as larceny, robbery, murder⁴¹⁵ and

to share the same toilets and washstands. Testimony of new settler Choi XX during an interview at KINU, January 21, 2005.

⁴¹⁴ The South Korean Christian groups and others who were engaged in underground religious and protective activities for North Korean defectors were able to expand the scope of their activities because their projects were based on the support and assistance of local Chinese-Koreans. Some South Korean groups even attempted to establish local businesses to help carry out social welfare projects for Chinese Koreans and North Korean defector protection projects.

human trafficking were inevitable. The pressures coming from the Chinese central government to enforce strict punishment of North Korean escapees began to mount, and protection efforts were seriously hampered.

Fifth, the North Korean escapees were able to render low-wage services on Chinese farmlands, where manpower was insufficient. North Korean men could work as seasonal workers, and women could become marriage partners to Chinese-Koreans or Korean men, or work at restaurants or bars, as low-wage nurses, or maids. People who employed them could be punished for illegally hiring them but the reality was that they were able to take advantage of the escapees' unstable legal status and hire them at the lowest possible wage.

Sixth, in the case of fleeing North Korean women, many of them maintain a marriage-in-fact relationship with local men (a common-law marriage), give birth to children and raise the children in China. Even though they married involuntarily and for practical reasons, they maintain their de facto marriage for extended periods of time and raise children and family in China. This factor also plays into the issue of deportation and re-defection. In order to prevent their re-defection, North Korean authorities examine defecting women upon their deportation back to North Korea to see if they have become pregnant while in defection. If so, they undergo forced abortions before being sent back to

⁴¹⁵ According to the Good Friends Association, a robbery and hostage-taking incident occurred in August 2004 when two armed North Korean border guards intruded into a bus drivers' dormitory in Baikkeum Harbor, Yongjung City, Jilin Province, China. See Good Friends North Korea Research Institute, "News from North Korea Today," October 6, 2004.

their hometowns.

Seventh, another major reason for defection is South Korea's policy of protecting and resettling defectors in South Korea. In accordance with the 1997 "Law concerning Protection and Resettlement of Defecting North Korean Residents," the South Korean Government has been upholding the principle of protecting all North Korean defectors who ask for protection at its foreign missions and elsewhere, except for those involved in "crimes against humanity" or other serious non-political crimes. Once North Korean defectors are brought into South Korea, the government will provide them with a settlement allowance (about \$20,000 per one-person family), rental allowance, education opportunities, basic life safety net benefits (about \$320 per one-person family), medical insurance, re-training for social adjustment, job training and job opportunities. These defector protection policies became known to potential defectors through Korean Broadcasting System (Radio/TV), and other media, as well as through South Korean businessmen and other individuals. These benefits are major considerations for defecting North Koreans who come to South Korea. In the early stage of mass defections, North Koreans were loath to come to South Korea based on fear, prejudice and incorrect information they had been told about South Korea. However, watching many Chinese-Koreans attempting to enter into South Korea, even illegally in many cases, they came to regard South Korea as a land of new opportunities and made attempts to apply. Knowing the generous allowances and benefits defectors will enjoy once in South Korea, illegal organized criminals are operating rings that attempt to

smuggle defectors into South Korea in return for their settlement allowances.

Finally, as we can conclude from the rapid increase in family-unit defections, those defectors who do come to South Korea utilize their settlement allowances to arrange for other members of their families and relatives to move across the borders, and in many cases they are successful. The defectors who are already in South Korea wish to know the status of other members of their family. Recently, a variety of communication routes have opened between North Korea and China, and direct conversations with family members in North Korea have become possible through cellular phones. Apparently, this change is facilitating planning for defection. The Korea Institute for National Unification (KINU) conducted a survey of 2,510 new settlers who came to South Korea since 1993. Most (90.1 percent) out of 780 respondents indicated their willingness to spend their income, including the settlement allowances and other assets, to bring their families from the North into South Korea.⁴¹⁶ Some new settlers more actively seek ways to bring their family member into South Korea, some travel to China, or even to North Korea itself to find ways to bring their families to the South.

The Human Rights Situation of North Korean Escapees in China

Most defectors in China live and hide with relatives in the

⁴¹⁶ See Lee Keum Soon, et.al., *A Study on the Reality of Adjustment of North Korean Defectors in South Korea* (Seoul: KINU, 2003).

three northeastern provinces (Liaoning, Qilin, Heilungjiang) while they engage in odd jobs and assist farmers. A small number of these people eventually escape to Southeast Asia. China shares a border with North Korea along the Yalu River and the Tumen River. Living along its North Korean border are large numbers of Korean Chinese. As many North Koreans crossed the border to ask their relatives for food and/or help with defection, others without relations in the area also began to cross the border. However, since China began to impose border intrusion penalties (as per the revised penal code of October 1997) for people assisting defections, and as internal security has tightened inside China, it has become much more difficult for the defecting North Koreans to hide, disguise, and/or conceal themselves. This has added to the already unsafe personal security situation, and possibilities of human rights violations have increased. In the effort to avoid forcible deportation and to obtain resident ID's that will permit legal stays in China, defecting North Koreans will try to purchase the permits, and in the process they often fall prey to human trade (slave trade) rings and harsh labor.

Escapees are exploited without receiving proper payment for their labor due to their insecure social status. Since their prime objective is to find a safe place to hide, they frequently work as shepherds or lumberjacks. Despite their difficult jobs, which most are hesitant to take, they receive extremely small wages or are sometimes threatened that they will be reported to the authorities if they complain of poor conditions or unpaid wages. According to an announcement of the Good Friends, some 40.9 percent of working escapees fail to receive their wages although

their board and lodging is provided. When the escapees help out with housework and farm work in the farm villages, they are not only exploited for their wages but are also sometimes falsely accused of stealing.

Human trade involving defecting North Korean women initially took the form of arranged marriages with young men from Chinese farm villages. It has now become a social problem as the organized crime and prostitution rings got involved in the practice. As these heinous crimes were reported in the South Korean news media and elsewhere, China and North Korea began to strengthen measures against them, and since October 1997, China has begun to impose heavy penalties under the border intrusion laws on perpetrators of human trade. In June 1998, a women's association leader at Ando county interviewed a North Korean woman married to a Chinese man under the pretext of offering a resident ID. Subsequently, the woman was forcibly deported to North Korea. On another occasion, a woman crossing the river was shot along the banks of the Tumen River for suspicion of engaging in human trade. On October 28, 1998, two Chinese newspapers (The Work Guidance and The Yianbian Daily) carried for the first time detailed reports on forced deportations and human trade of defecting North Korean women (for about \$500~\$650 per person) near Winching country, Shandong Province, China.

According to field research by the Good Friends, female escapees make up 75.5 percent of the total number of North Korean escapees. Especially in the three northeastern provinces, the figure reaches 90.9 percent. Some 51.9 percent of female escapees are married to Chinese, but the figure reaches 85.4 percent in the

three northeastern provinces except the Yianbian area. Female escapees, who make up the majority of all escapees, are living in the form of forcible marriage through human trade or in the form of arranged marriages for survival. Laws do not protect marriages by escapees in China because they are usually brides who have been bought from slave traders or arranged marriages. Female escapees being traded are subject to abuses such as confinement, sexual assault, violence, unwanted pregnancies, and forced prostitution.⁴¹⁷ A great number of female defectors suffer from serious gynecological and venereal diseases but do not receive proper treatment. In addition, unplanned pregnancies are on the increase as women escapees stay for longer periods in China. Because of this situation, there arises questions over the nationality of the children, and furthermore, the mother risks harsher punishment by the authorities if deported to North Korea.

Those who escaped to China can easily be reported by Cho gyos (North Koreans living in China) and arrested by either special security agents from North Korea or Chinese police officials. If arrested, they are forcibly extradited according to the PRC-DPRK Escaped Criminals Reciprocal Extradition Treaty that was secretly concluded in early 1960. According to a copy of Regulations for the Border Area in the Province of Jilin printed by Seoul's Dong-A Ilbo newspaper on December 26, 1996, more than 140 escapees living in China were arrested by Chinese police after these regulations were passed in November 1993 and forcibly

⁴¹⁷ For Example, see Good Friends, *People Crossing Tumen River: A Field Research of North Korean Food Defectors in 2,479 Villages of Chinese Northeastern Area* (Seoul: Jungto Publishing Company, 1999), pp. 60-89.

extradited in 1994 and 1995. On December 16, 1998, the Citizen's Alliance for North Korean Human Rights announced that 150 North Korean defectors were arrested by Chinese security officers in Tung-hwa City, Jilin Province, and deported to North Korea. Regarding this report, the Jilin Province security authorities responded on December 16 that they have deported 20 North Koreans, and over a period they have returned to North Korea about 100 people, including the 20 mentioned previously. However, the Chinese announcement stated, they came to China because they were hungry and not because of political motivations. New settlers Kim XX and Choi XX, who came to South Korea in 1997, said their second son, Kim XX, went missing while they were hiding in China. After they were admitted into South Korea, they requested the International Committee of the Red Cross attempt to confirm the whereabouts of their son, Kim XX. Subsequently, the Chinese Red Cross informed them that Kim XX was handed over to a North Korean security agency along the border at Dandung City in late 1997.

A government-sponsored institute under the Chinese administration conducted field research in the three northeastern provinces where most North Korean escapees are staying. According to its report entitled North Korean Defectors and the Social Phenomena, the number of forcibly deported defectors increased from 589 in 1996 to 5,439 in 1997 and 6,300 in 1998. According to results of the research of the Good Friends, the number of forcibly deported defectors reached some 1,857 in villages of the Yianbian area and some 584 in the three northeastern provinces during the period of research, from

December 1998 to April 1999.

Ryu XX is a Chinese Korean who was indicted by the prosecutors at South Korea's Seoul Central Prosecutors' Office on January 19, 2005. Between 1999 and 2000, Ryu is known to have kidnapped nine times and deported 15 North Korean defectors who were staying in Jilin and Heilungjiang Provinces of China, in cooperation with the North Korean security agents.⁴¹⁸

The USCR reported that at least 6,000 North Koreans were forcibly deported to the North every year, including 15,000 in June of 2000. China has concluded a defector deportation agreement with North Korea in 1987, but since 1999 it regarded them not as refugees but as food-seeking floaters. Recently, the Chinese Deputy Foreign Minister, Wang Gwang-ya, made it clear that North Korean defectors in China are simple economic re-settlers and that China could not accord them refugee status.

Article 33 of the 1951 Convention prohibits the extradition and forcible expulsion of refugees as follows: "No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Since 1982 China is a signatory to both the Convention Relating

⁴¹⁸ New settler Kim XX testified during an interview on February 15, 2005 that the security chief, Chi XX, at Goksan Factory in Hweryong City, North Hamkyung Province, who was involved in the incident, used to utilize deported former defectors as operatives. One of the operatives, Kim X, who failed to carry out his mission, was public-executed at a marketplace in Hweryong in June of 2001. Kim was framed with charges of opium trading, smuggling of steel products and human trafficking.

to the Status of Refugees and the Protocol Relating to the Status of Refugees, but it does not yet recognize the status of North Koreans who have defected to China for fear of political persecution as refugees.

This provision does not apply to those refugees who are considered dangerous if not repatriated because they would threaten the security of the DPRK or because they have received guilty sentences for committing serious crimes (Art. 33, Section 2 of the 1951 Convention relating to the Status of Refugees). It is unreasonable to regard defecting North Koreans as people who have committed crimes and would pose threats to North Korea's national security. Article 32, paragraph 2 of the Chinese Constitution stipulates, "The PRC shall accord the right to protection to those foreigners who demand refuge for political reasons." Since it is clear that defecting North Koreans will face threats to their lives upon deportation, international organizations and member states involved should strengthen mutual cooperation so that China will properly discharge its international responsibilities as a signatory to the Convention Relating to the Status of Refugees.

Instead of offering refugee status to the defectors, Chang Gil-soo and seven of his family, who took refuge at the office of UNHCR in Beijing, the Chinese government in July 2001 granted their departure to a third country to resolve the issue.

During 2002, an increasing number of defectors, supported by meticulous planning of NGO's in China, occupied foreign missions in China and demanded safe passage to South Korea. Twenty-five North Koreans entered the Spanish Embassy on March 14, 2002, and they were brought to South Korea via a

third country (the Philippines) to which China expelled them. As the security around foreign missions in Beijing was tightened, defectors tried to enter into the Japanese and American consulates general in Shenyang. Five defectors who tried to break into the Japanese Embassy in Beijing were blocked and arrested by the Chinese security agents. The scuffling scene was vividly broadcast on Western media, touching off a diplomatic row between Japan and China. Thus, the North Korean defector issue came to draw serious international concern. On June 9, 2002, three defectors including a pregnant woman entered the South Korean Embassy in Beijing, demanding safe passage to South Korea. On June 13, an incident occurred when one Chinese security agent struck a South Korean diplomat in the process of blocking and arresting the defectors who were trying to enter the embassy compound. There were other successful cases involving defection to the Albanian Embassy and a German school. On August 26, seven defectors entered the Chinese Foreign Ministry building, demanded recognition of their refugee status, but instead were arrested. So, when the foreign missions in China are used as the defectors' conduit for entry into South Korea,⁴¹⁹ China has significantly beefed up the security around foreign missions there. As a result, more defectors are attempting to enter into Korean Consulates, where they undergo a set of investigations, and eventually come to South Korea via a third country to which China has expelled them. As a result of these attempts, the Consulate Division of Korean Embassy in Beijing at one point had to temporarily close

⁴¹⁹ <<http://www.msnbc.com/news/859189.asp?0sp=v3a4>>.

down normal consular business.

In many cases, the Consular Section of South Korean Embassy in Beijing is practically serving as an entry point to South Korea. The South Korean government, in consideration of inter-Korean relations, maintains the position that the Consular Section or the Korean Embassy in Beijing does not encourage defections, even though it does extend due protection for those in need. According to an announcement of the South Korean government in December 2004, in order to stem the tide of illegal defections it has tightened screening procedures for defectors and the activities of professional defection brokers. South Korea has also reduced the amount of settler allowances upon arrival, while it encourages and assists them to learn to lead independent lives as soon as possible.

As planned defections increased and security around foreign missions tightened, NGO's have tried to help defections by boat over sea routes. On January 20, 2003, a group of 78 defectors and their helpers were arrested at Yentai Harbor on China's Shantung Peninsula. Chinese Foreign Ministry spokesperson Jiang Qiwei in a regular briefing on January 21 confirmed the arrest of these boat people by the Chinese security and warned that the Chinese government will tighten the surveillance of potential defectors and NGOs that help or plan for their defection. Doctors without Borders reported that China launched a 100-day campaign in December 2002 to flush out potential defectors, and some 3,200 of them were deported to North Korea, with an additional 1,300 individuals under detention in Jilin Province awaiting deportation.

As the number of defecting North Koreans increased rapidly,

the North Korean People Urgent Action Network or RENK, based in Osaka, Japan, launched a campaign entitled Help the Defecting North Korean Orphans. RENK estimates defecting orphans to number about 20,000. North Korean orphans in China result from (a) defecting alone upon dispersion of the family, or (b) parental deaths or deportations after a family defection to China, and they are left to engage in begging or theft for survival. If these children are forcibly deported to North Korea, it is known that they will generally be detained in the 9.27 detention centers for 7~15 days and then released. In exceptional cases, they could receive harsh punishment as an example to others.⁴²⁰

It appears that China is deeply worried about the possibility that the pressures of the international community on North Korea over the defector issue might also turn into criticism of China. Thus far, the Chinese government has tacitly allowed the defectors in China to enter South Korea by “expelling” them to a third country when the problem appeared to be becoming a diplomatic issue. Apparently, China has also been trying to avoid punishing the defectors in the process of deporting them to North Korea. China has maintained the position that it would handle the defector issue in accordance with “international law, domestic laws and humanitarian principles.” During the early stages, China perceived the defector problem in bilateral terms of border violation, and concluded a mutual deportation agreement with North Korea. There was no mention of human rights. Initially, China also treated

⁴²⁰ North Korea’s penal code of 2004 stipulates that crimes of children under the age of 14 would not be prosecuted or punished.

the issue of defectors' rights to survival during the food crisis not in terms of human rights but in terms of "temporarily dispersed persons for economic reasons." As the defector issue became internationalized and as the issue began to directly impact China's foreign policy and foreign relations, China began to apply international law and principles. In the process of deportation, China has also decided not to hand over its records of interrogation to the North Koreans. This helps protect deported defectors from incriminating themselves if they had previously attempted to go to South Korea. Through these cautious measures, China was able to minimize the defector issue within China, and reduce in advance the possibility of experiencing defections on a massive scale.

Chinese authorities are closely cooperating with North Korea for the deportation of defectors to prevent social disorder inside China stemming from theft, human trade, murder, and smuggling.⁴²¹ It can be assumed that the possibility of individual persecution on political grounds has been reduced since North Korea began relaxing punishment on forcible deportations. Nevertheless, they should not be deported just because they are illegal aliens, because upon return to North Korea they are likely to face starvation due to the food crisis in all of North Korea. Simply stated, it is true that North Korean defectors are fleeing North Korea primarily to avoid the food crisis there, and so they may not be eligible for true refugee status. However, they are certainly

⁴²¹ Under Articles 318 and 321 of its penal code, the Chinese government will punish individuals and organizations that provide assistance to defectors who attempt to illegally enter into or depart from China.

entitled to treatment as displaced persons, who are objects of concern and protection of the international community. At a minimum, therefore, the international community should closely cooperate with China to spare them from forcible deportations against their will. According to the International Organization for Migration (IOM), even undocumented migrants are entitled to the protection of such basic human rights such as the right to life, religion, expression, ideas, privacy, and movement, as well as protections from slavery, labor abuses, torture, and inhumane treatment. If defecting North Koreans are an unavoidable phenomenon, efforts should be increased to prevent the infringement of their fundamental human rights.

Appendix **1**

**List of Abductees and Detainees
in North Korea**

1. ROK Abductees and Detainees in North Korea

	Total	Fishermen	Crew of KAL	Navy personnel	Others
Kidnapees	3,790	3,692	51	22	25
Detainees	486	435	12	22	17

Note: These statistics do not include unconfirmed reports on people kidnapped from third countries. They include the dead.

2. ROK Fishermen Abducted and Detained in North Korea

May 28, 1955	Cho Jong Il, Hwang Deuk Shik, Jung Tae Hyun, Kim Jang Hyun, Kim Sun Kwi, Lee San Eum, Park Pyo Man, Yu Jang Hwa, Yun Seong Woo, Yu Oe Taek
Nov. 9, 1957	Kim Seong Ju, Ma Seung Sup
Apr. 28, 1958	Hong Bok Dong, Park Dong Keun
Apr. 29, 1958	Kim Yung Bok, Park Yung Keun
Apr. 30, 1958	Han Jin Yong, Kim Chang Hyun, Kim Myung Sun, Park Se-un
May 14, 1958	Jang Sun Jong
Nov. 7, 1958	Heo Jun, Lee Yong Taek, Park Dong Jun, Shin Kwang Pil, Song Sang In, Song Seong Rak
Dec. 6, 1958	Kim Beom Ju, Kim Ke Rak, Kim Myung Eun, Kim Won Ro, Kim Yeo Hun, Kim Yun Taek, Um Kwang Sup, Yun Seung Beom
Mar. 1, 1964	Choi Dong Gil, Choi Jun Su, Choi Mun Gil, Choi Seok Yong, Kwak Hyung Ju, Kwak Jong Hyo Kwon Oh Dong, Lee Jong Yun, Lim Kwi Bok, Park Tae Gil, Song Eun Seok
July 19, 1964	Han Sang Jun, Park Ki Jeong

July 29, 1964	Mun Seong Cheon
Oct. 16, 1964	Kim Kwang Ho, Yu Han Bok
May 8, 1965	Choi Dong Gi
May 31, 1965	Lee Jeong Ung
Oct. 29, 1965	Hyun Keun Hwa, Jung Yung Nam, Kim Bun Im, Mun Jeong Suk, Na Yong Yul
Nov. 15, 1965	Cheon Tae Ok, Jung Chang Kyu
Nov. 20, 1965	Choi Yung Jung, Han Dong Sun, Ju In Bok, Kim Jang Won, Kim Jeong Gu, Kim Kyung Su, Kim Seong Man, Lee Byung Gi, Lee Chang Yung, Seo Bong Rae
Nov. 26, 1965	Kim Tae Jun
Nov. 30, 1965	Kim Jong Ok, Seo Seok Min
Jan. 26, 1966	Hwang Chang Sup
June 24, 1966	Park Pal Man
Apr. 12, 1967	Choi Hyo Gil, Choi Jong Deung, Choi Myung Hwan, Jang Kil Yong, Jnag Yung Sik, Jung Hak Myung, Nam Bok Yi, Kim Dae Gon, Kim Hong Il, Kim Jang Hun, Kim Sang Su, Kim Yung Il, Lee Jeong Sik
May 23, 1967	Hong Seung Gyun, Yun Kyung Gu
May 28, 1967	Lee Seon Il
May 29, 1967	Choi Chang Eui, Kim Ok Jun
June 5, 1967	Choi Won Mo, Mun Kyung Sik
June 15, 1967	Kim Bong Su
July 22, 1967	Lee Ki Chul
Nov. 3, 1967	Hong Sun Kwon, Jang Jae Cheon, Kim Ja Jun, Kim Sang Jun, Kim Seong Jae, Lee Chang Sik, Lee Jin Yung, Lee Tae Su, Ma Ki Deok, Oh Won Sup, Park Kyu Chae, Park Neung Chul, Park Rak Seon
Dec. 20, 1967	Kim Nam Hyun, Kim Seong Ho, Ki Yang Deok, Lee Chun Sik, Lee Jeong Hae, Oh Myung Bok
Dec. 25, 1967	Han Hae Jin

Jan. 6, 1968	Kim Ju Cheol, Yang Sang Eul
Jan. 11, 1968	Park Bok Tack
Mar. 10, 1968	Seo Su Jung
Apr. 17, 1968	Jung Jang Baek, Kang Myung Bo, Kim Hak Rae, Kim Hong Rok, Lee Ok Jin, Lee Tae Yong, Lee Yung Suk
Apr. 27, 1968	Jung Yeon Tae, Kim Yong Bong, Lim Kyu Cheol, Yun Mu Chul
May 9, 1968	Kim Jeong Il, Oh Seong Jae
May 23, 1968	Han Ki Dol, Kim Hong Gyun, Lim Byung Hyuk
May 29, 1968	Jang Chang Su, Kim Jae Gu, Kim Myung Hak, Kim Su Keun, Lee Sang Won, Park Man Bok
June 1, 1968	Gong Mun Ik
June 6, 1968	Choi Dong Jin, Kim Il Oh, Kim Kil Oh, Kim Kyung Du, Ko Jong Hyun, Ko Ju Bong, Kim Yi Bae, Kim Yong Gil, Lee Il Nam, Lee Seon Ju, Oh Pan Cheol, Park Myung Ok, Seo Jong Sul June 8, 1968 Choi Dong Il, Cho Mun Ho, Chun In Man, Ju Jae Keun, Kim Byung Ho, Kim Yong Gi, Kim Yung Uk, Ko Jun Su, Lee Un Gil, Park Hyung Jung, Shin Seong Uk
June 12, 1968	Kim Do Kyung, Seo Yong Sik
June 16, 1968	Kim Kwang Un
June 17, 1968	Hong Sang Pyo, Kim Kwang Geun, Kim Yeong Gu, Son Cheol Sun, Son Eun Ju, Yu Byung Chun
June 21, 1968	Kim Chang Hyun, Shim Kwang Sik
June 23, 1968	Kim Jin Kyung, Lee Il Hwan, Lee Ki Jun, Oh Nam Mun
June 29, 1968	Cha Jong Seok, Kim Dae Man, Lee Sang Eun
July 2, 1968	Cho Kyu Yung, Ham Tae Cheon, Hwang Du Ho, Jang Myun, Ju Yung Sam, Kim Cheol Kyu, Kim Eung Kwon, Kim Myung Hi, Kim Nam Ho, Kim Yong Su, Ko Jong Hwan, Kwak Do Sang, Lee Chun Man, Lee Eun Kwon, Lee Jong Beom, Park Seong Mun, Seon Woo Seok, Yu Kang Yeol, Yun Du Chan, Yun Neung San
July 4, 1968	Lee Yung Cheol, Yun Kwi Nam

July 10, 1968	Choi Seung Bok, Choi Won Su, Cho Seok Won, Chun Seok Gu, Jang Jin Gu, Kang Bung Un, Kim Jin Yung, Kim Sang Yun, Lee Hae Jun, Park Heung Sik, Park Jong Up
July 12, 1968	Kim Chun Sik, Kim Nam Guk, Lee Yang Jin, Yeo In Eok
Aug. 6, 1968	Han Taek Seon, Hwang Myung Sam, Kim Jae Uk
Aug. 7, 1968	Jang Eul Seon, Jung Han Su, Kang Myung Hwa, Kim In Cheol, Kim Kwang Su, Um Ki Man
Oct. 30, 1968	Chun Man Su, Ham Ki Nam, Jin Ki Bong, Kim Jong Woo, Kim Yi Deuk, Lim Jae Dong
Nov. 7, 1968	Kim Dong Ju, Ko Sun Cheol, Lee Ki Seok, Lee Tae Un, Lee Yung Gi, Mun Won Pyo
Nov. 8, 1968	An Su Seon, Chun Do Min, Jung Yeon Bae, Kim Jong Sun
May 1, 1969	Han Jong Nam
May 5, 1969	Lee Kwang Won
May 10, 1969	Jung Heung Hae, Lee Dong Woo, Lim Pan Gil
June 10, 1969	Cheon Mun Seok, Choi Du Su, Jung Oh Seok, Lee Deok Pyo
Apr. 29, 1970	Choi Jong Yul, Hwang Seok Gyun, Jung Yung Cheol, Kang Byung Il, Kim Tae Rang, Lee Jae Geun, Park Hwi Man, Um Seung Yung
June 22, 1970	Kim Heung Dong, Kwon Hyuk Geun, Lee Sun Bong, Oh Kwan Su
June 30, 1970	Kim Il Yung
July 8, 1970	Byun Ho Shin, Choi Sang Il, Jang Chun Bin, Min Kyung Shin, Sa Myung Nam
Jan. 6, 1971	Hwang Yung Sik, Jung Moksari, Jung Se Yul, Jung Wan Sang, Kim Chang Deok, Kim In Cheon, Kim Sang Dae, Park Cheon Hyang, Park Dong Sun, Park Jeong Gu, Park Gil Yun, Song Ok Cheon
May 14, 1971	Kim Jae Su
Dec. 25, 1971	Hwang Yung Cheon, Kang Heung Gi, Kim Bong Sik
Jan. 10, 1972	Kim Jeong Ok

Dec. 25, 1971	Hwang Yung Cheon, Kang Heung Gi, Kim Bong Sik
Feb. 4, 1972	Bae Hyun Ho, Choi Bu Yung, Chun Seung Cheol, Dong Byung Sun, Gong Sun Gyung, Jung Dong Bae, Jung Tae Gap, Kim Cheol Ju, Kim Dal Yung, Kim Dong Sik, Kim Du Seon, Kim Hwi Nam, Kim Il Bong, Kim Im Kwon, Kim Kye Heung, Kim Seok Man, Kim So Ung, Lee Heung Sup, Lee Pyung Il, Lee Sang Rok, Park Bok Man, Park Dal Mo, Park Jang Hyun, Park Sang Guk, Shin Tae Yong, Wi Chun Hwan
May 4, 1972	Kang Yeo Jin
May 12, 1972	Kim Sun Sik
June 9, 1972	Bae Min Ho, Bang Seung Do, Choi Seong Hyun, Kim Jeong Gil, Lee Su Seok, Lee Won Jae, Lim Chang Gyu, Nam Jeong Yeol, Nam Mu Su
Aug. 14, 1972	Kim Yung Sik, Song Rae Gyu
Aug. 21, 1972	Kim Dae Bong, Lee Seok Ryong
Dec. 28, 1972	An Su Yung, Choi Yung Geun, Jung Do Pyung, Jung Geon Mok, Jung Hyung Rae, Kang So Dong, Kim Cheon Gu, Kim Eui Jun, Kim Il Man, Kim Jong Won, Kim Ok Ryul, Kim Tae Jun, Kim Yong Cheol, Lee Gong Hi, Lee Jae Myung, Park Du Hyun, Park Du Nam, Park Yang Su, Park Yong Gap, Park Yung Jong, Park Yung Seok, Seo Seok Gi, Seo Yung Gu, Yu Kyung Chun
July 27, 1973	Cho In Woo, Cho Sun Rae, Kim Sun Nam, Kim Yung Hi, Na Ki Yong, Seo Deuk Su
Feb. 15, 1974	An Byung Jin, Baek Heung Seon, Choi Bok Yeol, Choi Yung Cheol, Jang Yung Hwan, Jung Jong Yun, Jung Yu Seok, Kim Hyun Nam, Kim Jae Bong, Kim Jong Kwan, Kim Jung Sik, Kim Keun Sik, Kim Seng Rim, Kim Wol Geun, Kim Yong Geon, Kim Yong Gi, Kim Yong Gil, Ki No Seok, Ko Kwang Hi, Lee Cheon Seok, Lee Dae Hong, Lee Seong Yong, Lim Tae Hwan, Park Jong Ju, Park Kyung Won, Park Nam Ju, Song Min Gyung, Yu Yung Seok
Aug. 8, 1975	Kim Du Ik
May 10, 1977	Choi Jang Geun

Jan. 26, 1980	Kim Hwan Yong
Jan. 15, 1987	Choi Jong Seok, Chu Yung Su, Jin Yung Oh, Jung Il Nam, Kang Hi Keun, Kim Sang Sup, Kim Sun Keun, Kim Yung Hyun, Lim Kuk Jae, No Seong Ho, Park Kwang Hyun, Yang Yong Sik

3) Crewmen of ROK Navy vessel I-2 Kidnapped and Detained in North Korea

June 5, 1970	Choi Ung Ho, Cho Jin Ho, Cho Tae Bong, Chun Hae Yeol, Do Jong Mu, Ham Yung Ju, Jung Kwang Mo, Jung Su Il, Jung Won Seok, Kim Ki Gang, Kim Tae Jong, Kwon Deok Chan, Lee Deok Ju, Lee Jae Yung, Lim Seong Woo, Meng Kil Su, Mun Seok Yung, Park Jae Su, Seo Keum Seong, Shin Yung Hun
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4) Korean Airlines crew members Kidnapped and Detained in North Korea

Dec. 11, 1969	Choi Jung Ung, Choi Seok Man, Chong Kyong Sook, Cho Uk Hee, Hwang Won, Im Cheol Su, Jang Ki Yung, Je Heon Duk, Kim Bong Ju, Lee Dong Gi, Song Kyong Hee, Yu Byung Hwa
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5) Others Kidnapped and Detained in North Korea

Apr. 15, 1971	Yu Sung Keun, Chung Sun Seop, Yu Sung Hee, Yu Jin Hee
Aug. 1977	Lee Min Kyo, Choi Seung Min
Apr. 13, 1978	Koh Sang Mun
Aug. 1978	Kim Young Nam, Lee Myoung Woo, Hong Jin Pyo
Dec. 1985	Shin Suk Ja, Oh Hye Won, Oh Kyu Won
July 20, 1987	Lee Jae Hwan
July 9, 1995	Ahn Sung Un

6) List of persons suspected to have been kidnapped by the North (provided by “the Families of Kidnapped Persons Group”)

Name	Age at the time	Place of birth	Occupation at the time
Park Sung-man	50	Youngdo, Busan	Skipper of the boat Gil yong-ho
Lee Duck-hwan	56	"	First officer (")
Kim Kwang-sup	49	Jungku, Busan	Engineer (")
Lee Seng-ki	53	"	Fisherman (")
Lee Ko-tae	22	Youngdong, Busan	"
Yang Hyo-geun	48	Tongyoung, Kyungnam Prov	"
Kim Du-suck	36	Youngdo, Busan	"
Nam Jung-shik	33	"	"
Suh Al-yong	29	Saha, Busan	Cable-operator aboard the boat Gilyong-ho
Chung Bok-shik	40	"	Fisherman aboard Gilyong-ho
Suh Tae-bong			"
Kim Bun-nam			Fisherman aboard the boat Heeyoung-ho
Lee Min-woo			Skipper of the boat Daeyoung-ho
Kim Yang-hoon	53		Fisherman (")
Kim Young-doo	51		"
Cho Min-chul	54		"
Kim Dong-ho	50		"
*Kim Chang-bae			
*Tak Jae-yong			
*Chun Geuk-pyo			

* Based on the testimony of former kidnapped person Kim Young-do of the boat Daeyoung-ho.

Appendix **2**

**Chronology of Major Human Rights Events
in North Korea**

- Jan. 12 EU provides five million euro for relief of North Korean children.
- Jan. 13 South Korean Human Rights Commission allocates 150 million won for the first time for the improvement of human rights in North Korea.
- Jan. 13 China arrests one member of Japanese NGO and one North Korean defector.
- Jan. 13-17 A Japanese Foreign Ministry delegation negotiates with North Korea on repatriation of kidnapped Japanese.
- Jan. 14 South Korean Human Rights Commission announces it will survey the realities of North Korean defectors in Yanbian and other regions of China within the year. China announces it plans to establish a long-term comprehensive human rights policy.
- Feb. 23 Eight defectors enter a German school in Beijing.
- Feb. 25 US State Department releases Annual Human Rights Country Report
- Feb.29-Mar.2 The 5th International Conference on North Korean Human Rights/Refugees held in Warsaw Poland co-sponsored by Citizens' Coalition for North Korean Human Rights and Helsinki Foundation. U.S., South Korea, Japan, Britain and France also participated in the conference.
- Mar. 3 A South Korean Buddhist organization sends 15 drums of temple decorating paint to the North Korean Buddhist League.
- Mar. 7 A South Korean starvation relief organization provides "safe drinking water" to North Korea.
- Mar. 13 South and North Korean workers agree to hold "May 1 Unification Rally" in Pyongyang.
- Mar. 13-15 UNICEF Executive Director Carol Bellamy visits

North Korea.

- Mar. 14 US Senate Judiciary Committee passes a North Korean refugee relief bill designed to admit North Korean refugees to US.
- Mar. 15 South and North Korean Red Cross societies exchange lists containing whereabouts of 200 separated families (from each side) for the 9th Family Reunion.
- Mar.15-Apr.23 The 60th UN Human Rights Committee meeting held in Geneva.
- Mar. 18 South and North Korea exchange final lists for the 9th Family Reunion
- Mar.29-Apr.3 The 9th Family Reunion held in Mt. Keumgang. The first group of 147 meets on Mar. 29~31 and the second batch of 486 on Apr. 1~3.
- Apr. 15 The 60th UNHRC meeting passes a resolution on North Korean human rights (29 yea, 8 nay, 16 abstentions). Calls on North Korea to improve human rights and admit a special UN delegation to North Korea.
- Apr. 16 First shipment of fertilizer assistance left South Korea for North Korea.
- Apr. 22 Massive explosions occur at Yongchon Rail Station in North Korea.
- Apr. 24 North Korea's Central Broadcast reports on the causes and extent of damage of the explosion at Yongchon Rail Station. Asks for help to international community.
- Apr. 24 A UN international investigation team releases its first report on Yongchon accident.
- Apr. 27 The inter-Korean emergency relief conference held in Kaesong.

- A “Yongchon Fellow Koreans Assistance Center” officially launched.
- Apr. 29 North Korea revises its penal code for the 5th time, stipulating punishment on breaches of individual ownership and reinforcing the principle of “no criminality unless prescribed in the law (nullen crimen sine lege).”
- Apr.30-May.3 South and North Korean workers hold May 1 Unification Rally and Athletic Events in Pyongyang.
- May 3 Twenty-seven-member South Korean Medical Team attends the 6th Pyongyang Medical Science Symposium.
- May 4 South Korean Red Cross transports the third shipment of 70 tons of Yongchon disaster emergency relief materials.
- May 4-9 An informal Japanese-North Korean negotiation on kidnapped Japanese held in Beijing.
- May 10 South Korean Red Cross transports the second shipment of disaster recovery equipment and materials from Inchon to North Korea via China’s Dandong Harbor.
- May 12 South Korean Red Cross transports the 5th emergency disaster relief materials.
- May 24-25 The 4th inter-Korean Red Cross working-level contact in Mt. Keumgang.
- May 26-29 Center for North Korean Refugees (CNKR) surveys status of North Korean defectors in Vietnam.
- June 7 North Korean President Kim Young-nam meets with a delegation of Red Cross/Red Crescent and a German Congressional delegation.
- June 16 UN Economic and Social Council executive committee approves a North Korean human rights

- resolution.
- June 23 South Korean Red Cross transports 5000 tons of fertilizer to North Korea, completing shipment of a total of 200,000 tons that North Korea had requested.
- June 23-26 A 100-member “Good Neighbors” delegation visits North Korea. Confirms the process of distribution of aid materials.
- June 26-29 A Chinese border guard delegation visits North Korea. Signs a border cooperation agreement.
- July Prof. Vitit Muntarbhorn, a special rapporteur, reports to the UN General Assembly, stressing the need to extend “refugee status” to North Korean defectors. He also calls for their protection and raises the need to ban forced expulsions.
- July 9 A Chinese court finds a South Korean, who helped North Korean defectors, not guilty.
- July 11-16 10th inter-Korean Family Reunion held in Mt. Keumgang. First batch of 471 members met on July 11 ~13 and second batch of 149 on July 14 ~16.
- July 20 Overland transportation begins for 100,000 tons of rice out of 400,000 tons provided North Korea under a grain loan.
- July 21 UN House of Representatives passes the North Korean Human Rights Act of 2004.
- July 23 The South Korean Committee for North Korean Defectors holds 11th meeting.
- July 28 468 North Korean defectors staying in a Southeast Asian country enter South Korea on July 27 and July 28 (first batch of 227, second batch of 241).
- July 29 Spokesman for North Korea’s Committee for Peaceful Unification of Fatherland accuses South

- Korea for accepting a massive number of North Korean defectors.
- Aug. 2 North Korea calls off inter-Korean ministerial meeting, complaining of South Korea's admission of a large group of North Korean defectors and its refusal to allow some civilians who tried to travel to North Korea to pay homage to Kim Il-sung on the anniversary of his death.
- Aug. 3 North Korean foreign ministry denounces Vietnam for allowing North Korean defectors to leave for South Korea.
- Aug. 11-12 The North Korean-Japanese working-level meeting on kidnapped Japanese held at Japanese Embassy in Beijing.
- Aug. 17 Pro-North Korean Residents' Association in Japan demands the pro-South Korean association stop assisting North Korean defectors.
- Aug. 27-28 North Korea sends letters to UNHCR and ICRC, asking prevention of its defectors from going to South Korea.
- Aug. 31 North Korea recalls its ambassador to Vietnam in connection with the defector issue.
- Sept. 4 North Korea requests international organizations prevent North Korean defectors from going to South Korea.
- Sept. 15 US State Department in its annual report on the freedom of religion around the world reveals "North Korea's biological experimentation on bodies of Christians." It once again classifies North Korea as a state of "no religious freedom," along with Cuba, China, Myanmar, Iran and Sudan.
- Sept. 25-26 A North Korea-Japanese working-level meeting on kidnapped Japanese held in Beijing.

- Sept. 28 US Senate unanimously passes the North Korean Human Rights Act of 2004 with minor changes.
- Sept.28-Oct.9 A delegation of FAO/World Food Programme visits North Korea.
- Sept. 29 Forty four North Korean defectors enter Canadian Embassy in Beijing (the 45th defector was arrested by Chinese security).
- Oct. 4 US House of Representatives passes the Senate revised North Korean Human Rights Act of 2004.
- Oct. 15 Two North Korean defectors admitted into USA via Japan and Germany.
- Oct. 18 President Bush signs the North Korean Human Rights Act of 2004 into law.
- Oct. 22 Twenty-nine North Korean defectors (23 women, six men, two children aged seven and eight) enter Korean School in Beijing, demanding to be sent to South Korea.
- Oct. 25 Twenty North Korean defectors attempt to enter Korean Consulate General in Beijing.
- Oct. 26 China arrests 65 defectors and two South Koreans who were helping them. It announces strict punishment for assisting the defectors.
- Oct. 27 Chinese media carries a confirmed report that some 60 defectors were arrested.
- Oct. 28 A North Korean defector enters American Consulate General in Russia.
South Korea's Defector Assistant Group demands that China release two South Koreans detained by China.
- Nov. 2 North Korea's alternate ambassador to UN, Han Song-ryol, announces two conditions for North Korea's participation in the six-party talks. First,

- US should drop its hostile policy toward North Korea. Second, abolish the North Korean Human Rights Act.
- Nov. 9-12 The North Korean-Japanese working-level meeting held in Pyongyang.
- Nov. 12 The North Korean-Japanese working-level meeting extended until Nov. 15.
North Korea demands that the US abolish the North Korean Human Rights Act.
- Nov. 17 US Assistant Secretary of State for Population, Refugees and Relocation, Arthur Jean Dewey, announces a policy to designate North Korea as a priority No. 2 country from which collective exile would be permitted.
- Nov. 23 Media reported that US would admit 500 North Korean defectors under an exile quota in 2005. US Congress passes budget concerning North Korean human rights for the first time; stipulates in the budget bill the creation of a post of ambassadorial special envoy on North Korean human rights.
- Nov. 25-27 Inter-Korean Red Cross working-level meeting held at Mt. Keumkang for construction of Reunion Center for Separated Families.
- Dec. 1 Prof. Vitit Muntarbhorn, the UN special rapporteur on North Korean human rights, announces a 12-point demand that North Korea improve human rights.
- Dec. 2 Fifteen of those defectors who entered the Japanese school depart from China.
- Dec. 14 South Korean prosecutors' office and National Information Agency begin intensive investigations into the kidnapping of South Korean Reverend Kim Dong-shik and the involvement of North Korean special agents in the process.

Dec. 23 Chinese Foreign Ministry spokesman Ryu Jen-
chao announces that China will strictly prevent
North Korean defectors from entering foreign
missions in China.