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White Paper on Human Rights in North Korea

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Korea Institute for National Unification

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

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Forward

In December of 1994, the Center for North Korean Human Rights Studies was established by the Korea Institute for National Unification (KINU) to collect and manage information on the human rights situation in North Korea in a professional and systematic manner. Two years later, in 1996, KINU published the first White Paper on Human Rights in North Korea, and a new edition of the White Paper was published annually ever since. The White Paper is a book about inter-Korean humanitarian matters including the human rights situation in North Korea and the rights of North Korean defectors, South Korean Prisoners of War (POWs) in North Korea, and South Korean abductees. The format of the White Paper and the method in which we address the North Korean human rights situation was a result of two major factors. Firstly, in 1991 North Korea became a member of the United Nations and the State party to the following four international conventions on human rights: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC). Thus, the White Paper follows a format based on the definition of human rights as stipulated in the Universal Declaration of Human Rights (UDHR) and four major international instruments on human rights. Secondly, North Korea has enacted and revised their domestic laws to protect human rights, and the White Paper seeks to assess whether North Korean authorities have abided by their own domestic laws when evaluating the human rights situations.



The international community continues to call on North Korea for more transparency on its human rights situations since direct access to a country should precede any report on its human rights situation. However, the United Nations Special Rapporteur on the Situation of Human Rights, international human rights organizations, and international NGOs are still barred from entering the Democratic People's Republic of Korea by North Korean authorities, making it impossible to conduct an independent monitoring of North Korea's human right violations or gain direct access to inside information.

Although these limitations make research on North Korea more challenging, alternate methods of research has made it possible for KINU to assess the reality of North Korean human rights and produce the White Paper.

Firstly, in-depth personal interviews with North Korean defectors who have settled in South Korea have been KINU's primary source of information. For example, the 2012 edition of the White Paper on Human Rights in North Korea contains information from 230 in-depth interviews with North Korean defectors, gleaned from a pool of 1,983 pre-interviews.

The 230 interviewees who were chosen among the North Korean refugees who defected to the South in 2011 were chosen in consideration of their statistically meaningful characteristics and social background, including factors such as place of residence, route taken to South Korea, and those with experience of detention in camps. The interviews were around two hours long and based on a professional survey sheet focusing on human rights, which are the major contents of the White Paper. The demographic characteristics of the 230 interviewees are as follows.

<Demographic Statistics of the 2012 Survey Interviewees>

Category	Item	No. of Response	Percentage (%)
Sex	Male	56	24.35
	Female	174	75.65
Sub-total		230	100
Age	11-19 (born since 1993)	5	2.17
	20-29 (born from 1992 to 1983)	74	32.17
	30-39 (born from 1982 to 1973)	55	23.91
	40-49 (born from 1972 to 1963)	56	24.35
	50-59 (born from 1962 to 1953)	24	10.43
	60-69 (born before 1952)	16	6.96
Sub-total		230	100
Final Defection Year	Before 2000	12	5.22
	2001 ~ 2005	24	10.43
	2006 ~ 2010	95	41.30
	Since 2011	99	43.04
Sub-total		230	100
Frequency of Defection	1	130	56.52
	2	59	25.65
	3	27	11.74
	4	5	2.17
	5	3	1.30
	6	3	1.30
	10	1	0.43
	No response	2	0.87
Sub-total		230	100

Each interviewed defector was given an identification number to help manage the data systematically. When information from a particular interview is cited in the White Paper, the identification number of the interviewed person is mentioned. In addition to in-depth interviews, an additional survey was conducted when more



information was needed on a particular facet of the human rights' issue. In each of these surveys, the source is referred to as "North Korean defector 000, date-month-year, interview in Seoul." Memoirs by North Korean defectors were also used as additional sources of information.

Secondly, KINU utilized documents attained from North Korea, including proclamations from the In-min-bo-an-bu, the Ministry of People's Safety.

Third, for comparison and verification, KINU used reports about the North Korean human rights situation from home and abroad such as North Korea Today News Flash issued by Good Friends or reports by Daily NK.

Fourth, KINU referred to documents from the UN concerning North Korean human rights, including reports submitted to the UN by North Korean authorities, reports by the Special Rapporteur on the Situation of Human Rights in DPRK, UN resolutions on North Korean human rights, and Concluding Observations by the UN Human Rights Committee.

Fifth, KINU also used surveys and statistical data compiled by WHO, UNICEF, UNFPA, and Statistics Korea.

Finally, if necessary KINU referred to information garnered directly from North Korean sources such as the Korea Central News Agency, the Ro-dong Sinmun and other relevant North Korean literature to describe the reality of North Korea.

Despite the limited information on North Korea available today, the Center for North Korean Human Rights Studies of KINU has prepared the 2012 White Paper on Human Rights in North Korea. We expect the various methods of comparison, cross reference and verification to help the reader better understand the reality of North Korea. We hope the White Paper will enhance

interest in the North Korean human rights situation and be a reliable source of data to refer to for the various debates and activities of those around the world interested in improving the human rights situation in North Korea.

April 2012

The Center for North Korean Human Rights Studies,
Korea Institute for National Unification (KINU)



Executive Summary

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

The human rights situation in North Korea is a result of its political system. The Party and state of the totalitarian socialist nation systematically infringes on the basic rights of their people by tightly controlling political, social and cultural sectors in the name of national security. The people of North Korea do not have the freedom to travel or relocate, nor are they given the freedom of speech. Socialist countries used to defend the legitimacy of their political system in the name of social rights. Their system championed social rights and in theory protected the rights and social security of a worker, and this justified sacrificing individual rights such as civil liberty and political freedom.

Even amid a chronic economic recession, the Kim Jong-il regime made an excessive resource allocation policy in terms of military rearmament and the overall North Korean economy deteriorated rapidly. As a failed nation, North Korea was rendered unable to protect the people's rights to life.


The ideology of the North Korean regime is based on an idea they call "Juche." According to Juche, man is the master of everything, including his own destiny, and is a self-reliant being who resents being under someone else's control. The self-reliance mentioned in Juche is not an individual's creative self-reliance. Socio-political groups are more important than an individual's life, as implied in the statement that "man's self-reliance and creativity should be expressed only within the unity of the group." Juche

also insists that “the Suryeong is the center and mastermind of North Korea’s socio-political group.” Therefore an individual’s self-reliance is of secondary importance to the Suryeong’s collectivism. North Korea has long advertised that Juche has scientifically paved a path to human liberation. However, the anthropocentric world view taught in Juche is actually a collectivist idea and ruling ideology based on the ‘Suryeong’s revolutionary viewpoint’.

Meanwhile, a doctrine called the ‘10 Principles for Safeguarding the Unitary Ideology’ requires North Koreans citizens to demonstrate complete loyalty to the Suryong’s instructions. It justifies the hereditary power succession by stating that “over generations, we [North Korea] must inherit and complete the revolutionary accomplishments pioneered by the Great Suryeong Comrade Kim Il-sung.”

In the midst of the regime crisis, Chairman Kim Jong-il suffered a stroke and underwent surgery. Kim decided to use nuclear development as a means of sustaining his power despite his deteriorating health and regime. Kim Jong Il’s declining health continued to created uncertainty about North Korea’s future. As a result the North Korean government began preparing the nation for a hereditary power succession. North Korea maintained its hard-stance foreign policy and carried out its second nuclear test on May 25, 2009. The nuclear test incurred an international sanction under the UN Security Agency’s Resolution 1874.

On March 26, 2010, a North Korean submarine fired a torpedo that sunk the South Korean warship Cheonan. Inter-Korean relations stalled, and North Korea formalized its power succession. At the third Party Delegate’s Conference on September 28, 2010, Kim Jong-un, Kim Jong-il’s third son, was appointed Deputy Chairman of the Party’s Central Military Commission.



North Korea again escalated military tension with South Korea by firing artillery shells at Yeonpyeong Island in an attempt to strengthen the unity of Kim Jong-un's new regime. In 2011, the North Korean regime intensified disciplinary actions against powerful elites of the state and continued forceful control on its people to further stabilize Kim Jong-un's power. On December 27, Kim Jong-il suddenly passed away, and Kim Jong-un was left with a unstable political power base. After Kim Jong-il's death, North Korea tried to stabilize the political system by pushing Kim Jong-un to the forefront.

II. The Reality of Civil and Political Rights

1. The Right to Life


According to our research, cases of public execution in North Korea have significantly diminished in 2011. However, this observation may be inaccurate, as most defectors come from a particular region in North Korea. While it may be true that public executions have decreased in that particular region, the same pattern may not be true for the rest of the country.

The decrease of public executions in 2011 could be ascribed to the fact that North Korean authorities fear international criticism. Instead of public executions, they may be resorting to behind-the-scenes executions or a life-time term in correctional prison labor. Another possibility is that public execution may not have terrorized the North Korean citizens into maintaining the political system as much as the authorities had expected. Furthermore, due to widespread corruption in North Korea, there is an increasing

number of cases in which criminals evade public execution or lessen their sentences by bribery.

In terms of geographical origins, the witnesses of most public execution cases are from the North Hamgyeong Province. In addition, regions around a city or the border witness more public executions than rural areas. In terms of actual crimes, substantial portions of public executions are related to economic crimes, social misdemeanors, and narcotics. There has also been a slight change in the scope of crimes subject to public execution. Crimes such as conspiracy to overturn the state, murder, rape, smuggling, dealing narcotics in the black market, and human trafficking are still punishable by public execution. Additionally, murdering police officers or Bowibu (National Security Agency, NSA) agents, stealing electricity, and squandering state property are also subject to public execution. Witness accounts about public executions due to cannibalism and stealing livestock had been rare since the mid-2000s, but have recently reemerged. The reemergence of these practices may be an outcome of the recent food crisis caused by a further declining economy. This can be attributed to North Korea's efforts to create a Gang-seong-dae-guk ("Strong Prosperous Nation") and protect the succession of power by further tightening social controls, and unintentionally causing the currency reform to fail.

Disclosed documents regarding North Korea indicated that cases of public execution are handled according to law. Public execution is sentenced to those who commit crimes stipulated in the North Korean Criminal Act and Addendum to the Criminal Act of the Democratic People's Republic of Korea (General Crimes), and the execution is carried out in accordance to prescribed procedures. In an exemplary case, the Court of Pyongyang sentenced Lee Seong-cheol to death for willful destruction or damaging of state



property (Article 4 of the Addendum to North Korea's revised Criminal Act). Lee Seong-cheol's sentence was confirmed by the Court of Pyongyang, and in September 2010, his sentence was taken to the Supreme Court for approval. The Supreme Court then issued Lee to be executed in public. In another case, the Court of North Pyeongan Province sentenced Kim Chun-nam to death for the violation of Article 4 of the Addendum to the Criminal Act. In the same way, the sentence was confirmed by the Court of North Pyeongan Province and brought to the Supreme Court, which sentenced Kim Chun-nam to be publicly executed. Because the cases described in these documents are our first examples of how North Korea adheres to the Criminal Act in cases of public execution, these documents are of utmost importance. However, we cannot be assured that all public executions are carried out in the same way as the cases described above.

2. The Rights to Liberty and Personal Safety

It is reported that harsh treatment such as beatings and torture is still prevalent at various detention and correctional facilities, such as gathering facilities for suspects (Jip-gyeol-so), detention houses (Gu-ryu-jang), long-term corrective labor camps (Gyo-hwa-so), and corrective labor camps (No-dong-dal-lyeon-dae, Kkangpan). The harsh treatment is occasionally inflicted by Bowibu agents, but in most cases a group leader or fellow inmates beat other inmates at the behest of the Bowibu agents. This practice seems to be an attempt to evade outside criticism that could arise if the Bowibu agents are the ones inflicting harsh treatment. The nutrition and medical treatment at various concentration facilities are severe enough to raise concerns. Seriously ill inmates are given as little

benefits as possible—they are relieved of their duties at work. The inmates are not provided with medication or treatment. Various injuries and diseases are common due to forced labor and harsh treatment. Many inmates die from a combination of disease, injury and malnutrition. Many defectors testify to serious infringements on liberty, rights and personal safety in Cheong-jin Gathering Facility for the Suspects, Jeon-geo-ri Long-term Corrective Labor Camp and Onseong Detention House managed by Onseong Bowibu (NSA), among other detention facilities. Human right violations are also occurring in the labor training camps across the nation. Testimonies regarding Hamkyeong Province, Yanggang Province and Jagang Province relatively outweigh those related with Pyeongan Province and Hwanghae Province.

It has been reported that about 150,000 to 200,000 political prisoners and their family members are suffering in six political concentration camps across the nation. There are a growing number of people who are detained on espionage charges in political concentration camps for attempting to flee to South Korea or contact South Koreans. There is also an increase of cases where remaining family members of North Korean defectors and those involved in religious activities (such as attending church) are arrested.

The testimonies and memoirs of North Korean defectors reveal the reality of political concentration camps. Kim Hyeo-suk fled North Korea after serving 27 years in one of the Political Prison Camps and wrote her memoir, titled ‘Nun-mul-ro-grin su-yong-so (A Detention Camp Created in Tears).’ Her memoir provides a stark description of Pukchang Political Prison Camp called Gwal-li-so No. 18. and her time there, including her mother’s illness and resulting death. There were also defectors who testified about Heoryong Political Prison Camp, Gwal-li-so No. 22. According to



the testimonies, each inmate has to complete his or her duty alone. Any help from peer inmates, including parents or children, is prohibited. Husbands and wives are assigned to different work shifts so that they are unable to keep marital relations. A waterway is located in Heoryong Political Prison Camp. It is said to have been built to save bullets by drowning inmates scheduled to be executed.

3. The Right to Due Process of the Law

Some cases in North Korea are observed according to criminal trial procedures as stipulated in the Criminal Act, Criminal Procedure Act, Court Organization Act, and other laws. In these cases, investigation, pre-trials and formal trials are observed according to the Criminal Procedures Act. However, there are still many cases where due process is not followed. According to North Korea's criminal regulations, a judge and a civilian jury should be present at all trials. However in most cases the sentence is determined during pre-trial or investigation, without the input of judges or the civilian jury. Many trials are conducted based on documents only, and the right to receive a formal trial is violated during pre-trial or investigation.

North Korean authorities continue on-site trials in order to prevent crimes and terrorize people. In many cases, though not all, the on-site public trials result in public execution. A good portion of the on-site public trials are administered in Hyesan-si in Yanggang Province, Musan-gun and Heoryong-si in North Hamgyeong Province. Human trafficking, murder and prostitution tops the list of criminal acts subject to public trial, followed by economic crimes and crossing the river illegally to defect. According to testimonies


from defectors who have seen public trials, definite-period labor education is the most common sentence at public trials. The most common response after labor education is that they are unsure of what the sentence was. It is not easy to determine whether or not there was an increase in the number of public trials, but the practice undoubtedly persists.

Trials by comrades or peers called “Dong-gi-sim-pan” are known to be conducted mainly in a formal sense to keep the criminals whose punishments have already been decided alert. However, there have been some testimonies stating that final decisions are actually made during comrade or peer trials. It is reported that the comrade trials have recently been conducted mainly inside the military against those who were arrested for going AWOL or attempting illegal border crossings. Given this, we can assume that the military was also hit hard by the economic and food crisis affecting North Korea.

An appeal period is formally observed. However, in reality, appeals are rarely filed because appellants can often end up with additional penalties and other disadvantages. The situation is the same with ‘petitions’. The process exists, but real cases are hard to find.

North Korea’s Constitution and the Attorneys-at-Law Act guarantee the right to legal assistance. However, over half of North Koreans are not aware of the right to legal assistance. Moreover, it is widely perceived that the role of the attorney is to represent the Party’s policy lines and disclose the defendants’ criminal acts, rather than to provide legal assistance to the suspect or the accused. Even when defense attorneys are present, they defy their duty of legal assistance or reveal defendants’ crimes.

North Korea has tightened its control over the people



through the Public Safety and Control Act and the North Korea enacted the Administrative Act to impose administrative penalties on illegal acts that were not at the level of warranting criminal penalties. Criminal penalties, such as correctional prison labor or disciplinary prison labor are imposed on those found guilty of using cell phones, circulating CDs (video) and opening market places. In minor cases, however, fines are the most commonly imposed penalty. Meanwhile, North Korean authorities strengthened its grip on the people in the midst of the power succession. In particular, they mobilized special force called the ‘Storm Force’ (Pok-pung-gun-dan) to ensure tight control over the people

As corruption swiftly spreads across the nation, there is an increasing number of cases where people bribe their way out of penalties or get away with minor punishment by bribing authorities during crackdowns, criminal investigation, pre-trials, criminal trials, and even in the detention facilities. It takes a substantial bribe for women to receive favorable decisions in divorce trials.

4. The Right to Equality

Even though the North Korean Constitution stipulates the right to equality, discrimination based on personal background persists throughout the country. Except for some people within the central party, the Bowibu and Kim Jong-il’s private guard unit, the “Escort Bureau,” most civilians perceive that economic power is more important than the personal background. Since the mid-2000s, in particular, bribery seems to have been an important factor in attaining party membership or promotion to higher levels of officialdom. One testimony reveals that even those who were once detained in correctional centers can attain party membership


through bribery. It is also reported that a bribe is necessary to get an admission to the Kim Il-sung University, the most well-known university in North Korea. Some testimonies stated that bribery can help change one's class. This testimony seems to indicate that bribery is spreading throughout the nation amid and facilitated by North Korea's present economic hardship.

However, those who attempted to flee to South Korea or those who once served in the political prisoners' camps are not eligible for party membership. The remaining family members of defectors, those who have relatives in China and those whose parents are Chinese are discriminated against in joining the Party or the military, and in college admissions and marriages. However, some recent testimonies reveal that people stopped bothering to join the Party because there are few advantages in doing so. It seems that even the Party, the backbone of the political system of North Korea, is affected by the recent social tendency that sees economic power as the most important factor.

<Overall Evaluation>

In 2011, the infringement on the human rights in North Korea was the same as before. The ever-worsening economic hardship and food crisis coupled with tightened control and a crackdown on people in the wake of the power succession have served to aggravate the human rights situation in North Korea.

First, public execution is still used, but the number of cases seems to be diminishing. This decrease can be mainly ascribed to the criticism from the international society. Still, it remains to be seen whether the tendency will persist or North Korean authorities will expand the practice during the present period of power-transition triggered by the death of Kim Jong-il.



Second, harsh treatments such as forced labor, beatings and torture are still prevalent at various detention and correctional facilities including a gathering facility for the suspects (Jip-gyeol-so), a detention house (Gu-ryu-jang), a long-term corrective labor camp (Gyo-hwa-so), and a corrective labor camp (No-dong-dal-lyeon-dae, Kkanganpan). There were also continuous death reports resulting from the worsening malnutrition and poor medical service situation. The human rights violations within the political prisoner camps were as severe as before. The right to legal assistance and other rights to due process of law were also frequently denied.

Third, as to the rule of law, some documents asking for official approval regarding public executions were disclosed. This is an exemplary case that shows North Korean authorities have abided by the prerequisites of criminal law, and that consciousness of the rule of law is spreading, be it a piecemeal process.

Fourth, it is noteworthy that comrade trials are conducted within the military on those who have gone AWOL or attempted to illegally cross the border due to food shortage. It shows that even the military is not excluded from the food crisis. If the food crisis persists, it can lead to disorder, chaos and degrade of morale among military soldiers, the main agents of the military-first ideology.

Fifth, corruption is prevalent across the nation due to a social trend that emphasizes the importance of economic power. Bribery helps people join the party and receive promotions to official levels. Furthermore, some testimonies stated that people do not want to attain the party membership since it does not provide the same advantages as it used to do before. Bribery is deemed to be a result of the infiltration of the capitalist culture.


5. Civil Liberties

Freedom is a universal right that is not guaranteed by North Korea.

First, the freedom of movement and travel is not guaranteed. Although the North Korean Constitution stipulates the freedom of movement and travel, people are, in reality, not allowed to relocate or travel without prior permission. Those who want to travel or relocate must carry travel or relocation permits issued by the authorities concerned. Otherwise, fined and subject to confinement in the correctional facilities or labor camps. However, as the economic recession deepens, traveling or relocating illegally has become more common. Travel certificates can be easily obtained by bribing officers, and if you are caught traveling without a certificate, the Bowibu agents in charge will let you go once you bribe them. Many people attempt to travel without permits, and if caught by agents they try to bribe their way out of trouble. Since the economic crisis, it has become increasingly illegal to sell dwellings. However, growing numbers of people sell their houses in order to survive. Money and power enables people to buy and sell houses at their own will. Nevertheless the poor have become even more destitute and the number of homeless children called “Kkot-je-bi” is increasing.

A typical example of breaching an individual's freedom to move is deportation. Political prisoners, as well as economic and social criminals, are forcibly banished. Thieves, North Korean defectors (who crossed the river illegally in order to defect), and people who view CD-Rs are also subject to the forcible deportation. Even in these cases, bribery can get people out of trouble.

Second, the freedom of speech and publication is extremely



limited. The North Korean constitution stipulates the freedom of speech and publication. However, speech and publication by individuals are strictly prohibited. Only state-controlled newspapers and broadcasts are allowed. Ordinary people are not allowed to read or circulate unauthorized books or CD-Rs. Breaching this rule leads to detention in labor-training camps. North Korean authorities control all means of communication to stop the inflow of information from outside. All radio frequencies are fixed to the official broadcasting service channels and sealed. If the seal is found broken, the person involved is assumed to be guilty of listening to South Korean or other foreign broadcasting services and is treated as a political prisoner. Despite these tight control measures, the number of North Koreans who secretly watch foreign TV programs or video tapes has been increasing since mid-1990s. More and more North Koreans are listening to South Korean broadcasts, watching TV and CD-Rs, using MP3s, and listening to South Korean songs. North Korean authorities employ various measures to crackdown on these perceived infringements. The surveillance and control over cell phone use has become much tighter than before in the cities and counties along the border where incidents of phone communication with South Korea using China-made cell phones are more frequent. However, what draws more attention is the fact that if people are caught using mobile phones, they may get off with a bribe.

Third, the freedom of assembly and association does not exist in North Korea despite formal guarantees in the Constitution. In reality, however, only assemblies and associations required by the Korean Workers' Party are permitted. None of assemblies or demonstrations by ordinary people are permitted. Those who violate this rule shall be subject to the penalty of correctional labor.


Fourth, there is no individual privacy or protection of privacy in North Korea. North Korea also has articles about privacy protection in its constitution. In reality, however, illegal practices such as surveillance on letter correspondences and house searches are prevalent. Those who have relatives overseas are under tight surveillance.

The North Korean authorities operate a system of ‘life-assessment meeting’ for the dual-purpose of systematically controlling people’s daily lives and effectively implementing Party policies. However, this system has operated superficially since the economic crisis. People do not dare to criticize others, as everybody is busy maintaining their own livelihood. Therefore, reciprocal criticisms remain a mere formality. In-min-ban, a people’s neighborhood unit is also implemented to monitor people’s private lives. Leaders of the In-min-bans have close ties with the Bowibu, NSA, and In-min-bo-an-bu, Bureau of People’s Safety.

6. Freedom of Religion

The North Korean Constitution guarantees the freedom of religion. However, in reality religious activities are thoroughly suppressed under the perception that ‘religion is the opium of the people’. In particular, North Korea took advantage of the anti-Americanism after the Korean War and started its oppression of religion in full scale. Religious practitioners and their family members were identified through a background survey and branded as ‘anti-revolutionary elements’ and targets of suppression.

However, since the start of inter-Korean talks in the 1970s, North Korean authorities reorganized religious institutions for the purpose of external propaganda. First, the socialist Constitution was



amended in 1972 and the Article 54 stipulated that “Citizens shall have freedom of religion and freedom of anti-religious propaganda.” North Korea seemed to take a progressive attitude toward religion by stipulating the freedom of religion in its constitution. In reality, however, North Korea does not guarantee freedom of religion completely, as the freedom of anti-religious propaganda was clearly stated in its constitution. Meanwhile, North Korea merged many of the defunct religious organizations into three institutions: the ‘Chosun Christians League,’ the ‘Chosun Buddhist League,’ and the ‘Chosun Chondokyo Central Guidance Committee.’ North Korea utilized these organizations as a tool to form a united front with liberal South Korean religious leaders, and tried to launch anti-South Korean propaganda and promote its unification policy. In fact, religious institutions were mobilized in promoting North Korea’s political propaganda against South Korea.

As criticism from the international community against the oppression of religious freedom has mounted since 1980s and contact with foreign religious organizations increased, North Korea began to ease its control on religious activities and took some pro-religious actions such as the construction of religious buildings, approval of religious ceremonies, and operation of religious educational institutions. Changes in the religious policy materialized with a constitutional amendment. Article 68 of the Constitution amended in 1992 states “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.” The freedom of anti-religious propaganda which was stipulated in Article 54 of the 1972 Constitution was deleted.

There are a few religious facilities such as Bong-su Church,


Chil-gol Church, Jang-chung Cathedral, Jeong-beak Church, Bo-hyeon Buddhist Temple, Shin-gye Buddhist Temple and Yeong-tong Buddhist Temple. Some defectors testify that there are some underground churches. However, most North Koreans are not aware of the existence of religious organizations.

Meanwhile, superstition is spreading widely in North Korea. Although heavy penalties are imposed for the superstitious activities, it is, in fact, high ranking officials who prefer to visit superstition practitioners because of their uncertain future.

• Ten Principles for the Establishment of the One-Ideology System

One of the key reasons why freedom of religion is not protected in North Korea is the personality cult based on the Suryeong (supreme leader)'s unitary ruling system. In North Korea, the status of Kim Il-sung and Kim Jong-il is equivalent to that of God. From the perspective of the Suryeong's unitary ruling system, religion is regarded as a factor that facilitates the intrusion of foreign forces and social disorder. Since Kim il-sung and Kim Jong-il are like God in North Korea, religion poses a serious threat to the Suryeong's unitary ruling system. North Koreans worship Suryeong (Kim Il-sung and Kim Jong-il) in pursuit of the 'theory of socio-political organism' based on Juche Ideology. Thus, the socio-political system cannot tolerate the existence of other powerful entities as these pose challenges to the Suryeong's unitary ruling system.

The personality cult of Kim il-sung and Kim Jong-il has been enforced through Ten Principles for the Establishment of the One-Ideology System (referred to as 'Ten Principles' hereinafter). The 'Ten Principles' document states that citizens should swear unconditional loyalty to Kim Il-sung and uphold his instructions.



It is a universal phenomenon that the North Korean authorities utilize the Ten Principles as a means to brand political dissenters as perpetrators of political and ideological crimes and punish them, as the principles have room for arbitrary interpretation. In an effort to ensure the people's loyalty to Suryeong, North Korean authorities force them to internalize the 'Ten Principles' in their minds through lifestyle review meetings. During the meetings, all participants cite the Ten Principles without exception. Some defectors testify that the 'Ten Principles' are like the 'Ten Commandments' of Christianity. However, due to ever-worsening economic conditions, most people do not mind the 'Ten principles' as much as before, even though they do not dare to violate them.

7. The Right of Political Participation

North Korea has accepted the representative system as its ruling structure, and delegates to the Supreme People's Assembly, the legislative body of North Korea, and delegates to the Provincial People's Assembly, City People's Committee and County People's Committee are elected through election. The Election Law of North Korea states that the elections for the Supreme People's Assembly should be held every five years, and the elections for delegates to the Province People's Assembly, City People's Committee and County People's Committee every four years by universal, equal, direct and secret ballot. However, elections in North Korea are, in fact, used as a propaganda tool to justify its one-party dictatorship. It is well demonstrated by the way candidates are nominated, registered and elected and the deprivation of voting rights based on the guilt-by-association system.

The single-candidate system is maintained where only one

candidate runs for the election in each electoral district. Candidates are usually selected by the Workers' Party of Korea through a strict screening in advance. The elections are carried out under tight surveillance by the Bowibu, and the voting procedure simply consists of voters' receiving and casting ballots. People perceive the elections as a duty, not a right. They all participate in the elections, except for special cases, as the failure to vote brings them the 'reactionary' label.

Right after the election of delegates to the 12th Supreme People's Assembly, the North Korean authorities concerned advertised that 99.98% of the people who were listed on the election registry participated in the election and 100% of the voters cast "yes" ballots for the candidate of the electoral district. In the same vein, after the elections for the Province People's Assembly, City People's Committee and County People's Committee held on July 24, 2011, the North Korean authorities concerned stated that 99.97% of those listed on the election registry participated in the election and 100% of the voters cast "yes" ballots for the candidate of the electoral district.

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

1. The Right to Food

Even amid the grain shortage crisis, the central ration system has not been abolished. Instead, it has morphed to become a key factor that encourages discrimination against people's access to food.

First, the core class still enjoys guaranteed access to food through the central ration system. Second, major state agencies



and enterprises are exerting efforts to secure their own food. Therefore, the amount of food granted to workers in urban areas varies depending on where they work. Third, the food shortage crisis in rural areas was relatively less severe. However, it is reported that farmers' food situation has recently gotten worse. Fourth, as the ration system does not work as intended, the access to food for the elderly and children from excluded families are under immense threat. Fifth, food is preferentially distributed to the military, as it plays the role of main political apparatus, under the banner of the Military First ideology, in maintaining the political system of North Korea. However, even within the military, soldiers' access to food varies to a large extent. It depends on where they serve, as the amount of food ration differs region to region. In addition, discrimination against the regions as well as the classes and work places is also reported.


As the grain shortage crisis and discriminatory rationing policy continues, ordinary people have no choice but to rely on the market in obtaining part or all of the food they need. Consequently, it became a universal phenomenon in North Korea that people's access to food is governed by their purchasing power. Furthermore, polarization of the food access is getting more serious. In the midst of this, the currency reform implemented in late November 2009 seriously affected people's right to food. However, as people became accustomed to the economic changes after the currency reform, the worst situation surrounding the food access was eased. The polarization of food access was caused by the differences in purchase method and purchase power exposes two aspects. They are, first, the difference in the amount of grain or food and, second, difference in the quality of food and side dishes. Amid the polarization, those who lack purchasing power in the market places face serious

threats to their survival. After the currency reform, the death toll among the people who live on a day-to-day basis rose temporarily. However, as people started to adapt to the situation, the death toll started to decline again. The destitute poor who have no ability to purchase grains often resort to selling their blood to purchase food.

2. Social Security Rights

North Korean authorities advertise that social security system in North Korea is better than those of advanced nations. However, there lie unmistakable discrepancies between the system they advertise and the reality. The shortage of necessary resources is one of the main reasons the social security system is not working. Another main factor is that the authorities discriminate against people according to different regions and personal backgrounds. The negligible groups of people such as the old, the infirm and the sick who have no work capacity face considerable threats to their survival.

In particular, the economic hardship and the demise of food-ration system deal a serious blow to the economic rights of the elderly. First, even though they are entitled to receive pensions, they can not live on the pension since they have to purchase food from the market places due to the failure of the ration system. As they cannot survive on their pensions, most of them resort to family support, farming, or vending. Second, the number of cases where retirees eligible for annual pensions have never received them due to the increasing economic hardship. Furthermore, if one is to receive the senior pension, he or she has to keep working at the enterprises until the eligible age. Otherwise, he or she does not



qualify for the pension. Third, in the case of industrial accidents, the amount of compensation is almost the same as that of the senior pension. However, what draws our attention is that people often give money to doctors in order to receive compensation for industrial accidents which diminish or prevent one from working.


3. The Right to Health

Although North Korea maintains, in a formal sense, a free medical care policy, the system that sustains the free medical care has, by and large, collapsed. The demise of the free medical system results in an inequality in the right to health. The health care systems for ordinary people and ranking officials show relative differences in their collapse, and this is the factor that exacerbates the inequality of the right to health. The differences in the level of collapse in the health care system and the difference in the access to medical services are the major culprits behind the inequality of the medical benefits among different social classes.

The so-called district doctor system, which is the core part of the North Korea's health care system that promotes primary preventive measures and medical treatments, is not functioning well. The inequality in the right to health and polarization are intensifying. First, amid the dire shortage of the medicine and medical supplies, there emerges an inequality in access to medical supply among social classes. Despite the severe shortage of medical supplies in hospitals, the privileged class and ranking officials still enjoy the benefit of medical supplies. As the access to medicine and medical supplies are determined by personal connections and power, the inequality of the right to health is worsening. Second, patients, in general, must purchase necessary medications. Therefore,

acquisition of effective medicines depends on purchasing power, and this is also a factor that exacerbates the inequality of the right to health. In particular, a lot of bogus medicines are circulating in the market where ordinary people buy their medications, and this also became one of the negative factors encouraging inequality. Furthermore, because medicines are sold by ordinary people who are not adequately informed about them, the lives of ordinary people can be at risk. However, North Korean people do not feel that medicine must be purchased from professional practitioners. Third, drug abuse has become a serious problem. Especially, amid the economic hardship, drug taking for the purpose of curing illness is widespread and it is a harmful practice with bad health outcomes.

It seems that the free medical treatment stipulated in the People's Health Act is not implemented in reality. First, admission into hospital is free. However, patients must pay for all the necessary goods within the hospital. Second, an increasing number of patients provide medical doctors with cash or goods to receive proper medical treatment. Third, the inequality of medical service among the classes is very prevalent especially when receiving major medical treatments such as surgery. If one needs surgery in a big hospital, he or she should have personal connections like relatives in order to get the surgery appointment. There are number of reports of patients, who without any money, have been left to die. Fourth, inequality can be seen in the treatment appointments as it is decided by the bribery. A patients' ability to get an appointment depends on their ability to pay a bribe. As the economic hardship deepens, medical doctors also face hardship due to the defunct ration system. So, they look for various ways to survive. First, an increasing number of doctors ask patients to bring cash or other necessities during the treatment. Second, doctors often provide



illegal medical services inside their houses. Third, doctors smuggle medicines from hospitals, thus depriving low-class people of access to needed drugs.

4. The Right to Work

The Socialist Constitution of North Korea stipulates that ‘citizens shall have the right to labor. All citizens who are able to work shall choose occupations according to their wishes and talents, and shall be guaranteed secure jobs and working conditions. Citizens shall work according to their abilities and shall be paid in accordance with the quantity and quality of their work.’ However, the right to work in North Korea, in a strict sense, is not a right. It is rather a responsibility to respond to labor mobilization.

Even though labor in North Korea is a duty (according to the Article 2 of the Socialist Labor Law, ‘Work is the sacred duty of all citizens.’) rather than a right, most North Korean workers unemployed. Workers have no places to work, as mere 20-30% of factories are now in operation due to the economic recession. Most of the industrial workers resort to vending activities while on duty, as their factories are not in operation.

Testimonies are mixed about the pay system whether it is based on quantity of work. Most North Korean defectors testify that they were paid in accordance with their quantity of work evaluation, though there exist some minor differences in the evaluation methods. On the contrary, some testify that they were paid without regard to the quantity evaluation.

5. The Freedom to Choose One's Job

In North Korea, the choice of job does not depend on an individuals' decision. It is rather decided by Party's manpower demand and supply plan. In choosing where to work, individual preferences and abilities are secondary, because jobs of ordinary citizens are decided according to the central economic plan and citizens are assigned to work according to the demands of each industrial sector. When the Party assigns individuals' jobs, the main criteria are Party loyalty, class and family background, not individual aptitudes or ability.

The 'group assignment' practice is the main aspect of the job assignment in North Korea, and this exemplifies how the freedom of job choice is suppressed in the country. The 'group assignment' refers to assigning workers in group, at the Party's direction, to worksites such as coal mines, factories, or construction sites. However, people tend to avoid hard work these days. In this situation, in an effort to encourage the group assignment, North Korean authorities send Kim Jong-il's "hand-written letters" and hold 'swearing-loyalty meeting' before sending discharged soldiers and middle school graduates in groups to coal mines and construction sites. In 2011, it is reported that the practice of group assignments was still prevalent, in particular, in many of the coal mines.

More and more workers are, by offering bribes, assigned to trading agencies where they can make money with ease. If one is absent from his duty without prior report, he or she is to be sent to the labor education camp. However, one can bribe their way out of trouble.



IV. The Reality of Minority Human Rights

1. Women's Rights

In relation to gender equality and the participation of women in society, North Korean women still find themselves unable to enjoy the major human rights advocated by the major international covenants and conventions, nor the current North Korean laws and institutions relating to women adequately implemented. The social status and roles of North Korean women have not improved as North Korea has maintained, and social discrimination persists against women trying to survive in a patriarchal order. The status of women in the family also differs greatly from the gender equality claimed by the relevant laws and institutions. For instance, while the family law of North Korea stipulates that the husband and wife enjoy identical rights in family life (Article 18), the family in North Korea centers around the husband. However, North Korean women are known to have gained a stronger voice in the home since the food crisis tends to give them the opportunity for economic power through commerce and various other activities. This means a change in the status of the head of the family (husband). The husband's weaker authority and position, together with women's higher status, are evident trends in the 2011 survey. As the food shortage continues, and women have to increasingly sustain the livelihoods of families, it is said that sexist conceptions are gradually weakening among North Korean residents.

Human trafficking continues to be a problem in the border regions. However, it appears that the trend is for women to voluntarily cross the river rather than be kidnapped or lured. There are numerous reported cases of sexual violence against women confined in

detention facilities. The reason for such violence is predominantly for the perpetrator's sexual satisfaction, or transactional in nature for conveniences within the detention facility. The gravity of domestic violence is no less than before, with about half of respondents in 2011 responding that domestic violence is common. With the lives of North Koreans taking a turn for the worse since the currency reform of November 2009, prostitution for livelihood has increased. There are increasing reports of parents coercing daughters into prostitution for economic reasons. While organized prostitution is prevalent, the front line brokers for such transactions usually have protection in a collaborating security officer, making it rare for them to face criminal charges.

Women's health issues surrounding pregnancy, childbirth, and child care have also not improved. According to the report of the relevant international organizations, the maternal mortality rate (number of deceased mothers per 100,000 normal births) and infant mortality rate (number of deceased infants under one year of age per 1,000 infants) remain high. There are more than a few cases where female detainees suffer health consequences as a result of forced abortion. The North Korean government subjects pregnant women deported from China to forced abortion, and employ means such as striking the abdomen, severe forced labor, and surgery for that end.

On December 22, 2010, the Presidium of the Supreme People's Assembly adopted and promulgated the Guarantee of Women's Rights Act. There is a possibility that the move is a deliberate act to improve North Korea's international image after the consistent censure of its human rights record and calls for improvement from the international society. Therefore, the Act calls for constant attention and provides an opportunity for advocating improved implementation.



2. The Rights of the Child

The majority of North Korean children are suffering from chronic starvation and malnourishment. For the most part, facilities for the protection and education of children such as daycare, kindergartens, and schools are not operating within normal parameters. Recently, narcotics abuse has emerged as a new danger to the health of North Korean children. The use and trade of narcotics, which is spreading among North Koreans, is said to be common among secondary school students.

The number of children who subsist on begging and theft, colloquially called Kkot-je-bi, are known to have increased rapidly since the currency reform of November 2009. The authorities send Kkot-je-bi they have caught to accommodation facilities for the stated purpose of protecting and administering to these children. However, children not only have trouble adjusting to the controls and scheduled life of these facilities but they also have very little to eat and often escape the facilities to wander the streets again. As the food crisis worsens, prostitution of underage girls is known to be increasingly common, as are cases where children are detained in detention facilities for adults in which they often suffer from beatings and forced labor.


The most important education in North Korean schools is political ideology, with comparatively less emphasis on universal human values, knowledge, and character building. The Democratic People's Republic of Korea Common Education Act, enacted and proclaimed on January 19, 2011, provided in Article 40 that "common education institutions" shall "place a priority on the education of political ideology" while integrating education of other subjects. Furthermore, due to routine and mandatory enrollment

in such groups as the ‘North Korean Children’s League’ and ‘Kim Il-sung Socialist Youth League,’ the children of North Korea are hindered in the completion of their universal moral character through education; they are not accorded the right to choose the content of their education due to collective and uniform education activities and the enforcement of a curriculum that centers around ideology. North Korean children are also required to work at various sites in addition to yearly support of farms. Once they are in their fifth year of secondary school, they are obligated to train for the ‘Red Young Guard.’

On December 22, 2010, North Korea passed and promulgated the Children’s Rights Guarantee Act (hereinafter Children’s Rights Act). This Act does reflect a number of the obligations of parties to the Convention on the Rights of the Child. However, many provisions are merely exhortative and there are expected to be limitations in the implementation due to North Korea’s economic difficulties. Furthermore, North Korea still shows legislative reluctance toward politically sensitive civil rights and freedoms, making it necessary for the international community to continually urge change in North Korea’s attitude toward human rights.

3. Care for the Disabled

According to the testimony of North Korean defectors, there are two main ways in which the government manifests its discriminatory policy toward the disabled. One is the performance of forced sterilization of young people, and the other is the existence of isolation facilities. In a 2011 survey, 40% of respondents answered that people with disabilities were confined and 18% responded that they were forcibly sterilized, but there is a limit to the completeness



of the information because this survey does not show how and when such measures were witnessed or heard of. Another discriminatory measure against the disabled is the limitation of residence. It is said the North Korean authorities strongly restrict such people from residing in the special district of Pyeongyang and areas frequented by foreigners such as Nampo, Gaeseong, and Cheongjin. On the other hand, there are also testimonies that the people with disabilities have been freed from isolation and the detention facilities have been dissolved. Furthermore, recent visitors to Pyeongyang and some defectors have witnessed disabled individuals living freely in Pyeongyang and other areas. According to a 2011 survey, the witnessed disabilities included, in order, physical handicaps (61%), visual impairment (14%), speech impediments (13%), and mental/hearing/intellectual disabilities (4%). Physical handicaps as a term used by North Korean defectors refer to such disabilities as polio, dwarfism, kyphosis (hunchback), and loss of parts of the body.


The North Korean authorities are known to be seeking to protect the rights and interests of disabled individuals through the reform and operation of laws and institutions such as the Disabled Persons Protection Act and through cooperation with South Korea and the international community. However, according to defectors, the discrimination against disabled individuals in North Korea has not changed to a significant degree. About half of respondents in a 2011 survey replied that there was severe discrimination against disabled individuals. Polio sufferers, the blind (visually impaired), mutes (speech-impaired), humpbacks, paraplegics, dwarfs or little people, and amputees are rarely seen in North Korea, and the social perception of the disabled is said to be negative rather than positive.

According to North Korean defectors there are special schools and rehabilitation centers for the hearing and speech impaired and the visually impaired, and factories for the disabled have been established and operated including factories for honorably discharged soldiers and the general disabled population such as the visually or speech impaired. Humpbacks and polio sufferers engage in light labor at the local convenience service facilities (convenience and service centers) including making seals or repairing watches, bicycles, shoes, and televisions. Some visually impaired individuals earn money by playing the guitar.

V. Human Rights in Major Issue Areas

1. South Koreans Abducted and Detained in North Korea

The issue of South Korean abductees at the time of the Korean War was not adequately discussed in the period following the formal cessation of overt North-South rivalry partly due to the difficulty of distinguishing between defections and abductions that took place during the confusion of war. In fact, the ‘missing’ status of the abductees acted as limitations on the lives of entire families. Under these circumstances, the National Human Rights Commission in South Korea urged, in April 2004 and July 2008, studies and special legislation for the relief and compensation of abductees. ‘Committee for the Fact-finding of Korean War Abduction Damages and Restoration of the Victims’ Honor’ was formally launched in the December 2010, following the enactment and promulgation of the ‘Act on the Fact-Finding of Korean War Abduction Damages and Restoration of the Victims’ Honor’ in March of the same year.



The Committee was composed of sixteen members, with the Prime Minister serving as its president, five governmental commissioners including the Minister of Foreign Affairs and Trade, the Minister of Unification, and the Minister of National Defense, three representatives of the families of wartime abductees, and six civilian commissioners. It was charged with the mandate to receive reports of North Korean abduction from all levels of local administration for four years and to engage in uncovering the truth about abductees forcibly abducted by North Korea during the Korean War and reinstating their good names at a governmental level. The Committee, formally established in February 2011, operates through a subcommittee comprised of the Vice Minister of Unification, as its president, and the participation of director-level civil servants, experts, and abductee family groups. The subcommittee discusses preliminary abductee determinations, ways to encourage reporting, and other matters related to the Committee's work. The Committee has convened four general meetings as of December 2011, making determinations on 319 of the 1,034 cases of reported North Korean abduction and determining 272 of these as Korean War abductees.


A total of 3,835 individuals were abducted to North Korea after the armistice, and some of these individuals were known to be detained against their will due to their usefulness (level of education and physical health). 3,310 (86.5%) of the abductees returned between six months and one year after their abductions, and it is said that a total of 517 are still detained in North Korea today; except eight, who recently escaped and returned. On April 2, 2007, Act on Compensation and Assistance to Persons Kidnapped to North Korea after Conclusion of the Ministry Armistice Agreement passed in the National Assembly, enabling returning abductees to receive support for resettlement and compensation for human

rights abuses against the abductees and their family members. The Committee for Fact-Finding of Korean War Abduction Damages and Restoration of the Victims' Honor' was formed in November of the same year, and convened 40 review commissions as of December 2011, awarding support, including compensation and resettlement funds, for 425 cases.

In the meantime, since May of 2011 the survival verification and return movement for “the daughter of Tong-yeong,” Shin Suk-ja and her daughters, who are known to be detained in North Korea, is active all over South Korea. As evidence of the increasing attention of the international community, the UN Special Rapporteur for Human Rights in North Korea has spoken personally to Ms. Shin's husband, Oh Gil-nam in November 2011, and the Parliament of Canada recently voted in favor of a resolution regarding Ms. Shin and her daughters.

2. Korean War POWs

Korean Armed Forces prisoners refer to those members of the Korean Armed Forces who were taken prisoner and detained in North Korea, and have been unable to return to the South. The U.N. High Command, at the time of the Armistice following the Korean War, estimated 82,000 members of the Korean Armed Forces to be missing, but the number of prisoners of war (POWs) who were finally returned as a result of prisoner exchanges conducted between April 1953 and January 1954 was only 8,343. Accordingly, it is estimated that many more were detained in North Korea. According to the testimonies of returning POWs and defectors, there appear to be about 500 Korean Armed Forces prisoners surviving in North Korea as of the end of 2011. There



are continuous cases of returnees who were previously detained, starting with the late Lieutenant Cho Chang-ho in 1994, and there are eighty Korean Armed Forces prisoner returnees as of January 2012. Returning Korean Armed Forces prisoners are paid wages, pension, and housing support from the date they were taken prisoner to the date they return to Korea and are discharged, in accordance with the 'Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War' and its Enforcement Decree. If a Korean Armed Forces POW is deceased in North Korea where he is detained and his spouse and children enter Korea, they receive support for prisoners' families from the areas of detention in addition to resettlement support paid to North Korean defectors.

3. North Korean Defectors


Although it is estimated that a substantial number of defectors from North Korea have escaped since 1990 and reside illegally in third countries such as China or Russia, it is impossible to discover their status such as their exact numbers because they cannot openly ask for help due to their uncertain legal situation. Though defection from North Korea has taken place mainly around the Duman River area which is a geographically convenient route, there are various other forms of defection such as fleeing the workplace during legal foreign duty.

Recently the North Korean authorities have significantly strengthened border controls against defectors, a trend that has continued in 2011. It appears that the border patrol's crackdowns on defectors have drastically increased, as has the level of punishment, in order to stabilize the political situation surrounding the succession of Kim Jong-un. A special unit under the Ministry of the People's

Armed Forces, the “Storm Force,” has been installed at the border checkpoint at Hyesan in Yanggang Province. According to media reports, on October 25, a defector who crossed the Amnok River near Hyesan and stepped onto the road on the Chinese side was shot and killed by North Korean guards. It is also reported that on December 31, three North Korean men in their forties were killed by guards while crossing the Amnok at Hyesan. Furthermore, North Korean authorities appear to have strengthened punishments for residents found using cell phones in the border regions, and also strengthened their coast guard to prevent defection by sea. Having determined that defectors who act as conduits of information to the outside world are regarded as a ‘hostile strata,’ the authorities forcibly relocated over one thousand families of defectors to remote mountainous areas. It has been further reported that the persecution of defector families has become worse since the emergence of Kim Jong-un as the successor.

The children born to female defectors from North Korea and Chinese males suffer major human rights abuses. Often they are abandoned when the mother is forcefully repatriated. The majority of these children are, furthermore, unable to receive proper education or medical services because they are not registered as Chinese residents. Human rights violations against North Korean women including human trafficking, forced marriage, and sexual violence, still remain unresolved. The harsher punishment for defection since 2009 continues in 2011 along with greatly increased border controls, and there have been constant reports of defector families being accused of trafficking and being forcibly deported, especially around the border areas.

In 2011, 2,737 (tentative numbers) defectors entered Korea, making 23,100 the total number to date of North Korean defectors



in South Korea. The time it takes for North Korean defectors to enter Korea has grown shorter, with the proportion of those who came to the South within a year of defection increasing from 30% in 2009 to 52% in the first half of 2011. The ratio of entrants with families also greatly increased from 12% in 2009 to 49% in the first half of 2011, and the proportion of those who already have families in Korea has also increased consistently in recent years from 23% in 2009 to 47% in the first half of 2011. There have been cases of entry by sea in 2011 as well, six in total with four via the West Sea and two via the East Sea. There has been a number of cases of North Korean defectors who, having received South Korean citizenship and resettlement funds, have moved on to third countries such as the United States or Great Britain where they have applied for political asylum or refugee status. A number of these individuals are discovered to be ‘disguised asylum’ and repatriated to South Korea, in which case the South Korean government may suspend or cease protection and resettlement support in accordance with the 2009 amendment of the ‘Act on the Protection and Settlement Support of Residents Escaping from North Korea.’ Meanwhile, the ground-breaking ceremony for Second Ha-na-weon, an institution to facilitate the early resettlement of defectors, was held in July 2011. When completed at the end of 2012, the facility is expected to educate up to five thousand North Korean defectors a year, including customized programs for highly educated professionals.



I

Human Rights and the Characteristics of the North Korean System

1. Human Rights and the Characteristics of the North Korean Regime
2. North Korea's Concept of Human Rights
3. The International Human Rights Regime and North Korean Human Rights





1



Human Rights and the Characteristics of the North Korean Regime

A. Human Rights Abuses as a Result of Totalitarian Dictatorship

The human rights situation in North Korea is a result of its political system. After the liberation of Korea in 1945, North Korea established a socialist system based on the doctrines of Marxism-Leninism. The Korean Workers' Party (KWP) monopolized state power and nationalized all industrial facilities and land. The socialist regime implemented a “centrally planned economic system” and reorganized the North Korean society according to the principles of collectivism. In the 1950s, after the Korean War, North Korea transformed itself into a “garrison state,” “ruled by professionals who relied on violent means.”¹

North Korea today bears all the characteristics of a totalitarian socialist system. All sectors of its society—economic, social, and cultural—are managed with the view that national security is

¹ Harold Lasswell, “The Garrison State and Specialists on Violence,” *American Journal of Sociology*, Vol. 46 (January 1941).

the first priority.² Consequently, the fundamental human rights of North Korean citizens are structurally breached by the powers of the Party and state. In short, North Korean citizens are not guaranteed the freedoms of speech, expression, travel, residence, or relocation—even individual jobs are “assigned” by the Party.

As the ideological rift between the Soviet and Chinese deepened in the 1960s, the Kim Il-sung regime formulated an ideology called “Juche,” promoting it as a guiding ideology that would stand equal to Marxism-Leninism. “Juche” was embraced as the Party’s “sole guiding ideology,” and was used to justify the personality cult around Kim Il Sung and the succession of power to his descendents. In 1974, North Korea announced “10 Principles for the Safeguarding of the Party’s Unitary Ideological System,” stipulating that only Kim Il-sung’s teachings were to be respected as absolute instructions. As a result, a policy that idolized Kim Il-sung was implemented nationwide. This policy also justified the hereditary succession of power to Kim Il-sung’s son, Kim Jong-il.

Since the 1980s, the North Korean economy has shown almost no growth due to the fundamental contradictions inherent in a socialist economy. The grain ration for North Korean citizens was drastically reduced and the “two meals a day” campaign was launched to encourage citizens to eat less.

After Kim Il-sung passed away in July 1994, Kim Jong-il, as Chairman of the National Defense Commission, assumed power

2. By “totalitarian system,” we mean a system that bears following characteristics: ① A carefully designed ruling ideology, ② Rule by one “mass-based” political party led by one dictator, ③ A system of physical and psychological terror enforced by secret police, ④ A complete monopoly over mass media, including radio, newspapers, and movies, ⑤ An effective monopoly over the armed forces, ⑥ Centralized command/control over the economic system. See Carl J. Friedrich and Zbigniew K. Brzezinski, *Totalitarian Dictatorship and Autocracy*, 2nd ed. (Cambridge, Mass: Harvard University Press, 1965).

and implemented a new legislation called “military-first politics.” The “military-first” idea was meant to complement Juche by designating the military as the key force behind North Korea. According to the “military-first” theory, if the military takes the lead and plays an exemplary role in all sectors—political, economic, cultural, and ideological—the citizens’ creative capabilities and activities would also be greatly increased.³ Military-first politics attributed North Korea’s situation to the aggressive policies of imperialist powers, justifying the excessive diversion of national finances and resources towards empowering the military. Empowerment of the military included the development of missiles and nuclear weapons.

Since the collapse of the Soviet Union and the Eastern European bloc, the North Korean economy retained persistent and deep-rooted problems. Furthermore, the Kim Jong-il regime exacerbated the struggling economy by designating excessive resources to the military. North Korea became a “failed state” and was rendered unable to provide even the minimum standard of living for its citizens. In 2010, the academic journal *Foreign Policy* labeled Kim Jong-il, chairman of North Korea’s National Defense Commission, the “worst dictator in the world” and ranked North Korea 19th among the “world’s failed states.”⁴ In 2011, North Korea was ranked 22nd among failed counties.⁵

As the people’s confidence in the North Korean regime decreased, Chairman Kim Jong-il sought to reclaim authority through the development of nuclear weapons. However, he unexpectedly suffered a cerebral apoplexy and had to undergo an operation. The

³ Kim Bong-ho, *The Great Military-first Age* (Pyongyang: Pyongyang Publishers, 2004), p. 83.

⁴ *Foreign Policy* July/August 2010, pp. 76-90.

⁵ *Foreign Policy* July/August 2011, pp. 48-49.

deteriorating health of Chairman Kim Jong-il caused uncertainties about the regime's future, and North Korea began to contemplate hereditary succession. In the process, North Korea opted for a hard-line policy at home and abroad. In an attempt to exhibit its national stability, North Korea test-fired a long-range missile on April 5, 2009. On May 25th of that year, North Korea carried out a second nuclear test, which incurred international sanctions under Resolution No. 1874 of the UN Security Council.⁶ On March 26, 2010, as tensions rose between North Korea and the international community, a North Korean submarine launched a torpedo against the Cheonan, a South Korean warship, instantly sinking the vessel.

As for internal matters, North Korea promoted the People's Safety Agency to the Department of the People's Safety, increasing the organization's surveillance and control over the people. The department increased border patrols and began to severely crack down on defectors. Agents from intelligence agencies such as the National Security Agency were dispatched throughout China to round up North Korean defectors, and the defectors repatriated to North Korea incurred severe punishments. It was also reported that the remaining family members of defectors were banished to remote regions such as Yanggang Province.

On September 28, 2010, at the third Party Delegate's Conference, North Korea formalized its power succession by appointing Kim Jong-un, Kim Jong-il's 27-year-old third son, to deputy chairman of the Party's Central Military Commission. The

⁶ UN Security Council Resolution 1874 reinforced Resolution 1718 which was adopted right after the first nuclear weapon test of North Korea with further sanctions. The key sanctions include banning all weapons exports from the country and most imports, seizing and searching cargo ships, and economic and commercial sanctions. UN Security Council, Resolution 1874 (2009), Adopted by the Security Council at its 6141st meeting, June 12, 2009.

third Party Delegate's Conference was the first conference to be convened in 44 years. On November 23, 2010, North Korea fired artillery shells at Yeonpyeong Island, yet again escalating military tension between North and South Korea. In 2011, the North Korean regime sought to stabilize Kim Jong-un's power by taking disciplinary action against powerful elites in the Party and government and continuing its coercive control over the people. North Korean authorities increased security against defection attempts around the border and heightened efforts to prevent outside information from entering the country.⁷ On December 17th of that year, Kim Jong-il suddenly passed away, leaving Kim Jong-un with an unstable political power base. After Kim Jong-il's death, North Korea strived to stabilize its political system by pushing Kim Jong-un to the forefront. These developments cast doubts on North Korea's ability to facilitate the improvement of human rights and living standards during its power transition.

B. Human Rights Violations under Economic Hardship

Socialist countries have justified the legitimacy of their systems by stressing the priority of society over individuals. In other words, the rights and social security of workers are guaranteed, even though an individual citizen's civil and political rights may be breached. However, since the collapse of the Soviet Union and the Eastern European bloc, North Korea has been unable to provide even a minimal standard of living for its citizens due to its poor

⁷ Choi jin-wook et al., *Analysis on Situation in North Korea in the first half of 2011* (Seoul: Korea Institute of National Unification, 2011), pp. 36-37.

economy. Even though North Korean citizens have no guarantee of their right to life, the most urgent and fundamental of all human rights, the government is concentrating its efforts on nuclear and missile development and the Party and government agencies are reinforcing their control over all sectors of society in order to maintain regime stability.

In the early 1990s, the overall factory operation rate in North Korea stood below 30% due to a shortage of energy and foreign currency. At this point, North Korea's "planned economy" was paralyzed, and some areas completely suspended the Central Distribution System.⁸ On top of that, they suffered a series of natural disasters, including massive floods in 1995~1997. As a result, the already serious grain shortage further deteriorated. As the Central Distribution system was suspended, the hunger-stricken population began to move all over North Korea in search of food. The people stole grain and even tore up factories in search of parts to sell for food. During this time, several hundred thousand (or possibly as many as one million) North Koreans are estimated to have died from starvation,⁹ and an increasing number of North Koreans began to cross the border into China. North Korea openly appealed for humanitarian assistance from the international community, and thanks to the humanitarian assistance provided by South Korea and UN organizations, North Korea's food shortage was somewhat

⁸ North Korea's economy recorded negative growth of -3.7% in 1990 and -5.2% in 1991, according to Bank of Korea (Seoul) estimates. See the Bank of Korea, *Estimated North Korean GNP, 1994* (Seoul: Bank of Korea, June 19, 1995).

⁹ South Korea's Statistical Office estimated there were some 336,000 North Korean deaths during the famine between 1996 and 2000, along with a loss of about 99,000 potential new births. The number of deaths exceeding the normal death rate during the eleven years between 1995 and 2005 were estimated at about 482,000. See the Office of Statistics, *An Estimate of North Korean Population, 1993-2055* (Seoul: Press Release, Nov. 22, 2010), pp. 12-13.

alleviated.

Following the inter-Korean summit meeting in June of 2000, North Korea tried to rehabilitate the economy by improving their relationship with Western nations. North Korea introduced some components of a market economy to their nation, but the execution was tentative and incomplete. The “July 1 Economic Management Improvement Measures,” announced on July 1, 2002, abolished the previous “price support” policy and allowed all commodity prices to reflect market values. The policy helped the economy function more like a market economy, and productivity increased in the agricultural, light, commercial and service industries. The July 1 measures were introduced to stabilize the poor economy by allowing some characteristics of a market economy to exist within the framework of North Korea’s planned economy.¹⁰ However, these measures did not solve the fundamental problem of supply shortages. When the North Korean economy began to show some signs of recovery in 2005, the North Korean authorities resumed food rations in some areas to recover the citizen’s confidence in the regime, but it was soon discontinued due to a lack of supplies.

After the first nuclear test on Oct. 9, 2006, North Korea’s economy sank back into negative growth due to international sanctions against the nuclear test. In May 2009, North Korea conducted a second nuclear test, resulting in the complete cutoff of all economic cooperation with Western countries and a sharp reduction in the international community’s humanitarian assistance to North Korea. As external economic activities shrank, the North Korean authorities launched a currency reform on Nov. 30, 2009

¹⁰ Unification Education Institute, Ministry of Unification, *Understanding North Korea, 2010* (Seoul: Unification Education Institute, 2010) pp. 164-165.

to increase their financial revenue and to reinforce their control over the struggling marketplaces.¹¹ Contrary to their expectations, however, this caused a jump in prices and exchange rates, leading to mounting public discontent. In response, the authorities relaxed the market controls again.

Meanwhile, after the sinking of the navy vessel Cheonan, South Korea suspended all inter-Korean economic cooperation except for the industries in the Kaesong Industrial Complex. When North Korea launched another unprovoked attack on Yongpyong Island in November 2010, South Korea suspended all economic cooperation with North Korea, including all humanitarian assistance projects.

The GDP growth rate of North Korea was -0.9% in 2009 and -0.5% in 2010.¹² The deteriorating economy caused public dissatisfaction with the regime to escalate, North Korean government determined that their most important goal for 2011 was improving the living standards of the North Korean people. The North Korean authorities sought economic growth by emphasizing the development and expansion of the light, coal, and agricultural industries, and it is presumed by the international community that some accomplishments have been made in these sectors over the past year. However, there is still much room for improvement when it comes to the living standards of North Koreans. The nation still suffers shortages of grains and other daily necessities. The failed currency reform and consequent rise in prices negatively affected the living conditions of the lower class, who had little

¹¹ Lim Kang-taek et al, *An Overall Assessment of North Korean Economy, 2010 and Prospects for 2011* (Seoul: Korea Institute for National Unification, 2011).

¹² Bank of Korea, *Estimated Figure of North Korea's Economic Growth Rate in 2010*, p. 1, November 3, 2011.

access to food rations. According to a survey conducted by the World Food Programme (WFP) and the United Nations Food and Agriculture Organization (FAO), as many as 6.1 million North Koreans are labeled “most vulnerable” in terms of access to food.¹³ More than 25% of the 24 million North Koreans suffer from malnutrition caused by food shortages. The physical growth rates of North Koreans are well below the norm, and they often fall prey to diseases such as tuberculosis. Furthermore, most North Koreans do not have access to medical treatment due to the ineffectiveness of the health care system.

¹³ World Food Programme (WFP)-Food And Agriculture Organization (FAO)-UNICEF, *Rapid Food Security Assessment Mission to the Democratic People’s Republic of Korea (Special Report, March 24, 2011)*.



2



North Korea's Concept of Human Rights

A. The Principle of Collectivism and the Sovereignty-Centric Perception of Human Rights

The North Korean regime is founded on Marxism-Leninism and approaches human rights from a collectivist and class-based point of view. Article 12 of the North Korean Constitution stipulates, “The state shall abide by the confines of social class, strengthen the dictatorship of the people’s democracy, and firmly defend the people’s power and socialist system against all subversive acts by hostile elements at home and abroad.”¹⁴ Article 63 also stipulates, “In the Democratic People’s Republic of Korea (DPRK) the rights and responsibilities of citizens are based on the collectivist principle of <One for all and all for one>.” The Charter of the KWP stipulates, “The KWP will be the main Party responsible for the destiny of the masses by thoroughly maintaining the confines of social class and the mass line, by solidifying the revolution, and by serving the

¹⁴ “Socialist Constitution of the Democratic People’s Republic of Korea,” Revised by the 2nd Session of the 12th Supreme People’s Assembly on April 9, 2010,

people and protecting their interests.”¹⁵ Since the issues of dictatorship and social class are openly declared in the Constitution, the right to liberty, in the sense of an individual’s freedom of expression, assembly and association, is denied from the very beginning.

The North Korean regime prioritizes social rights by guaranteeing a job for their workers and the right to life by providing basic conditions for survival. North Korea insists that the most basic and essential human right is the right to life. The Socialist Constitution, which emphasizes the principle of collectivism, stipulates, “The State shall effectively guarantee the material and cultural well-being of all its citizens.” However, North Korea has been unable to solve its grain shortage problem, and people have been dying from starvation. According to North Korea, the right to life is not the individual’s right to life but the right to life as a collective part of North Korea in the international community. North Korea emphasizes the importance of the right to life but understands it only in the context of the nation’s sovereignty.

Even after the collapse of the Soviet Union and the Eastern European bloc, North Korea used Lenin’s theory of imperialism to view international relations. In short, North Korea believes that, “Aggression and war are the fundamental nature of imperialism and its method of survival.”¹⁶ North Korea criticizes the human rights diplomacy of the United States and other Western nations as nothing but a policy of imperialistic intervention, arguing, “Human rights are inconceivable apart from the sovereignty of the nation and people.” It further argues, “Human rights can never be guaranteed

¹⁵ Korean Workers’ Party (KWP) By law revised at the third Conference of the Korean Workers’ Party in September 28, 2010.

¹⁶ Lee kyung-soo, “Aggression and War, An Imperialist Method of Survival,” *Rodong Shinmun*, Oct. 7, 2010.

to people under the yoke of foreign rule.”¹⁷ North Korea insists that “Human rights are directly related to national sovereignty, and national sovereignty is the life of the people.” It seems that North Korea regards human rights in the context of the modern principle of sovereign equality. Article 17 of the Socialist Constitution states that “[The State shall] establish diplomatic relations with all countries on the principles of complete equality and independence.” However, North Korea’s perception of human rights does not agree with the socialist principle of equality. It is simply a work of feudalistic logic, in which people are subservient to the absolute power of one ruler, whose rule is justified in terms of “socialism in our own style.”

B. The Concept of Human Rights under *Juche* Ideology and “Socialism in Our Own Style”

The ideological doctrine of the North Korean regime is based on the ideology of *Juche* (Self-reliance).¹⁸ The *Juche* ideology emphasizes a human-centered world view and defines man as not only a physical being, but also social being with “self-reliance, creativity and consciousness.” The class theory of *Juche* and Marxism is very similar. However, *Juche* insists that the materialist interpretations of man are limited. In other words, though dialectical materialism can reveal the general nature of the material world, it cannot provide a definite explanation of man’s status and role in the

¹⁷ Kim Jong-il, “Socialism is Science” (Nov. 2, 1994), *Selections from Kim Jong-il*, Vol. 13 (Pyongyang: KWP Publishers, 1998), p. 453.

¹⁸ The first article discuss *Juche* ideology in a systematic manner was “On *Juche* Ideology” published on March 31, 1982. This was followed by the *Series of the Great Juche Ideology*, which provided a concrete explanation of *Juche* Ideology, revolutionary theory and governing methods.

universe. *Juche* argues, therefore, that its ideology has a complete scientific understanding of man, as it has overcome the limits of dialectical materialism, which failed to prove that “man, the most progressed material being, is the master of the world and plays a definitive role in the development of the world.”¹⁹

Juche emphasizes that all people are masters of their own destiny and world, and that they are self-reliant beings who do not wish to be bound by anyone else. But the “self-reliance” emphasized by the *juche* ideology does not imply individual creativity and independence, because according to *juche*, an “individual’s creativity and self-reliance should be realized within the bounds of the collective, unified society.” That is to say, the life of the socio-political collective is more important than the life of the individual.²⁰ In addition, it insists that “The *suryong* (leader) is the mastermind and center of the socio-political collective.” In this manner, *juche* establishes that individual independence is subordinate to the collective headed by the *suryong*.²¹ The *juche* ideology is thought to be the scientific road to human liberation, but the “man-centered world outlook” in *juche* is actually a collectivist world-view and a ruling theory centered on “the revolutionary viewpoint of the *suryong*.” Under this view, the *suryong* alone is defined as the subject, or master, of historical development, making absolute adherence to the *suryong*’s instructions, or ‘teachings’ mandatory.

The “10 Principles for Safeguarding the Unitary Ideology System” explicitly states the following: (1) We must do our best to unify the entire society with the ideology of the Great Leader

¹⁹ Kim Jong-il, “On a few issues raised during *Juche* Ideological Education.” *Collected Writings of Dear Leader Comrade Kim Jong-il* (Pyongyang: KWP Publishers, 1992), pp. 148-149.

²⁰ Kim Jong-il, *Ibid.*, p. 162.

²¹ Kim Jong-il, *Op. cit.*, p. 160.

Comrade Kim Il-sung. (2) We must honor the Great Leader Comrade Kim Il-sung with all our loyalty. (3) The authority of the Great Leader Comrade Kim Il-sung is absolute. (4) We must make the Great Leader Comrade Kim Il-sung's revolutionary ideology our faith and make his instructions our creed. (5) We must unconditionally obey the instructions of the Great Leader Kim Il-sung.²² The text also justifies the hereditary power succession by stating that, (10) The great revolution pioneered by the Great Leader Kim Il-sung must be passed down and perfected via hereditary succession until the end of time.”

From the late 1980s, North Korea began to advertise “socialism in our own way,” which was supposed to reflect *juche* ideology, and popularized the slogan, “Let's live according to our own way.”²³ In its Preamble, North Korea's Socialist Constitution enunciates, “Comrade Kim Il-sung, whose motto was ‘believing in the people as in heaven,’ was always with the people, completely devoted to the people, took care of and led the people with his politics of benevolence, and thus turned the whole society into one great, single-hearted and united family.” North Korea argues that since the Kim Il-sung/Kim Jong-il regime “turned the whole society into one great, single-hearted and united family” through “the noble politics of benevolence” based on care and trust, the human rights problem itself does not exist in their society. North Korea's concept of human rights, which draws heavily on feudalistic Confucian logic, cannot stand alongside the concept of universal human rights encoded in the Universal Declaration of Human Rights, which declares, “All human beings are born free and equal in dignity and rights.”

²² The Central Committee of KWP, “Ten Principles for the Establishment of the Unitary Ideology System,” 1974.

²³ Korea Institute for National Unification, *North Korea in Brief*, 2009 (Seoul: Korea Institute for National Unification, 2009), p. 34.



3



The International Human Rights Regime and North Korean Human Rights

Since the mid-1990s, a large number of hunger-stricken North Koreans have fled to China in search of food. The personal testimonies of these North Koreans helped expose the human rights situation inside the tightly closed North Korean society to the international community. Since the year 2000, sections of the international community organized around the UN human rights regime began to demand that North Korea improve its human rights situation. The UN Commission on Human Rights (UNCHR) repeatedly adopted resolutions on North Korean human rights over the three year period from 2003~2005. At the 60th Human Rights Commission meeting in April 2004 the UNCHR appointed a special rapporteur on North Korean human rights who was assigned to file an annual report on North Korea's implementation of the human rights covenants.²⁴ Meanwhile, every year from 2005 onward the UN General Assembly has adopted a resolution on North Korean human rights, and the UN Human Rights Council

²⁴ Vítit Muntarbhorn was appointed as the first special rapporteur and served until June 2010, when he was succeeded by Marzuki Darusman of Indonesia.

(UNHRC), which replaced the UNCHR in March 2006, has adopted resolutions calling on North Korea to improve the human rights situation every year since 2008.

In April 2008 the UNHRC launched its Universal Periodic Review (UPR) process, designed to promote human rights accountability and equal treatment towards each of the UN's 192 member states. Under the UPR, each UN member state is subject to a human rights review every four years. The UNHRC reviewed North Korea's human rights record at a UPR session in December 7, 2009, and the Working Group prepared a report summarizing the proceedings and recommendations.²⁵ However, at the 13th meeting of the UNHRC held in Geneva on March 18, 2010, the DPRK delegation rejected 50 of the recommendations in the Working Group's report and left 117 pending, including issues such as the prohibition of public executions, the abolition of concentration camps, and permission for the UN special rapporteur to visit North Korea. On March 24, 2011, the UNHCR adopted yet another resolution on North Korean human rights. The UNHCR expressed deep concern over the comprehensive and systematic human rights violations in North Korea, and extended the mission of Marzuki Darusman, UN Special Rapporteur for Human Rights in the DPRK, for another year.

Every year for the past seven years, the United Nations General Assembly has adopted resolutions on North Korean human rights. On November 21, 2011, the UN's Third Committee

²⁵ The UPR reports are analyzed at a "working group" consisting of 47 executive member states within the UNHRC, but other member states are also allowed to participate as "observers" and discuss issues during the review sessions. See National Human Rights Commission, ed., *Collection of Materials on Universal Periodic Review – DPRK and Reactions of South Korea, NGOs, and INGOs* (Seoul: NHRC, March 2010), pp. 129-157.

adopted a resolution that exposed the reality of and expressed deep concern over North Korean human rights violations. The resolution was made in the same comprehensive manner as the previous year's resolution.²⁶

The resolution reminds us that North Korea is a United Nations member country and a state party to the following four international conventions on human rights: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child. In addition, it lamented North Korea's failure to follow the Universal Periodic Review's March 2010 recommendations and refusal to allow the Special Rapporteur to visit North Korea. It also stated that inter-Korean dialogue would contribute to improving North Korea's human rights situation and humanitarian condition. In addition, the committee expressed hope that separated families may have more frequent reunions. Meanwhile, the resolution applauded North Korea's efforts to collaborate with international organizations and improve the human rights situation in the areas of health, education and development. However, the resolution also expressed deep concern over a number of important issues, including torture and inhumane detentions, the lack of an independent judiciary, the implementation of capital punishment for religious reasons, the operation of political concentration camps, the harsh punishment of deported defectors, the repression of freedom of speech, relocation, beliefs, and religion, human trafficking, prostitution, forced abortions, persecution of the

²⁶ UN General Assembly Sixty-sixth session Third Committee, "Situation of Human Rights in the Democratic People's Republic of Korea," UN Doc. A/C.3/66/L.54 (October 28, 2011).

disabled, and lack of labor rights. The resolution stated that serious and systematic human rights abuses are widely and persistently committed in North Korea. The UN resolution also condemned North Korea for not permitting visits by the UN special rapporteur on North Korean human rights, for not carrying out various recommendations made at the UPR session, and for showing an unclear stance on the abductions of foreign citizens. The UN recommendation expressed deep concern over the deteriorating humanitarian situation brought on by the North Korean authorities who failed to properly distribute grain to the victims of natural disasters and prohibited the personal cultivation or transaction of grain. Finally, it firmly called on the North Korean authorities to take measures to improve the human rights situation and respect all human rights and fundamental freedoms.

The UN promotes human rights throughout the world in cooperation with the UN member states and international NGOs. The UN, EU, US and various international human rights groups have developed a network for the improvement of human rights worldwide and have made efforts to improve the human rights situation in North Korea. In June 2001 the EU was able to formally tackle the issue of human rights with North Korea. Since 2003, the EU has taken the lead in adopting human rights resolutions against the DPRK. When the UN General Assembly adopted a North Korean human rights resolution in November 2005, North Korea cut off dialogue with the EU. However, from early 2007, North Korea began to reestablish its diplomatic contact with the EU in order to solicit economic assistance.²⁷ However, after North Korea

²⁷ The third EU-North Korea Economic Workshop was held in October 2007, and the 9th and 10th “political dialogues” were held in succession in June of 2008 and March of 2009 in Pyongyang. See the Delegation of the European Union to the

conducted its second nuclear test in May of 2009 the relationship between the two deteriorated again. The EU stands firm on the issues of human rights and nuclear development but remains committed to engaging North Korea through humanitarian assistance in an attempt to open the closed society. From the 6th to the 15th of June, 2011, the EU sent a team of humanitarian aid experts to North Korea to assess the food situation in the country. The food assessment team evaluated the overall food situation after inspecting hospitals, kindergartens, markets and collective farms. On July 4, the European Commission announced that it would provide food aid worth 10 million Euros to the 650,000 people living in the northeast region of North Korea.²⁸

Since the enactment of the North Korean Human Rights Act in 2004, the United States has led various efforts to improve the human rights situation in North Korea. It has provided grants to private, nonprofit organizations to support programs that promote human rights in North Korea. In September 2008, the US Congress extended the North Korean Human Rights Act for four more years.²⁹ After the inauguration of President Barack Obama in January 2009, the US promised to help the world's weakest states reduce poverty. However, from the onset the Obama administration had to deal with provocative actions from North Korea such as the test-firing of long-range missiles and a second nuclear test, which hampered President Obama's efforts to initiate a new human rights policy toward North Korea. The 2010 Human Rights Report released by

Republic of Korea, "EU-DPRK," <www.delkor.ec.europa.eu/home/kr_relations/dprkrelations/dprkrelations.html>.

²⁸ European Commission – Press Release, "The European Commission will give emergency food aid to North Korea" (Brussels, July 4, 2011).

²⁹ US House of Representatives, H.R. 5834, North Korean Human Rights Re-Authorization Act of 2008 (Sept. 25, 2008).

the U.S. Department of State assessed that the overall human rights situation in North Korea remains grim, as executions without the due process of law, disappearances, arbitrary detention and brutal torture were still prevalent.³⁰ Meanwhile, Robert King, the U.S. Special Envoy for North Korean Human Rights Issues, visited North Korea from May 24th to the 28th. He assessed food shortages and raised human rights issues during his meeting with North Korean authorities. After the trip, he said that the U.S. is working on a plan to extend food aid to North Korea.

International organizations and NGOs continue to monitor the human rights situation in North Korea and pressure North Korea to improve the situation. In its 2010 Annual Report, Amnesty International (AI) reported a significant decrease of international humanitarian aid to North Korea and over nine million people suffering from a severe grain shortage. The 2011 Human Rights Report released by Amnesty International criticized North Korea for the widespread human rights abuses that occurred during their power transition, including restrictions on the freedom of association, arbitrary detentions and torture. Human Rights Watch also noted that more people were dying of starvation across North Korea since the currency reform of November 2009. The 2011 Human Rights Report expressed deep concerns over the persistence of human rights violations such as torture, public executions, political prison camps, and punishment of defectors, violations which continue despite the fact that North Korea's Socialist Constitution stipulates protection of human rights. Along with AI and Human Rights Watch, US-based National Endowment for Democracy, Freedom House, and other international human rights organizations have

³⁰ U.S. Department of State, 2010 Human Rights Report: Democratic People's Republic of Korea (April 8, 2011).


become involved. In addition to these well-known international organizations, human rights NGOs in the US and South Korea have taken the lead in shaping the international opinion on the North Korean human rights situation. Among the many active civilian groups, the North Korea Freedom Coalition is of particular importance. It has been hosting a “North Korean Freedom Week” in Washington, DC every year since 2004, demanding democracy and an improvement in the human rights situation in North Korea. In 2010, the seventh “North Korea Freedom Week” was held in Seoul and co-sponsored by several South Korean NGOs. The American and South Korean human rights NGOs observed “North Korea Freedom Week” from April 25~May 1, 2010 in Seoul, hosting a number of exhibitions, lectures, and public rallies in their efforts to publicize the human rights abuses occurring in North Korea and calling on the North Korean regime to embrace openness and reform. The 8th Freedom Week was held in Seoul from April 24 through May 1 in 2011 and was titled “Abolish the Political Prison Camps in North Korea” and “Pass the North Korean Human Rights Act in South Korea.” Throughout the event, North Korean human rights organizations held various exhibitions and forums, and a rally was also held in front of the Chinese Embassy in Seoul to protest the forced repatriation of North Korean defectors.

Later, the North Korean freedom coalition hosted a public rally protesting against the Chinese government for forced repatriation of North Korean defectors in 24 cities of 13 countries on September 22. Human Rights organizations all over the world including nations such as the U.S., the Great Britain, Australia, Japan, Korea, etc. participated in the rally as well.



II

The Reality of Civil and Political Rights

1. The Right to Life
 2. The Rights to Liberty and Personal Safety
 3. The Right to Due Process of the Law
 4. The Right to Equality
 5. Civil Liberties
 6. Freedom of Religion
 7. The Right of Political Participation
- 



1



The Right to Life

A. North Korean Laws on the Death Penalty

International cooperation is increasing to guarantee that the fundamental right to life is protected. The International Covenant on Civil and Political Rights—better known as the ICCPR—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 the International Covenant on Civil and Political Rights (ICCPR), as well as other covenants related to the prevention and penalization of acts of mass murder. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.”

Since North Korea made a major revision to its Penal Code on April 29, 2004, it has made additional partial revisions on six occasions: April 19th and July 26th of 2005, April 4th and October

18th of 2006, and June 26th and October 16th of 2007. In April 2009 North Korea made another major amendment to its Penal Code. Like previous Penal Code revisions, the revised 2009 Penal Code also lists various categories of crimes subject to capital punishment. According to this list, the following crimes are subject to capital punishment: conspiracy to overturn the state, terrorism, treason against the fatherland, treason against the people, and premeditated murder. North Korea has further expanded the Penal Code by adding treacherous (disloyal) destruction to the list (Art. 64). In addition, the 2009 revised Penal Code prescribes a 20 year period of criminal prosecution for crimes subject to capital punishment (Art. 56). While the 20 year period is a positive development, adding another crime subject to capital punishment is a negative one because it is another way the nation seriously breaches the citizens' fundamental right to life. The crimes subject to capital punishment are listed in the following <Table II-1>:

<Table II-1> Crimes Subject to Capital Punishment in North Korea's Revised 2009 Penal Code

Conspiracy to overturn the State	Participation in political revolt, civil disturbance, demonstrations, or violent attacks, and conspiracies thereof; applies to extremely serious cases.
Terrorism	Murder, kidnapping, or harming of officials or citizens for anti-State purposes; applies to extremely serious cases.
Treason against the Fatherland	Those who betray the Fatherland by fleeing and surrendering to another country; those who betray the Fatherland or turn over secrets to the enemy; applies to extremely serious cases.
Treacherous Destruction	Disloyal destruction for anti-state purposes; applies to extremely serious cases.
Treason against the People	Korean nationals who, living under imperialist rule, engage in persecution of North Korea's National Liberation Movement or hinder the struggle for unification of the fatherland; applies to extremely serious cases.
Premeditated Murder	Premeditated murders based on greed, jealousy, or other despicable motivations; applies to extremely serious cases.

On December 19, 2007, North Korea added a unique law called “Annex” to its Penal Code (involving ordinary crimes). This “Annex” is a very significant statute within North Korea’s legal structure, since the Presidium of the Supreme People’s Assembly has formally adopted it as a “government directive” and a complement to the North Korean Penal Code. For this reason, it is just as important as the other provisions of the Penal Code. This “Ordinary Crimes Annex” consists of 23 articles, and 16 of the articles stipulate crimes subject to capital punishment, including smuggling and dealing in narcotics. At the time of the Penal Code revision in 2004, North Korea had a smaller scope of crimes subject to capital punishment, such as “conspiracy to overturn the state,” “treason against the Fatherland,” terrorism, treason against the people, and premeditated murder. The fact that North Korea added an Annex to its Penal Code in the 2007 revision is definitely negative in terms of human rights protection. Capital punishment reinforces control over the citizens and protects the system. Expanding the scope of crimes subject to capital punishment exacerbates the human rights condition in North Korea. All 16 articles in the Annex contain vague statements such as “the gravest cases” or “extremely serious cases” when discussing capital punishment, which leaves room for arbitrary decisions by the authorities. By being unclear, the Annex permits capital punishment for various crimes as long as the authorities determine the crime in question was “extremely serious” (See Art. 23). The crimes subject to capital punishment in the “Ordinary Crimes Annex” are listed in <Table II-2> below:

<Table II-2> Rules for Capital Punishment in the Penal Code Annex
(on Ordinary Crimes)

Extreme act of willful destruction of combat equipment and military facilities	Willful destruction of technical combat equipment and military facilities (extremely serious cases)
Severe plundering of state property	Plundering of state property (extremely serious cases)
Severe acts of theft of state property	Theft of state property (extremely serious cases)
Severe acts of willful destruction or damaging of state property	Willful destruction of state property (extremely serious cases)
Severe acts of engraving or printing counterfeit currency	Engraving or printing counterfeit currency (extremely serious cases)
Severe acts of smuggling or selling precious or colored metals on the black market	Smuggling or selling precious or colored metals on the black market (extremely serious cases)
Severe acts of smuggling state resources	Unlawful export of underground resources, forest resources, or fishery resources for sale in other countries (extremely serious cases)
Severe acts of smuggling or dealing with narcotics on the black market	Acts of smuggling or dealing with narcotics on the black market (extremely serious cases)
Extreme instances of prisoner escape	Cases in which a prisoner serving a heavy prison term flees before the term ends
Extreme instances of gangster-like behavior	Acts of gangster-like behavior (extremely serious cases)
Unlawful business operation	Cases in which sexual services are organized at restaurants or boarding houses
Extreme instances of deliberate infliction of serious injury	Taking deliberate actions to inflict serious injury to others (extremely serious cases)
Severe acts of kidnapping	Kidnapping of a person (extremely serious cases)
Severe acts of rape	Acts of rape (extremely serious cases)
Severe acts of theft of private property	Acts of theft of another person's private property (extremely serious cases)
Other exceptional crimes subject to an unlimited term of correctional labor or death sentence	Cases in which a criminal has committed multiple crimes and displayed no remorse (extremely serious cases)

In its 2009 UPR report to the UNHRC,¹ North Korea said that capital punishment is handed out only in five categories of extremely serious crimes (Section 34 of the report). From this statement it can be surmised that North Korea's 2009 UPR report was filed before the enactment of its revised 2009 Penal Code. It is noteworthy that North Korea did not officially acknowledge various capital punishment categories contained in the Ordinary Crimes Annex of its revised Penal Code. Perhaps North Korea deliberately avoided any mention of this Annex for fear of international criticism that it has expanded the scope of capital punishment.

North Korea's Penal Code stipulates, "Criminal liability shall be confined to those acts of crime stipulated in the Penal Code." (Art. 6, North Korean Penal Code) Despite the Penal Code's stipulations, however, various forms of punishment, including capital punishment, are enforced through such means as "proclamations" and "instructions."

For example, as seen in <Figure II-1>, the North Korean authorities in one decree strictly forbade the circulation of foreign currency and warned that anyone who violated this could be publicly executed. This decree was announced on December 28, 2009 by the North Korean Ministry of People's Security (formerly People's Security Agency). The North Korean Penal Code only provides that the purchase and sale of foreign currency is punishable by no more than three years of correctional prison labor but does not provide for the death penalty (Article 104). It is not clear whether such decrees are intended for temporary or continuous application.

1. UN Human Rights Council, Working Group on the Universal Periodic Review, Sixth Session, Geneva, 30 November - 11 December 2009, "National Report Submitted in Accordance with Paragraph 15(A) of the Annex to Human Rights Council Resolution 5/1, Democratic People's Republic of Korea," UN Doc. A/HRC/WG.6/6/PRK/1 (August 27 2009).

However, based on the contents it is reasonable to conclude that they are applied on a continual basis once announced. Thus, such decrees in reality undermine the Penal Code.²

<Figure II-1> Proclamation of the Ministry of People's Security
(Formerly the People's Security Agency)

Proclamation

Regarding Stern Punishment of Those Who Circulate Foreign Currency in the Territory of the Democratic People's Republic of Korea

Strict observance of the system for circulating the nation's unique currency is the sacred legal duty of all citizens and an important guarantee for safeguarding of our people's right of self-reliance and the protection of our society's economic foundation.

Recently, however, some citizens, agencies, enterprises, and social cooperative organizations are wildly violating the nation's currency circulation system, seriously harming the upright spirit of the people, destroying healthy social disciplines, and disrupting the socialist economic management system.

This is a serious crime constituting very harmful and dangerous behavior which infringes upon the interests of the State and the people, hampers the construction of a Strong and Prosperous Nation, and undermines the system of "socialism in our own style.

On behalf of the government of the Republic, the Ministry of People's Security hereby proclaims the following in order to firmly establish the nation's currency circulation system and to totally eradicate illegal activities involving the circulation of foreign currencies:

1. All citizens, agencies, enterprises, and social cooperative organizations must refrain from circulating foreign currencies in North Korea.

- (a) All business units, including restaurants, service outlets, and foreign merchandise shops must conduct all transactions in our currency and stop all service based on foreign currencies.

All professional foreigner service units, including airports and international hotels, must provide service only when foreigners present our currency, after exchanging their foreign money at an exchange booth.

- (b) State agencies which formerly accepted foreign currencies must now accept our currency only when collecting various fees, fares, and prices.

- (c) All trading agencies (including cooperatives and joint ventures) must supply imported merchandise strictly according to State plans. They must not engage in hoarding or profiteering by transferring imported merchandise to private citizens, agencies, enterprises, or social cooperative organizations, thus encouraging the illegal circulation of foreign currencies.

2. Han Myung-sub, "Application reality of North Korean Criminal Act, 2010 White Paper on Human Rights in North Korea (Seoul: Korea Bar Association, 2010), pp. 176-178.

- (d) All citizens must exchange all foreign currencies in their possession into our currency through official currency exchange booths to safeguard our currency circulation system. They must not, with their foreign currency, engage in black market trade, private dealings, loan-sharking, cheating, brokering, smuggling, bribing, or swindling.
- (e) All agencies, enterprises, and social cooperative organizations must obtain the foreign currencies they require in accordance with state plans.
2. **Except for those units approved by the state, the domestic export targets for all other units shall be abolished. All domestic agencies, enterprises, and social cooperative organizations must not engaged in illegal foreign currency credit transactions.**
 3. **All related banking organizations must properly establish the exchange rate system between our currency and foreign currencies, and responsibly engage in exchange business.**
 4. **All citizens, agencies, enterprises, and social cooperative organizations must not interfere with or hamper the activities of supervisory and control agencies and workers engaged in the enforcement of control over illegal foreign currency circulation.**
 5. **All agencies, enterprises, and social cooperative organizations in violation of this proclamation shall be penalized with suspension of business or management activities or dissolution of business, and all cash and merchandise transacted shall be confiscated. All individuals involved in buying and selling things with foreign currency, black market trade using foreign currency, loan-sharking, brokering, and bribing, as well as those who illegally circulated foreign currencies, or organized or tacitly encouraged such activities, shall be subject to strict legal punishment ranging in severity up to the death penalty, and all cash and merchandise involved shall be confiscated, depending on the nature and level of crime.**
 6. **This proclamation shall go into effect on January 1, 2010, and shall apply to all citizens (including foreigners), agencies, enterprise units, and social cooperative organizations (including special and military units) in North Korea.**

December 28, Juche Year 98 (2009)

**The Ministry of People's Security
The Democratic People's Republic of Korea**

B. Public Executions

The most widely known and serious violation of the right to life in North Korea is “public execution.” Article 32 of the Court

Sentence and Decision Implementation Law stipulates that death sentences shall be carried out by firing squad. Thus, public executions are usually carried out by firing squad, with normally nine shots fired.

Regarding the procedures of public execution, the “defectors” have testified as follows: The Republic’s flag is draped in the background, and people from the Central Prosecutors’ Office come down to the site. The director of Provincial Safety, the director of the Provincial Security Agency, a court official, and others also participate. The trial is conducted openly. A court official will read out criminal charges and then hand down the sentence. A defector testified that a court official would read out criminal charges and then pronounce that he was handing down the death sentence in accordance with such and such articles of the Penal Code of DPRK.³

During the review session for the 2nd regular report submitted by North Korea to the UNHRC, North Korea officially admitted to at least one case of public execution based on evidence presented. North Korea said it had publicly executed a violent criminal, Ju Soo-man, in Hamheung in October, 1992, for having brutally murdered his grandparents, Ju Jong-eun (84) and Choi Yon-ok (72). Even after admitting this case of public execution, North Korea maintained the position that the authorities had done it to comply with the demands of the masses in the area. Based on this logic, the North Korean delegation openly admitted to the practice of public execution during the Universal Periodic Review Session of the UNHRC on Dec. 7th, 2009. During the session, a North Korean delegate said, “Capital punishments in principle are carried out behind the scenes. In exceptional cases, particularly in the case

³ Interview with defector XXX in Seoul on January 9, 2008.

of an extremely heinous crime, public executions are carried out occasionally in compliance with the demands of victims' families who demand confirmation." North Korea has officially admitted to the practice of public execution at an open international forum discussing human rights issues.

- **Public Execution Procedures and North Korean Criminal Law**

As seen in <Table II-1> and <Table II-2>, crimes punishable by the death penalty are listed in the Penal Code and Addendum to the Penal Code (General Crimes). The procedure for capital punishment is provided for in the Criminal Procedure Act and the Law on Sentences and Implementations of Decisions. The death penalty in particular is carried out after the judgment is finalized, and executions require the approval of the Presidium of the Supreme People's Assembly (Article 419, Criminal Procedure Act). From a rule of law standpoint, it is important to determine whether North Korea carries out public executions only for crimes provided for by its Penal Code and in accordance with legal procedures.⁴ The documents shown below indicate that public executions are ordered for crimes stipulated in the Penal Code and the sentences are carried out in accordance with certain procedures. In one example, the Pyongyang Court of Justice sentenced Lee Seong-cheol to death for the willful destruction of state property in accordance with Article 4 of the Addendum to the Penal Code (General Crimes). On September 2010, the Supreme Court requested approval for the public execution of defendant Lee Seong-cheol as sentenced and confirmed by the Pyongyang Court of Justice (Figure II-2). Also, the North Pyeongan

⁴ Lee Gyu-chang and Jeong Gwang-jin, *Research on Criminal Trial System; Characteristics and Reality* (Seoul: Korea Institute for National Unification, 2011), pp. 81-88.

Province Court of Justice sentenced Kim Chun-nam to death applying Article 4 of the Addendum to the Penal Code (General Crimes). The Supreme Court requested approval for the public execution of defendant Kim Chun-nam as sentenced and confirmed by the North Pyeongan Province Court of Justice (Figure II-3).

<Figure II-2> The Supreme Court's Request for the Approval of Execution (1)

- Lee Seong-cheol (age 40, the crime of willful destruction of state property)

- **On the Criminal Acts of Defendant Lee Seong-cheol**

Case Name: The crime of willful destruction of state property
(Article 4 of the Addendum to the Penal Code)

Defendant: Lee Seong-cheol, male

Residence: The Hyeongje-san District of Pyongyang

Work Position: Hyeongje-san District laborer

Personal Background: Farm worker

Party Affiliation: Not affiliated

- **Substance of Crime**

Defendant Lee Seong-cheol, in conspiracy with joint defendant Kim Jeong-gil (male, age 44, Dae-dong-gun farm worker) and two others, committed eight extremely severe acts of destruction of state property from 2006 to 2010 in stealing eight laboring cows (valued at 401,410 NKW) from Hyeongje-san and surrounding districts and slaughtering them in secret. In addition, they stole and illegally sold six laboring cows and one candidate cow (341,900 NKW), and also committed the crime of personal commercial activity.

※ Joint defendant Kim Jeong-gil, who was urged by defendant Lee Seong-cheol and conspired in the secret slaughter of the eight laboring cows for the purpose of obtaining their meat and byproducts, was sentenced to a lifetime term of correctional prison labor under Article 97 (3) of the Penal Code (the crime of willful destruction of state property);

Joint defendant Kwon Yeong-min, who stole three laboring cows and delivered them to the defendant, was sentenced to nine years of correctional prison labor under Article 89 (3) of the Penal Code (the crime of theft of state property); Kim Yeong-sik, who stole two laboring cows and two candidate cows and delivered them to the defendant was sentenced to six years of correctional prison labor under Article 89 (2) of the Criminal Act.

- **Opinion of the Supreme Court**

We request approval for the public execution of defendant Lee Seong-cheol, who was sentenced to death by the Pyongyang Court of Justice and whose sentence was affirmed as final.

<Figure II-3> The Supreme Court's Request for the Approval of Execution (2)

- Kim Chun-nam (age 36, the crime of willful destruction of state property)

- **On the Criminal Acts of Defendant Kim Chun-nam**

Case Name: The crime of willful destruction of state property

(Article 4 of the Criminal Act Supplementary Provisions)

Defendant: Kim Chun-nam, male

Residence: Yeomju-gun, North Pyeongan Province

Work Position: Yeom-ju-gun laborer

Personal Background: Soldier

Party Affiliation: Labor Party

- **Substance of Crime**

Defendant Kim Chun-nam, alone and in conspiracy with others, committed twelve acts of cutting and destroying 1,100m of high voltage 3,300V power lines (4mm and 5mm copper wire, valued at 73,300 NKW) around Dongrim-gun in the period from 2008 to 2010. He then sold the stolen copper wire weighing 191.5kg for 1,004,100 NKW, taking the proceeds for his personal use.

※ Joint defendant Choi Yeong-suk, who in conspiracy with the defendant committed four acts of stealing or secretly selling 80kg of power lines (5mm copper wire, 35,300 NKW), was sentenced to three years of correctional prison labor under Article 89 (2) of the Penal Code (the crime of theft of state property).

Joint defendant Lee Gi-ung, who knew the defendant was cutting power lines and bringing them to him, nevertheless bought and secretly sold those power lines on three occasions, totalling 71kg of stolen power lines (valued at 11,500 NKW). The defendant was sentenced to two years of correctional prison labor under Article 115 (1) of the Penal Code (the crime of smuggling and trafficking colored metals).

Joint Defendant Han Seong-yun bought and secretly sold copper wire brought by the defendant four times totalling 73.5kg of wire (valued at 11,300 NKW). Since his cousin, Han Seong-gu (male, age 24, member of the North Korean People's Army), is in a special forces unit, a settlement offer was presented, but no settlement was reached. Thus the defendant Han is now being handled as a separate case.

- **Opinion of the Supreme Court**

We request approval for the public execution of defendant Kim Chun-nam, who was sentenced to death by the North Pyeongan Province Court of Justice and whose sentence is affirmed as final.

The above documents are the first evidence showing that North Korea adheres to the provisions of its criminal law in carrying out public executions, and their significance is not to be

underestimated. However, the question remains whether all public executions are carried out according to the procedures laid out in the above documents. From the above documents alone, it is unclear whether the Supreme Court requested approval after the death sentence was confirmed in the appeal, or whether the verdict was finalized without an appeal and the trial courts (the Pyongyang Court of Justice and the North Pyeongan Province Court of Justice in these two cases) requested approval for the executions via the Supreme Court. Furthermore, the institution to which the Supreme Court requested approval was not specified, leaving uncertainty as to whether this approval came from the Presidium of the Supreme People's Assembly, as provided in the North Korean Criminal Procedure Act, or from some other body. As discussed above, and confirmed in the testimonies by North Korean defectors described below, public and private executions are carried out within long-term corrective labor camps, execution by summary trial are routine in the political prison camps, and arbitrary secret executions are carried out by State Security agents.

In their testimonies, defectors gave the following details of public executions.

- **Public Execution for Anti-regime Activities**

<Resistance Activities against the Regime>

North Korea will execute those charged with anti-regime activity or treason against the Fatherland. Executions are also sometimes carried out for brokering illegal river crossings, the sale of property from revolutionary historic sites, and the receipt of money from the South Korean National Intelligence Service. The

death penalty has also reportedly been handed out for some acts of religious proselytizing.

- Defector XXX testified that in April 2007 he witnessed XXX of Hweryung City, North Hamgyeong Province executed at the marketplace in Hweryung City on charges of helping his family illegally cross the river.⁵
- Defector XXX testified that in 2007 a man and a woman living in Yonsa County had sold off some legally protected trees to China through an intermediary under the tacit consent of military, party, and security agency officials. North Korea had been protecting those trees by law as “relics of revolutionary history.” When this incident was uncovered during an inspection, the two perpetrators were publicly executed in Soonam Marketplace.⁶
- Defector XXX testified that in July 2007, XXX, the owner (president) of the Namkang Company, a 41-year-old man, was publicly executed at Shinpoong Stadium in Wonsan City on charges of having received money from South Korea’s National Intelligence Agency. He was arrested during the Central Party inspections.⁷
- Defector XXX testified that he heard a rumor on October 2009 that a woman who used to live in Junghwa-gun, Pyongyang, was executed in early 2009 for the possession of a Bible.⁸

5_ NKHR2011000013 2010-06-08.

6_ NKHR2008000007 2008-07-30; NKHR2008000013 2008-08-19; NKHR2008000027 2008-12-02; It is believed that this incident at the time stirred up considerable social anxiety. There was similar testimony in 2009. NKHR2009000011 2009-03-03.

7_ NKHR2009000070 2009-11-18.

8_ NKHR2011000209 2011-09-20.

<Murders of People's Safety and State Security Agents>

There are some testimonies indicating that public executions have been carried out in connection with murders of agents of the Ministry of People's Safety and National Security Agency. It appears that some North Korean residents, discontented with the tighter social control measures enacted in the process of building the political succession system, have committed murders of People's Safety agents and State Security agents, and the North Korean government is responding harshly to these perceived acts of resistance to the regime.

- Defector XXX testified to hearing a rumor that two brothers convicted of killing a People's Safety agent in July 2010 during a crackdown on *bingdu* (a type of drug trafficked in North Korea) and viewing South Korean compact discs were executed at Hoeryeong Stadium.⁹ Another defector also heard a rumor that two brothers who lived in Mangyang-dong, Hoeryeong, were publicly executed at the Hoeryeong Stadium for murdering a People's Safety agent in the summer of 2010.¹⁰
- Defector XXX reported to witnessing two brothers, XXX and XXX, being shot in August 2010 in Secheon area of Hoeryeong, North Hamgyeong Province for killing a State Security agent.¹¹ Another defector XXX testified to hearing a rumor in January 2011 in Gangan-dong, Hoeryeong, North Hamgyeong Province, that two men were caught using cell phones by a People's Safety agent. The men killed the agent, but they were later both shot for the

⁹_NKHR2011000099 2011-04-26.

¹⁰_NKHR2011000187 2011-08-16.

¹¹_NKHR2011000037 2011-01-11.

crime.¹² Defector XXX also heard in March 2011 in Hoeryeong that there was a public execution in Hweryeong for the murder of a State Security agent.¹³

<Dissemination of Information about the Outside World>

North Korea has been cracking down on people involved in the dissemination of information about the outside world, including the distribution of South Korean leaflets and the selling of South Korean videos, and the usage of cellular phones. One can be brought up on criminal charges, and executed, for being involved in such activities.

In particular, North Korea regards the use of cellular phones as an anti-state activity. It has prohibited the use of cell phones along the border regions. Anyone caught using a cell phone can receive either a \$100 fine or expulsion, along with confiscation of the cell phone. In most cases, people try to avoid expulsion by paying the fine and having their cell phone confiscated. However, as more and more detailed information about events inside North Korea has trickled out of the country and found its way into South Korean and international reports; and as more and more information about the outside world has crept in and been circulated, authorities in the North have begun to tighten internal controls.

However, not everyone caught using mobile phones is executed. The level of punishment varies according to the contents of the phone conversation, and the heaviest penalties are imposed for those caught talking to a South Korean.

– Defector XXX testified that she was penalized with fines for using a mobile phone and the phone was confiscated;

¹²_NKHR2011000151 2011-06-28.

¹³_NKHR2011000162 2011-07-12.

this level of punishment was based on the contents of conversation.¹⁴

- Defector XXX testified that he was penalized with disciplinary prison labor for using a mobile phone in Feb. 2010. He was given only a fine because he was classified as having voluntarily¹⁵ reported the use.
- Defector XXX testified that if anyone is detected using a mobile phone, the minimum penalty is disciplinary prison labor.¹⁶
- Defector XXX testified that anyone caught using mobile phones illegally in 2010 would be forcibly banished or punished with an unlimited term of correctional labor.¹⁷
- Defector XXX testified that the heaviest penalties were imposed for those caught contacting persons in South Korea.¹⁸

Sometimes individuals are publicly executed for the crime of circulating information about the outside world through leaflets and/or video materials. Recently, as devices such as computers, cell phones, MP3 players, and USBs have been introduced to North Korea, a culture of mutual communication between North Korean residents has started to develop. As new attitudes have spread due to this development, South Korean movies and television dramas have come to be widely enjoyed even by Party officials and members of the middle class who support the North Korean regime. North Korea is increasingly cracking down on information distribution

¹⁴_NKHR2010000007 2010-03-16.

¹⁵_NKHR2010000007 2010-03-16.

¹⁶_NKHR2010000035 2010-11-09.

¹⁷_NKHR2010000044 2010-11-02.

¹⁸_NKHR2010000044 2010-09-07.

activities so as to forestall changes in perception among the people due to the influx of capitalist culture into North Korea. In particular, it is putting special effort into cutting off news of the pro-democracy movements that began to spread through the Middle East and Northern Africa from January of 2011, the so-called Jasmine Revolution.

- Defector XXX testified to witnessing one woman's execution in October 2008 at the Sinpung Stadium at Sinpung-dong, Weonsan, Gangwon Province for the crime of selling South Korean compact disks.¹⁹
- Defector XXX testified to hearing a rumor in 2009 that XXX was shot at Suseong-cheon in Cheongjin, North Hamgyeong Province for distributing compact disks. The market was not open at the time, and the public execution was announced during a public event.²⁰
- Defector XXX testified to hearing a rumor that a man who lived in Wonju, Gangwon Province, was shot in May 2010 at the market in Cheongjin for selling South Korean compact disks.²¹
- Defector XXX testified to witnessing a man from Cheongjin being shot in May 2010 at the Sunam Market in Cheongjin for the crime of watching and distributing numerous South Korean compact disks.²²

Even among those caught with South Korean videos or propaganda leaflets in their possession, not everyone is subject to public execution. Defector XXX testified that depending on the

¹⁹_NKHR2011000158 2011-07-05.

²⁰_NKHR2010000012 2010-09-14.

²¹_NKHR2011000094 2011-04-12.

²²_NKHR2011000176 2011-08-02.

case people may be penalized with fines or sent off to labor-training camps, but not always to correctional centers.²³ Defector XXX who defected in January 2010 testified that people could avoid physical punishment if they could offer bribes.²⁴ But through the Penal Code revision of 2009 North Korea made it possible to punish a wide range of cases by adding penalties for possession of corruptive or depraved materials and decadent behavior in an effort to cut off the inflow of capitalist culture,²⁵ because the authorities feared that South Korean videos would have a detrimental influence on North Koreans. For example, defector XXX said she listened to broadcasts by South Korea's Christian Broadcasting Station and Hanminjok (One Nation) in 2009, and afterwards he wished he could go to South Korea.²⁶

<Acts Related to the Failed Currency Reform>

When the attempted rapid currency reform in late November 2009 failed, it appears that Park Nam-gi, the former director of Finance and Planning Department of the Korean Workers' Party (KWP) who was in charge of the initiative, was executed. It seems that there has been several public executions for revealing the currency reform in advance and improperly disposing of the old currency.

- Defector XXX testified to hearing a rumor at the 9501 Military Camp on the Pyongyang Subway that Park Nam-gi was publically executed in March 2010 at a school in Pyongyang.²⁷ Another defector also heard a rumor that

²³_NKHR2010000018 2010-10-05.

²⁴_NKHR2010000020 2010-06-01.

²⁵ Lee Baik-gyu, "Overview of North Korea's Revised Penal Code, 2009," op. cit. above.

²⁶_NKHR2011000022 2010-06-24.

²⁷_NKHR2011000070 2011-03-15.

Park Nam-gi was killed by firing squad for leading the currency reform effort, and testified that the execution took place at the Ganggeon Military Academy in the Sunan District of Pyongyang.²⁸

- Defector XXX testified to hearing a rumor that a woman was executed in December 2009 in Gyeongseong-gun, North Hamgyeong Province, for divulging the currency reform in advance.²⁹
- Defector XXX testified to hearing a rumor in July 2010 at the Sunam District of Cheongjin that a man was executed for disposing of some old currency in a river, deeming it to be useless after the currency reform.³⁰

<Other Anti-State Acts>

It appears that there were also public executions for failing to transmit electricity to the capital Pyongyang. It seems that the act of not transmitting electricity was deemed an anti-state act and heavily punished because electricity is considered essential to a strong and prosperous state.

- Defector XXX testified to hearing a rumor that two executives of the Jangjin River Power Plant were executed in March 2010 at the Jangjin River Power Plant for not transmitting electricity to Pyongyang.³¹

²⁸_NKHR2011000088 2011-04-05.

²⁹_NKHR2011000221 2011-06-09.

³⁰_NKHR2011000217 2011-10-04.

³¹_NKHR2011000133 2011-06-07.

- **Public Execution of Economic Criminals**

<Stealing Communication Lines or Copper Wires>

Most defectors testified that stealing or taking state-owned property such as electric wires or communication lines would be punishable by public execution.

- Defector XXX testified that she witnessed a person being executed by a firing squad in the summer of 2007 at Yonsa County public grounds. The charge against the accused XXX of Yonsa County, North Hamgyeong Province was that he illegally sold lumber to China from his timber mill (the Sokyung Co.).³² Defector XXX testified that he also witnessed the same person being executed on charges of felling and selling trees that stood on the grounds of a “historic battlefield.”³³
- Defector XXX testified that she witnessed an execution in Suncheon City, South Pyongan Province, in October 2007 on charges of stealing some factory equipment (a generator).³⁴
- Defector XXX testified that she witnessed an execution by a firing squad in Eunduck County, North Hamgyeong Province, in the summer of 2008 on charges of smuggling.³⁵
- Defector XXX testified that she had heard a rumor that in January 2009 XXX from Kunsan-dong, Hyesan City, Yanggang Province was executed by a firing squad for

³² NKHR2010000035 2010-11-09.

³³ NKHR2010000035 2010-11-09 Defector XXX testified that he heard a rumor in June of 2009 that the same accused person was executed on the grounds of a school in Yonsa County for smuggling timber. NKHR2011000003 2010-03-16.

³⁴ NKHR2010000093 2010-03-30.

³⁵ NKHR2011000022 2010-06-24.

stealing some “rail spikes” (steel nails).³⁶

<Smuggling and Dealing in Narcotics>

Public executions are reported to be increasing on charges of smuggling, as smuggling activities have been on the rise along the Korea-China border. As evident from the revision of Penal Code appendices, investigations of narcotics smuggling are being redoubled and public executions are carried out frequently.³⁷

- Defector XXX testified that on Jan. 30, 2008 seven persons, including XXX, the unit manager of the foreign currency business unit of the 91st Training Center, were executed at Horang Creek, Hwesang District, Hamheung City (South Hamgyeong Province). They were charged with the crime of manufacturing the narcotic “ice” and selling it in China; they were caught during the Security Agency inspections.³⁸
- Defector XXX testified that she witnessed two men residing in Hamheung, North Hamgyeong Province being arrested for producing and trafficking *Bingdu* (a type of drug) and executed by a firing squad in April 2008.³⁹
- Defector XXX testified that he witnessed an execution by a firing squad in the marketplace in Hyesan District of Hamheung City in the summer of 2008. XXX was a section chief in the provincial Office of Inspection, and his charge was dealing in narcotics (“ice”).⁴⁰
- Defector XXX testified that he witnessed XXX of Hweryong

³⁶_NKHR2010000018 2010-10-05.

³⁷_Despite the danger of punishment, some North Korean deal secretly in drugs (bingdu) for high profits. See Good friends, “North Korea Today,” No. 404 (May 25, 2011).

³⁸_NKHR2011000016 2010-03-19.

³⁹_NKHR2011000104 2011-05-03.

⁴⁰_NKHR2010000035 2010-11-02.

City, North Hamgyeong Province, executed by a firing squad at the City Stadium (the old marketplace) in Sanup-dong, Hweryong City in July of 2009. He was charged with a number crimes, including dealing in “ice,” smuggling cars, and human trafficking.⁴¹

<Squandering Public Property>

North Korean defectors testified that there were some public executions for the crime of squandering public property. The Addendum to the Penal Code (General Crimes) calls for imposing death penalty for extremely aggravated cases of embezzlement of public property or theft of public property.

- Defector XXX testified that a man who had been a director of North Korean company earning foreign cash was executed for misappropriating government money at Sinpung Stadium, Sinpung-dong, Wonsan, Gangwon Province in October 2008.⁴²
- Defector XXX testified that three men, including a chairman of the management committee of Yonglim-ri, Mundeok-gun, South Pyeongan Province were executed for misappropriating public property at Pyeongseong Stadium in Pyeongseong, South Pyeongan Province in July 2009.⁴³

<Stealing Cows and Goats>

There have been many testimonies recorded about public executions having taken place in North Korea on charges of stealing cattle and goats during the period of “the arduous march” (the

⁴¹ NKHR2010000069 2010-10-26.

⁴² NKHR2011000158 2011-07-05.

⁴³ NKHR2011000111 2011-05-17.

mid-to-late 1990s). Since 2000, however, the number of similar testimonies has sharply decreased. However, others have further testified that the smuggling and black-market sale of livestock was also subject to public execution in 2009 and 2010.

- Defector XXX testified to hearing a rumor that a male soldier was executed by a firing squad in November 2009 at the Fourth Company of the Fifth Battalion of the Twenty-fifth Brigade of the Kim Hyeong-jik Army at Yanggang Province for smuggling cows.⁴⁴
- Defector XXX testified to witnessing a firing squad executing five people for smuggling livestock, including a 36 year-old man, in July 2010 at the Weolpo riverside levee in Myeong-gan-gun, North Hamgyeong Province.⁴⁵

• Public Execution for Social Misdemeanors

North Korean defectors have testified about public executions for human trafficking and murder. There have also been continuous reports of public executions for rape in recent years. Likewise there have been testimonies of public executions for cannibalism occurring after the currency reform. There also appears to be a few instances of public executions for fraud and larceny.

<Human Trafficking>

The international community has lodged strong protests against the practice of human trafficking. Since the year 2000, the North Korean authorities have continuously sentenced such criminals to public execution. Human-trafficking appears to be growing

⁴⁴_NKHR2011000103 2011-05-03.

⁴⁵_NKHR2011000213 2011-10-04.

more organized and is being carried out by groups.

- Defector XXX testified that he witnessed XXX executed by a firing squad in July 2007 in Musan County, North Hamgyeong Province, on charges of human trafficking. The executed person, XXX, sold 8 out of 12 persons to China for 12,000 yuan, and sent the remaining four back home as they were under-aged.⁴⁶
- Defector XXX testified to witnessing the execution of two men and two women from Musan-gun, North Hamgyeong Province, on charges of human trafficking in October 2009 in Musan. They had allegedly trafficked thirty-eight individuals, and both were executed by firing squad after a public trial.⁴⁷
- Defector XXX also testified to hearing a rumor that someone had been shot in the autumn of 2009 in Musan-gun, North Hamgyeong Province, for human trafficking.⁴⁸
- Defector XXX testified to hearing a rumor in May 2010 that a woman was shot for human trafficking in November 2009, at Yeonbong-dong area of Hyesan, Yanggang Province.⁴⁹

<Murder>

Despite the policy of rigorous enforcement and strict penal provisions against the use of violence, incidents of violent crime continue to increase every year. Many defectors have testified that public executions are still carried out for the crime of murder. This trend continued in 2010.

⁴⁶_NKHR2010000044 2010-11-02.

⁴⁷_NKHR2011000160 2011-07-12.

⁴⁸_NKHR2010000011 2010-09-14.

⁴⁹_NKHR2011000070 2011-03-15.

- Defector XXX testified that he had heard a rumor from his wife that XXX was executed by a firing squad in Musan County, North Hamgyeong Province, on charges of murder.⁵⁰
- Defector XXX testified that in the summer of 2009 at a riverbank in Cheonnae-gun, Gangweon Province, she witnessed the execution of a student who attended a college in Weonsan, Gangweon Province. The student was accused of the murder of the mother of a college classmate. The college student on several occasions had asked the student's mother, who was affluent, for loans of money or food such as tofu, but the mother refused and the student impulsively killed her.⁵¹
- Defector XXX testified to hearing a rumor that two men were executed for murder in October 2009 at a coal mine machine factory in Hweryeong, North Hamgyeong Province.⁵²
- Defector XXX testified to witnessing the death by a firing squad of two men at Dongyeong Mountain, Weonsan, Gangweon Province, in January 2010, who were convicted of murder.⁵³
- Defector XXX testified to hearing a rumor that a thirty-five year old man was executed for murder in Bukcheong-gun, South Hamgyeong Province, in February 2010.⁵⁴
- Defector XXX testified that he had heard a rumor that XXX was executed by a firing squad at a fish-farm in Kangson-ku, Musan County, North Hamgyeong Province, for having murdered his wife in March 2010.⁵⁵

⁵⁰_NKHR2010000041 2010-10-26.

⁵¹_NKHR2011000196 2011-09-06.

⁵²_NKHR2011000082 2011-03-29.

⁵³_NKHR2011000158 2011-07-05.

⁵⁴_NKHR2011000128 2011-05-31.

⁵⁵_NKHR2010000024 2010-10-19.

<Rape>

Rape is committed against women and even minors in North Korea.⁵⁶ Public executions are also carried out as punishment for rapes.

- Defector XXX testified that in the fall of 2009 he heard that someone was executed by firing squad at the river-side trash dump in Musan County, North Hamgyeong Province, on charges of rape.⁵⁷
- Defector XXX testified that in May 2009 he witnessed XXX, 43 years old at the time, executed by a firing squad in the Mikang wetlands near Musan marketplace, Musan County, North Hamgyeong Province, on charges of murder and three rapes.⁵⁸
- Defector XXX testified to witnessing the death by a firing squad in June 2009 of a man who lived in Musan-gun, North Hamgyeong Province, at the Musan-gun market for rape.⁵⁹
- Defector XXX testified to witnessing a man who lived in the Sadong District of Pyongyang being killed on Tong-il Street (Reunification Street) by firing squad in February 2010 for raping a minor.⁶⁰

⁵⁶ Documents of People's Safety Agency includes punishment guidelines for many kinds of rapes. They implies that crimes related to rapes frequently occur in North Korea. See In-min-bo-an-seong (People's Safety Agency), Beop-tu-jaeng-bu-mun Il-gun-deu-reul Wi-han Cham-go-seo (Reference Book for Law Enforcement Officials), (Pyongyang: In-min-bo-an-seong Chul-pan-sa (People's Safety Agency Publishing Company, 2009), pp. 465-473.

⁵⁷ NKHR2010000011 2010-09-14.

⁵⁸ NKHR2010000044 2010-11-02.

⁵⁹ NKHR2011000155 2011-07-05.

⁶⁰ NKHR2011000085 2011-04-05.

<Cannibalism>

Though there were testimonies of the sale of human meat during the period of the Arduous March, such testimonies almost disappeared after 2000. However, in 2006 there was a reemergence in testimonies of cannibalism attributed to the economic breakdown and food shortages brought on by the currency reform.

- Defector XXX testified to witnessing the shooting of a father and son for cannibalism in November 2006 next to Suseong-cheon levee in Deokseong-gun, South Hamgyeong Province for cannibalism.⁶¹
- Defector XXX, who escaped North Korea in June 2011, testified to hearing a rumor that a man who lived in the Masan-dong area of Hyesan, Yanggang Province was executed in December 2009 for eating human flesh after committing murder. The executed man had allegedly killed a 10 year old girl who had been passing by and eaten her flesh because he had nothing to eat; this occurred soon after the currency reform.⁶²

<Other Deviant Acts>

Some public executions were done as punishment for fraud or large-scale larceny.

- Defector XXX testified to witnessing a 23-year-old woman being executed on the Suseong-cheon levee in Cheongjin, North Hamgyeong Province, in October 2009 for fraud and blackmail.⁶³

⁶¹_NKHR2011000091 2011-04-12.

⁶²_NKHR2011000225 2011-10-19.

⁶³_NKHR2011000118 2011-05-17.

- Defector XXX testified to witnessing the shooting of a man who lived in Cheongjin at the Sunam Market in Cheongjin in May 2010 for stealing 300 bicycles.⁶⁴

- **Public and Secret Executions inside Correctional Centers**

It has been reported that public and secret executions are being carried out inside the correctional centers. Defector XXX testified that even though it may appear that there have been no public executions in recent years, they are being secretly carried out—for example, at the Seventh Correctional Center located behind the Sariwon City Cigarette Factory.⁶⁵ Executions are commonly imposed on those charged with attempted flight. Defector XXX testified that in April 2007 a man was shot in the leg while attempting to flee from the Jongori Correctional Center. The center’s deputy director ordered, “From now on I will shoot to kill anyone trying to flee from this center, so deal with him quickly so that I can publicly execute him within 2-3 days.” But the man died from over bleeding before the execution.⁶⁶

- **Public and Secret Executions in Political Concentration Camps**

Defector XXX, a former Political 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

⁶⁴ NKHR2011000176 2011-08-02.

⁶⁵ NKHR2009000012 2009-03-05.

⁶⁶ NKHR2009000059 2009-09-29.

camps and at times security personnel arbitrarily execute people in secret.⁶⁷ Those subjected to public executions are usually people who were caught trying to escape. Defector XXX testified that when he went to cultivate a farm at a place called Kungsim in Hweryong, North Hamgyeong Province, he witnessed a female inmate running toward the barbed wire fence in an effort to flee from the Nov. 22 Concentration Camp in Hweryong. He testified that he believes the guard took her away and executed her.⁶⁸ Defector XXX testified that he was detained in the spring of 2006 at Gaecheon Concentration Camp in South Pyongan Province. He said he saw XXX getting executed by a firing squad at the Gaecheon Concentration Camp on charges of attempted flight.⁶⁹

<Table II-3> Public Executions Based on Defector Testimonies

Date	Place	Details	Testimony No.
Spring 2006 Summer 2008	Gaecheon Concentration Camp South Pyongan Prov.	An inmate at Gaecheon Concentration Camp was executed by firing squad for attempted flight.	NKHR2010000045 Sept. 7, 2010
Spring 2006	Kungsim, Hweryong, North Hamgyeong Prov.	A female inmate at Hweryong No. 22 Concentration Camp was caught while fleeing and is believed to have been executed.	NKHR2010000069 Oct. 26, 2010
2006.11.	Suseongcheon, Deokseong-gun South Hamgyeong Prov.	A man and his son were shot to death by firing squad for cannibalism.	NKHR2011000091 2011.4.12

⁶⁷ Interview with defector XXX in Seoul on July 9, 1996.

⁶⁸ NKHR2010000069 2010-10-26.

⁶⁹ NKHR2010000045 2010-09-07. The witness said the Gaecheon “correctional center,” but he must have meant the Gaecheon “management center.”

Date	Place	Details	Testimony No.
April 2007	Jonkori Correctional Center	An inmate sustained a gunshot wound while attempting to flee and died from the wound before execution by firing squad.	NKHR2009000059 Sept. 29, 2009
April 2007	Marketplace, Hweryong City	1 person executed by firing squad for helping his family illegally cross the river.	NKHR2011000013 June 8, 2010
July 2007	Sinpoong Stadium, Wonsan City	Namkang Company Pres. (41) publicly executed for receiving money from South Korea's CIA	NKHR2009000070 Nov. 18, 2009
Summer 2007	Public stadium, Yonsa County	1 person executed by firing squad for secretly selling timbers to China through his own timber mill.	NKHR2010000035 Nov. 9, 2010
Oct. 2007	Soonchon City, South Pyongan Province	1 person executed by firing squad for stealing factory equipment (a generator).	NKHR2010000093 March 30, 2010
2007	Sunam marketplace	Two men publicly executed for cutting down symbolic trees at a "revolutionary site."	NKHR2008000007 July 30, 2008
Jan. 2008	Chongjin	1 person publicly executed for murdering his wife's 4-year-old child for being too noisy and rowdy.	NKHR2008000023 Nov. 11, 2008
Jan. 30, 2008	Horang Creek, Hwesang Dist. Hamheung City	Seven people, including a section chief of the foreign currency earning unit of the 91st Training Center, for smuggling narcotics to China.	NKHR2009000016 March 19, 2009
Apr. 2008.	Hamheung	Two men shot to death for producing and trafficking drug (<i>bingdu</i>).	NKHR2011000104 2011.5.3
July 2008	Susongchon, Chongjin City	Three men executed for human trafficking.	NKHR2009000063 Nov. 3, 2009
Summer 2008	Eunduck County, North Hamgyeong Prov.	1 person executed by firing squad for stealing copper lines.	NKHR2011000022 2010-06-24
Summer 2008	Marketplace, Hyesan Dist. Hamheung City	Provincial inspection section chief executed by firing squad for dealing in drug (<i>bingdu</i>).	NKHR2010000036 Nov. 2, 2010

Date	Place	Details	Testimony No.
Oct. 2008.	Sinpung Stadium Wonsan	One woman shot to death for selling South Korean CDs.	NKHR2011000158 2011.7.5
Oct. 2008.	Sinpung Stadium Wonsan	The director of a North Korean foreign currency earning enterprise executed for misappropriating government money.	NKHR2011000158 2011.7.5
2009.	Suseongcheon, Cheongjin	XXX shot to death for distributing video recordings.	NKHR2010000012 2010.9.14
Jan. 2009	Unknown	1 person executed by firing squad for stealing rail spikes.	NKHR2010000018 Oct. 5, 2010
Jan, 2009.	Kim Hyung-jik-gun Yanggang Prov.	1 male soldier shot to death for smuggling cattle.	NKHR2011000103 2011.5.3
Early 2009	Junghwa-gun Pyongyang	1 person executed for possession of a Bible.	NKHR2011000209 2011.09.20
May 2009	Mikang Wetlands, Musan Marketplace	1 person executed by firing squad on charges of murder and 3 rapes.	NKHR2010000044 Nov. 2, 2010
June. 2009.	Musan-gun Market	1 person shot to death by firing squad for rape.	NKHR2011000155 2011.7.5
July. 2009.	City Stadium Sanup-dong Hoeryeong	1 person shot to death for trafficking drugs, cars and humans.	NKHR2010000069 2010.10.26
July 2009	Musan County	1 person executed for trafficking 8 persons for 12,000 yuan.	NKHR2010000044 Nov. 2, 2010
July. 2009.	Pyeongseong Stadium Pyeongseong South Pyongan Province	3 men, including the chairman of the management committee of Yonglim-ri, Mundeok-gun, South Pyongan Province, executed for misappropriating public property.	NKHR2011000111 2011.5.17
Summer 2009	Musan County	1 person executed by firing squad for murder.	NKHR2010000041 Oct. 26, 2010
Summer 2009	Cheonnae-gun Gangwon Prov.	1 student of a college in Wonsan executed for murdering the mother of a female classmate.	NKHR2011000196 2011.9.6
Fall 2009	Riverside trash dump, Musan County	1 person executed by firing squad on charges of rape.	NKHR2010000011 Sept. 16, 2010

Date	Place	Details	Testimony No.
Oct. 2009.	Musan-gun North Hamgyeong Province	Two men and two women executed by firing squad for trafficking 38 people.	NKHR2011000160 2011.7.12
Oct. 2009.	Mining Machine Company Hoeryeong	Two men executed by firing squad for murder.	NKHR2011000082 2011.3.29
Oct. 2009.	Suseongcheon Cheongjin	One 23-year woman shot to death for fraud and cheat.	NKHR2011000118 2011.5.17
Nov. 2009.	Yeonbong-dong Hyesan	One woman shot to death for human trafficking.	NKHR2011000070 2011.3.15
Dec. 2009.	Gyeongseong-gun North Hamgyeong Prov.	A woman was executed for revealing the currency reform before it would be initiated.	NKHR2011000221 2011.6.9
Dec. 2009.	Hyesan	A man was executed for killing and eating a 10-year girl to survive from hunger right after North Korea's currency reform.	NKHR2011000225 2011.10.19
Jan. 2010.	Dongmyeongsan Wonsan	Two men shot to death by firing squad for murder.	NKHR2011000158 2011.7.5
Feb. 2010.	Bukcheong-gun South Hamgyeong Province	One 35-year man was executed for murder.	NKHR2011000128 2011.5.31
Feb. 2010.	Tongilgeori Pyongyang	One man residing in Sadonggu Station in Pyongyang shot to death for raping a minor.	NKHR2011000085 2011.4.5
2010.3.	A fishing farm Gangseo-gu Musan-gun	A man was shot by firing squad for murdering his live-in girlfriend.	NKHR2010000024 2010.10.19
March. 2010.	Ganggun Military Academy Pyongyang	Park Nam-gi, former director of the Finance and Planning Department, executed for initiating currency reform.	NKHR2011000070 2011.3.15 NKHR2011000088 2011.4.5
March. 2010.	Jangjin River Power Plant	Two executives of the Jangjin River Power Plant executed for not transmitting electricity to Pyongyang.	NKHR2011000133 2011.6.7
May. 2010.	Dong-myeong- san-dong Wonsan	1 man executed for selling South Korean video recordings.	NKHR2011000094 2011.4.12

Date	Place	Details	Testimony No.
May. 2010.	Suman Market Cheongjin	1 man executed for watching and distributing South Korean CDs.	NKHR2011000176 2011.8.2
May. 2010.	Sunam Market Cheongjin	1 man executed for stealing 300 bicycles.	NKHR2011000176 2011.8.2
July. 2010.	City Stadium Hoeryeong	Brothers executed for murdering a People's Safety agent who had discovered their drugs and South Korean video recordings.	NKHR2011000099 2011.4.26
July. 2010.	Sunam-guyeok Cheongjin	1 man executed for disposing of old currency in a river, deeming it to be useless after the currency reform.	NKHR2011000217 2011.10.4
July. 2010.	Wolpo Myeonggan-gun North Hamgyeong Prov.	5 persons executed for smuggling livestock.	NKHR2011000213 2011.10.4
Aug. 2010.	Secheon, Hoeryeong North Hamgyeong Prov.	2 brothers executed by firing squad for killing a State Security agent who had caught them using a cell phone.	NKHR2011000037 2011.1.11 NKHR2011000151 2011.6.28

• Changes in Patterns of Public Execution

The aspects of public executions display the following changes. First, according to interviews of defectors in 2009 and 2010, there has been a large increase in public executions. This is thought to be highly related to the enactment of the 2007 Penal Code Addendum (general crimes), the 2009 amendment of the Penal Code, and the official designation of Kim Jong-un as successor in September 2010.⁷⁰ However, interviews done in 2011 indicate that recently public executions have greatly decreased. Only two

⁷⁰ Korea Institute for National Unification, *2011 White Paper on Human Rights in North Korea*, pp. 83~84.

out of 230 interviewees in 2011 said they had witnessed or heard of public execution in that year. Interviewees tend to come from the same geographic areas back in North Korea and witnessing public execution may be a factor leading to defection; it is difficult to say conclusively that public executions decreased in North Korea in 2011.

There are a few reasons why the incidence of public executions may have decreased in 2011. First, it appears that the government, conscious of the international censure of its practice of public execution, has increasingly opted for secret executions or life sentences of correctional prison labor rather than public execution. In February 2011, North Korean defector XXX testified that due to the international criticism of public executions as a human rights violation, individuals are being sentenced to indefinite imprisonment instead.⁷¹ According to North Korean defector XXX who defected in November of 2011, the North Korean government is sending residents to long-term corrective labor camps rather than publicly executing them because it fears that the outside world might film public executions by satellite.⁷² Second reason is that the public executions have done little to achieve North Korean government's aim to perpetuate the regime by instilling fear in the people. While residents are mobilized to watch the executions against their will, they largely ignore the spectacle. Third reason is the general problem of corruption in North Korea. In recent years, bribery has run rampant in North Korea, so that even in cases of crimes subject to public execution, bribery can buy a lighter sentence or sometimes no punishment at all.

Meanwhile, North Korean defector XXX testified that the

⁷¹ NKHR2011000108 2011-05-11.

⁷² NKHR2012000009 2012-01-31.

incidents of public execution were decreased at Kim Jong-il's command. In Musan-gun, North Hamgyeong, according to reports, public execution took place every two to three months in the years 2007 and 2008, but none at all in 2011.⁷³ Whether or not, in the wake of Kim Jong-il's death, successor Kim Jong-un will expand public executions to strengthen his regime through a campaign of fear, or continue the policy of preferring secret executions or correctional prison labor in light of international criticism is a topic of interest.

Second, the majority of public execution testimonies come from Hamgyeong. This is related to the fact that the interviewees are predominantly from that area. Out of 495 North Korean defectors interviewed from 2008 to 2011, the overwhelming majority listed their last place of residence as Hamgyeong at 255 (51.5%), followed by Yang-gang at 89 (18%).⁷⁴ Further, there were more testimonies of public executions occurring in the border areas than areas further inward, and more in the cities than the countryside. This appears to be due to the fact that more illegal activities take place in urban areas than rural ones, resulting in a greater need for public executions to instill caution and fear among city residents.

Third, most public executions are done to punish acts of economic or social deviance, or drug-related crimes. The most common crime of social deviance is human trafficking and then murder. In 2010 public executions appear to have been especially frequent due to economic difficulties and the increase in social deviance resulting from the failed currency reform (see Appendix 1).

⁷³_NKHR2012000014 2012-01-31.

⁷⁴_South Pyeongan Province 31 (6.3%), South Hamgyeong Province 30 (6%), Gangwon Province 13 (2.6%), North Pyeongan Province 10 (2%), Pyongyang 10 (2%) and other areas 19 (3.8%).

- Defector XXX testified that illegal activities increased after the currency reform due to economic hardship, and this led to an increase in public executions.⁷⁵
- Defector XXX testified that public executions were frequent between 2009 and 2011. Dissension among people has increased due to economic hardship, and the purpose of the public executions was to repress and cut off such dissent.⁷⁶
- Defector XXX testified that violent incidents increased after the currency reform and subsequent economic hardships, and public executions correspondingly increased.⁷⁷

Fourth, public executions for smuggling, black-market activity, human trafficking, and drug violations are frequent along the border and in urban areas. Public executions for crimes of information distribution, such as watching and distributing South Korean CDs, take place in urban areas.

Fifth, some reductions seem to be occurring in the categories of crimes subject to public execution. Public executions continue to apply for those charged with resisting the regime, committing socially deviant acts such as murder, rape, or human trafficking, distribution of outside information, smuggling drugs, and engaging in black-market trade. It appears that public executions are also carried out for the murder of People's Safety agents and State Security agents, failure to transmit electricity, and the squandering of state property. Public execution for crimes that were unheard of in the mid-2000s, such as cannibalism and cattle theft, are reemerging. This reflects a tightening of social controls for the sake of strength,

⁷⁵ NKHR2011000166 2011-07-19.

⁷⁶ NKHR2011000111 2011-05-17.

⁷⁷ NKHR2011000128 2011-05-31.

prosperity and the securing of the succession regime, accompanied by worsening economic conditions and food shortages due to the failed currency reform.



2



The Rights to Liberty and Personal Safety

A. Liberty Rights and North Korea's Criminal Law System

The right to individual liberty and personal safety denotes those freedoms of personal security and autonomy that cannot be limited or abridged without due process under the law. Article 5 of the Universal Declaration of Human Rights (UDHR) provides that no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) also stipulates that no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment. Furthermore, it is stipulated in Article 9 that no one shall be subjected to arbitrary arrest or detention. Furthermore, in Article 10 it is provided that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Based on Article 5 of the UDHR, the UN adopted the Convention against Torture and Cruel, Inhumane or Degrading Treatment or Punish-

ment at the General Assembly held on Dec. 10, 1984. Also, the Vienna Declaration and Programme of Action adopted in 1993 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.

The Socialist Constitution of North Korea prohibits the arrest and detention of citizens unless prescribed by law. This principle is preserved in the current Constitution, which was amended on April 9, 2010 during the second session of the 12th Supreme People's Assembly. Article 79 declares that, unless based on the law, citizens shall not be arrested or imprisoned, nor shall their homes be searched.

With the April 2009 revision of its Constitution, North Korea for the first time stipulated in Article 8, "The state shall safeguard the interests of, respect and protect the human rights of the working people ...". Previously, human rights protections were codified only in lower-level laws, such as the Criminal Procedure Law and the Attorney Law.

The Criminal Procedure Act, last amended in 2006 specifies, "No one may be arrested or detained in a manner not provided for in the law or without following the procedures prescribed by the law." (Art. 177) The law also stipulates that no arrest shall be made without a warrant, and only investigators and retrieval agents can make arrests (Art. 180). More specifically, Article 181 stipulates that if a pretrial agent needs to detain a suspect, the agent must apply for and receive pre-approval from a prosecutor. In addition, the law specifies that "the suspect's family or organization shall be notified within 48 hours of arrest of the reasons for and the place of detention." (Article 183)

Procedures regarding search and seizure are also regulated in the Criminal Procedure Act. 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).

Furthermore, There are many laws prohibiting torture and other inhumane treatments. In connection with the interrogation of suspects, Article 167 specifically stipulates that "the pretrial agent should not obtain the suspect's admission of guilt using leading questions or through forcible means." Article 229 also stipulates that "In the process of interrogation, the witnesses or suspects should be protected from the use of force or intimidation."

North Korean criminal law also provides some legal measures to protect the rights to individual liberty and personal safety. Law enforcement officials who are found to have illegally interrogated suspects can be punished with correctional labor in excess of ten years. (Article. 253). If a law enforcement official has illegally arrested or detained a person, searched a home, or seized or confiscated personal property, that officer responsible may be sentenced to up to three years of correctional labor. (Article. 252).

Despite these revisions in the Criminal Procedure Act and the Penal Code, the possibility of human rights violations still remains. However, under the same provisions the investigators or pretrial agents are not required to obtain arrest or search warrants from a court for enforcement measures such as arrests, investigations, searches and seizures. It is also widely known that laws are not faithfully followed throughout the enforcement process, even though the law clearly prohibits any violation of human rights or the liberty and security of a person.

B. Detention and Correctional Facilities

- **Detention Based on the Type of Crime: Political, Economic, and Violent Crimes**

Punishments under the North Korean Penal Code are classified as “basic punishment” or “additional punishment.” There are four types of basic punishment: the death penalty, an unlimited term of correctional prison labor, a limited term of correctional prison labor, and disciplinary prison labor (Art. 28). Unlimited term of correctional prison labor and disciplinary prison labor were added during the Penal Code. Unlimited correctional prison labor sentences extend 15 years or longer. Limited term sentences range from one to 15 years. Convicts sentenced to unlimited or limited correctional prison labor are detained in Correctional Centers and undergo correction through labor (Art. 30). The criminals sentenced to correctional punishment are typically economic or violent criminals, rather than political criminals, and may be detained in Correctional Centers managed by the Correctional Bureau of the Ministry of People’s Security. In addition to the official correctional facilities, North Korea has been criticized for operating Political Concentration Camps, Detention Facilities, and Labor Training Camps. Political criminals are incarcerated in Concentration Camps operated by the Farm Guidance Bureau of the State Security Agency. These centers are political concentration camps, often called control districts or special districts for dictatorial control. At the Ministry of People’s Security (hereafter MPS), the camps that hold former high-ranking officials are also called Concentration Camp. Depending on the nature of the crime, different agencies exercise control over the convicts. For example, the State Security Agency

will handle crimes against the state and the people, and the People's Security Agency will investigate ordinary criminal cases. The prosecution handles other crimes involving administrative and economic projects and violations by law enforcement officials and agents (Criminal Procedure Law Art. 122).

<Table II-4> Confinement Facilities

Type of crime	Economic criminals and people found guilty of violent crimes	Political criminals
Supervising institution	Ministry of People's Security	State Security Agency (Bureau No. 7)
Confinement facilities	Correctional Centers Labor Training Camps Detention Facility	Concentration Camps

• Correctional Centers

A Correctional Center is a type of prison facility in North Korea that is similar to a South Korean prison. The Ministry of People's Security operates these centers and they house convicts who have committed serious crimes. Those sentenced to death or correctional prison labor penalties by the court are detained here, and there is at least one Correctional Center in each province.⁷⁸ The various crimes and types of detention stipulated in the Penal Code are outlined in <Table II-5>.

⁷⁸ According to defectors, there are two correctional centers in Hamhung City, South Hamgyeong Province: a "correctional center for women" in Sapo District and a "correctional center for men" in Hwasan District. In addition, well-known correctional centers in North Korea include Kaechon Correctional Center, Jonkori Correctional Center, and Susong Correctional Center. (Interview with defector XXX in Seoul on Jan. 19, 2008).

<Table II-5> Types of Crimes and Corresponding Place of Detention

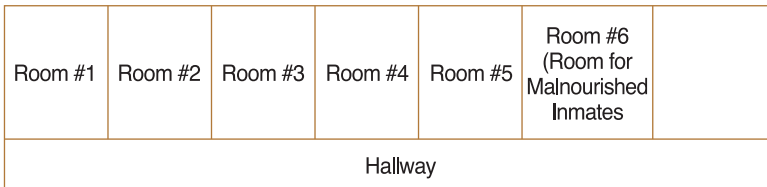
Category	Correctional centers		Designated location
	Unlimited term	Limited term	Disciplinary prison Labor
Crimes against the state or the people (14 types)	Conspiracy to overturn the state (5 types)	Conspiracy to overturn the state (14 types)	-
Crimes disruptive to national defense systems (16 types)	Inflicting deliberate damage on weapons, ammunition, technical combat equipment and military installations (1 type)	Neglecting preparedness for wartime production (15 types)	Neglecting preparedness for wartime production (10 types)
Crimes injurious to the socialist economy (104 types)	Taking or robbing state properties (6 types)	Stealing or robbing state properties (83 types)	Stealing or robbing state properties (76 types)
Crimes injurious to socialist culture (26 types)	Smuggling historical relics and smuggling and selling of narcotics (3 types)	Importing and spreading depraved culture (25 types)	Importing and spreading depraved culture (16 types)
Crimes injurious to administrative systems (39 types)	-	Collective disturbance; Interfering with official business (30 types)	Interfering with official business; Creation or dissemination of false information (29 types)
Crimes harmful to socialist collective life (20 types)	-	Acts of hoodlumism or racketeering (15 types)	Acts of hoodlumism or racketeering (18 types)
Crimes injuring the life or damaging the property of citizens (26 types)	Deliberate murder or kidnapping (4 types)	Deliberate murder (25 types)	Excessive self-defense (13 types)

<Structure of the Jeongeori Correctional Center>

The bulk of testimonies regarding Correctional Centers originate from the Jeongeori Correctional Center, located in the city of Hweryeong in North Hamgyeong Province. With the completion of additional facilities in July 2006, the once all-male camp

accommodates both male and female.⁷⁹ This center is divided into five sections. Sections 1 and 3 are within the main facility. Sections 2 and 5 are less than a thirty minute walk down the valley from the main facility, in a single-story building. Section No. 4 is located at the top of a hill. The main facility houses both male and female inmates. Sections No. 2 and No. 5 are only for male inmates, and their interiors are illustrated in the following diagram.⁸⁰

<Figure II-4> Interior of a facility at the Jeongeori Correctional Center



According to defector XXX, visitation rules at Jongori Correctional Center allowed for one visit per inmate every 6 months.⁸¹ When our witness was serving there in 2004, there was a “3-man open-watch rule” whereby one inmate was responsible for watching three other inmates. These inmates in turn would each be responsible for watching three other inmates each, etc. In short, it was a system of mutual watchdog assignments. If any member of the 60 inmate team were to attempt flight, all the others would be subjected to punishment. All inmates were required to memorize 10 basic rules, and each rule had sub-rules, so there were at least 30 rules to remember. Also, there were 6 basic rules regarding security agents, which expanded into about 20 rules altogether.

⁷⁹_NKHR2009000059 2009-09-26.

⁸⁰_NKHR2011000180 2011-08-09.

⁸¹_NKHR2009000059 2009-09-26.

All inmates were required to memorize all these rules without mistakes.⁸²

<Figure II-5> and <Figure II-6> show the details of the Jeongeori Correctional Center, as described in testimony by North Korean defector XXX.⁸³

<Figure II-5> Operation of the Jeongeori Correctional Center

Name: No. 12 Jeongeori Correctional Center

Location: Jeongeori, Hoeryeong, North Hamgyeong Province

Capacity: Despite its maximum capacity of 500 persons, about 1,300 persons were detained there as of 2010.

Inmates: Both male and female inmates

* The Jeongeori Correctional Center originally only detained male inmates, while female inmates were housed in Hamheung Correctional Center. Due to increasing numbers of inmates, the Jeongeori Correctional Center began to accept female inmates in 2006.

* New buildings are under construction due to space shortages. There are currently three buildings.

Life Inside: Men work in the mines digging limestone and copper, while women produce wigs for export (under the direction of the Corrections Bureau) and engage in auxiliary work (primarily agriculture).

Commutation: Those who testify to crimes committed by persons outside the facility or conduct surveillance within the facility are eligible to commute their sentences by three months.

Restrictions: If an inmate commits a crime within the facility, the inmate responsible for watching him secretly reports it to the Security Office. If the report is determined to be true, the perpetrator is subject to solitary confinement or suspension of visitation rights for six months.

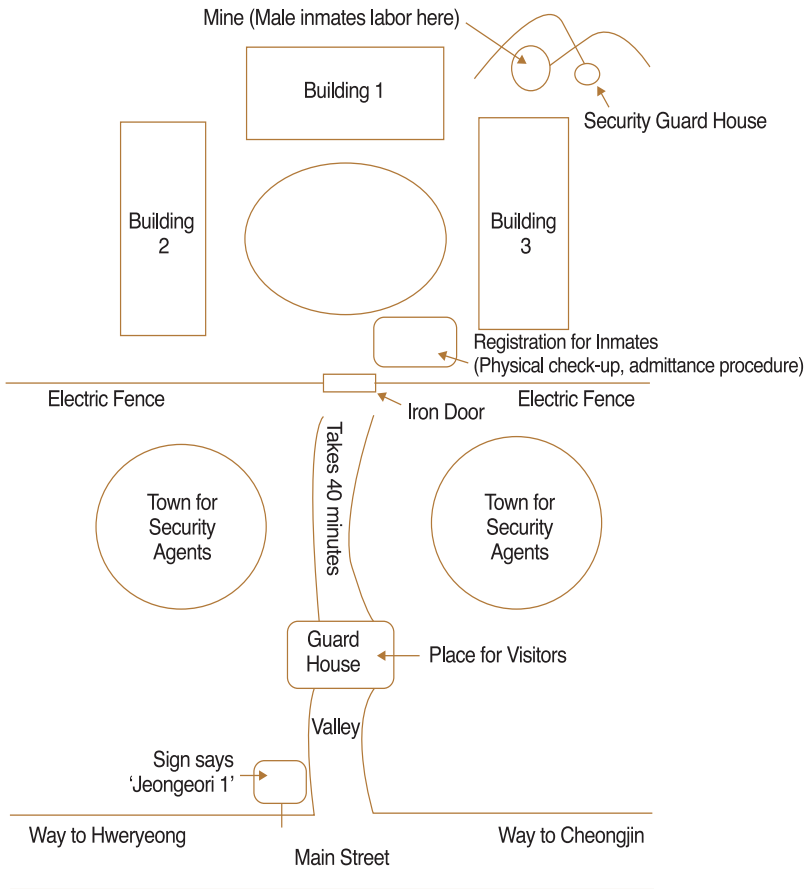
Visiting: Outsiders are only allowed to enter the sentry post. They are not allowed to access to the rest of the facilities.

Signage: There is no sign identifying the No. 12 Jeongeori Correctional Center.

⁸²_NKHR2009000067 2009-11-12.

⁸³_NKHR2011000175 2011-07-26.

<Figure II-6> Overall View of the Jeongeori Correctional Center



According to the testimony of North Korean defector XXX, female inmates were divided into work groups as follows: Group 1 (potatoes), Group 2 (vegetables), Group 3 (corn), Group 4 (beans), Group 5 (stone gathering), Group 6 (wig making), Group 7 (cleaning), Group 8 (firewood gathering), Group 9 (stock raising, including cows, sheep, goats, pigs, rabbits, chickens, ducks and etc.), Group 10 (making artificial eyelash) and a group for the gravely ill. Group

4 no longer exists. Group 8, the firewood gatherers, does the heaviest labor and is composed of those who have less than six months left to serve (excluding the gravely ill).⁸⁴

<Newcomers' Class in the Correctional Center>

New inmates in the Correctional Center are supposed to receive education in the first month of their prison terms prior to starting work. This is done via a program called the “Newcomers’ Class.”

- Defector XXX testified that in 2006, during his first month of detention at the Gacheon Correctional Center, he attended the Newcomers’ Class and received education without doing any work.⁸⁵
- Defector XXX also testified that, once detained in the Correctional Center, inmates are to receive education in the Newcomers’ Class for one month before beginning forced labor.⁸⁶
- Defector XXX testified that detainees at the Jeongeori Correctional Center stay in the Newcomers’ Class for one month. In the class, inmates receive education on the regulations of the facility, hygiene, the preparation of prison uniforms, and ideology.⁸⁷

⁸⁴_NKHR2011000248 2011-12-20.

⁸⁵_NKHR2010000015 2010-10-05; NKHR2011000102 2011-05-03.

⁸⁶_NKHR2011000241 2011-11-22.

⁸⁷_NKHR2011000248 2011-12-20.

- **Labor Training Camps**

<*The History and Current Situation of Labor Training Camps*>

Labor Training Camps mainly house those convicted of theft or disruption of collective living and have capacities ranging from 500~2500 people. There is reportedly one such facility for each city and country in the country. Labor training camps were originally known as “education camps” and operated as temporary institutions, but they have evolved into permanent “Labor Training Camps.” These camps are operated by an inspector and security officer of the county People’s Security Bureau, two members of the county level KWP Three-Revolution Team, one member of the county-level Youth League’s Committee on Deviant Youth, the commander of the Labor Training Camp, one guidance officer, and one rear guard worker.

The following are some descriptions of Labor Training Camps. The No. 55 Hamheung Labor Training Camps was formerly an educational camp but became a Labor Training Camps in 2000. The camp is composed of three sections. Section 1 is reportedly the main section, while Section 2 is for agriculture, and Section 3 is for mining.⁸⁸ The camp is operated by a security officer of the County People’s Security Bureau, one training chief, and female staff member in charge of managing grain statistics.⁸⁹ In addition, it is reported that an educational Labor Training Camps for youth has been established. According to North Korean defector XXX, a student named XXX was sent to the Nampo Educational Labor Training Camps for Youth for watching South Korean CD-Rs in

⁸⁸_NKHR2009000011 2009-03-03.

⁸⁹_NKHR2009000030 2009-05-07.

July 2003.⁹⁰ It was also reported that the military operates its own Labor Training Camps. Defector XXX testified that there were military Labor Training Camps in Dancheon and Haechang in the South Pyeongannam Province.⁹¹

There is also a testimony that reveals the existence of Labor Training Camps within the military. North Korean defector XXX testified that each military base operates its own Labor Training Camps and said that there was one in Gimchaek. Labor Training Camps within the military are operated by the General Staff Department of the North Korean People's Army.⁹²

<Disciplinary Labor, Disciplinary Prison Labor and Unpaid Labor>

Aside from the Penal Code, other laws also include disciplinary labor as a form of "punishment." Article 18 of the Law on Sentences and Implementation of Decisions specifies the primary reason for suspension of sentences as follows: "Any gravely ill person serving disciplinary labor, or a pregnant woman in the period three months before to seven months after delivery of a baby, may be released early on a suspended sentence." Article 40 (3) of the Prosecutory Supervision Law also specifies disciplinary labor.

Under the revised Penal Code of 2004, North Korea has established disciplinary prison labor as a new type of punishment. Disciplinary prison labor is also defined as a type of penalty under the current Penal Code. Disciplinary prison labor 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 disciplinary prison labor are supposed to

⁹⁰_NKHR2009000036 2009-06-03.

⁹¹_NKHR2009000017 2009-03-24.

⁹²_NKHR2011000213 2011-10-04.

count as the equivalent of one day at a Correctional Center. Article 31 of North Korea's Penal Code revised in 2004 stipulates, "The citizen's fundamental rights are guaranteed throughout the period an inmate serves in disciplinary prison labor punishment." This provision is fully congruous with the testimonies of North Korean defectors who have served in the Labor-Training Camps or Short-Term Labor Detention Facility. The "specified facility" mentioned in the Penal Code appears to mean a Labor Training Camp.

Two types of inmates are detained in Labor Training Camps: ordinary criminals arrested for anti-socialist behavior and those sentenced to disciplinary prison labor. The latter category of inmates would get workloads that differed from those of ordinary inmates. In other words, the camp would separately manage those with pre-determined service periods. From these testimonies, it is clear that when the Penal Code stipulates that those sentenced to serve disciplinary prison labor are to be detained in a Labor Training Camp. In short, two different types of inmates are detained in the Labor Training Camps, but those with prescribed service periods fall under separate management inside the camp.

Meanwhile, the Administrative Punishment Law outlines unpaid labor as one form of the punishments (Article. 14). Unpaid labor is a punishment applied to those who have committed serious crimes related to their work. They serve these sentences by working at difficult and laborious jobs, though in some special cases they can stay in their current work units. Sentences range from one to six months (Article. 16). According to North Korean defectors' testimonies, unpaid labor as administrative punishment differs from disciplinary prison labor as a trials sentence in the following ways. While those sentenced to disciplinary prison labor work under surveillance, those laboring as administrative punishment

work without any surveillance and serve their terms at their current workplaces without being paid. Both forms of labor share certain features; because terms are less than six months, those convicted tend to perform difficult and laborious jobs, and they are not paid for their work. However, the locations of punishments differ; administrative labor punishments are completed in workplaces, while disciplinary prison labor is done mainly in the Labor Training Camps. Workers assigned to unpaid labor as an administrative punishment are able to commute to and from their workplaces, while those sentenced to disciplinary prison labor are detained for the duration of their terms. Among other things, unpaid work differs from the disciplinary prison labor in that it is usually related with work performance.⁹³

<Table II-6> Forced Labor Punishments in North Korea

	Unpaid Labor	Disciplinary Labor	Disciplinary Prison Labor
Place	Current workplaces	Mainly in corrective labor camps. Also in other places such as factories, farms and mines.	Labor Training Camps
Commuting to Work	Possible	Impossible	Impossible
Service Period	1~6 months	Less than 6 months	6 months~2 years
Pay	Unpaid	Unpaid	Unpaid
Connection with Job	Necessary	Not clear	Not always necessary
Sentencer	Socialist Law-Abiding Life Guidance Committee, Cabinet, Arbitration Agency	Prosecutor	Court

⁹³ Han Myung-sub, op. cit., pp. 198-199; Lee Gyu-chang and Jeong, op. cit., pp. 92-93.

<Current Situation of Disciplinary Prison Labor>

The punishments stipulated in the Penal Code are now imposed through trials - a significant development, as it could promote the protection of individual liberty and personal safety in North Korea.

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

the sentencing phase (of which one person testified he was from a committee), two indicted persons (of whom one was waiting for his turn), one guarantor, and two guards (one security agent and one sergeant). The judge and 3 of the 4 mature men left the courtroom for 2~3 minutes, and when they returned, the judge said, “The indicted person, XXX, is hereby sentenced to serve one year of disciplinary prison labor.” Following this, the judge said he would count one day served in the Correctional Center as two days of service in an effort to help out the local residents of Musan. Defector XXX testified that he had to go through a pretrial in 2005 and received a formal trial before he was locked up in a Labor-Training Camp.⁹⁴

However, detainment in Labor Training Camps without trial still continues as a general and routine practice. This practice persists even though a significant amount of time has passed since North Korea revised its Penal Code in 2004 requiring disciplinary prison labor to be imposed only through trials. Defector XXX testified that there is usually no trial for inmates sent off to Labor Training Camps because the penalty does not affect the status of one’s citizenship card. Detailed records of one’s service at Labor Training Camps are kept in the Safety Agency, but they do not appear on other documents that are necessary for normal activities.⁹⁵ Defector XXX testified that she was sent off to a labor-training camp without a trial.⁹⁶

165 of the 245 articles contained in North Korea’s Penal Code mention punishment by disciplinary prison labor. Those convicted of more serious crimes are sentenced to a term of correctional

⁹⁴_NKHR2009000018 2009-03-26.

⁹⁵_NKHR2009000058 2009-09-24.

⁹⁶_NKHR2009000065 2009-11-10.

prison labor (at a normal Correctional Center). Without exception, the disciplinary prison labor penalty is not given for anti-state crimes. However, more than half of the crimes involving national defense will result in disciplinary prison labor. Disciplinary prison labor is the preferred sentence in almost all crimes involving economic and land management, environmental protection, labor administration and socialist culture. Most crimes involving disturbances of social order are also punishable by labor training, and such penalties are rendered for newly declared crimes. In fact, the 39 articles in the code relating to new crimes mandate punishments exclusively in terms of disciplinary prison labor.

- Defector XXX testified that he and three of his friends had to serve six months in a Labor Training Camp for using drugs (*bingdu*) in December 2007.⁹⁷
- Defector XXX testified that she was locked up in the Hweryong City Labor Training Camp for one month in June 2008 on charges of using mobile phones.⁹⁸
- Defector XXX testified that when he was detained by the Hyesan City Security Agency in July 2008 he saw an inmate, XXX, being sent to a Labor Training Camp on charges of fortune-telling.⁹⁹

• Short-Term Labor Detention Facility

Short-Term Labor Detention Facility are similar to Correctional Centers. Staff at collection centers investigate and detain various offenders for six months to a year—without trial or revo-

⁹⁷_NKHR2008000029 2008-12-16.

⁹⁸_NKHR2010000069 2010-10-26.

⁹⁹_NKHR2010000089 2010-06-08.

cation of citizenship. Detainees include defectors, those who have transgressed their designated areas or overstayed their travel permits, those on “wanted lists,” and ordinary “juvenile delinquents.” It has been reported that at various provincial Short-Term Labor Detention Facilities, brutal acts are perpetrated on suspects to obtain admissions of guilt.¹⁰⁰ If a person is caught traveling without a permit, he is sent to a Short-Term Labor Detention Facility.¹⁰¹ The cases handled by Short-Term Labor Detention Facility include those that are not serious enough for Correctional Centers but are too serious to send off to Labor Training Camps. Examples include workplace incidents (morally delinquent behavior such as failure to attend work or group training sessions) and accidental homicides by medical doctors or vehicle drivers.¹⁰² Each provincial government runs a central Short-Term Labor Detention Centers. Anyone at these central Short-Term Labor Detention Centers caught trying to escape is put to death.

Most testimonies about Short-Term Labor Detention Centers related to the Cheongjin Short-Term Labor Detention Center. According to the testimony of North Korean defector XXX, as of July 2005, there were two prison buildings, one for male inmates and the other for female inmates. Each building was about 66 square meters in size, and the prisoners slept in bunk. About 100 male and female inmates were detained there. The defector said that prisoners had to curl their bodies and squeeze together during sleep, as 70 to 80 inmates were detained in one building. <Figure II-7> shows the layout of the building as depicted by the defector.¹⁰³

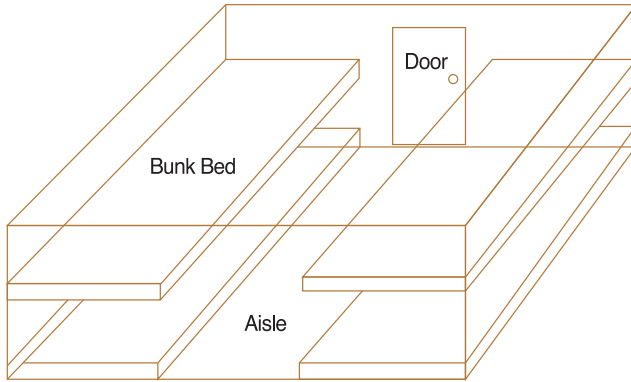
¹⁰⁰ Interview with defector XXX in Seoul on January 19, 2005.

¹⁰¹ Interview with defector XXX in Seoul on January 18, 2005.

¹⁰² Interview with defector XXX in Seoul on January 10, 2004.

¹⁰³ NKHR2010000069 2010-10-26.

<Figure II-7> Cheongjin Short-term Labor Detention Facility



• Detention Facilities

A Detention Facility is a place where the suspects stay while being investigated prior to their formal trials. There are two types of Detention Facilities: one is supervised by the State Security Agency and the other is supervised by the Ministry of People's Security. The State Security Agency consists of the Central Security Agency, provincial security agencies and county security agencies. Each security agency runs its own Detention Facility. The Ministry of People's Security is composed of the Central Ministry of People's Security, provincial safety bureaus, county safety offices, and village safety stations. Each of above security institutions operates its own Detention Facilities, bringing in suspects for investigation and pre-trial procedures.¹⁰⁴

The Detention Facilities supervised by the SSA usually consist of five to ten rooms, though the scale varies a bit depending on the

¹⁰⁴ Database on Human Rights Violations in North Korea, *Operation of Collective Detention Facilities and Realities of Human Rights Violations in North Korea* (Seoul: Database Center for North Korean Human Rights, 2011), pp. 41-44.

location. Each room is 12 to 15 square meters and houses between nine to fifteen people. Detention Facilities feature a pretrial investigation room, a room for solitary confinement, and ordinary rooms. According to North Korean defector XXX, who was once detained in the SSA's Onseong Detention Facility, there were five to six rooms in the detention house, and around 25 suspects were detained in a three-square-meter room.¹⁰⁵ Male and female suspects were housed separately, and those waiting to be sent to Correctional Center with prescribed sentences were housed separately from the ordinary suspects. Detention Facility supervised by the People's Safety Ministry are almost the same as those supervised by the SSA. However, SSA detention houses do not permit any kind of visiting until the investigation is over, while those with prescribed sentences are not allowed to see anyone, even their family members. On the other hand, the detention houses operated by the People's Safety Ministry allow visitation to some degree, except for sensitive cases.

Meanwhile, it has been reported that some independent Detention Facility have been installed and operate within the Political Concentration Camp, in addition to the Detention Facility supervised by the SSA and Bureau of People's Safety. Detention Facility within Political Concentration Camps are additional prisons operated for the purpose of punishing those who violate the regulations of the prison, disobey instructions, or shows an interest in news from outside.¹⁰⁶

¹⁰⁵ NKHR2011000040 2011-01-18.

¹⁰⁶ Kim Yun-tae, *Operation of Collective Detention Facilities and Realities of Human Rights Violations in North Korea*, Master's Thesis, Wonkwang University, 2006, pp. 51-56.

- **Arbitrary Detention and Torture**

In fact, according to the testimonies of defectors, inhumane treatment is easily found all over North Korea, including detention and torture without due process of the law. In cases of transgression of Party policies or Kim Il-sung/Kim Jong-il's instructions, even the basic human rights of the suspect are routinely violated. This is done to demonstrate to the people just how severe punishment can be for such transgressions.

There is a standing organization called the “Anti-Socialist Inspection Group” (or “Grouppa”) consisting of workers from the Party, government, courts, and prosecution. Because they constantly conduct surveillance and investigations in various localities on violations of law and order, ordinary citizens fear them most. Once one is detained by them (for anti-socialist behavior), it is very difficult to get released (without money to bribe or power to influence), and people are usually charged with crimes subject to correctional prison labor, which is a very serious punishment.¹⁰⁷

Labor Training Centers and Short-Term Labor Detention Facilities are not official detention facilities. The possibility that human rights violations occur at these places is still high. This in itself is a fundamental problem. The MPS is solely charged with making the preliminary decisions to detain people either in Correctional Center or Labor Training Centers. In the case of the latter, people are detained without formal trials, even though the convening of trials is stipulated in North Korea's laws. However, some defectors testified that since the Penal Code revision in 2004, people have been detained in Labor Training Camps only after being sentenced

¹⁰⁷ Interview with defector XXX in Seoul on January 20, 2006.

by a court to serve a disciplinary prison labor.

Defector XXX who defected in 2007 testified that since 2007 the law was revised to allow people to serve up to two years in the Labor Training Camps.¹⁰⁸

North Korea has denied as untrue the charges by the international community that torture and cruel treatment continue in North Korea's Correctional Center and Detention Facilities. In its regular UPR report submitted to the UNHRC in 2009, North Korea insisted that torture and forcible or induced confessions were strictly prohibited under its Criminal Procedure Law, and that victims of torture or forced confessions would receive due compensation. In addition, law enforcement officials were receiving training and education on a regular basis to prevent any future instances of forced confessions or induced statements, and all prosecutorial agencies were taking the necessary steps to prevent such practices. Nevertheless, testimonies of torture and inhumane and degrading treatment inside various detention facilities have been documented continuously over the years. In this regard, the UN General Assembly, in its resolution on North Korean human rights adopted on Nov. 21, 2011,¹⁰⁹ expressed concern as usual over the widespread, serious, and systematic abuses of human rights in North Korea, including torture and inhumane and degrading treatment.

¹⁰⁸ NKHR2008000004 2008-07-17.

¹⁰⁹ UN General Assembly Sixty-sixth session, Third Committee, "Situation of human rights in the Democratic People's Republic of Korea," UN Doc. A/C.3/66/L.54 (October 28, 2011).

C. Human Rights Abuses inside Detention and Correctional Facilities

Serious levels of torture, forced labor, beatings and other inhumane and degrading treatment are practiced inside North Korea's Correctional Centers, Labor Training Camps, Short-Term Labor Detention Facilities, and various detention and correctional facilities.

Furthermore, forced labor, torture, beatings, and other inhumane treatment often result in serious injury and illness. Furthermore, many inmates end up dying as a result of poor nutrition, inferior sanitation, and the lack of timely medical attention.

In its second regular report to the UN Civil and Political Rights Committee, North Korea stated that the conditions at its detention and correctional facilities were clearly stipulated in the "Regulations for Correctional Administration" and were fully enforced. But the reality belies these assertions; human rights abuses in Correctional Centers, including torture, beatings and inhumane treatment, remain at very serious levels.

• The Reality of Forced Labor

<Correctional Center>

North Korea's Labor Law defines a normal work day to be 8 hours long (Art. 16 of the Socialist Labor Law, Art. 36 of the Labor Protection Law). However, prison inmates work 10 hours per day. According to the testimony of a defector who was detained in the Jeungsan Correctional Center, all inmates work 10 hours a day and this work schedule is strictly observed. They wake up at 5:00 a.m., eat breakfast at 5:30, take roll call at 6:30, and begin work at 7:00 a.m. The afternoon work shift runs from 1 to 6 p.m. (or until

9 p.m. during the farming season). Every 15th day the inmates take a day off, but during the peak farming seasons in the spring and fall, there are no off days. Compared to Labor Training Camps, the level of work at Correctional Centers is not as intense, but the level of discipline is much tougher. Defector XXX testified that he served in the Jongori Correctional Center from March to November of 2009, and the intensity of work was normal, but the discipline was much tougher.¹¹⁰

Testimonies also reveal that prison terms can be shortened in exchange for forced labor.

- Defector XXX testified that his sentence was shortened by twenty days in exchange for intensive farm work and wig making while he was detained in the Jeongeori Correctional Center in May 2009.¹¹¹

<Labor Training Camps>

Although inmates were allowed to keep their Party memberships and citizen IDs, the workload and level of education was so heavy and intensive over a short period of time that serving at a Labor Training Camp was more physically demanding than at a Correctional Center. Most defectors testified that the intensity of labor at Labor Training Camps is much higher than at Correctional Centers, though the service term in the former is shorter.

- Defector XXX testified that “it would be better to serve a few years at a Correctional Center; because long-term inmates serve there, they do not put you through harsh training. But Labor Training Centers and Short-Term Labor Detention Facilities are very hard because the terms there

¹¹⁰_NKHR2010000015 2010-10-05.

¹¹¹_NKHR2011000080 2011-03-29.

- are much shorter, so they put you through harsh treatment. There's no mercy, and they treat people like dogs."¹¹²
- Defector XXX, who was detained in the Labor Training Camp in Nampo for three months from July to September 2000, testified he had to get up at 4:30 in the morning and go to bed at 10 p.m. He had to work without any breaks except for a five minute lunch break. Each meal consisted of half an ear of a boiled corn and radish greens without seasoning.¹¹³
 - Defector XXX testified that he was detained in the Kim Hyung-jik-gun Labor Training Camp in Yanggang Province in February 2009, and the inmates had to work without any break except for just a 10-minute lunch break.¹¹⁴
 - Defector XXX testified that while he was detained in the Labor Training Camp in Hweryeong, he had to work from morning to night, and the workload was very intense. After he was released from the camp, his son told him he had become very skinny.¹¹⁵
 - Defector XXX testified that he was detained in the Labor Training Camp in Gimchaek in January 2010. While there, he was assigned to tunnel construction sites and road construction sites. He had to get up at 5:30 a.m. and worked from 7 a.m. to 8 p.m. After that, he had to attend the life-assessment meeting and an education program, and he usually went to bed at around midnight.¹¹⁶
 - Defector XXX testified that he was serving in the Kim

¹¹²_NKHR2009000015 2009-03-17.

¹¹³_NKHR2010000031 2010-01-11.

¹¹⁴_NKHR2010000017 2010-10-05.

¹¹⁵_NKHR2011000099 2011-04-26.

¹¹⁶_NKHR2011000213 2011-10-04.

Hyung-jik-gun Labor Training Camp in Yanggang Province in June of 2010, and he had to work until 11 pm and then also receive ideology education afterward.¹¹⁷

It is clear that some security agents provide manpower to the units engaged in foreign currency earning and illegally make money in collusion with those units.

- Defector XXX testified that if a workplace needed more workers for a construction project, they would put in a request to the People’s Security Agency, and the agency would dispatch inmates detained at Short-Term Labor Detention Facilities; the company would in turn pay money to the agency.¹¹⁸
- Defector XXX testified that the labor at a Labor Training Camp mainly consists of temporary duties at various work places which are in need of workers. The Inspector’s Section would step in to pressure the camp to dispatch workers for hard labor. The inmates were also mobilized for the construction of a “Bean Milk Facility” funded by international assistance groups to help improve children’s nutrition.¹¹⁹

<Short-Term Labor Detention Facilities>

Some Labor Detention Facilities impose forced labor, though there are some differences in treatment. In particular, those inmates who had stayed in China for relatively longer periods of time or those repatriated after many failed defection attempts are subjected to more severe forced labor.

¹¹⁷_NKHR2010000014 2010-10-05.

¹¹⁸_NKHR2009000024 2009-04-20.

¹¹⁹_NKHR2009000031 2009-05-12.

- Defector XXX, who was detained in the Cheongjin Labor Detention Facility from August 30 to November 18 in 2009, testified that inmates sometimes got up at four o'clock in the morning and worked well into the night.¹²⁰
- Defector XXX, who was detained in Sinuiju Labor Detention Facility for 40 days from June to July in 2010, testified that those inmates who stayed for long periods in China or made frequent defection attempts are gathered into working groups and experience harsh forced labor.¹²¹

Labor Detention Facilities implement a “contract system” to check whether each inmate has completed his individual task. This system is thought to be a factor that affects the intensity of labor in the Labor Detention Facilities.

- Defector XXX testified that he once performed forced labor at the Sinuiju Labor Detention Facility and that he had to endure the intense work and long work hours because of the contract system.¹²²

There is no compensation for inmates’ labor. Rather, in some cases, inmates have to pay for their own living expenses incurred during the detention period.

- Defector XXX, who was once detained in a Labor Detention Facility in Hyesan, testified that he had to pay his living expenses.¹²³

¹²⁰_NKHR2011000040 2011-01-18.

¹²¹_NKHR2011000018 2011-01-18.

¹²²_NKHR2011000018 2011-01-18.

¹²³_NKHR2011000214 2011-10-04.

• The Reality of Inhumane Treatment

Harsh treatment methods such as beatings and torture are still reported to be prevalent at various detention and correctional facilities, including Correctional Centers, Labor Training Camps and Detention Facilities. Some defectors witnessed cases where inhumane treatment resulted in serious injury, illness and even death. These inhumane treatment resulted in serious injury, illness and even death. These inhumane treatment methods are often inflicted by security agents at the detention centers or correctional facilities. According to one testimony, this practice became routine because security agents worried that if they inflicted harsh treatment themselves, complaints might be filed with them. However, this practice seems to be encouraged by the North Korean authorities who are mindful of outside criticism.

<Correctional Center>

Human rights violations, such as beatings and inhumane treatment, were pervasive in all Correctional Centers. In particular, numerous testimonies centered around the Jeongeori Correctional Center.

- Defector XXX testified that while he was detained in the Jeongeori Correctional Center in Hweryeong-si, he was beaten with a rifle butt for helping a weak fellow inmate.¹²⁴
- Defector XXX testified that while he was detained in the Jeongeori Correctional Center in July of 2009, he was unable to work due to fever. Because of this, an agent beat him and he suffered from back pain.¹²⁵

¹²⁴ NKHR2011000172 2011-07-26.

¹²⁵ NKHR2011000173 2011-07-26.

- Defector XXX testified that while he was detained in the Jeongeori Correctional Center in October 2010, he was beaten and kicked as punishment for having been caught giving corn to his cousin.¹²⁶
- Defector XXX testified that while he was detained in the Jeongeori Correctional Center in March 2010, he witnessed XXX beaten by a security agent after a note was found which expressed an intent to file a petition against the agent. XXX had quarreled with the agent many times.¹²⁷
- Defector XXX testified that he saw a female inmate beaten to death while he was detained in the Jeongeori Correctional Center in January 2011. When she died, black-colored water came out from her mouth, so camp officials concluded that she died from eating rubbish, not from the beating.¹²⁸

<Labor Training Camps>

As in the Correctional Centers, incidents of beating in Labor Training Camps were very frequent.

- Defector XXX testified that he saw his aunt XXX being beaten because of her poor work performance at the Labor Training Camp in February 2010.¹²⁹
- Defector XXX testified that on February 16, 2010, while he was detained in the Labor Training Camp in Gimchaek, North Hamgyeong Province, he saw a fellow inmate beaten to death by a security agent because he had stolen and

¹²⁶_NKHR2011000119 2011-05-24.

¹²⁷_NKHR2011000242 2011-11-22.

¹²⁸_NKHR2011000248 2011-12-20.

¹²⁹_NKHR2011000160 2011-07-12.

- eaten goats feed (boiled corn).¹³⁰
- Defector XXX testified that during his detention in the Labor Training Camp located in the Mt. Dongheung region of Hamheung in March 2010, he saw fellow inmate XXX beaten. The security agents forced inmates to beat fellow inmates for fear that if the agents themselves inflicted the beating, complaints might be filed against them.¹³¹
 - Defector XXX testified that when he happened to see his next-door neighbor after her discharge from the Labor Training Camp in Deokcheon-gun, South Pyeongan Province in May 2010, she had been beaten so frequently that he could not recognize her face.¹³²
 - Defector XXX testified that he heard that an inmate named Cho Myeong-seong beat fellow inmates at the instruction of agents inside the Labor Training Camp in Bukchang in August 2010.¹³³
 - Defector XXX testified that while he was detained in the Labor Training Camp in Bocheon-gun, Yanggang Province in September 2010, he saw his group leader smash a fellow inmate XXX with a club for not following his instructions.¹³⁴

<Short-Term Labor Detention Facilities>

Like Labor Training Camps, Short-Term Labor Detention Facilities are a type of detention facility not stipulated in the penal code. However, the level and frequency of human rights violations such as beatings in these centers is known to be very serious. Most

¹³⁰_NKHR2011000213 2011-10-04.

¹³¹_NKHR2011000088 2011-04-05.

¹³²_NKHR2011000197 2011-09-06.

¹³³_NKHR2011000166 2011-07-19.

¹³⁴_NKHR2011000076 2011-03-22.

defector testimonies singled out the situation in the provincial Short-Term Labor Detention Facility in Chongjin City, North Hamgyeong Province.

The provincial Short-Term Labor Detention Facility in Chongjin City holds only those who were caught after crossing the border illegally. There are about 1,500 detainees in the center at any given time. These people are held until People's Security agents from their hometowns come to pick them up and escort them back to their respective hometowns. Those from Chongjin, Hweryong, and other cities within the province are released within six months, but those from Pyongan and Hwanghae provinces have to wait for up to a year or more. Very few people from these inner provinces attempt to cross the border. Due to poor means of transportation to and from these provinces, Social Safety agents often neglect to pick up their residents in Short-Term Labor Detention Facilities even after being notified of their detention.¹³⁵

- Defector XXX testified that while she was in a Short-Term Labor Detention Facility in Sariwon, Hwanghae Province in 2008, she saw a People's Safety agent order a group leader to beat all of her fellow inmates because a female inmate refused to respond to his instructions to sing a song.¹³⁶
- Defector XXX testified that while he was detained in the provincial Short-Term Labor Detention Facility in Cheongjin in August 2009, a fellow inmate called Sergeant XXX kicked and beat him because he did not work fast enough.¹³⁷
- Defector XXX testified that while he was detained in the provincial Short-Term Labor Detention Facility in

¹³⁵ Good Friends, "North Korea Today," No. 11 (Dec. 12, 2005).

¹³⁶ NKHR2011000168 2011-07-19.

¹³⁷ NKHR2011000045 2011-02-08.

Cheongjin from November 2009 to February 2010, X Cheol-yong (a-21-to-25-year old sergeant) beat him with a club because of his poor work and lack of speed.¹³⁸

- Defector XXX testified that while he was detained in the provincial Short-Term Labor Detention Facility in Cheongjin in 2010, an inmate named XXX was the group leader. One day, after this inmate made an insulting remark about a security agent, some inmates who did not get along with him secretly reported it to the agent. The defector testified that XXX was being beaten by the People’s Safety agents, and died a few days later.¹³⁹

<Detention Facilities>

Beating, torture, or harsh treatment as a form of punishment has been routine in the Ministry of People’s Security Detention Facility.

- Defector XXX testified that when he was detained in the Safety Agency Detention Facility in Musan in April 2009, he saw X Jong-cheol, an investigation official between 36 and 40 years old, kick and beat XXX, a suspect, with a club. The suspect was detained in the Detention Facility on charges of bike theft. Defector X Jong-cheol inflicted inhumane treatment on the suspect, injuring his leg and causing him to limp. Later, the victim was sent to a Labor Training Camp. After four months of detainment in the camp, he eventually had the injured leg amputated.¹⁴⁰
- Defector XXX testified that while he was detained in the city Security Agency Detention Facility in Hyesan City, his

¹³⁸ NKHR2011000067 2011-03-15.

¹³⁹ NKHR2011000067 2011-03-15.

¹⁴⁰ NKHR2011000116 2011-05-17.

entire group experienced hazing punishment. They were ordered to stand at attention and struck with fists.¹⁴¹

- Defector XXX testified that when he was detained in the People’s Safety Ministry’s Detention Facility in the Botong River area of Pyongyang in July 2009, he saw XXX, a fellow detainee, deprived of sleep for three days and beaten by hand for half a day. The victim had been detained on drug possession charges after receiving drugs in exchange for lending 2,000 dollars to a security agent.¹⁴²

Many defectors have testified that serious incidents of human rights violations have occurred inside the Onsung-gun Security Agency. It appears that strict controls are being enforced at the detention points of the security agencies along the border as the number of defectors had increased. Maintaining order is said to have become more difficult but absolutely imperative. Other inhumane treatment, such forcing inmates to remain in fixed positions for long periods of time, can be imposed instead of forced labor.

- Defector XXX testified that he was detained at the Security Agency Detention Facility in Onseong for 15 days in May 2009. While there, he had to sit still for two hours with only with a brief five-minute break.¹⁴³
- Defector XXX testified that while he was detained in the Security Agency Detention Facility in Onseong in June 2009, a security agent named Lee Jong-cheol (between 31 and 35 years old) beat him for three days on end, while urging him to confess who had trafficked him.¹⁴⁴

¹⁴¹_NKHR2010000018 2010-10-05.

¹⁴²_NKHR2011000085 2011-04-05.

¹⁴³_NKHR2011000040 2011-01-18.

¹⁴⁴_NKHR2011000040 2011-01-18.

- Defector XXX testified that while he was detained in the Security Agency Detention Facility in Onseong in 2000, he saw a security agent beat a fellow inmate for not telling the truth. Afterward, he was hospitalized for a month.¹⁴⁵
- Defector XXX was detained in the Security Agency Detention Facility in Sinuiju in February 2011. Every time he wanted to go to the bathroom, he had to get a permission by asking “May inmate number XX in room XX go to the bathroom?” He sometimes had to hold his hand up for thirty minutes before he received permission. After going to the bathroom, he also had to ask for permission to sit back down on the prison floor; again, he might be made to stand still for thirty minutes before permission was granted.¹⁴⁶

- **The Reality of Malnutrition, Poor Medical Service and Death**

<Correctional Centers>

Because of inferior conditions in the Correctional Centers, the inmates suffer from poor quality of food, sanitation, medicine, etc., and in many cases infirm inmates died. As with the various forms of inhumane treatments outlined above, a number of defectors’ testimonies on this topic refer to the Jeongeori Correctional Center. It seems that a minimum amount of care is given to the gravely ill, namely allowing them to be off-duty. According to reports, medicine and medical treatment are not provided to inmates.

¹⁴⁵ NKHR2011000183 2011-08-09.

¹⁴⁶ NKHR2011000244 2011-11-22.

- Defector XXX testified that many inmates inside the Jeongeori Correctional Center died of a high fever during a two-month period from May to July in 2009. He heard that about 300 inmates died from the disease in 2009, and the death toll rose higher in 2010. The hygiene situation of female building became better because the building was newly renovated. However, the building for the male inmates was old and dirty, which, in turn, shot up the death toll.¹⁴⁷
- Defector XXX testified that he saw a fellow inmate die from fever and physical exhaustion on July 10, 2009, while he was detained in the Jeongeori Correctional Center. He said the Jeongeori Correctional Center classified gravely ill persons into three categories: Grade 1, Grade 2, and Grade 3. Those classified in Grade 3 were exempted from forced labor and given additional food, but did not receive medical treatment. The ill took up four rooms, and those with liver disease and tuberculosis were housed separately. The patients had to pay for their own medicine and treatment, but even then all they received were injections of saline solution.¹⁴⁸
- Defector XXX testified that when he was detained in the Jeongeori Correctional Center in December 2009, he saw a fellow inmate die from disease and overwork. According to his testimony, the body, after being briefly stored in the hospital, was taken away in a cart to Bulmang Hill, where it was cremated. Beginning in 2009 the Jeongeori Correctional Center established a section for the gravely ill, and that is

¹⁴⁷_NKHR2011000184 2011-08-16.

¹⁴⁸_NKHR2011000173 2011-07-26.

- where many of death reports originated.¹⁴⁹
- Defector XXX testified that while he detained in the Jeongeori Correctional Center in June 2010, he witnessed many of his fellow inmates die from malnutrition. During his detention, he saw numerous deaths inside the camp.¹⁵⁰
 - Defector XXX testified that he saw an inmate named XXX (female, 36 to 40 years old) die from malnutrition while he was detained in the Hamheung Correctional Center in Hamgyeong Province in July 2010. The number of deaths in the camp increased rapidly in 2010, and almost every day people died.¹⁵¹

<Labor Training Camps>

Labor Training Camps are said to provide meals, but many inmates die due to malnutrition and physical exhaustion from the heavy workload. According to the testimonies of North Korean defectors, it is widely known that many inmates ended up dying due to a combination of beating, starvation and other causes. Some testimony even indicates that the lack of timely medical treatment has been a contributing cause of death.

- Defector XXX testified that one of his fellow inmates, XXX (a 43-year-old male), died from malnutrition one day after being released from the Onseong Labor Training Camp in June 2008.¹⁵²
- Defector XXX testified that while he was detained in the Onseong Labor Training Camp in August 2009, he saw a fellow inmate suffering from severe diarrhea eventually

¹⁴⁹_ NKHR2011000242 2011-11-22.

¹⁵⁰_ NKHR2011000241 2011-11-22.

¹⁵¹_ NKHR2011000066 2011-03-15.

¹⁵²_ NKHR2011000081 2011-03-29.

die because he was not taken to the hospital. Technically, doctors are on duty in the Labor Training Camps, but the patients have to purchase the necessary medicines for treatment.¹⁵³

- Defector XXX testified that while he was detained in the Hweryeong Labor Training Camp in October 2010, he heard that XXX (a 27-year-old male) ate poisonous grass. Because the camp did not administer emergency treatment, the man eventually died.¹⁵⁴
- Defector XXX testified that on July 13, 2011, when he was detained in the Baekam Labor Training Camp in Yanggang Province, he saw a fellow inmate die of malnutrition.¹⁵⁵

<Short-Term Labor Detention Facilities>

North Korean citizens' right to life is also jeopardized in the Short-Term Labor Detention Facilities just as in other detention facilities. The detainees suffer from malnutrition and poor sanitation of the facilities. Some simply collapse and die due to physical exhaustion.

- Defector XXX testified that on February 6, 2009, while he was detained in the Hyesan Short-Term Labor Detention Facility in Yangang Province, he saw a fellow inmate die of malnutrition. The inmate's daily meal weighed a mere 200 to 250g, and he appeared to have died of starvation and physical weakness.¹⁵⁶
- Defector XXX testified that he saw a fellow inmate die of malnutrition at the Cheongjin Provincial Short-Term Labor

¹⁵³_NKHR2011000045 2011-02-08.

¹⁵⁴_NKHR2011000089 2011-04-05.

¹⁵⁵_NKHR2011000232 2011-11-08.

¹⁵⁶_NKHR2011000170 2011-07-26.

Detention Facility in 2010. He heard that the person became physically weak while working in the firewood collecting group in Buryong, North Hamgyeong Province, and eventually died in the Cheongjin Short-Term Labor Detention Facility. In February 2010, a pregnant female sought treatment for a harsh cough and high fever. However, the Short-Term Labor Detention Facility would not accept her as a patient. As a result, she came down with the tuberculosis and died on her way to a hospital.¹⁵⁷

- Defector XXX testified that he saw a fellow inmate die of malnutrition in the Sinuiju Short-Term Labor Detention Facility on January 3, 2011. The body was wrapped in a blanket and stored in the warehouse. The next day, it was buried after a brief autopsy conducted by a People’s Safety Ministry doctor.¹⁵⁸

<Detention Facilities>

Many detainees were also dying in the Ministry of People’s Detention Facilities due to malnutrition and disease.

- Defector XXX testified that when he was detained in the Ministry of People’s Safety Detention Facility located in Kimhyeongjik-gun, Yanggang Province in January 2009, he saw a fellow inmate who was on the verge of death due to malnutrition.¹⁵⁹
- Defector XXX testified that he saw a fellow inmate die of malnutrition during his detainment in the Ministry of People’s Safety Detention Facility in Hweryeong, North Hamgyeong Province in December 2009.¹⁶⁰

¹⁵⁷_NKHR2011000067 2011-03-15.

¹⁵⁸_NKHR2011000253 2011-12-20.

¹⁵⁹_NKHR2010000017 2010-10-05.

¹⁶⁰_NKHR2011000120 2011-05-24.

Nutrition in detention houses supervised by the State Security Agency is no better than that of the Detention Facilities under the jurisdiction of the police. North Korean defector XXX testified that he was forcibly repatriated to North Korea and detained in the Onseong Detention Facility from July 1-14, 2010. While there he received three meals a day, but each meal consisted of just 4 to 5 spoonful of boiled corn flour ground with corn husks.¹⁶¹ Many inmates also died in Security Agency Detention Facilities due to inhumane treatment, disease, and malnutrition.

– Defector XXX testified that while he was detained in the Kyunghung-gun (Eunduck-gun) Security Agency Detention Facility in North Hamgyeong Province, he heard from XXX (43, female) from Shinhung-dong, Kokunwon Nodong District, Kyungwon-gun, that XXX from Kyungwon-gun (Sebyol-gun) had died from torture.¹⁶²

E. Human Rights Violations Inside Political Concentration Camps

• Status of Political Concentration Camps

It has been reported that North Korea operates six Political Concentration Camps in the northeastern region, which cover the provinces of South Hamgyeong, North Hamgyeong, South Pyongan Province.¹⁶³ These camps combined detain somewhere between 150,000 and 200,000 inmates. On October 16, 2009, the South

¹⁶¹ NKHR2011000186 2011-08-16.

¹⁶² NKHR2010000038 2010-11-02.

¹⁶³ For establishment and dismantling of political prison camps, refer to Korea Institute for National Unification, *2011 White Paper on Human Rights in North Korea*, pp. 115-120.

Korean government reported to the National Assembly Foreign Affairs Committee that there were “an estimated 154,000 political prisoners detained in six Political Concentration Camps” throughout North Korea. According to this “status report,” the prisoner distribution was as follows: 15,000 inmates in No. 14 Gaecheon Political Concentration Camp in South Pyongan Province; 50,000 in No. 15 Yodok Political Concentration Camp in South Hamgyeong Province; 15,000 in No. 16 Hwasong Political Concentration Camp in North Hamgyeong Province; 19,000 in No. 18 Bukchang Political Concentration Camp in South Pyongan Province; 50,000 in No. 22 Hweryong Political Concentration Camp; and 5,000 in No. 25 Chongjin Political Concentration Camp.¹⁶⁴ At a joint seminar with the North Korea Human Rights Information Center in Nov. 2009, South Korea’s National Human Rights Commission estimated that there were about 200,000 political prisoners in North Korea.¹⁶⁵

<Figure II-8> Political Concentration Camps



¹⁶⁴ *The Dong-A Ilbo* (*Dong-A Daily Newspaper*), Oct. 17, 2009, Seoul.

¹⁶⁵ National Human Rights Commission, North Korean Human Rights Information Center, *An Assessment on Human Rights Situation in North Korea’s Political Concentration Camps and International Law and North Korean Law* (Seoul: Nov. 24, 2009) p. 23.

North Korean Political Concentration Camps are said to have an area of about 50 to 250 km², holding between 5,000 and 50,000 inmates each. Prisoners sent to the camps are selected and managed by the SSA 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 SSA is composed of political, security, management, security guards, and supply service sections.¹⁶⁶

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 any malignant elements, such as attempted escapees, murderers, and malingerers, for execution or re-assignment to harsher labor. 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 any revolt or other uprising inside the camp. In addition, there is a supply service section responsible for supplying food for the security and guards' section personnel, a materials section for supplying materials for various construction projects inside the camps, and a chemical section for supplying dynamite to the mines. Other sections include finance, transportation, and communications. Most dreaded by the prisoners are the security and guard sections, as both hold the power to determine a prisoner's fate.

¹⁶⁶ It has been reported that No. 18 Center (located in Deukjang-ri, Bukchang County, South Pyongan Province) is managed under a garrison assigned to the People's Safety Agency.

• Revolutionary Districts and Complete Control Districts

Political Concentration Camps are divided into “complete control districts” and “revolutionary districts.” The former are exclusively for those given life terms. Inmates slave away 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 latter, on the other hand, are divided into family and bachelor sections. Prisoners held here might be freed depending on the outcome of reviews made after a specified period (from one to ten years). Upon release prisoners must sign an oath not to discuss anything about their experience, and violating the oath means returning to the camp.

As members of the hostile class, prisoners released from the revolutionary districts lead a poor existence. They are the primary targets of surveillance by the SSA, so they suffer various restrictions in employment, travel, and so forth.¹⁶⁷ If an ex-political prisoner commits an ordinary crime, ten years imprisonment is added to the term he or she would normally serve.

According to North Korean defector Ahn Myung-chul's testimony, among all the political detention camps in North Korea, only the No. 15 Political Concentration Camp at Yodok, South Hamgyeong Province, has two separate sections: the “revolutionary district” and the “complete” or “full control zone.” All others have only full control zones. However, David Hawk stated that the “revolutionary district” existed in the No. 18 Political Concentration

¹⁶⁷ According to defector XXX, XYZ was an interpreter at the Foreign Wire Service Section of the Ministry of People's Armed Forces. Koh was arrested on spy charges during the process of an ideological background check of his years of study in Russia. He was detained in Yodok Camp from May 1989 to February 1994, and forced to work at Chongjin Steel Mill. Interview with defector XXX in Seoul on Nov. 30, 2002 and Jan. 19, 2005.

Camp as well.¹⁶⁸ Also, Kim Hye-sook, who was detained in the No. 18 Bukchang Political Concentration Camp wrote in her autobiography, that she was discharged from the camp on February 16, 2001, birthday of Kim Jong-il, by offering a livestock. She also testified that, at the time of her discharge, the whole 7th generation was discharged altogether.¹⁶⁹ Considering all the information, the Political Concentration Camp No. 15 and No. 18 seem to have the “revolutionary rooms” inside the centers.

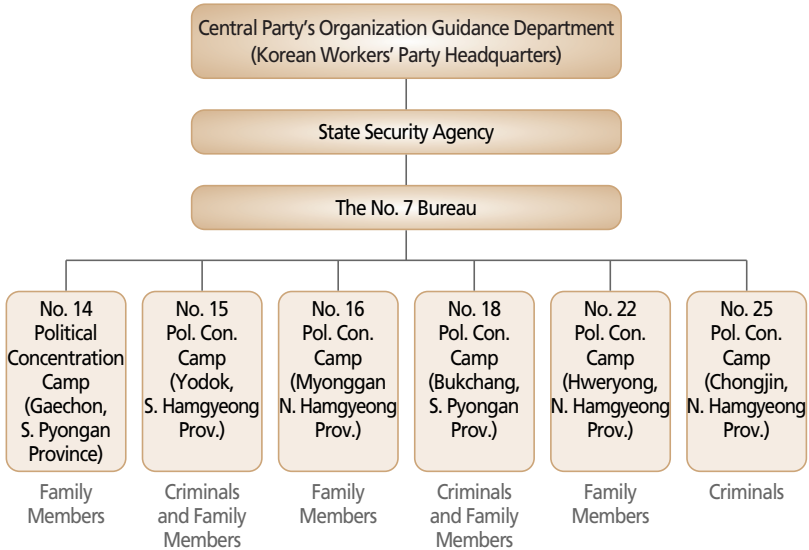
In the case of returnees from Japan (and their families) who have had close personal connections with North Korean elites and senior officials of the pro-Pyongyang General Association of Korean Residents in Japan (or “Chongryon”), they are detained in revolutionary districts within the Political Concentration Camps. The policy is to have them endure torture and thus make them more obedient to the Kim Jong-il system before they return to society. Most other political prisoners are held for life in the complete control zones. Defectors have stated that in exceptional cases, prisoners serving out life terms may be transferred from complete control zones to revolutionary districts, though only a very small number may do so. Lee Young-guk testified that the level of punishment, as well as the length of detention and the possibility of release, would vary depending on the detainee’s personal background. In extremely exceptional cases, inmates mentioned during Kim Jong-il’s “on-the-spot inspection and guidance” tours may be immediately released from the camp and directly return to society.¹⁷⁰ In most cases, however, no one ever returns to society.

¹⁶⁸ In “Hidden Gulag,” David Hawk of the U.S. Committee for Human Rights in North Korea said there was a scaled-down “revolutionary sector” in the No. 18 Center located in Bukchang-ri, South Pyongan Province.

¹⁶⁹ Kim Hye-suk, *A Detention Camp Created in Tears* (Seoul: Si-dae-jeong-sin, 2011), pp. 85~88.

¹⁷⁰ “A Workshop for Defectors,” sponsored by Korea Institute for National Unification, January 20, 2006.

<Figure II-9> System of Special Control Districts



• **The Reality of Political Concentration Camps**

To learn about the actual situation at the political detention camps, we have to rely on the testimonies of defectors who previously worked on the prison staff or who were personally detained as prisoners. The reality of life in the camps, as related in their testimonies, is summarized as follows:

<No. 14 Gaechon Political Concentration Camp>

There is no kindergarten in the No. 14 Gaechon Political Concentration Camp, but there is one people's school (a 4-year elementary school) and one middle school. The elementary school teaches up to 5th grade. Each grade has 3-4 classes with each class consisting of 30-40 students. The middle school (junior high and high school) has a 6-year course. The students of both the

elementary and the middle/high schools combined total over 1,000 students. One teacher is assigned to each elementary school classroom, but there is only one teacher for each grade (class) at the middle/high school. In the middle/high school the students usually do not study but go to workplaces instead. That is why there is only one teacher assigned for each grade. The teacher's role is not to teach any particular subject, but to lead and supervise students on their way to and from fieldwork.

The reality of Gaecheon Concentration Camp was revealed in detail after Shin Dong-hyuk, who was born inside the center and later defected to South Korea. Mr. Shin testified that “10 rules and regulations” were strictly enforced inside the Gaecheon Concentration Camp. The “10 rules and regulations” are as follows: 1. You must not escape. 2. Three or more inmates must not meet together. 3. You must not steal. 4. You must absolutely obey orders of Protection Agency guidance officers. 5. You must immediately report if you have seen any outsiders or suspicious persons. 6. All inmates must carefully watch over each other and immediately report in the event of unusual behavior. 7. You must “over-fulfill” all tasks assigned to you. 8. Unless job-related, no contact between males and females is allowed. 9. You must be truly remorseful of your own mistakes. 10. You will be immediately shot by a firing squad if you ever violate these “laws and regulations” of the camp. There is no doubt that anyone violating any of these rules would certainly be put to death by firing squad.¹⁷¹ The following is a detailed description of life inside the Gaecheon Concentration Camp from Mr. Shin's personal diary:¹⁷²

¹⁷¹ Shin Dong-hyuk, *Coming Out to the World* (Seoul: Database Center for N. Korean Human Rights, 2007), pp. 60-62.

¹⁷² *Ibid.*, pp. 21-185.

<Table II-7> The Reality of No. 14 Gaechon Concentration Camp

The No. 14 Gaechon Concentration Camp was established in about 1965. Barbed wire fences divide the Gaechon Concentration Camp and the Daedong River, and in the Center there are schools, a village, 5 inner villages, and several factories.

The Concentration Camp consists of a main village and 5 inner villages. In the No. 4 and 5 Inner Villages there are no families, and all inmates live alone. There are no marriages and no families there. So all the children born inside the management center are from the main village or the No. 1, 2, or 3 inner villages. Inmates in the No. 1, 2, and 3 inner villages are not allowed into the No. 4 and 5 villages, and vice versa. The inmates in the No. 4 and 5 inner villages are never allowed outside their villages.

Mr. Shin was born in the Oidongri No. 8 Work Unit, which consisted of about 40 housing units. The housing unit was a single floor home with a kitchen and four rooms, one room for each family. Since heating is not provided in the management center, seniors over 65 have to join the "All Seniors Work Unit."

The housing unit at the center was built with concrete, so the floors and walls are all concrete. There is no mat on the floor, so people have to sleep on the concrete. Coal is used for floor heating. Since coal is produced in the management center itself, heating coal is supplied every day on a ration basis.

The "work unit" in the Concentration Camp is the most basic unit for carrying out work duties. There are all kinds of factories inside the management center, including coal-mines, a supervisors' office, a construction unit, a food factory, a cement factory, pottery barns, a rubber factory, paper mills, a clothing factory, and farms. Each factory contains a number of work units, and security agents are assigned to each factory. The No. 14 Concentration Camp has a security agents' village, consisting of about 100 housing units, with two families in each housing unit. So there are about 200 agent families living in the center compound. Each agent is assigned to a group of three units.

In the clothing factory where Mr. Shin worked there were 12-13 work units, with a total of about 2,000-3,000 inmates. One work-unit has about 4-5 sub-units, and each sub-unit has about 20-30 inmates. So one work-unit has about 100-150 inmates working together. Each work-unit has a leader, and above him is a master leader appointed by the security guidance agent. Daily workloads are assigned not by the agent but by the master leader on orders from the agent. So the master leader is the most feared inmate, sometimes more feared than the agents. Unit leaders are often more demanding than agents.

In the Concentration Camp, a secret prison is operated. Mr. Shin had to serve time in this secret prison after his mother and brother escaped from the center in April 1996. His cell had a concrete floor and a toilet. The size of the cell was about 150cm (5 feet), so it was a tight fit when he tried to stretch out on the floor. There was a shelf in the cell with a hanging chain, which the agents would attach to his ankles with fetters. When they pulled the chain, he would hang upside down. The center also had a separate "torture room" where they would carry out "fire tortures."

<No. 18 Bukchang Political Concentration Camp>

The memoir of North Korean defector Kim Hye-suk depicts some parts of the reality inside the Bukchang Political Concentration Camp.¹⁷³ Kim Hye-suk was detained in Bukchang at the age of 13 in 1975 and spent 27 years inside the camp before her release on August 13, 2002. She made it to South Korea in March 2009.

Within the Political Concentration Camp is a school for “immigrants,” (a euphemism for those confined in the center). This school is in a one-story building, and each class consists of 28 to 32 students. Staff members at the school are the children of “administrative workers” or officials of the Ministry of People’s Security or the State Security Agency (Bowibu), and they treat students harshly. From the third grade of middle school, students are assigned to night shifts guarding the school building from 9 p.m. to 6 a.m. This duty is assigned according to work groups, with each group consisting of 4 to 5 students. At the end of each night duty shift, work group have to fill out a night duty log. Without exception, as soon as they graduate from the school, all students become coal mine workers. If a classmate is absent from school, all the classmates go to that student’s house and drag him/her to school. The student is then whipped by the school staff and beaten by classmates. Students in the elementary schools study in the morning, and in the afternoon they are mobilized to dig mud and move it all the way to the camp’s coal mine.

There are some coal mines in the Bukchang Political Concentration Camp. Kim Hye-suk used to work in a coal mine called the “Shimsan Coal Mine,” where she conveyed raw unprocessed coal. Each working group consists of 15 persons. Work regulations

¹⁷³ Kim Hye-suk, *A Detention Camp Created in Tears* (Seoul: Si-dae-jeong-sin, 2011), pp. 15-58.

dictates three shifts a day (midnight shift: midnight to 8 a.m.; morning shift: 8 a.m. to 4 p.m.; afternoon shift: 4 p.m. to midnight). However, workers rarely finished work on time. The workloads within the Shimsan Mine is more than a woman can handle. Disciplinary regulations within the coal mine are very strict. If workers fail to report to work three times, a day's worth of grain rations are withheld.

There is a hospital within the Political Concentration Camp, Yongdeung Hospital, located in the Yongdeung Coal Mine.

<No. 22 Hweryeong Political Concentration Camp>

North Korean defector XXX testified that he had been to the area near the Hweryeong Political Concentration Camp. The camp's total area was smaller than a county, but yet he heard that about 10% of the entire agricultural output of North Hamgyeong Province was produced there.¹⁷⁴ The Political Concentration Camp in Hweryeong was built in such a way that mountains block the view in the direction of Kungshim and Sechon. Children in the camp were housed with their mothers, but wives were told to divorce their husbands.¹⁷⁵ Defector XXX testified that there was an elementary school inside the Hweryeong Political Concentration Camp, but children as young as fourth grade were forced to work in the fields. They would study in the morning, and in the afternoon each student would take a container and fill it with weeds cut from the fields or rice-paddies.¹⁷⁶

According to North Korean defector XXX, the children confined in the Political Concentration Camp are put to heavy labor at 10 a.m. If a mother helps out with her child's work, the

¹⁷⁴ NKHR2009000021 2009-04-13.

¹⁷⁵ NKHR2009000024 2009-04-20.

¹⁷⁶ NKHR2009000067 2009-11-12.

child receives punishment. Each inmate has to complete his or her duty without help from anyone, and this even applies to parents and their children. Husbands and wives are assigned to opposite work shifts so that they can not have physical contact with each other. A waterway is located in the Political Concentration Camp. Some reports say it was built to drown inmates who are condemned to execution and save bullets.

For meals, rice mixed with corn is provided three times a day. If poor behavior is noticed or reported to People's Safety agents, or if detainees are caught helping their children work, two days worth of meals are withheld. Furthermore, there is a dungeon. Those who failed to complete their tasks or talk back to guards are confined to a one-square-meter solitary cell and given half rations.¹⁷⁷

Escape is out of the question, as the camp is surrounded by a 3,300V electrified fence. Children are forced to work as soon as they finish fourth grade courses in the elementary school.¹⁷⁸

<No. 25 Chongjin Political Concentration Camp>

In Chongjin City they call this facility the Susong Correctional Center, but it is in fact a Political Concentration Camp where political criminals are detained. The MPS rather than the SSA is in charge of management and supervision of this center.¹⁷⁹ The Susong Correctional Center is constructed not in a "village style" but in a fenced "penitentiary" style fit for "collective living." Ordinary economic criminals are not sent to Susong Correctional Center; only political criminals are detained there. The inmates at Susong Center are engaged in the manufacture of bicycles using hand tools.

¹⁷⁷ NKHR2011000134 2011-06-07.

¹⁷⁸ NKHR2011000165 2011-07-19.

¹⁷⁹ Interview with defector XXX in Seoul on January 9, 2008.

• Detention and Punishment of Political Prisoners

Whether or not to send ordinary criminals to prison is determined through basic review and trial procedures. Cases of individuals charged with political-ideological crimes, however, are unilaterally reviewed by the State Security Agency in a single-trial system without judicial trial procedures. It seems, however, that certain procedures are followed. Defector XXX testified that decisions regarding the political criminals made at the county, city or provincial level must be ratified by the Party.¹⁸⁰ The North Korean government punishes not only the political criminals themselves but also their relatives. This is due to the so-called “crime-by-association” system. Defectors XXX and XXX testified that this system usually applies to one’s closest family members (next of kin). If a husband were convicted of political crimes, his wife would be automatically divorced and sent off to her original home; but if a wife were convicted, her husband would not be punished at all.¹⁸¹

North Korean defector XXX testified that if married person is sent to the Political Concentration Camp, other family members ask the spouse to divorce the detainee in order to avoid being sent to the camp themselves. Others testify that confinement in Political Concentration Camps is decided in secret trials.¹⁸² Defector XXX testified that when her eldest brother XXX, a low-level Party secretary, was detained in a Political Concentration Camp in April 2005 on charges of embezzlement of the Party funds, the decision was made through a secret trial.¹⁸³

¹⁸⁰_NKHR2011000165 2011-07-19.

¹⁸¹_Interview with defector XXX in Seoul on November 30, 2002.

¹⁸²_NKHR2011000196 2011-09-06.

¹⁸³_NKHR2011000085 2011-04-05.

North Korea began charging those caught contacting South Koreans or attempting flight to South Korea with the crime of espionage, and began detaining those suspects in Political Concentration Camps. Other testimony reveals cases where the remaining family members of defector are sent to Political Concentration Camps. Cases of incarceration on charges of religious activities are also on the rise.

- Defector XXX testified that in January 2008 he came to know XYZ (about 31) in China. XYZ was later arrested on charges of smuggling out some confidential documents and was sent off to Yodok Concentration Camp. XXX said that a ranking official told him about this.¹⁸⁴
- Defector XXX testified that his neighbor told him in January 2008 that XXX was sent to the Hweryeong Political Concentration Camp on charges of having a telephone conversation with his sister in South Korea and attempting to flee North Korea.¹⁸⁵
- Defector XXX testified that his aunt was confined in the Yodeok Political Concentration Camp on charges of exchanging money with a South Korean during the reunion of separated families in October 2008.¹⁸⁶
- Defector XXX testified that his mother told him in July 2010 that three family members who lived in Pohang District of Sinpo, South Hamgyeong Province were sent to a Political Concentration Camp for having been caught holding a worship service.¹⁸⁷

¹⁸⁴_NKHR2009000010 2009-02-26.

¹⁸⁵_NKHR2010000053 2010-06-29.

¹⁸⁶_NKHR2010000068 2010-04-27.

¹⁸⁷_NKHR2011000196 2011-09-06.

- Defector XXX testified that he saw four family members (two males and two females), who were residing in Pohang District of Sinpo, South Hamgyeong Province, sent off to a Political Concentration Camp in September 2009 because one of their family members had fled to South Korea.¹⁸⁸
- Defector XXX testified that he heard that the family members of XYZ, a guidance official in the Department of External Affairs in the Musan, were taken away to the Cheongjin Political Concentration Camp because XYZ fled to South Korea in October 2010.¹⁸⁹
- Defector XXX testified that he heard from his neighbors that XXY, who had been residing in the Dongmyeong District of Hweryeong, was sent to the Hweryeong Political Concentration Camp. He was said to have been arrested for attempting to enter a South Korean Embassy in China and repatriated back to North Korea in 2010.¹⁹⁰

In some cases, confinement in Political Concentration Camps is imposed as a punishment for deviant social behavior. Cases of individuals sent to Political Concentration Camps for human trafficking are steadily increasing. Significant economical crimes are also punishable with confinement in Political Concentration Camps.

- Defector XXX testified that XXY, his maternal uncle's wife, was sent to the Gaecheon Concentration Camp in 2007 for taking out some agricultural publications outside the country and engaging in human trafficking.¹⁹¹

¹⁸⁸_ NKHR2011000077 2011-03-22.

¹⁸⁹_ NKHR2011000058 2011-02-22.

¹⁹⁰_ NKHR2011000187 2011-08-16.

¹⁹¹_ NKHR2011000068 2011-03-15.

- Defector XXX testified that he heard XXY, a relative on his mother’s side, was confined in the Political Concentration Camp on charges of human trafficking in 2009.¹⁹²
- Defector XXX testified that in February 2010, the manager, bookkeeper and secretary working for the fuel oil warehouse in Cheonnae, Gangwon Province, were arrested for privately using and selling the fuel oil. He saw not only the culprits but also their family members taken away to a Political Concentration Camp. The case was widely reported and was called “The Major Incident, the Fuel Oil Incident.” It is said that the oil warehouse located in Cheonnae is a secret oil station reserved for Kim Il-sung and Kim Jong-il.¹⁹³

• Dwellings and Camp Life

<Civil Right and Family Right>

Once a condemned person enters a detention camp, the camp authorities confiscate his citizen ID card, depriving him of fundamental civic rights such as the right to vote or to run for public office. It seems that Party membership, marriage and childbirth have at times been allowed inside the camp. Kim Hye-suk became an exemplary member of the North Korean Democratic Youth League (currently Kim Il-sung NKDYL) and entered the Party on recommendations from Primary Party Committee and Primary League of Socialist Working Youth in October 1984 while imprisoned in a Political Concentration Camp. She also married a blaster working in her coal mine, and gave birth to his child.¹⁹⁴

¹⁹² NKHR2011000124 2011-05-24.

¹⁹³ NKHR2011000196 2011-09-06.

¹⁹⁴ Kim Hye-suk, op.cit., pp. 60~68.

Enjoying a married life inside the camp is something every inmate dreams of. The guidance officer decides whether to permit a marriage. Thus, all inmates try to win this officer's favor by working hard, volunteering for risky jobs, observing all rules and regulations, and even spying on other inmates. This is the only way to win the highest honor: the so-called "marriage commendation."¹⁹⁵ Detainees are prohibited from all verbal or written communication with family/relatives and are absolutely forbidden to have any contact with the outside world, including relatives.

<Forced Labor>

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

Inmates usually wake up at 4 a.m., eat breakfast, and leave for work at 5 a.m. By the time they arrive at work it is about 6 a.m.¹⁹⁶ Weekend breaks are never granted in the camp, so everyone works on Saturdays and Sundays. Inmates are given one day off every month, usually at the beginning of each month. They also rest on annual holidays, which include New Year's Day and the birthdays of Kim Il-sung and Kim Jong-il.¹⁹⁷

¹⁹⁵ Shin Dong-hyuk, op. cit., pp. 63-65.

¹⁹⁶ Ibid., p. 56.

¹⁹⁷ Ibid., p. 45.

The inmates are mobilized to work on holidays. In the case of the No. 18 Bukchang Political Concentration Camp, detainees are mobilized on holidays to work in the houses of the coal mine guidance officers or security agents. They plow fields, plant potatoes, or carry coal to be stored inside the warehouses.¹⁹⁸

In some cases, forced labor resulted in death. In the case of the No. 18 Bukchang Political Concentration Camp, many of the inmates ended up dying from accidents within the coal mines. Kim Hye-suk's brother also lost his life while working in the coal mine.¹⁹⁹

Meanwhile, it has been revealed that the Political Concentration Camps pay wages for forced labor. Kim Hye-suk used to save her wages. One day she bought 80 kilograms of seaweed with the saved money. Her husband also earned wages.²⁰⁰ In addition to the wages, each coal mine workers were provided with one piece of soap and one pair of gloves per month, and a pair of shoes every 6 months.²⁰¹

<Housing>

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

¹⁹⁸ Kim Hye-suk, op. cit., p. 38.

¹⁹⁹ Ibid., pp. 42-44.

²⁰⁰ Ibid., pp. 34-35.

²⁰¹ Ibid., p. 66.

<Right to Health>

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

The mother of North Korean defector Kim Hye-suk used to climb hills to catch earthworms in a bucket and to feed to farm-raised hens and ducks while she was confined in the concentration camp. In the process, she became physically feeble. Even though her abdomen swelled from ascites, she was not treated with proper medicine. Kim Hye-suk bought nutritional supplements for her mother by selling Chinese rice. After taking the nutritional supplements, her symptoms were relieved. However, once the supplements ran out, the symptoms returned. After being confined to her home with the illness for six months, she eventually passed away at the relatively young age of 43.²⁰² Kim Hye-suk's husband came down with pellagra while in the Bukchang Political Concentration Camp during the Arduous March. Many inmates confined in the concentration camp died from pellagra, as most suffer from nutritional deficiencies.²⁰³

<Human Rights Infringement Related to Women's Hygiene>

Kim Hye-suk reported that after her childbirth she used patches torn from her underclothes as sanitary pads due to lack of

²⁰² Ibid., pp. 27-29.

²⁰³ Ibid., pp. 27-29.

fabric. She criticized Concentration Camps' inadequate hygiene for women, highlighting that even essential materials for mothers are not properly provided.²⁰⁴

<Right to Food>

The daily ration at coal mines and farms amounts to 900 grams of corn per person a day. Since the mid-1990s, the inmates have been given only 700 grams, as 200 grams are taken away in the name of "grain savings." For side-dishes, inmates receive three pieces of salted lettuce and a handful of salt. The work is hard and intensive but the quality of each meal is very poor, so all inmates suffer from extreme hunger all the time. The most popular activity among inmates is to catch mice for cooking and eating. When inmates are dispatched to help out at collective farms, they can easily catch mice. At one point, Shin had eaten mice every day for a week. Elementary school children receive 300 grams of grain per day. Middle/high school students from first to fourth grade get 400 grams, and fifth and sixth graders get 500 grams of grain rations.²⁰⁵

In the case of North Korean defector Kim Hye-suk, a mere eight kilograms of rice and grains were distributed to her seven-member family per month. She said that because there was no other means to obtaining food, they had to gather edible wild greens in the mountains to satisfy their hunger. Whenever they had a day off, the entire family went to the hillside to gather edible wild greens and stored them for food.²⁰⁶

Traditional holidays were no better than ordinary days.

²⁰⁴ Ibid., p. 68.

²⁰⁵ Shin Dong-hyuk, op. cit., pp. 46-48.

²⁰⁶ Kim Hye-suk, op. cit., pp. 73-76.

Luckily, Kim Hye-suk's family was able to have the rice mixed with corn on traditional holidays without having to mix in wild edible greens. During winter, it was extremely difficult to obtain things to eat. Kim Hye-suk's mother bought a millstone and ground corn to make porridge for each meal. People suffered from malnutrition to the point where their own relatives could not recognize them because they were so emaciated.²⁰⁷

<The Right to Education>

At the camp "people's school" (elementary school), the daily routine is almost the same as other elementary schools across North Korea, except for the labor details the children are mobilized for from time to time. However, there is a significant difference between camp schools and schools outside in terms of course subjects, content of instruction, and the teacher-student relationship. At camp elementary schools, they teach only three subjects: Korean language, math, and physical education. No other subjects are taught there. Subjects like Kim Il-sung, the Party, revolution, North Korean history, geography, science, music and fine arts are never taught in the camps.²⁰⁸

In middle/high school, camp students spend most of their time at factories, farms, or coal mines, so most former inmates do not have particular memories of their middle school days. At the camp schools, therefore, students do not study in classrooms but are mobilized for work at farms or factories as soon as they graduate from elementary school and matriculate to middle school. In high schools there are no textbooks, only notes taken during the Lifestyle Review meetings.²⁰⁹

207. Ibid., pp. 25-26.

208. Shin Dong-hyuk, op. cit., pp. 80-98.

209. Ibid., pp. 115-128.



3



The Right to Due Process of the Law

A. North Korea's Criminal Law and Human Rights

- North Korea's Criminal Law

The Universal Declaration of Human Rights (Article 11 (1)) and the International Covenant on Civil and Political Rights (Article 14 (2)) proclaim the principle of legality, stipulating that no one shall be held criminally accountable for any act or omission which did not constitute a crime at the time when it was committed.

The revised 2004 version of the North Korean Penal Code was evaluated positively: It systemized provisions, adopted the principle of *nulla poena sine lege* (no criminality without prescribed laws), deleted articles allowing for analogous interpretation, reorganized criminal punishments and specified *mens rea* and *actus reus* (elements of a crime to determine whether an act constitutes a crime).

Despite these improvements, however, North Korea's Code still has many problems. First, it adheres to class lines, stipulating

that “In the fight against crime, the state adhere to working-class principles and applies legal sanctions with the main focus on social education” (Article 2).

Second, North Korea’s Penal Code allows an exception to the statute limitations for anti-state or anti-nation crimes and deliberate violent crimes such as murder, thus there is no statute of limitations for these crimes (Article 57).

Third, while some specified components of North Korea’s revised 2004 Penal Code have been positively evaluated, there are also some vaguely defined which inevitable will lead to arbitrary interpretation.

Fourth, the Penal Code systemizes a guilt-by-association system for anti-state and anti-nation crimes. It includes articles designed to punish those who help conceal others who commit anti-state and anti-nation crimes, either actively or passively neglecting to inform the authorities about them.²¹⁰

The 2011 survey of 80 North Korean defectors’ testimonies shows that Kim Jong-il’s words and directives are the law in North Korea. In response to the question, “What did you think constituted laws while you were living in North Korea?” 90.5% of respondents indicated Kim Jong-il’s words and directives; 86.5% of respondents indicated decrees by the Ministry of People’s Security; 79.7% indicated national laws, including the Socialist Constitution and the Penal Code; 77% indicated orders issued by the National Defense Commission (NDC); 74.3% indicated Party directives; 71.6% indicated the Ten Principles; and 56.8% indicated the directions and instructions of the Cabinet. In regards to which laws have the greatest influence on daily life, respondents first prioritized the

²¹⁰ Lee Gyu-chang and Chung Gwang-jin, op. cit., pp. 16~19.

words and directives of Kim Jong-il, followed by the orders of the Party, followed by the decisions of the Cabinet, followed by the Socialist Constitution (general law).²¹¹

- **North Korea's Criminal Procedure Law**

North Korea's Criminal Procedure Act was completely revised on May 6, 2004, and partly revised again on July 26 and October 18 of the same year. The Criminal Procedure Act of 2005 made far more progress than the earlier version in guaranteeing human rights. In particular, the detainment period for suspect undergoing interrogation and awaiting trial was shortened, and the period of confinement for indictments and trials was specified. Some articles contribute to guaranteeing human rights: for instance, it forbids making arrest without a warrant or using statements made under duress.

Despite the improvements, North Korea's Criminal Procedure Act of 2005 still has the following limitations in terms of protecting human rights in the course of due criminal procedure.²¹² First, the Criminal Procedure Act allows for people to be arrested and confined during the course of investigation and without judicial deliberation by a court of justice. This raises the serious problem in that the right to legal representation is not at all guaranteed during the investigative phase or early pre-trial procedures, when an attorney's assistance is most needed.

²¹¹ Choi Bong-dae, *Case study on North Korean Defector's Legal Perception* (Seoul: Ministry of Unification of South Korea, 2011), pp. 10-12.

²¹² Han Myeong-seop, *Comprehensive Issues on Exchange between North and South Korea* (Paju: Han-ur-a-ka-de-mi, 2008), pp. 30-32; Ministry of Court Administration, *North Korea's Criminal Law* (Seoul: Ministry of Court Administration of South Korea, 2006), pp. 25-26.

Second, opening trial proceedings to the public is essential to the transparency and fairness of trials. Accordingly, Article 271 makes public exposure the norm but permits broad exceptions, including the protection of state or personal secrets and the prevention of socially harmful effects.

Third, North Korea's criminal procedure still falls short in terms of maintaining the principle of due legal procedures because it omits any provision in terms of legal confinement and fails to address rules for the the presumption of innocence and hearsay. In addition, the law has still many problems in terms of original jurisdiction, the independence of the judiciary and the appeal process, which will be discussed in the following sections.

• North Korea's Judicial System

<Composition of the Court and Jurisdiction>

In North Korea, a criminal cases may be reviewed by three levels of courts: the Supreme Court; the provincial or direct-governed city court; and the city, district, or county people's court.²¹³ There are also two kinds of special courts - military and railroad courts. The Supreme Court (previously the Central Court)²¹⁴ rules on appeals and objections raised over the cases tried by provincial or direct-governed city courts and by railroad courts. However, if necessary, the Supreme Court may try any case under

²¹³ With regard to special trial, North Korea established Maritime Procedure Relations Act on January 19, 2011. The law establishes the Court of Admiralty as a special civil court.

²¹⁴ The current Socialist Constitution refers to this body as the Supreme Court, but other laws and regulations including the Court Organization Act and the Criminal Procedure Act still refer to it as the Central Court. The related laws and regulations will be soon revised pursuant to the Socialist Constitution. Hereinafter we shall refer to the Central Court as the Supreme Court in quoting related laws and regulations.

the trial jurisdiction of any court or transfer a case to another court of the same level or type (Article 129).

Provincial and direct-governed city courts are the first to try cases of crimes against the state or the people as well as general criminal cases for which the death penalty or a life term of disciplinary prison labor is sought. The provincial and direct-governed city courts serve as appeals courts for cases tried in the people's courts within the province or direct-governed city. However, if necessary, these courts may directly try a case within the people's court's jurisdiction or transfer a case to another people's court (Article 127). The people's courts are the first courts to try general criminal cases that do not fall under the jurisdiction of the special courts or the Supreme Court (Article 126).

Since a criminal case may be reviewed twice in North Korea, any case can be reviewed after the first trial by a higher court, except for those the Supreme Court tries itself. This distinguishing feature of North Korea's judicial system gives higher courts broad and influential authority. That is to say, a higher court may be the first to try any case under its own trial jurisdiction or move the case to another court of the same level or type.

In North Korea, in principle, each criminal case is reviewed twice in a system of three levels of courts. However, since the case may not be reviewed again, this system can be considered insufficient in terms of protecting human rights and remedying violations of private rights. In addition, a special article of North Korea's Criminal Procedure Act allows courts to try criminal case that fall under the trial jurisdiction of other courts, if necessary. This renders principles of subject matter jurisdiction and instance jurisdiction meaningless in practice. The expedient and arbitrary selection of jurisdiction may enable more prompt and fair trial procedures, but it can also

be an obstacle to improving the human rights of North Korean residents.²¹⁵

<Organization and Independence of Court>

According to the Court Composition Law, the participants in court decisions are the judge and the people's jurors (Art. 4). Article 9 stipulates that a 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).

In principle, prosecutors and lawyers are to attend court hearings (Article 267 of the Criminal Procedure Act). North Korea denies the independence of the courts, viewing them as vehicles through which the Party may exert influence or guidance over trials. Legally, judges are to be elected by North Korean citizens. In reality, however, Kim Jong-il or the Korean Workers' Party controls the legislative power of the Supreme People's Assembly (SPA), the representative organ of supreme sovereignty, based on the principle of centralism and the Party's predominance. The Party also supervises the selection and duties of deputies of the SPA. The Cabinet and the Supreme Court members are also selected by the SPA and held accountable to it. "The Supreme Court shall be accountable for its work to the SPA and to the Presidium of the SPA when the SPA is in recess" (Article 168 of the Socialist Constitution).

North Korean laws stipulate that the courts are to conduct independent judicial proceedings and carry out judicial activities according to the law (Article 166 of the Socialist Constitution, Article 272 of the Criminal Procedure Act). However, it does not

²¹⁵ Lee Gyu-chang and Chung Gwang-jin, op. cit., pp. 56-57.

guarantee an individual judge's independence, but rather proclaims the independence of the judiciary as an organizational structure. Thus, it cannot be seen as truly guaranteeing the independence of the judiciary.²¹⁶ Article 11 of the Prosecutory Supervision Law stipulates that a prosecutor shall consider each case to determine whether a hearing has been conducted at the right time and in the correct way as required by law. As such, the prosecution has authorities to consider trials and cases under arbitration and thus participate in the proceedings of a case. Judges seem to be subordinated to prosecutors in North Korea's judicial system.²¹⁷

<The People's Jury System>

As part of its trial system, North Korea has adopted a "people's jury" system. The people's jurors enjoy the same status as the judge. At every level of trial, these jurors may exercise a judicial right to interrogate the accused. Each trial and sentencing hearing should be attended by one judge and two people's jurors.

This system would appear, at least in form, to follow somewhat the jury system of Anglo-American courts. However, in reality it is a system employed to exercise the Party's control over the judicial system. There are no specific standards for the qualification of people's jurors except that they must be North Korean citizens who are qualified to participate in elections (Art. 6, Court Composition Law). In fact, their primary role is not to provide a fair and objective trial but to rubber-stamp the conviction of the accused wrongdoer.

²¹⁶ Ibid., pp. 49-53.

²¹⁷ Kim Dong-han, "Trend and Evaluation of North Korea's Judicial Laws," *Division of South and North Korea for 60 years: Past and Present of North Korean Law*, Year 2005 Academic Conference Proceeding of the Korea Society of North Korean Laws Studies, 2005.

- **Trial Procedures**

<Investigation, Pretrial Examination and Indictment>

In North Korea, a criminal case starts with an investigation. There is a system called “Yesim” or “pretrial examination,” which occurs between investigation and indictment phases in North Korea’s judicial system. The pretrial examination is the process of confirming the suspect and compiling the details of the criminal case fully and accurately. Once a suspect has been taken into custody in one of the above situations, an investigator must draw up a custodial decision document within 48 hours, receive the prosecutor’s authorization, and pass the case onward to pretrial examination within ten days of the arrest. If the above authorization is not given or if there is no confirmation of the suspect’s complicity in the crime within ten days, the pretrial agent must release him/her immediately (Article 144). The pretrial agent must finish the examination within two months of the start of the pretrial examination. Cases which warrant disciplinary prison labor terms must proceed within 10 days (Article 151).

Once the case record of the pretrial examination is confirmed, the case is brought to court. The prosecutor must process the case within 10 days of receiving the record from the pretrial agent. If the case warrants disciplinary prison labor, it must be processed within three days (Article 262). The suspect may be detained for three days for the purpose of indictment if the case warrants disciplinary prison labor (Article 263). The prosecutor then produces a bill of indictment, and brings the case to court (Article 265).

<The First Instance of Trial>

The first trial begins with a trial preparation phase. Before

the trial examination, the presiding judge may review the scene of the crime and evidence, checking whether there was adequate inquiry into the crime during the pretrial phase, whether there are grounds for indictment, whether the Penal Code was applied correctly, and whether the interrogatee should be detained (Article 291). If the judge ascertains that the pretrial examination was adequate, the interrogatee is then tried by the court. If not, the case is returned to the prosecutor (Article 292, Article 293)

This trial preparation process can be considered an intermediate phase in the process of transferring a case to the trial following the review of the investigation record, the pretrial examination, and the indictment, not as a new examination of the case. This seems to be a way for the prosecutor and the court to reach a common opinion about the punishment and a prison term of the accused before the trial starts.²¹⁸

The first trial proceeds through the following five steps: initiation of examination, examination on the facts, argument and defense, the accused's final statement, and finally the ruling (Article 301). Article 271 establishes public examination as the norm while permitting broad exceptions, including the protection of state and personal secrets and the prevention of spreading information that may have socially harmful effects.

The first trial must conclude the examination phase within 25 days of filing of case records. The exception is when the crime warrants a sentence of disciplinary prison labor, in which case the trial hearing must be concluded within 10 days. In particularly complicated criminal case, the trial hearing can be extended for up

²¹⁸ Kim Sang-gyun, "North Korea's Judicial System," *Issues related to Exchange between South and North Korea No. 6* (Seoul: Ministry of Court Administration of South Korea, 2007), p. 61.

to five days (Article 287).

<The Second Trial>

The defendant, his lawyer, or those claiming damages can appeal a sentence to a higher court after the first trial. This is called an “appeal,” while an ab appeal by the prosecutor is called an “objection” (Article 357). The appeals court reviews case records and the appeal materials to determine whether the original ruling followed the requirements of the law and were based on scientific evidence, and corrects errors, if any (Article 364). The court of the second trial does not hold a new hearing. It reviews the case records and the appeal materials to determine whether the trial court’s ruling followed the requirements of law and were based on scientific evidence, and corrects errors, if any (Article 370). The second trial court must proceed with the trial within 25 days of receiving the appeal document (Article 366).

• The Reality of the Criminal Trials

It is difficult to closely examine the trial process in North Korea. Thus far none of the North Korean defectors have experiences working as a prosecutor, a judge, a people’s juror, or an attorney in North Korea. Most defectors do not have special legal knowledge and thus there are many contradictory testimonies about the trial process.

<Court Participants>

North Korean defectors have testified that the level of punishment is decided during the pretrial examination or an investigation stage, without the presence of judges or people’s jurors. This indicates

that the court and the prosecutor reach on about sentencing and prison terms during the trial preparation phase.

- Defector XXX, who left North Korea in January 2010, testified about her trial experience. A prosecutor and two pretrial agent determined her sentence of correctional prison labor during the pretrial stage.²¹⁹

However, others have testified that due criminal trial procedures are formally observed, and in these testimonies the trial participants seem to be different.

- Defector XXX testified that he/she was arrested while attempting to escape from Pohangguyeok Corrective Labor Camp, underwent a pretrial examination, and was sentenced in court to three years imprisonment. He/she testified to standing trial alone before a prosecutor and a judge at the Pohangguyeok Court of Justice.²²⁰

In North Korea, some cases can be found from defector's testimonies where criminal trial procedures are formally observed as stipulated in the Penal Code, the Criminal Procedure Act, the Court Composition Law, and other laws.

- Defector XXX testified to undergoing a pretrial examination for two months at the Musan-gun Court of Justice in May 2007. Five people, including a vice chief of justice, two people's jurors, an attorney and a prosecutor, participated in the trial. The trial process consisted of the prosecutor's argument, the attorney's defense, and judgement of the vice chief justice and people's jurors.²²¹

²¹⁹_ NKHR2010000089 2010-06-08.

²²⁰_ Interview with defector XXX in Seoul on March 10, 2007.

²²¹_ NKHR2008000022 2008-11-05.

However, some testimonies show that trial processes only occur on paper.

- Defector XXX testified that he/she was arrested for entering a South Korea embassy in China and deported to North Korea on May 1, 2004. He/she no with no due trial process before being sentenced to one year imprisoned at the Bukchang-gun People’s Safety Agency. He/she testified that the trial was done only on paper, without a lawyer’s presence.²²²
- Defector XXX testified that he/she had been detained in Jeungsan Correctional Center from July 12, 2000 to December 24, 2004 for crossing the border illegally and attempting to enter South Korea. He/she was sentenced to a year of correctional prison labor, but this was done only on paper, with no trial. The Ministry of People’s Security agents of the camp told him/her, “You can stay here only for one year, but those people whose crimes have rebellious elements must stay here longer.” In the end, he/she was released after one year, five months and twelve days.²²³
- Defector XXX testified that he/she was caught while illegally crossing the border and detained in Hweryeong State Security Agency for a month before being transferred to the City People’s Agency. He/she testified that he had no trial because defection cases are processed without any formal trial, only some paperwork.²²⁴

<Trial Procedure>

It is still very common in many cases for due process to be

²²² Interview with defector XXX in Seoul on March 7, 2007.

²²³ Interview with defector XXX in Seoul on February 28, 2007.

²²⁴ Interview with defector XXX in Seoul on January 16, 2008.

ignored. Many trials proceeds based on documents only, and the right to a formal trials is violated during the pretrial or investigation stage.

- Defector XXX testified that her brother underwent pretrial at the North Hamgyeong Province State Security Agency Detention House for a year starting in 2005 for the crime of illegally crossing the border and meeting with a South Korean.²²⁵
- Defector XXX testified to being sentenced to disciplinary prison labor without undergoing a pretrial or indictment period.²²⁶
- Defector XXX testified to being sentenced to disciplinary prison labor without any pretrial procedure.²²⁷

On the other hand, in some cases the proper procedures of investigation, pretrial and formal trial are observed as a stipulated in the Criminal Procedure Act. These cases have important implications with regard to North Korean's observance of legal regulations. The following are some specific examples of trial experieces by North Korean defectors.

- Defector XXX testified that in her case the time period for investigation was not observed, but the periods for additional pretrial examination and first trial were observed.²²⁸
- Defector XXX testified that the maximum time limit of one month for pretrial was observed in her disciplinary prison labor case.²²⁹

²²⁵_NKHR2009000066 2009-11-11.

²²⁶_NKHR2010000053 2010-06-29.

²²⁷_NKHR2010000102 2010-07-13.

²²⁸_NKHR2010000015 2010-10-05.

²²⁹_NKHR2010000030 2010-11-23.

- Defector XXX, who was sentenced to disciplinary prison labor, testified that time periods for pretrial examination and first trial were observed.²³⁰
- Defector XXX testified that time periods for investigation and first trial were observed while she carried out her disciplinary prison labor sentence.²³¹
- Defector XXX testified that the indictment period and the first trial period were observed in the process of ruling on her disciplinary prison labor.²³²
- Defector XXX testified that she was sentenced to correctional prison labor and that the periods for pretrial and first trial were observed.²³³
- Defector XXX testified that in the process of receiving her sentence of correctional prison labor, the proper time periods were observed for pretrial, indictment and first trial, but not for the investigation.²³⁴

The above testimonies show that the allotted time periods for investigation and pretrial are not observed, but those for indictment and the first instance of trial period are observed, which can be taken as a positive development. However, it is impossible to generalize from these few fragmentary testimonies that criminal trials in North Korea always proceed according to the proper time periods. The fact that indictments and first trials proceed in a timely manner is less an indication that North Korea strictly follows its own criminal laws, than it is a sign that sentences

²³⁰_ NKHR2010000043 2010-11-02.

²³¹_ NKHR2010000053 2010-06-29.

²³²_ NKHR2011000020 2010-05-19.

²³³_ NKHR2010000059 2010-11-30.

²³⁴_ NKHR2011000021 2010-06-07.

are more or less decided during the earlier investigation and pretrial processes, and the trial is merely a formal procedure.

<The Role of People's Jury>

According to the testimonies of North Korean defectors, their role is indeed limited to confirming the list of crimes presented at trials.²³⁵ Defector XXX testified that an agent of Hamheung City People's Security arrested him three days after he struck a party official. Two people's jurors were appointed by the military branch of the Party. They were required to express their opinions at the trial. They did so by remarking, "Striking an official working for Kim Il-sung is dangerous to society." Prosecutors and judges proceeded with the trial on the basis of this kind of statement.²³⁶ Defectors testify that most North Korean people know of the citizen jury system and they know jurors appear before the court, but they have absolutely no idea what their role is or how the jurors are selected.²³⁷ In reality, they are selected from among the more competent citizenry. However, since they lack professional knowledge, they play token roles.²³⁸ Defectors Kim XX, Shin XX, and Yoon XX all testified that at open trials a judge and some Ministry of People's Security agents are present; yet in most cases executions are carried out without witnesses and without specifying the crimes committed.²³⁹

²³⁵ Interview with defector XXX in Seoul on January 9, 2004.

²³⁶ Interview with defector XXX in Seoul on May 16, 2001.

²³⁷ Interview with defector XXX in Seoul on January 9, 2004; Interview with defector XXX in Seoul on Feb. 4, 2003.

²³⁸ Interview with defector XXX in Seoul on January 18, 2005.

²³⁹ Interview with defector XXX in Seoul on October 20, 2004; Interview with defector XXX in Seoul on November 3, 2003; Interview with defector XXX in Seoul on January 10, 2004.

• The On-Site Open Trial System

Article 286 of the law stipulates, “In order to prevent crimes and awaken the masses to the issue on trial, the courts can organize trials and deliberations on-site (at any locality). In such instances, the representatives of an agency, enterprise or organization may be asked to reveal the acts of the criminal and accuse him/her.” North Korea adhere to procedures for on-site public trials as well as the various formalities of court trials, such as having a judge, prosecutor, and people’s jurors. North Korean defector XXX testified that there was a public trial in October 2008 next to the marketplace at Musan-gun, in which there was a judge, prosecutor, and attorney.²⁴⁰ However, the majority of North Korean residents are not aware of whether judges, prosecutors, attorneys, and people’s judges participate in public trials.

The crimes subject to this type of trial are not specified, yet these trials are organized upon the instructions of the Party when it deems them necessary for social education or when there is a need to warn the masses about specific crimes.²⁴¹

Testimony indicates that some ex-convicts are forced to observe public trials. North Korean defector XXX testified that this most frequently happened to drug dealers and individuals who received money from relatives who had fled to South Korea. The person who gave this testimony had been imprisoned at the Jeongeori Long Term Correctional Center in 2007 for illegal border crossing for defection. After being discharged from the Correctional Center, one day he received a notice from the court requiring that he observe a public trial.²⁴²

²⁴⁰ NKHR2011000058 2011-02-22.

²⁴¹ Court Administration Agency, North Korea’s Criminal Law, p. 30.

²⁴² NKHR2012000008 2012-01-31.

<Local Public Trials and Public Executions>

The goal of local public trials is to instill fear in citizens by publicly exposing and censuring the actions of criminal. Accordingly, local public trials frequently lead to public executions.

- Defector XXX testified that there was a trial near the end of March 2007 at the miners’ meeting hall at Musan-gun, during which the chief of the Musan-gun court, the chief of police, the head of the People’s Council (or deputy head), and the appointed chief of the security precinct were present. XXX further stated that the chief of the court read a judgment saying something “So-and-So shall be put to death!”²⁴³
- Defector XXX testified that two men and thirteen women were publicly executed on February 20, 2008, on a bridge in Juweon-gu, Onseong-gun, North Hamgyeong Province. According to this testimony, the authorities gave advance public notice to each institution, corporation, and people’s cells to ensure attendance, and also made sure on the day of the execution that no one failed to attend.²⁴⁴

However, not all local public trials lead to public executions.

- North Korean defector XXX testified that in March 2007 at a local public trial at the Musan-gun Miner’s Hall, the chief of the court announced that one defendant would be put to death, another would serve fifteen years, another ten years, another five, and so forth.²⁴⁵
- North Korean defector XXX testified that on June 12, 2008,

²⁴³_ NKHR2008000022 2008-11-05.

²⁴⁴_ Good Friends, “North Korea Today,” No. 114 (March 5, 2011).

²⁴⁵_ NKHR 2008000022 2008-11-05.

during a local public trial for twelve defendants accused of smuggling drugs and colored metals in Hyesani in Yanggang Province, three of the defendants received life sentences and four received correctional prison labor terms of ten years or longer.²⁴⁶

- North Korean defector XXX also testified to seeing a felon sentenced to correctional prison labor via a public trial.²⁴⁷

<Judgments and Local Public Trials>

It is not clear whether the courts determine the sentence prior to the public trial and uses the public trial as a forum to announce the judgment and carry out the sentence, or whether the sentence is determined through the public trial. When North Korean defectors were surveyed on this subject, thirty-five out of fifty-nine respondents (60%) replied that the sentence was predetermined before the public trial, but twenty-four (40%) responded the sentence was determined after the trial.²⁴⁸

The following are some testimonies indicating that the sentence is determined in court prior to the public trial and the public trial simply serves to formally announce the judgment before carrying out the sentence:

- North Korean defector XXX testified that the defendants in public trials were those about to go to prison.²⁴⁹
- North Korean defector XXX testified that his younger sibling XXX was tried publicly for watching videos. The sentence was determined by the court and the public trial

²⁴⁶ Good Friends, “North Korea Today,” No. 167 (July 1, 2011).

²⁴⁷ NKHR 2011000131 2011-06-07.

²⁴⁸ The interview survey with 230 North Korean defectors in 2011.

²⁴⁹ NKHR 2011000055 2011-02-22.

only proclaimed it.²⁵⁰

The following testimony indicates that sentences are determined through public trials:

- In February 2011, North Korean defector XXX testified that there was a trial in 2007 against a person who had injured him with a lump of metal. The trial took place at the Hweryeong courthouse in the morning and at the city corrective labor camp in the afternoon. Asked if the judgment was made at the Hweryeong courthouse, the defector answered that the judgment was made at the Labor Training Camp trial in the afternoon.²⁵¹

<Appeals following Local Public Trials>

Some testimonies indicate that it is impossible to appeal the verdicts of local public trials.

- North Korean defector XXX testified that at a public trial for a felony, a judge was present and announced “The defendant is sentenced to death by firing squad according to Article such-and-such of Paragraph so-and-so. You may not appeal this judgment.”²⁵²
- North Korean defector XXX also testified that it was not possible to appeal the rulings of local public trials, as the convening of a local public trial reflects the existence of substantial amounts of evidence.²⁵³

²⁵⁰ NKHR 2011000131 2011-06-07.

²⁵¹ NKHR 2011000137 2011-06-14.

²⁵² NKHR 2011000131 2011-06-07.

²⁵³ Consultation with Song Hyun-uk, Director of Human Rights Investigation of Committee for Democratization of North Korea on November 8, 2011.

<The Characteristics of Public Trials>

The characteristics of public trials are as follows:

First, the highest proportion of reported public trials are held in the regions of Hyesan in Yanggang Province and Musan-gun and Hweryeong in Hamgyeong Province. This is because the majority of North Korean defectors are from these regions. Second, the majority of the criminal charges brought before public trials are for socially deviant crimes, followed by economic crimes and illegal border crossing for defection. Socially deviant crimes are numerous because many public trials address human trafficking, with murder and prostitution cases also accounting for a high proportion of trials. Third, defector testimonies indicated limited terms of correctional prison labor were the most common verdict at public trials, though the next most frequent response that the respondent did not know the trials' verdict.²⁵⁴ The reason for this appears to be because these residents were mobilized to attend the trials, rather than voluntarily participating. Fourth, while it is difficult to make a quantitative assessment of whether public trials are increasing or decreasing, they do appear to be occurring consistently. However, North Korean defector XXX, who escaped North Korea in June of 2010, testified that public trials had increased greatly in recent months.²⁵⁵

- The “Comrade Trial” System

<The Legal Basis and Objectives of Comrade Judgments>

North Korea has abolished the so-called “mass trial” (or people’s trial) system which it had maintained for a while immediately after the Korean War. From about 1972, however, North Korea has

²⁵⁴ The interview survey with 230 North Korean defectors in 2011.

²⁵⁵ NKHR2011000045 2011-02-08.

been enforcing a system of “comrade trials” at the regional level. The legal basis for “comrade trials” is provided by the Prosecutor’s Inspection Law. Article 40 of this law stipulates that in cases where the accused is sent to a pre-trial, sent before the Socialist Law-Abiding Life Guidance Committee, subjected to a “comrade trial,” or sent to a detention center or labor-training camp, the prosecutor can choose to rectify the behavior or demand further legal restitution.

The persons targeted for “comrade trials” included economic criminals, minor violators, those who had unwittingly breached the Kim Il-sung Thought (Juche Ideology), and other violators whose crime amounted to relatively minor infractions. These violators were given such penalties of 6-months labor without pay, a fine amounting to 10 or 20 fold the economic losses incurred by his actions (or deduction of the same from their salary), suspension of various administrative rights, demotion, self-criticism, stern warning, and so on. However, there was no appeals system.²⁵⁶

<The Reality of Comrade Trials>

- “Comrade-trials” are also conducted in the military.
- North Korean defector XXX testified to witnessing a comrade trial around October 2008, at the Security Command in Munheung-dong, in the Daedong River District of Pyongyang. The testimony stated that the squad leader of the Number Ten Checkpoint, which guards the entrance to Pyongyang, assaulted a colonel for disobedience and so was sentenced to six months of disciplinary prison labor at the corrective labor camp on base.²⁵⁷

²⁵⁶ Court Administration Agency, A Survey of North Korean Judicial System (Seoul: Court Administration Agency, 1996), pp. 630-637.

²⁵⁷ NKRH2011000209 2011-09-20.

– Defector XXX testified that After the North Korean artillery attack on South Korea’s Yonpyong Island on Nov. 23, 2010, South Korean forces launched artillery shells in retaliation against the artillery attack, and a number of North Korean soldiers were wounded. A North Korean platoon leader (officer) was wounded, but the soldiers ran away leaving the wounded officer behind. Upon hearing this report, an enraged Kim Jong-eun was reported to have ordered the soldiers to be put on “comrade trial.”²⁵⁸

It appears that North Korea’s food crisis is affecting comrade trials within the military as well. North Korean defector XXX testified that more and more soldiers were deserting due to economic and food difficulties. According to him, the economic situation on base was comparatively better from 2001 to 2003, but was very strained from 2004 to 2006, and only barely managing from 2007 to 2010.²⁵⁹

– North Korean defector XXX testified that one soldier underwent a comrade trial for deserting from the Mechanical Infantry Brigade in Seoheung-gun, Hwanghae Province and subsequently committing larceny and rape in 2008. The defector further testified that the brigade soldiers were gathered in the exercise field and the brigade’s security instructor called out the defendant’s age, name, and unit affiliation along with his crimes.²⁶⁰

There is also testimony of illegal border crossings by military

²⁵⁸ Radio Free Asia <www.rfa.org/korean>, “North Korean platoon leader wounded; some soldiers fled from the scene,” (Nov. 25, 2010).

²⁵⁹ NKRH2011000096 2011-04-19.

²⁶⁰ NKRH2011000096 2011-04-19.

personnel and the resulting comrade trials.

- North Korean defector XXX testified that three soldiers received comrade trials for illegal border crossing. He further testified that although the defendants had their insignias removed and were taken away for execution, they were freed after nine days of confinement at the brigade’s security platoon.²⁶¹

Many defectors seemed to confuse on-site public trials and comrade trials. Some of them repeatedly said “mass trials” when they meant to say “comrade trials.” One defector observed that some defectors who had witnessed on-site trials would refer to them as “comrade trials.”²⁶² Therefore many defectors who testified that they have witnessed comrade trials may in fact have seen, or confused them with, public trials.

- North Korean defector XXX testified that a fellow resident received a comrade trial for rape and illegal border crossing and was sentenced to two years of correctional prison labor.²⁶³
- North Korean resident XXX testified that some upperclassmen at his school, who beat a female teacher and robbed her of her bicycle one night in March 2009, were sent to a Labor Training Camp as a result of a comrade trial. He testified that schoolteachers, students, and residents were in attendance at the proceeding.²⁶⁴
- North Korean defector XXX testified to witnessing a com-

²⁶¹_NKRH2011000103 2011-05-03.

²⁶²_Interview with defector XXX in Seoul on January 18, 2005.

²⁶³_NKRH2011000109 2011-05-03.

²⁶⁴_NKRH2011000147 2011-06-28.

rade trial for larceny in April 2010 on the playing field of the Bukchang Thermal Power Plant in Bukchang-gun, the defendant was accused of stealing materials from the power plant. Personnel from the local court (judge, prosecutor, attorney etc.) and personnel from the local security department's inspection and investigative departments (such as security agents) participated in the trial. According to this testimony, the defendant was convicted of stealing plant materials and was sentenced to one and a half to two years of correctional prison labor.²⁶⁵

<The Relationship Between Comrade Trials and Criminal Trials>

It appears that comrade trials are mostly rendered against those whose sentences have already been determined and serve as a warning to others.

- North Korean defector XXX testified that comrade trials were convened by gathering convicts whose sentences had already been decided, in order to warn others. He further testified that in 2007 twenty-eight people who had helped broker the “river crossings” of two women received mass judgments under the purview of the head of the city security department.²⁶⁶
- Another North Korean defector testified that most comrade trials were rendered against those whose crimes had already been investigated, and the verdict were predetermined. According to this testimony, if a comrade trial did not render a sentence, this was probably not an actual comrade trial but rather a form of mass censure.²⁶⁷

²⁶⁵ NKRH2011000144 2011-06-14.

²⁶⁶ NKRH2011000137 2011-06-14.

²⁶⁷ Consultation with Song Hyun-uk, Director of Human Rights Investigation of

On the other hand, some research indicates that comrade judgments bear some relation to criminal trials, and some testimonies indicate that sentences are finalized via formal trials conducted after comrade judgments.

- According to a series of interviews with North Korean defectors by the Office of Court Administration in 2006, comrade trials are usually conducted against individuals who have caused social problems at factories or corporations and are conducted in the presence of the accused person's colleagues. If the investigations revealed grave criminal offenses, the case may be removed to the prosecutor's office.²⁶⁸
- North Korean defector XXX testified to receiving a mass trial in early June of 2009 at the Musan-gun marketplace for “river crossing.” The mass trial did not deliver a sentence; the defector testified to receiving a preliminary hearing after the mass trial, then a trial at the Musan-gun courthouse in November 2009, and was then sentenced to three years of correctional prison labor.²⁶⁹

• Trials of Political Criminals

North Korea continues to enforce a policy of strictly separating political crimes from ordinary crimes, and it punishes political offenders under different terms. So-called “crimes against the state” committed by anti-revolutionary hostile elements in opposition to the people's regime and the Korean Workers' Party are treated as

Committee for Democratization of North Korea on November 8, 2011.

²⁶⁸ Ministry of Court Administration, *North Korea's Criminal Law*, op. cit., p. 30.

²⁶⁹ NKHR2011000155 2011-07-05.

political crimes, and the State Security Agency handles their investigation as well as the preliminary examination (Art. 122 and 124 of the Criminal Procedure Law). Unlike ordinary criminal cases, the provincial and major city courts function as the primary (first level) courts for all political crimes (Art. 127, Criminal Procedure Law). The jurisdiction of the investigation and preliminary examination is strictly defined under the Criminal Procedure Law. If the Ministry of People's Security or the prosecution (or any other agency) has arrested a spy or an anti-Party, anti-system criminal, it is required to transfer the case to the SSA.

The SSA conducts "preliminary examinations" in all political crime cases, but trials are conducted by the courts. Some defectors have testified that the SSA also conducts trials. Defector XXX, who previously worked at the SSA, testified that if the Provincial Security Agency uncovered a political crime, it would report it to the Prosecution Bureau of the SSA. If the bureau confirmed the crime, a trial would be conducted in the province where the preliminary examination was conducted. A prosecutor from the Prosecution Bureau would then hand down the sentence in the name of the Central Court in a closed-door court session and in accordance with the "sentencing guidelines." During this session, the security agency would also decide whether to imprison the criminal for life and whether the criminal's family would also be sent with him. There are no established guidelines for making this decision, however. The prosecutor, the security agent, and other officials confer to determine the scope and duration of detention for the accused.²⁷⁰ Defector XXX, who previously performed related work at the State Security Agency, has testified that as soon as the preliminary examination is

²⁷⁰ Interview with defector XXX in Seoul on April 19, 2005.

over, a prosecutor from the Prosecution Bureau of the SSA will come to the local area and hand down the sentence. He also testified that a prosecutor from the SSA would come down to the Provincial Security Agency for sentencing (at the City Security Agency in the case of Nampo City and at the Provincial Security Agency in the case of other cities and counties). In any case, political crimes are not referred to formal trial procedures.²⁷¹ This is a violation of the International Covenant on Civil and Political Rights, which provides that in the determination of any criminal charge the defendant is entitled to a fair hearing by a “tribunal established by law” (Article 14 (1)).

- **Special Criminal Trials**

North Korea has established and is operating military and railroad tribunals as special criminal courts (Article 3 of the Court Composition Law). Military tribunals try criminal acts perpetrated by military personnel, people’s security agents, and the employees of military institutions, while railroad tribunals try criminal acts perpetrated by employees of the railroad shipping sector and criminal acts that infringe upon the railroad shipping industry (Article 128 of the Criminal Procedure Act).

<*Military Tribunals*>

Defectors testified that trial procedures are followed in the case of military tribunals (that is, court martials). Defector XXX testified that he was arrested for going AWOL while serving at the General Bureau of the Protective Force. While undergoing preliminary

²⁷¹ Interview with defector XXX in Seoul on October 10, 2005.

examination for four months at the detention point of the Security Agency of the Protective Force, he tried to flee again. In the process, he was shot in the leg, caught, and subsequently tortured. He had to undergo a military tribunal (courtmartial), which sentenced him to a term of 15 years in prison. A prosecutor and a defense attorney were present at the trial. He was imprisoned in a sub-unit of No. 4 Correctional Center in Hyongjesan District, Kangdong County, Pyongyang City. While serving out his sentence there, he witnessed inmates serving anywhere from one to 18 years. Meanwhile, the maximum service term was reduced from 20 to 15 years when the Penal Code was revised in 1992, automatically shaving five years off all inmates' terms. His term was also reduced by five years, so he was released upon completion of 10 years.²⁷²

<Railroad Tribunals>

Railroads play a very significant role in North Korea, carrying 60% of passenger traffic and 90% of freight transport. North Korea's emphasis on railway shipping first officially emerged in the 2001 New Year's Joint Editorial and was formalized as part of the Four Key Industries Policy. In 2007 and 2008 in particular, North Korea's New Year Commentaries placed emphasis on "strong discipline and order" in the field of rail transport, and this emphasis has since been maintained. Furthermore, North Korea stresses the importance of rail transport in the establishment of a strong and prosperous country, and urges stronger oversight of and stronger legal controls over the railroad sector in order to establish an economically strong nation.²⁷³ Accordingly, railroad trials appear to be common. North Korean

²⁷² Interview with defector XXX in Seoul on March 10, 2007.

²⁷³ Lee Gyu-chang, "Establishment of Railroad Train Act and Human Rights of North Korean Residents," Korea Institute for National Unification Online Series CO 11-29, 2011.11.7.

defector XXX, who defected on March 4, 2011, testified that rampant corruption and frequent railroad accidents necessitated more railroad trials.²⁷⁴

- **Appeals**

<The Appeals Period>

As discussed above, defendants, attorneys, and damage claimants who object to the ruling of the first trial court may appeal to a higher court. Anyone who wishes to file an appeal must submit a writ of appeal to the first court within ten days of receiving a copy of the ruling (Article 361). Once the period for the appeal has elapsed, the ruling becomes final (Article 363).

Rulings given by the Supreme Court or by second trial court, or rulings resulting from an emergency appeal or retrial, may not be appealed (Article 359). This provision enables infringements on the right to a fair trial. Furthermore, it conflicts with the International Covenant on Civil and Political Rights, of which North Korea is state party, as the Covenant guarantees the right to appeal (Article 14 (5)).

According to the testimonies of North Korean defectors, convicts are notified of their right to appeal. In one instance, North Korean defector XXX testified to having been tried and sentenced to one year of disciplinary prison labor, excluding the preliminary hearing period, and given ten days to file an appeal.²⁷⁵ It appears that appeals period is generally respected. When North Korean defectors were questioned whether the appeals period was respected, twenty-two out of twenty-four respondents answered yes.

²⁷⁴ NKHR2011000131 2011-06-07.

²⁷⁵ NKHR2009000018 2009-03-26; NKHR2009000067 2009-11-12.

<The Reality of Appeals>

The purpose of the appeals process in North Korea is not to correct trial errors nor to unify legal interpretation, but rather to monitor how faithfully the teachings of Kim Il-sung, the words of Kim Jung-il, and the policies of the Korean Workers' Party were reflected in the ruling.²⁷⁶

Petitions and appeals are sometimes accepted. Defector XXX testified that XXX got a trial in 1994, but appealed the decision. He had heard that his sentence was commuted from 3.5 years of correctional prison labor to two years.²⁷⁷ But this case appears to have been an exception. Petitions and appeals in North Korea are almost certain to bring enormous harm to the petitioner(s) and the appellant(s). Due to these factors, it appears that appeals are rarely filed in reality.

- Defector XXX testified that in most cases petitions and appeals are likely to result in heavier sentences, so most people do not appeal their decisions.²⁷⁸
- North Korean defector XXX testified to personally witnessing the trial of a neighbor at the Yanggang Province Courthouse in July 2009 on charges of human trafficking, and testified that appeals usually result in longer sentences.²⁷⁹
- North Korean defector XXX testified that his daughter was tried at the Hyesan Courthouse in Yanggang Province in May 2007 on the suspicion of smuggling scrap iron, and though she appealed, the appeal was not accepted.²⁸⁰

²⁷⁶ Ministry of Justice, *Systematic Review on North Korea's Law* (Gwa-cheon: Beom-mu-bu (Ministry of Justice), 1993 pp. 734-735.

²⁷⁷ NKHR2010000096 2010-06-22.

²⁷⁸ NKHR2011000021 2010-06-07.

²⁷⁹ NKHR2011000148 2011-06-28.

²⁸⁰ NKHR2011000087 2011-04-05.

– North Korean defector XXX testified that no one appealed their sentence because doing so would result in a longer sentence.²⁸¹

- **Amnesties, Stays of Execution, Suspension of Terms and the Bail System**

<Pardons>

North Korea also has a system of amnesty which consists of special amnesties and general amnesties. Special amnesties are applied to individual criminals, while general amnesties are applicable to all criminals serving for certain crime categories.

While the Chairman of the National Defense Commission has the power to grant special amnesties, the Presidium of the Supreme People's Assembly grant general amnesties. (Article 103 (5), Article 116 (17) of the Socialist Constitution, Article. 53 of the Penal Code). Before the revision of Socialist Constitution in 2009, special amnesties and general amnesties were both granted by the Presidium of the Supreme People's Assembly.

According to defector XXX, general amnesties are usually issued on special festive occasions like Kim Jong-il's birthday or the founding anniversary of the Korean Workers' Party (KWP).²⁸³ Defector XXX testified that "grand amnesties" are granted on pre-determined dates in North Korea, such as the birthdays of Kim Il-sung and Kim Jongil, the anniversaries of the Party's or the Republic's founding, etc. Normally, amnesty is granted every five years, and

²⁸¹_NKHR2010000038 2010-11-02.

²⁸²_Kim Geun-sik, *Criminology I* (Pyongyang: Kim Il-sung University Press, 1986), p. 181.

²⁸³_NKHR2008000029 2008-12-16.

these are called “grand” amnesties. But only a few inmates benefit from these amnesties.²⁸⁴ Defector XXX testified that he was released upon the general amnesty issued on the founding anniversary of the KWP on October 10, 2006. About 300 inmates (200 men and 100 women) were released on that occasion.²⁸⁵

<*Suspended Sentences and Stay of Execution*>

North Korea also has a system of stays of execution (Art. 51 and 52 of the Penal Code). However, Article 37 of the Sentences and Decisions Law specifies, “The enforcement of sentences granting stays of execution shall be carried out by the agencies receiving copies of the sentence along with confirmation notifications. The agencies shall transmit these documents to the designated agency, enterprise or organization and the affected inmate so that he/she may serve out the remaining term there.” In short, an amnestied inmate is required to serve out his/her term at a court-designated workplace; this is a unique system.

The reasons for suspension of terms are clearly stated. If an inmate suffering from temporary or serious mental illness is sentenced to unlimited correctional prison labor, limited correctional prison labor, or disciplinary prison labor, his/her penalty can be suspended until the disease is cured. For pregnant women, the penalty would be suspended for the period from 3 months before to 7 months after delivery (Art. 431). The same provision is found in the Women’s Rights Protection Act (Article 38) enacted on December 22, 2010.

²⁸⁴ NKHR2009000067 2009-11-12.

²⁸⁵ NKHR2008000025 2008-11-20.

<Bail>

What amounts to “bail” in the West would be the “medical disposition” system in North Korea. Medical dispositions are divided into 3 categories: dispositions for incurable mental disease, temporary mental disease, and serious illness (Art. 46). Surveillance of convicts with medical dispositions is the responsibility of the local people’s security agency (Art. 47).

B. The Right to an Attorney

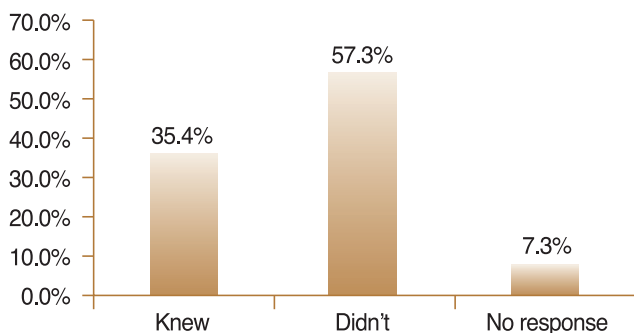
The right to an attorney’s assistance throughout the trial process is an important right in that it represents an individual’s last chance to protect his rights against the state. The fairness of trial procedures ultimately depends upon whether the individual’s right to choose an attorney is legally and actually guaranteed. In most civilized countries, the right to get help from an attorney and related methods and procedures are stipulated in detail in the Constitution, Criminal Procedure Law, and Attorney Law.

- **The Right to Receive Legal Representation**

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 assistance throughout the trial. In this context, the International Covenant on Civil and Political Rights provides that everyone has the right to defend one’s self through the legal assistance of one’s own choosing (Article 14 (3) d). In North Korea, Article 164 of the Constitution stipulates that “Court cases are heard in public and the accused is

guaranteed the right of defense. Hearings may be closed to the public as stipulated by law.” Article 106 of the Criminal Procedure Law also stipulates that “In criminal cases, the suspect’s right to an attorney is guaranteed.” The Criminal Procedure Act further provides that “Accused persons have the right to appoint counsel and receive legal assistance” (Article 108). If an indicted defendant does not have counsel, the court must appoint one from the bar association in its jurisdiction (Article 111). The Children’s Rights Protection Act, enacted December 22, 2010, also provides that children fourteen and older have the right to legal counsel (Article 50). However, according to a survey of North Korean defectors who entered South Korea between March and October 2010, 35.4% of respondents knew they had the right to appoint counsel and receive legal assistance if tried, while 57.3% were unaware of this (7.3% did not respond).

<Figure II-10> Awareness among North Korean Residents of Their Right to Legal Representation²⁸⁶



²⁸⁶ Lee Geum-sun and Jeon Hyeon-jun, *Research on Actual Conditions of Human Rights of North Korean Residents* (Seoul: Korea Institute for National Unification, 2010), p. 79.

- **The Role and Duty of Legal Counsel**

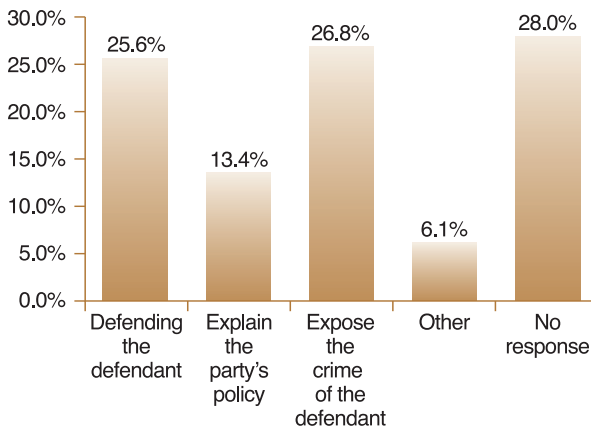
The role of legal counsel is to “ensure that criminal cases are handled and disposed according to the law and to guarantee the rights of the accused” (Article 10 of the Criminal Procedure Act). Article 121 further allows the right to an appeal: “If a defense attorney found out that the suspect’s rights are not fully protected, he could appeal to the prosecutor or the court.” Article 12 of the Attorney Law defines the attorney’s rights and duties by stipulating, “At the request of the court or the client, the attorney must try to protect the legal rights and interests of his client and assist a fair trial by accurately analyzing, assessing, and clarifying the truth of the case.”

But the mission of North Korean attorneys is not the protection of individual rights, but the promotion and protection of the Party’s and state’s policies. Article 11 of the Attorney Act provides that an attorney’s responsibility is to “explain the nation’s laws and regulations to the people, and to help the people obey these laws and regulations.” This indicates that the duties of an attorney in North Korea are to make sure that the policies of the party and government are understood and carried out by the people. Lawyers usually attempt to persuade defendants to confess their crimes. Therefore, the attorney will try to persuade or induce his “client” to confess the crime, rather than defending the client in the case. Even though Article 6 of the Attorney Law guarantees the attorney’s independence, there appears to be a contradiction, as Article 8 stipulates, “Attorneys shall perform their work under the guidance of their local Attorney Committees.” Article 30, Section 4 further stipulates that higher level attorney committees are required to exercise routine control and guidance over the lower level committees

and the attorneys belonging to them. Clearly, then, attorneys in North Korea do not work as individual lawyers but serve as a member of a group under various attorney committees.

In a 2010 survey of North Korean defectors, 25.6% of respondents thought the role of an attorney was to “defending the defendant,” 13.4% said it was to “explain the Party’s policy,” 26.8% said it was to “expose the crime of the defendant,” 6.1% responded “other,” and 28.0% did not respond. A total of 40.2% of the respondents perceived the role of legal counsel to be exposing the defendant’s crime or explaining the Party’s policy rather than representing or defending the defendant’s position.

<Figure II–11> The Role of Legal Counsel in North Korea²⁸⁷



- **The Right to Legal Representation in Reality**

As a rule, legal counsel must attend trial hearings (Article 276 of the North Korean Criminal Procedure Act).

Recent North Korean defectors testified that at most trials

²⁸⁷ Ibid., p. 80.

defense attorneys would be present. However, even when they attended the trials they would seldom provide legal assistance to the accused or offer defensive maneuvers for the client. Consequently, most North Koreans were not aware of proper role of defense attorneys.

- Defector XXX testified that he was tried in 2007 in Onsung County, North Hamgyeong Province, on charges of video circulation, but the attorney did not defend him.²⁸⁸
- North Korean defector XXX testified that “Lawyers in North Korea are not there for the people who committed crimes. North Korean lawyers say what the judges tell them to say and work only to please the judges; they never speak for the prisoner. Nor can they allowed to. From what I’ve seen of trials, lawyers are unnecessary.”²⁸⁹

Some defectors testified that their lawyers did make some comments that were helpful for them.

- Defector XXX testified that in 2005, when he was being tried at a court in Jeungsan, his defense lawyer explained his predicament in detail and tried to get a lighter sentence for him, saying, “The former wife of this man lived and behaved in such and such a manner, so it would be reasonable to give him a lighter sentence.”²⁹⁰
- Defector XXX testified that in August 2009 he was tried at a people’s court in Hyesan City, and the defense attorney offered some defense, saying the accused was only a 17-year-old student and deserved compassionate consideration.²⁹¹

²⁸⁸_ NKHR2010000074 2010-04-20.

²⁸⁹_ NKHR2011000148 2011-06-28.

²⁹⁰_ NKHR2009000018 2009-03-26.

²⁹¹_ NKHR2011000018 2010-10-05.

C. Public Controls and Administrative Punishment

The North Korean authorities control and regulate residents in accordance with the People's Security Enforcement Law (formerly the Social Safety Enforcement Law) and impose penalties pursuant to the Administrative Punishment Law. The People's Security Enforcement Law and the Administrative Punishment Law apply to institutions, corporations, groups, and residents whose violations of the legal order do not rise to the level of criminal liability.

- **The Regulation and Control of Residents**

Articles 8 through 40 of this law stipulate the various targets of control, and Articles 41 through 53 outline the methods and procedures of control. There are a few provisions in the People's Security Control Law related to citizens' human rights. First of all, there is a provision that prohibits abuses of power or violations of human rights in the process of administering justice (Art. 6).

Second, if a People's Security Agent seeks to confirm the identity of someone who has violated the legal order, the agent is required to first disclose his or her own identity and the reason for the identity check (Article 24).

Third, when an offender is detained, his/her family, workplace and the district office of his/her residence must be notified (Art. 49). Fourth, the period of detention may not exceed 3 days at the people's security agency or 10 days at the city or county (district) security agency; also, gravely ill patients, patients with contagious diseases, or women 3 months before or 7 months after delivery of a child may not be detained (Art. 50). Fifth, in the process of investigating the offender, the agent may examine his or her body and clothing, but two witnesses must be present (Art. 52).

Despite these provisions in the People's Security and Control Law, it appears that the above provisions are frequently violated.

For example, the law stipulates that when a violator is detained the agency must inform his family and the office of his residence, but no defector has testified that their family was notified.

Meanwhile, the Socialist Legal Work and Life Guidance Committee has enlisted national inspection and prosecutorial institutions to monitor the compliance and implementation of laws, review the acts of those who violate the legal order, and decide whether to take disciplinary action or seek criminal penalties. The administrative sanctions this Committee may impose include warnings, severe warnings, fines, demotions, dismissals, and uncompensated labor for one month to up to one year. Cases violating criminal law are reassigned to the prosecutor's office.²⁹²

• Administrative Penalties

North Korea enacted the Administrative Penalty Law on July 14, 2004. This law was last revised on May 20, 2008. It stipulates various procedures and legal elements for the enforcement of administrative penalties.

With the emergence of this law, it is clear that a wide range of administrative penalties have been imposed in North Korean society. First of all, this law stipulates various types of administrative sanctions, including warnings, stern warnings, unpaid labor, labor education, demotion, lay-off, firing from the job, fines, suspension, damage compensation, confiscation, pay-cuts, and suspension or deprivation of qualifications (Art. 14). Second, Chapter 3 of this

²⁹² Ministry of Court Administration, *Overview of North Korea's Judicial system*, op. cit., pp. 646-647.

act contains categories of various administrative violations subject to administrative penalty, including violations of economic management procedures (Sec. 1), cultural procedures (Sec. 2), ordinary administrative procedures (Sec. 3) and community life procedures (Sec. 4). The act contains a total of 146 articles. Third, there are various agencies empowered to impose administrative penalties. They include, for example, the Socialist Law-abiding Life Guidance Committee, the Cabinet, prosecutor's offices, court trials, and arbitration panels, People's Security Agencies, and the Inspector's Offices. In addition, various agencies, enterprises and organizations could also impose administrative penalties (Art. 175).

Unpaid labor is most frequently listed as the administrative penalty for disorderly behavior. Of the 146 possible violations, 125 items are subject to unpaid labor. Also, labor education is most often listed as the possible administrative penalty for violations of "collective living" rules. Of the 33 possible violations, 24 of them are subject to labor education.

<Table II-8> Types of Penalties and Behaviors Subject to Sanctions

Administrative penalty	Behavior subject to sanctions
Warning, stern warning	104 cases including failure to meet planned targets, filing false reports
Unpaid labor	125 cases including violations in filling out people's economic planning forms
Labor education	68 cases including wasting electricity
Demotion, removal from job	77 cases including illegal economic management activities
Termination of job	24 cases including violations of the reserve materials management system
Fines	26 cases including violations of trademark rights
Suspension, compensation, confiscation, suspension of qualifications, reduced pay, cancellation of qualifications	Applied as necessary in the process of reviewing the illegal actions

Different institutions may impose different administrative penalties, as seen in <Table II-9> below.

<Table II-9> Administrative Penalties: Institutions that Impose Them, Actions that Incur Them, and Types of Penalties

Institution	Acts	Administrative Penalties	Form of Imposition
The Socialist Legal Work and Life Guidance Committee	Mishandling one's duties or violating the legal order (applies to any public official or member of an institution, corporation, or group).	Warnings, severe warnings, uncompensated labor, demotions, dismissals, withdrawals of position	Decision
Cabinet	Irresponsible implementation of the Cabinet's decisions or orders, or violation of administrative regulations (applies to any official of an institution, corporation, or group affiliated with the Cabinet)	Warnings, severe warning, uncompensated labor, demotion, dismissal, withdrawals of position (fines, suspension, payment of damages, or forfeiture as necessary)	Decision
Prosecutorial Institutions	Illegal acts uncovered in the course of internal investigations	Correctional labor training, fine, suspension, payment of damages, forfeitures	Decision
Adjudicative Institutions	Illegal acts proved in trial hearings	Correctional labor training, fine, forfeiture	Judgment or verdict
Arbitrations	Illegal acts proved in arbitration hearings	Uncompensated labor, fines, suspensions, forfeiture	Judgment or verdict
People's Security Institutions	Illegal acts detected in the crackdown for people's safety	Correctional labor training, fine, suspension, payment of damages, forfeiture	Decision
Institutions, Corporations, Groups	Illegal activities	Payment of damages	Decision

• **Public Controls and the Realty of Administrative Penalties**

During a series of personal interviews, North Korean defectors testified that the most frequently used administrative penalties were

removal from job, demotion, unpaid labor, and fines. Criminal penalties like correctional labor and labor training are sometimes imposed on individuals in connection with the illegal use of mobile phones, the illegal circulation of videos, and illegal transactions in the market place. But in most cases, particularly those which are not serious, the penalty will be a fine.

- Defector XXX testified that he was caught on top of a hill talking to his family over a mobile phone. But his was treated as a case of “voluntary reporting,” and he was fined 500,000 KPW by the People’s Security Agency.²⁹³
- Defector XXX testified that teams of “regulators” would move around the market about once a week, searching for illegal items like grain, cigarettes, or any Chinese items. If caught, the merchandise would be confiscated and the vendor would be fined.²⁹⁴
- Defector XXX testified that the authorities would often check to see if vendors were dealing in South Korean products. For food vendors the fine would be about 500 KPW or 1,000 KPW.²⁹⁵
- Defector XXX testified that the duration of a travel permit would normally be 10 days. If extension was needed, one had to do it on-site. If one exceeded the duration, a fine would be imposed.²⁹⁶
- Defector XXX testified that those caught engaged in prostitution in serious cases would be sent off to a labor-training camp. Less serious offenders would be given a fine.²⁹⁷

²⁹³_ NKHR2010000014 2010-10-05.

²⁹⁴_ NKHR2010000093 2010-03-30.

²⁹⁵_ NKHR2010000089 2010-06-08.

²⁹⁶_ NKHR2010000061 2010-05-18.

²⁹⁷_ NKHR2011000017 2010-06-08.

It is well known that the North Korea regime has recently tightened its control over the people in tandem with the succession process. In particular, the North Korean media announced that authorities mobilized the special force called the ‘*Pok-pung-gun-dan*’ (storm troops)²⁹⁸ to ensure tight control over the people. Reports say that the house searches conducted by the storm troops made people tremble with fear.²⁹⁹ The troops intensively cracked down on illegal activities, including illegal border crossing, black-market dealings, smuggling, and trafficking of drugs and people, specifically targeting officials and military officers stationed near the border in early August 2011.³⁰⁰ Reports indicate that these troops have executed summary convictions during the crackdown.³⁰¹

To monitor the private lives of ordinary people, the North Korean authorities utilize a network of public security systems to crack down on activities such as unauthorized adultery, and violation of the travel laws. Specific details will be discussed in the section five of this chapter.

• Appeals

An institution, corporation, group or a public citizen who objects to an administrative penalty can file an appeal to Socialist Law Work and Life Guidance Committee, or to the relevant organization,

²⁹⁸ These are squads made up of soldiers from the Escort Bureau (Ministry of Public Security) of the Korean People’s Army, Kim Il-sung Military University, the Security Cadre Training Center of the People’s Security Agency, People’s Security Agency Politics University, the National Defense University, the Security Cadre Training Center, Political University, and the Defense University.

²⁹⁹ *Radio Free Asia*, “North Korea, Storm Force’s crackdown made residents terrified” August 18, 2011.

³⁰⁰ Good friends, “North Korea Today,” No. 423 (October 5, 2011).

³⁰¹ *Daily NK*, “Storm Force sent to the border has summary conviction,” on August 9, 2011.

institution and company (Article 198 of the Administrative Penalty Act). The right to appeal is stipulated in the Socialist Constitution (Article 69) and its procedures are detailed in the Appeals and Petitions Act.

Article 250 of the 2005 Penal Code mandates punishment for officials who intentionally ignore or mishandle petitions. The Administrative Penalties Law also sets down a number of administrative penalties if a complaint or petition were ignored or improperly handled, including warning, stern warning, unpaid labor, demotion, lay-off or firing from the job (Art. 139).

There are successful appeal cases, but the process does not work effectively enough to protect the human rights of ordinary North Koreans. The individual filing an appeal is labeled an appellant. One's past appeal history will be written in one's residence registration and will affect one's children. Appellants are considered a dangerous character and classified as discontented element. Thus, anyone hoping to become a government official would not file an appeal. One who lose an appeal might be punished by an opponent or transferred to a trivial job. An appeal could damage up to three generations of the family of the appellant.³⁰²

A survey of 500 North Korean defectors conducted in 2005 shows similar results. If an appeal is accepted and its legitimacy verified, it might not cause a problem. If this is not the case, however, the applicant might be considered a discontented element, a troublemaker, or an obstacle to organization. North Korean defectors share similar perceptions on the appeal process: "Even though I'd like to file an appeal, the authorities don't seem to like it. Even if I filed an appeal, I would be worried that the appeal might somehow

³⁰² Lee Geum-sun and Jeon Hyeon-jun, op. cit., pp. 135-138.

disadvantage my family or children. So, I would have liked to, but I couldn't."³⁰³ It is stipulated that those who file an unjustified appeal shall be sentenced to corrective labor (Article 140 of the Administrative Penalty Act). This seems to be another factor behind in North Koreans' reluctance to file appeals.

Another defector testified that recently, if a petition is to be successful, one must offer bribes to officials. Defector XXX testified that if one were to simply submit a petition without the accompanying bribes, it would be a waste of paper. One must offer money to the official receiving the petition. The defector said that in his case he gave two million won.³⁰⁴

D. Corruption and Human Rights

North Korea's Penal Code imposes legal penalties for those who offer or accept bribes. Non-managers who offer or accept bribes shall be sentenced to disciplinary prison labor for up to two years; those guilty of frequent and expensive bribes shall be sentenced to correctional prison labor for up to three years. Manager who take bribes shall be sentenced to disciplinary prison labor for up to two years; for frequent or forcefully imposed bribery, the correctional prison labor may be up to four years. This is also stipulated in Article 242 and 257 of the Penal Code as revised in 2009. In addition, the Administrative Punishment Law stipulates that someone charged with offering, taking, or mediating a bribe may receive a stern warning, unpaid labor for more than three months,

³⁰³ Yun Dae-gyu, *Research on Legal Awareness of North Korean Residents* (Seoul: Korea Legislation Research Institute, 2005), pp. 56-57.

³⁰⁴ NKHR2009000021 2009-04-13.

or corrective labor. However, despite the legal penalties, corruption including a bribery has become widespread in North Korea. Bribery inhibits just enforcement of laws and violates human rights.

<Corruption in the Process of Crackdown>

Anti-socialist behaviors have increased as a result of the succession and economic difficulties. As North Korea has tightened its control over these phenomena, the punishments have increased for anti-socialist activities prohibited by the authorities. Accordingly, North Koreans are increasingly committing acts of deviance, such as offering bribes to avoid punishment.

Even those found using cell phones or distributing CDs during crackdowns can avoid punishment or receive lighter punishments by offering bribes. When punishments are not applied fairly, the rule of laws is weakened and violations of human rights increase.

- Defector XXX testified that a person caught using a cell phone may evade a correctional prison labor sentence if it can be confirmed that the call was unrelated to South Korea. However, even in this case, the person must offer between 500,000 and 1,000,000 KPW as a bribe in order to avoid punishment.³⁰⁵

<Corruption in Investigation and Pretrial Procedures>

Other human rights violations occur during the pretrial examination process at the Ministry of People's Security detention centers. In order to ensure that those detained in detention centers get food, their families make every effort to contact prison guard, a pretrial agent, or even acquaintance in the People's Safety Agency and offer them money or other bribes.

³⁰⁵_NKHR2009000064 2009-11-04.

- Defector XXX testified that the phenomenon of bribing agents to avoid detainment at State Security Agency detention centers is gradually increasing and that bribes must be shared among agents at all different levels of the Agency.³⁰⁶

<Corruption in Detention and Correctional Facilities>

The following are some testimonies from North Korean defectors who bribed their way out of penalties or got away with minor punishments because of their bribes given in Correctional Centers, Short-Term Labor Detention Facilities, Detention Facilities, and Labor Training Camps.

- Defector XXX, who was detained in the Jeongeri Correctional Center in July 2009, testified that a fellow inmate had been sentenced to one year of correctional prison labor for watching South Korean video recordings. The defector observed that this fellow inmate received a lighter punishment after offering a bribe.³⁰⁷
- Defector XXX testified that while she was detained in the provincial Short-Term Labor Detention Facility in Cheongjin from August 30 to December 2009, she witnessed a detained border crosser being released after offering a bribe.³⁰⁸
- Defector XXX testified that when she was detained in the provincial Short-Term Labor Detention Facility in Cheongjin for a month in July 2010, she offered the People's Safety agents a 10,000-CNY bribe to be released from the facility.³⁰⁹

³⁰⁶_ NKHR2009000006 2009-02-05.

³⁰⁷_ NKHR2011000052 2011-02-15.

³⁰⁸_ NKHR2011000045 2011-02-08.

³⁰⁹_ NKHR2011000038 2011-01-11.

- Defector XXX testified that his friend was arrested by the 109 Sangmu (a squad that imposes crackdowns on smuggling) for singing South Korean songs and keeping the lyrics a pocket notebook. The friend was to have been sent to a Labor Training Camp after being detained in Deokcheon Detention Facility in South Pyeongan Province. However, after offering a bribe, he was only detained for ten days and released after writing a statement of self-criticism.³¹⁰
- Defector XXX testified that she was detained in the Musangun Labor Training Camp in September 2010 after being sentenced to a six month term in a Labor Training Camp. After offering a bribe, the prisoner was released after only a month or so, but the six month prison term remained unchanged in her prison record.³¹¹
- Defector XXX testified that some inmates of Pyeongseong Labor Training Camp dug a hole to plant a tree on a street in Pyeongseong. He heard from a prison inmate that one could reduce one's sentence by a month by offering 600,000 KPW to the director of the Camp.³¹²

<Corruption in Criminal Trials>

Punishments and prison terms are frequently reduced through bribery. Some testimonies indicate that people have been released after receiving social education.

- Defector XXX testified that even if one is caught committing illegal acts subject to correctional prison labor, including

³¹⁰ NKHR2011000197 2011-09-06.

³¹¹ NKHR2011000186 2011-08-16.

³¹² NKHR2011000115 2011-05-17.

drug trafficking, the accused may avoid being sent to a Correctional Center through bribery. Even in death penalty can avoided in this way.³¹³

- Defector XXX testified that she offered bribes to a pretrial agent and a judge, and received social education instead of correctional prison labor or disciplinary prison labor.³¹⁴
- Defector XXX testified that she could received a lighter punishment after offering 300,000 KPW to a chief justice.³¹⁵
- Defector XXX testified that his mother, who was deported on May 3, 2008, went on trial in late September 2008 and was sentenced to five years of correctional prison labor. After offering 2000,000 KPW, she received a suspended prison sentence.³¹⁶
- Defector XXX testified that she was charged with illegally crossing the border and tried by the Hyesan People’s Jury in August 2009. She bribed the pretrial agent and a judge and was sentenced to social education.³¹⁷

<Divorce Trials and Corruption>

Divorce cases are also fraught with corruption and human problems. North Korea has witnessed a rise in divorce cases related to domestic violence, women’s increasingly active involvement in business to make a living, and marital discord. Those who wish to divorce must see a lawyer and file a suit. They then undergo a pretrial in court overseen by a judge. The pretrial provides the couple an opportunity to drop the case if possible. After the pretrial, they see

³¹³_NKHR2008000023 2008-11-11.

³¹⁴_NKHR2010000018 2010-10-05.

³¹⁵_NKHR2011000020 2010-05-19.

³¹⁶_NKHR2011000187 2011-08-16.

³¹⁷_NKHR2011000018 2010-10-05.

a chief justice.³¹⁸ However, increasing numbers of testimonies show that suing for divorce requires 100,000 KPW in bribes, and even divorce trials do not often reflect the woman's side.³¹⁹

- Defector XXX testified that she offered the judge of her suit money to receive a decision in a divorce trial. The judge had said that the suit must meet certain conditions in order to render a decision and that more time was needed for consideration. XXX thought that the judge was asking for more money and gave him 100,000 KPW.³²⁰

Meanwhile, the North Korean authorities are known to take coercive measures to prevent the rising trend of divorce, such as imposing disciplinary prison labor on those who file suit for divorce.

- Defector XXX, who left North Korea in April 2010, testified that he received some censure from the provincial court because of the rising divorce rate in Hoeryeong, North Hamgyeong Province. Another testifier said that if one got divorced, both parties would be sent to a Labor Training Camp for six months.³²¹
- Defector XXX testified that in 2009 the side which field for divorce would be sent to a Labor Training Camp, but since 2010 both parties in a divorce are sentenced to six months in a Labor Training Camp.³²²
- Defector XXX, who left North Korea in April 2011, testified

³¹⁸ Interview with North Korean defector XXX in Seoul on January 17, 2008.

³¹⁹ NKHR2009000060 2009-10-06; NKHR2009000062 2009-10-20; NKHR2009000063 2009-11-03.

³²⁰ NKHR2009000054 2009-09-17.

³²¹ NKHR2010000133 2010-10-12.

³²² NKHR2012000014 2012-01-31.

that the North Korean authorities currently do not allow people to get divorced, and divorced couples have been sent to Labor Training Camps as a penalty.³²³

– Defector XXX testified that if one’s parent got divorced, one would not be able to join the army.³²⁴

To get divorced in North Korea, one must have a trial (Article 20, Family Act). However, if one’s spouse is a known defector or missing person, it is possible to get a divorce without a trial. North Korean defector XXX said that while she was staying at China after ill legally crossing the border, her husband filed a suit for divorce by himself. She is now divorced.³²⁵

³²³_ NKHR2011000162 2011-07-12.

³²⁴_ NKHR2011000116 2011-05-17.

³²⁵_ NKHR2011000020 2010-05-18.



4



The Right to Equality

- **Hierarchical Classification of Citizens**

Article 6 of the “Universal Declaration of Human Rights” (UDHR) 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 “International Covenant on Civil and Political Rights” (ICCPR) stipulate that “All persons shall be equal before the courts and tribunals...” and “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.” Furthermore, Clause 1 in Article 2 of the ICCPR stipulates that “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other

status.” North Korea claims that all its people have de jure rights equal rights, as its Socialist Constitution states that “Citizens enjoy equal rights in all spheres of State and public activity” (Article 65).

Despite this argument, the regime strictly classifies every individual according to his or her family background (or class origin) and degree of loyalty to the regime. North Korea classifies the entire population into three groups: the core masses, the basic masses, and the complex masses (wavering and hostile classes).³²⁶

The core class, comprising about 28 percent of the population, is the ruling class that spearheads the North Korean system.

The so-called basic class is made up of ordinary workers, technicians, farmers, office workers, teachers and their families who do not belong to the core class and who are not Party members. They represent about 45 percent of the population.

The complex class consists of those branded as national enemies, impure elements, and reactionaries. They are alienated from the rest of society and their human rights are often abused. The complex class accounts for about 27 percent of the population.

The North Korean authorities exercise strict controls over their people according to these classifications. Those classified as part of complex class are discriminated against in all aspects of their lives including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the complex class are limited to laborious and hazardous manual work. For social management purposes, they are classified as either dictatorial control targets, isolation targets, or absorption/indoctrination targets. Dictatorial control targets are kept separate from society; isolation

³²⁶ For more specific details of North Korea’s residents classification based on personal and family background, refer to *2011 White paper on Human Rights in North Korea* (Seoul: Korea Institute for National Unification, 2011), pp. 168-173.

targets live in society but are kept under close, round-the-clock surveillance. Absorption/indoctrination targets are intensively indoctrinated for possible absorption back into the system.

- **Hereditary Discrimination based on “Crime-by-Association”**

North Korea utilizes “crime by association” as a major tool to maintain its ruling system. This is a system by which family members of individuals convicted of political or ideological crimes are also punished. This system works horizontally to include all members of one’s immediate family, and vertically to affect one’s children and grandchildren. The government still maintains these records and uses them as a means to maintain firm control over the people.³²⁷

One way to see the extent to which the regime controls the people through this system is to examine the forced relocation of families. For example, North Korea has classified a significant portion of its population (25~30 percent) as members of separated families, i.e. relatives of people classified as traitors who defected to South Korea. They are therefore relegated to the hostile class. These people are disadvantaged because of the behavior of their ancestors or events that occurred during the Japanese occupation or the Korean War. If one’s relative participated in police duties in South Korea during the Korean War or was a former POW, one may be banished to a remote area, or to a coal mine or lumber mill, to do unbearably hard physical labor. POWs formerly held by South Korea have had

³²⁷ The UN Special Rapporteur on human right in North Korea, Vitit Muntarbhorn, “Question of the Violation of Human Rights and Fundamental Freedom in Any Part of the World: Situation of Human Rights in the Democratic People’s Republic of Korea” (Jan. 10, 2005), p. 11.

to endure various forms of repression. Their spouses and children are placed under constant surveillance. Additional disadvantages related to social advancement also exist. But essentially what exists is a systematic conferring of discrimination to these people's children and grandchildren based on family background.³²⁸

Officially, North Korea does not admit to any social discrimination based on family background. 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.

- **Systematic Discrimination based on Family Background: Party Membership, Promotions, and Educational Opportunities**

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

When appointing military officers, party officials, or officials for the judiciary, people with unfavorable personal backgrounds are fired or reassigned to other positions. In extreme cases, even

³²⁸ Interview with defector XXX in Seoul on May 23, 2000.

vehicle drivers at Party or judiciary organizations have been fired because of a poor personal backgrounds. In the military, people with unfavorable backgrounds are excluded from the officer ranks, although such treatment does not extend to non-commissioned officers.

In other testimony, defector XXX insisted that in North Korea job assignments are determined from birth, that is, background and contacts are crucial for education and job assignments. In his case, he belonged to the core class and served as an officer at the State Security Agency after graduating from college.³²⁹ In North Korea, class background and personal connections are of absolute importance in accessing education and employment opportunities.

Most North Koreans prefer to work for powerful agencies like the Party, the Ministry of People's Security (MPS), and the State Security Agency (SSA). However, background checks are thoroughly conducted before anyone can be assigned a security-related job. This practice is indistinguishable from social discrimination. For example, to work for the MPS, 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 (much less have been traitors). The background checks needed to work for the SSA include investigations of an applicant's third cousins, because workers at this agency handle many classified materials. According to defector XXX, he and everyone in his extended family received patriot's benefits, including the grandfather's siblings, his siblings, and their children and grandchildren. Most of them landed good jobs such as positions in the Party. His own father was a teacher, but the government

³²⁹ Interview with defector XXX in Seoul on September 20, 2004.

provided him with a nice house usually reserved for party secretaries and equipped with telephone service.³³⁰ Another defector, XXX, testified that because her grandfather was an anti-Japanese resistance fighter, she was able to attend good schools and received a number of special benefits while growing up. A provincial party chief secretary once told at a meeting of bereaved families, “The parents should always remember these precedents and strive to become major pillars of the country.”³³¹

As a part of the effort to consolidate power through three generations of hereditary rule (from Kim Il-sung to Kim Jong-il to Kim Jong-un), children of former and incumbent high-ranking officials were rapidly promoted within the Party, diplomatic and trade organs, including Choi Ryong-hae, son of former Ministry of the People’s Armed Forces Choi Hyun; Oh Il-jong, son of former Ministry of the People’s Armed Forces Oh Jin-woo; Choi Sun-hee, daughter of former Prime Minister Choi Young-rim; and Lee Myung-su, nephew of the Minister of People’s Security, Lee Yong-nam.³³² These cases demonstrate that power is hereditarily within certain groups, despite the principle of equality proclaimed in North Korea’s Socialist Constitution.

Party officials and SSA officials always place emphasis on documentary evidence (resumes). Even if one lacks competence, selection is assured with an impressive resume.³³³ There is testimony that resumes are important for positions in the Central Party, the SSA, or the General Gard Bureau, but the MPS is recently relaxing such requirements.³³⁴

³³⁰_NKHR2009000011 2009-03-03.

³³¹_NKHR2009000052 2009-08-27.

³³²_ *Hanguok Ilbo* (*Hanguok Daily Newspaper*), January 11, 2012, p. 6.

³³³_ Interview with defector XXX in Seoul on January 9, 2008.

³³⁴_ Interview with defector XXX in Seoul on January 10, 2008.

- Defector XXX testified that the family background check has been significantly relaxed, but people who have personal or family backgrounds stemming from South Korea are not able to get positions in the Party.³³⁵
- Defector XXX testified that even though money has become important in North Korean society today, internal Party documents (on one's background) are so definitive that money can play only a limited role when it comes to internal Party business.³³⁶

Others testified that personal background was still important.

- Defector XXX graduated from Chosun College of Athletics. He testified that no one with unfavorable personal background could enter this college, but students with good backgrounds could enter even if their academic performance was below standard.³³⁷
- Defector XXX testified that her husband's family was a household of "Heroes of the Republic." She said her family received grain rations even when grain rations were suspended elsewhere.³³⁸
- Defector XXX testified that money (bribery) has become an important means, but personal background is still more important when trying to become a Party member.³³⁹
- Defector XXX who defected in February 2007 testified that he thought personal background appeared to weigh more heavily in recent years.³⁴⁰

³³⁵ Interview with defector XXX in Seoul on January 23, 2007.

³³⁶ Interview with defector XXX in Seoul on January 29, 2007.

³³⁷ NKHR2008000002 2008-07-04.

³³⁸ NKHR2008000010 2008-08-08.

³³⁹ NKHR2008000018 2008-09-11.

³⁴⁰ NKHR2008000019 2008-09-16.

– Defector XXX testified that North Korea advertises that under its policy of “broad-based governance” no questions are asked about one’s past or family (personal) background, but the reality is entirely different. North Korean defector XXX testified, “They tell you that your future is guaranteed as long as you are loyal to the Party (KWP), regardless of your past. But this is just a way of justifying the Party’s position during educational training. If, however, you were to seek a position in the Party, you would have to go through a process known as a “personal background check.” Through that process, all facts are reviewed and screened.³⁴¹

But many defectors testified that discrimination was not very noticeable in college admissions, job assignments, or promotions.

- Defector XXX, who defected in October 2009, testified that discrimination was very severe in the areas of Party membership and staff promotion at the time he left North Korea, but discrimination in college admissions and job assignments was not significant.³⁴²
- Defector XXX testified that there was clear discrimination in Party membership at the time he defected, but discrimination was not so visible in the areas of college admissions, job assignments, and promotions.³⁴³
- Defector XXX, who left North Korea in March 2011, testified that money is the determining factor for admission to college.³⁴⁴

³⁴¹_NKHR2009000016 2009-3-19.

³⁴²_NKHR2010000034 2010-11-02.

³⁴³_NKHR2010000044 2010-11-02.

³⁴⁴_NKHR2011000160 2011-07-12.

Many North Korean defectors perceive that while family background has become less important, economic power has become more significant in the society.

- Defector XXX testified that family background was a significant factor determining social status until the Arduous March. Since then, however, money has been a major criterion for success, and has even covered up disadvantageous family backgrounds.³⁴⁵
- Defector XXX testified that as long as you have money, family background does not matter much.³⁴⁶
- Defector XXX testified that money takes top priority, to the extent that those with money are even raised to the status of heroes.³⁴⁷
- Defector XXX testified that ideally one’s family background should be favorable, but these days money can buy anything.³⁴⁸
- Defector XXX testified that family background is very important to work in the judiciary, prosecution, security agencies and to become a paid Party officials. Outside of these professions, money comes first in the people’s daily lives.³⁴⁹
- Defector XXX testified that the influence of family backgrounds is generally dwindling in the society. Instead, the new prevailing mentality says, “Why does family background matter?” and “You can do anything with money!”³⁵⁰

³⁴⁵ NKHR2011000085 2011-04-05.

³⁴⁶ NKHR2011000045 2011-02-08.

³⁴⁷ NKHR2011000183 2011-08-09.

³⁴⁸ NKHR2011000080 2011-03-29.

³⁴⁹ NKHR2011000203 2011-09-06.

³⁵⁰ NKHR2011000204 2011-09-20.

- Defector XXX testified that family background is important for high-level officials (including judges and SSA), but it becomes less important for those with common occupations. For those people, money is power.³⁵¹

Since mid- or late- 2000s, it seems bribery has come to play a major role in attaining Party memberships or getting promoted to a high ranking position. Defector testimonies reveal that even those who have previously done time in long-term corrective labor camps can now bribe their way into Party membership. Reports also indicate that bribes are necessary to gain admission into Kim Il-sung University, the most prestigious university in North Korea. Some testimonies report that bribery can help change one's social class. This illustrates how widespread bribery has become, along with the country's economic hardships.

- Defector XXX testified that she offered a bribe of 200 USD for her husband to become a Party member in 2005, and it took 500-600 USD to get him promoted to a high-ranking official in 2010. She also said that a bribe of 1,500 USD to 3,000 USD were required to get admitted into Kim Il-sung University in 2010 and 2011, respectively.³⁵²
- Defector XXX, who defected in March 2009, testified that she could attain Party membership through bribes, even though she had a disadvantageous family background, since the elder brother of her father defected to South Korea.³⁵³
- Defector XXX, who left North Korea in March 2011, testified

³⁵¹_NKHR2011000210 2011-09-20.

³⁵²_NKHR2011000240 2011-11-22.

³⁵³_NKHR2011000174 2011-07-26.

that even though family background is an important factor in becoming a Party member, Party membership could be obtained with a bribe of two to three million North Korean won (hereafter KPW).³⁵⁴

- Defector XXX, who left North Korea in April 2011, testified that while family background is strictly checked when hiring high-ranking officials, one can obtain Party membership by offering a bribe of 200-300 USD to the manager of the Party Management Committee.³⁵⁵
- Defector XXX, who left North Korea in June 2011, testified that the influence of family background has become less important in society in general, and Party membership can be obtained with a bribe of 500,000 KPW.³⁵⁶
- Defector XXX, who left North Korea in September 2011, testified that even those once detained in long-term corrective labor camps can attain the Party membership with a 2,000-3,000 USD bribe.³⁵⁷

Some defectors also testify that bribery can even change one's family backgrounds.

- Defector XXX, who left North Korea in April 2010, testified that one's family background can be changed by bribing officials for forged documents.³⁵⁸
- Defector XXX, who left North Korea in September 2011, testified that if one offers a bribe to an official working for the Residence Registration Department of the People's Safety

³⁵⁴_ NKHR2011000205 2011-09-20.

³⁵⁵_ NKHR2011000164 2011-07-12.

³⁵⁶_ NKHR2011000216 2011-10-04.

³⁵⁷_ NKHR2011000246 2011-12-20.

³⁵⁸_ NKHR2011000243 2011-11-22.

Agency (Police Station), family members who have defected can be falsely registered as dead.³⁵⁹

However, those who attempted to flee to South Korea or those who have once served in Political Concentration Camps are not eligible for Party membership.

- Defector XXX left North Korea in April 2011 that testified that it is impossible to obtain Party membership if one is related to a defectors residing in South Korea, a former *Chiandae* (low level civilian militia during the Korean War) or former inmates of Political Concentration Camps.³⁶⁰
- Defector XXX, who left North Korea in May 2011, testified that money enables people to become Party members, except for those who have attempted to flee to South Korea.³⁶¹

Some defectors testify that people would not bother to bribe their way into the Party because there is little benefit to Party membership.³⁶²

- Defector XXX, who left North Korea in July 2011, testified that since the Arduous March the benefit one can get from entering the Party have decreased. Even some current Party members want to give up their Party membership.³⁶³

³⁵⁹_NKHR2011000245 2011-12-20.

³⁶⁰_NKHR2011000184 2011-08-16.

³⁶¹_NKHR2011000185 2011-08-16.

³⁶²_NKHR2011000239 2011-11-22.

³⁶³_NKHR2011000233 2011-11-08.

- **Social Discrimination based on Personal Background in Court Sentences and Marriage**

North Korea implements discriminatory measures on people according to personal backgrounds which essentially could affect sentencing in court. For criminals facing the death penalty, this is particularly crucial, for a final judgment on whether or not to reduce a sentence may depend upon the person's family background. Criminals having inferior backgrounds or origins, including orphans, are usually sentenced to death without hesitation or consideration. People who have witnessed executions and various other sentencing express that they are unfair and arbitrarily decided by authorities based on one's background.

Defector XXX testified that during the investigation process at SSA, if a criminal charge is deemed to be warranted, the suspect's family records are brought back from MPS in the suspect's hometown. The records are used as a reference in determining the terms of the penalty. In short, a person's family background is considered when determining the level of punishment. If the suspect has many Party members in his family, the authorities may assume that the suspect can be reformed by dint of his good family environment. Defector XXX testified that a "security meeting" is held prior to a trial. During this meeting, in which the fate of the accused is decided, if someone (the accused or his family) can produce a so-called "certificate of patriotism," then the terms of the sentence are usually reduced.³⁶⁴

Other defectors said that family background had some influence on marriage, but this was not as severe as before, and economic

³⁶⁴ NKHR2009000066 2009-11-11.

factors have become more important.

- Defector XXX, who fled South in October 2009, testified that one’s personal background would have little impact on one’s marriage.³⁶⁵
- Defector XXX, who fled in May 2010, testified that some ambitious people would consider personal background a serious factor in marriage, but ordinary citizens would not give it much weight.³⁶⁶
- Defector XXX, who fled South in June of 2010, testified that the impact of personal background on marriage was weakening at the time he defected.³⁶⁷
- Defector XXX left North Korea in December 2010 testified that in case of the marriage between the people with similar personal backgrounds, money counts more than family background.³⁶⁸

• Class-Based Discrimination in Housing

North Korea assigns housing to people according to their background and forcibly relocates people from place to place. The North Korean authorities fear the possibility that people with bad backgrounds, primarily those from South Korea or those who once belonged to the landlord or capitalist classes, might escape from North Korea because they secretly admire South Korea. For that reason the North Korean authorities limit the areas where these people are allowed to live. For example, people having bad

³⁶⁵_NKHR2010000034 2010-11-02.

³⁶⁶_NKHR2010000045 2010-09-07.

³⁶⁷_NKHR2010000036 2010-11-02.

³⁶⁸_NKHR2011000074 2011-03-22.

backgrounds are not allowed to live in Pyongyang, in Nampo, near the coast, or in other sensitive areas.³⁶⁹

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. People who are forcibly relocated due to their backgrounds are prohibited from serving as salaried members of the KWP or from holding important positions in administration. Instead, they can only be promoted to low-ranking public service positions. These people frequently gather together to sympathize with one another, complain about their situations, and express resentments about their status.³⁷⁰

The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains. According to defector XXX, people who have been ostracized and forcibly relocated to remote places are called Pyongyang evacuees. These people are acutely despised and discriminated against by the local population.³⁷¹

• Other Social Discrimination

Provided below are some examples of discrimination against select groups of North Koreans including border crossers, people with criminal records, former POWs, former residents of South Korea and their families, families of defectors, families with relatives or friends in China, “returnees” (repatriated Koreans from Japan),

³⁶⁹ Defector XXX was born in Pyongyang, but his father was originally from South Korea. He was accused of some mistakes at work and had to relocate to Shinuiju. Interview with defector XXX in Seoul on Feb. 4, 2003.

³⁷⁰ Interview with defector XXX in Seoul on January 18, 2005.

³⁷¹ Interview with defector XXX in Seoul on August 3, 2002.

and Chinese residing in North Korea.

<Discrimination against defectors and people with criminal records>

Many defectors testified that there is discrimination against those who have attempted defection or illegally crossed the border, as well as those who have served in Political Concentration Camps. The North Korean authorities treat defectors as “missing persons.” Those who are associated with a “missing person” are not admitted into the Party or the military. Former detainees of Political Concentration Camps and Correctional Center and their family members are discriminated against in marriage, admission into graduate school, job promotion and military service.

- Defector XXX testified that his uncle made critical remarks against a policy and was sent off to a Political Concentration Camp. As a result, XXX was discriminated against in college admissions and job assignments.³⁷²
- Defector XXX testified that he could not join the military service due to his illegal river-crossing (border-crossing) record.³⁷³
- Defector XXX testified that he could not get a promotion while serving in the Pyongyang Subway 9501 military unit because his father left the Party and he himself had been confined to a Correctional Center.³⁷⁴
- Defector XXX testified that he was not allowed to serve in the military because his mother had been in a Correctional Center.³⁷⁵

³⁷²_NKHR2010000061 2010-05-18.

³⁷³_NKHR2010000041 2010-10-26.

³⁷⁴_NKHR2011000070 2011-03-15.

³⁷⁵_NKHR2011000068 2011-03-15.

- Defector XXX testified that he failed to get admitted into graduate school in October 2008 because his uncle had been incarcerated in a Political Concentration Camp and his cousin was registered as a missing person.³⁷⁶
- Defector XXX testified that her mother was registered as dead when she did not return to North Korea from her trip to China, which kept her sister from marrying a police officer.³⁷⁷
- Defector XXX testified that he could not enter the Party in December 2010 because his grandmother, aunt and mother had been classified as missing persons.³⁷⁸
- Defector XXX testified that she was discriminated against in marriage in 2011 due to her brother's record of incarceration in a Political Concentration Camp and her own record of incarceration in a Correctional Center.³⁷⁹

<Former POWs and South Korean residents, and their families>

Discrimination is harshest against the former POWs and residents of South Korea and their families. People with relatives in South Korea are also targets of discrimination. They are discriminated against mainly in Party membership, military service and promotion.

- Defector XXX testified that he saw an office colleague being discriminated against in his bid to join the Party because he had relatives in South Korea.³⁸⁰
- Defector XXX testified that, in April 2008 he could not join the army just because his grandfather was from South Korea and his grandmother is Japanese.³⁸¹

³⁷⁶_ NKHR2011000164 2011-07-12.

³⁷⁷_ NKHR2011000060 2011-03-08.

³⁷⁸_ NKHR2011000155 2011-07-05.

³⁷⁹_ NKHR2011000244 2011-11-22.

³⁸⁰_ NKHR2010000040 2010-10-26.

³⁸¹_ NKHR2011000101 2011-04-26.

- Defector XXX testified that he was not able to continue taking academic courses at Young-hwa University because his grandfather was from South Korea.³⁸²
- Defector XXX testified that one of her husband's fellow workers was not allowed to join the Party, despite his ten years of military service, because he was the son of a former POW.^{383 384}
- Defector XXX testified that he was discriminated against in promotion during his military service because his father was from South Korea.³⁸⁵

Recently, however, some testimonies have revealed that even former POWs are able to join the Party, and their lives are not so different from ordinary North Koreans.

- Defector XXX testified that his father, a former POW, had been denied the opportunity to join the Party because he was under suspicion of having received secret orders from South Korea. However, he was recently able obtain Party membership thanks to the Party's instruction to consider applicants' present situations, not their past.³⁸⁶
- Defector XXX testified that even though the North Korean authorities maintain negative attitudes toward those who came from South Korea, ordinary North Koreans do not regard them negatively.³⁸⁷
- Defector XXX testified that there are no specific discrimi-

³⁸² NKHR2011000196 2011-09-06.

³⁸³ NKHR2011000044 2011-02-08.

³⁸⁴ NKHR2011000053 2011-02-15.

³⁸⁵ NKHR2011000195 2011-08-23.

³⁸⁶ NKHR2011000178 2011-08-02.

³⁸⁷ NKHR2011000044 2011-02-08.

nations against those from South Korea and their families, but their lives remain miserable.³⁸⁸

- Defector XXX testified that the lives of those from South Korea and their families vary depending on their abilities.³⁸⁹
- Defector XXX testified that he could not join the Party simply because his maternal grandfather and grandfather were former POWs, but his livelihood is not so different from that of other ordinary North Koreans.³⁹⁰

<Discrimination against the families of those who fled South during the Korean War>

Discrimination is also very harsh against those whose family members moved South during the Korean War. The family members remaining in North Korea are not permitted to join the Party or the military. In addition, they may be discriminated against in college admissions and marriage.

- Defector XXX testified that in North Korea you would be mistreated if you had family who had fled South during the Korean War, and it would not matter how bright and capable you were. Such people could not join the Party, either.³⁹¹
- Defector XXX testified that her aunt fled South in 1950. For that reason she was discriminated against in her bid to join the Party as well as in college admissions and marriage.³⁹²
- Defector XXX testified that he knew of someone whose relative had fled South during the Korean War. That person

³⁸⁸_NKHR2011000139 2011-06-14.

³⁸⁹_NKHR2011000162 2011-07-12.

³⁹⁰_NKHR2011000176 2011-08-02.

³⁹¹_NKHR2008000006 2008-07-24.

³⁹²_NKHR2010000013 2010-09-14.

- tried to join the army but was denied.³⁹³
- Defector XXX testified that he was discriminated against in his bid to enter college in January 2004 because his grandfather's cousin had fled to South Korea during the Korean War.³⁹⁴
 - Defector XXX testified that he experienced discrimination in July 1997, when he was denied Party membership, promotion to an official post, and college admission, simply because one of his family members defected to South Korea. The testifier said that he had some hopes after the Party promulgated a series of instructions urging officials to consider each applicant's capability and job performance over family background, but procedures were not implemented in accordance with these instructions.³⁹⁵
 - Defector XXX testified that her husband could not join the Party because his aunt defected to South Korea, and he was unwillingly discharged from the military.³⁹⁶

Not all families of defectors to South Korea are mistreated or discriminated against. Defector XXX testified that the general attitude toward those whose relatives had fled to South Korea was negative, but if they tried hard those attitudes might become more positive.³⁹⁷ Defector XXX, who came to South Korea in June of 2010, testified that surveillance of families with relatives in South Korea has been tightened.³⁹⁸

³⁹³_NKHR2010000054 2010-06-22.

³⁹⁴_NKHR2010000097 2010-06-15.

³⁹⁵_NKHR2011000126 2011-05-31.

³⁹⁶_NKHR2011000112 2011-05-17.

³⁹⁷_NKHR2010000072 2010-10-19.

³⁹⁸_NKHR2010000014 2010-10-05.

<Discrimination against people with relatives in China>

Some North Koreans are discriminated against in Party membership, college admissions, promotion to managerial officials, or marriage simply because they have relatives or acquaintances in China, or because one or both parents are Chinese.

- Defector XXX testified that he was discriminated against in his bid to join the Party because he had relatives in China.³⁹⁹
- Defector XXX testified that he was discriminated against in his bid to join the Party and also in college admissions because his parents were born in China.⁴⁰⁰
- Defector XXX testified that she was denied admission to a school for nurses because she had relatives in China.⁴⁰¹
- Defector XXX testified that his father, who had a good personal background, was discriminated against in his bid for promotion because his wife (XXX's mother) was born in China.⁴⁰²
- Defector XXX testified that he was discriminated against in his bid to join the Party and in seeking promoted to the management-level position, simply because his father was from China. He said those with relatives in China cannot marry Party members or politicians.⁴⁰³
- Defector XXX testified that his father, a Chinese-born North Korean, failed to promote to the management level, and he himself was discriminated against in college admissions in 2003.⁴⁰⁴

³⁹⁹_ NKHR2011000026 2010-10-26.

⁴⁰⁰_ NKHR2011000022 2010-06-24.

⁴⁰¹_ NKHR2010000008 2010-05-25.

⁴⁰²_ NKHR2011000005 2010-08-10.

⁴⁰³_ NKHR2011000055 2011-02-22.

⁴⁰⁴_ NKHR2011000128 2011-05-31.

- Defector XXX testified that a woman refused to marry him simply because his father was born in China and he had relatives are living there. He said that those with relatives in China are disadvantaged in promotions, though their family background is not necessarily regarded as inferior.⁴⁰⁵

<Discrimination against returnees (Koreans from Japan) and their families and Chinese residents in North Korea>

Some noteworthy testimony revealed that “returnees” (Koreans from Japan) have been treated favorably.⁴⁰⁶ Defector XXX, who left in 2007, testified that returnees receive favors to live in Pyongyang. However, in general, returnees and their family members are discriminated against by the North Korean authorities.

- Defector XXX testified that in 1982, when she was 20, she was unable to marry a military officer simply because her parents were returnees.⁴⁰⁷
- Defector XXX testified that his father, an instructor, tried to get promoted to section chief of the Stock Breeding Section of Mundeok-gun Management Committee, but he was rejected because he was the child of a returnee. He also heard that children of returnees are not allowed to go abroad.⁴⁰⁸
- Defector XXX testified that she herself was a returnee and she was discriminated against in marriage and college admission. She said she was not allowed to marry a military man.⁴⁰⁹

⁴⁰⁵_NKHR2011000215 2011-10-04.

⁴⁰⁶_NKHR2011000046 2011-02-08.

⁴⁰⁷_NKHR2011000089 2011-04-05.

⁴⁰⁸_NKHR2011000115 2011-05-17.

⁴⁰⁹_NKHR2011000089 2011-04-05.

- Defector XXX testified that he himself was a returnee and returnees are not eligible to be police officers or Party workers; also, they are not allowed to be dispatched abroad.⁴¹⁰

Some testimonies indicate that returnees are assigned to remote areas.

- Defector XXX testified that he saw returnees, XXX, YYY, and YYY, assigned to the remote area of Liweon County, South Hamgyeong Province, and reported that they regretted coming to North Korea.⁴¹¹
- Defector XXX testified that his mother failed to join the Party and was dispatched to the Saechon Coal Mine to work.⁴¹²

On the other hand, defector XXX testified that while returnees have traditionally not been promoted to management levels within the Party and government, recently some have gotten promotions within the government.⁴¹³

<Discriminations Against Overseas Chinese and Their Family Members>

According to North Korean defectors, North Korea operates some special districts and schools for Overseas Chinese. Chinese people living North Korea are also discriminated against, but there is no legal or institutional framework for discrimination against them. This may have to do with their wealth. The level of economic

⁴¹⁰_NKHR2011000113 2011-05-17.

⁴¹¹_NKHR2010000056 2010-11-16.

⁴¹²_NKHR2011000099 2011-04-26.

⁴¹³. Interview with defector XXX in Seoul on January 30, 2008.

wealth of the Chinese living in North Korea is known to be generally high.⁴¹⁴

- Defector XXX testified that there was no discrimination against such people except in terms of Party membership. Many North Korean citizens regard the Chinese positively, partly because of their wealth.⁴¹⁵
- Defector XXX testified that her husband was born in North Korea and her mother-in-law was also a North Korean, but her father-in-law was Chinese. Thus her husband was issued an alien card rather than a citizen's card. There were some negative attitudes toward her family, but there was no specific discrimination against her family.⁴¹⁶
- Defector XXX testified that his father used to be the principal of a school for overseas Chinese, and reported that the overseas Chinese in North Korea enjoy generally affluent lives.⁴¹⁷
- Defector XXX testified that five households of overseas Chinese were living in Hoeryeong and they were economically affluent, but it was difficult for them to join the Party or get promotions.⁴¹⁸
- Defector XXX testified that overseas Chinese are not specifically discriminated against due to their economic power, but it is difficult for them to get Party membership. He said overseas Chinese and returnees are not willing to join the Party.⁴¹⁹

⁴¹⁴ NKHR2011000073 2011-03-22.

⁴¹⁵ NKHR2011000072 2010-10-19.

⁴¹⁶ NKHR2011000023 2010-06-08.

⁴¹⁷ NKHR2010000072 2010-10-19.

⁴¹⁸ NKHR2010000162 2011-07-12.

⁴¹⁹ NKHR2010000172 2011-07-26.



5



Civil Liberties

The most important aspect of human rights is the ability to limit totalitarian power and guarantee individual freedom and equality. Together with equal justice under law, freedom is an important factor in human rights and is a fundamental necessity in providing all people with the ability to enjoy a happy life. Freedom has historically been a major human concern.

Article 1 of the “Universal Declaration of Human Rights” (UDHR) declares that “All human beings are born free and equal in dignity and rights” (Art. 1). The declaration also states that “Everyone has the right to life, liberty and security of person” (Art. 3). Article 13 specifies, “Everyone has the right to freedom of movement and residence within the borders of each state.” Under Articles 18~20, it is stipulated that “Everyone has the right to freedom of thought, conscience and religion... Everyone has the right to freedom of opinion and expression... and the right to freedom of peaceful assembly and association.” The “International Covenant on Civil and Political Rights” (ICCPR) also provides for broad freedoms. For example, Article 9 guarantees everyone the right to liberty and

security of person. Article 12 provides the right to freedom of movement and freedom to choose one's place of residence. Article 18 specifies the rights to 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.

A. The Freedom of Residence and the Right to Travel

The freedom of movement and residence concerns the right to independently determine where one chooses to live, to be able to relocate freely from that place, and not to be relocated against one's will. As a fundamental freedom throughout human history, by expanding a person's area of activity, the freedom of residence and relocation enables the creation of forums for free human exchange, thus contributing to individual development. By contributing to personal development and growth, this freedom maintains and advances the sanctity and value of human life.

Article 13 of the UDHR 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 ICCPR specifically guarantees that "Everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own. No one shall be arbitrarily deprived of the right to enter his own country. Also, these rights shall not be subject to any restrictions except those which are provided by law and are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others."

The international community repeatedly raised the issue of freedom of travel and residence, and the UN Subcommittee on Human Rights (currently the UNHRC Consultative Committee) has adopted a resolution on North Korean human rights. Under this pressure, when revising its Constitution in September 1998 North Korea introduced a new provision stating, “Citizens shall have the freedom of residence and travel.” (Article 75 of Socialist Constitution) The reality, however, shows a serious gap between this law and actual practice. North Korea has always enforced a system of strict control over the peoples’ residence and movement (travel). The rationale for this system was that under the socialist economic structure inhabitants should register at their current residences to benefit from the nationwide ration system. The real purpose of restricting citizens’ movement is to prevent potentially subversive assemblies, protest rallies, and external contacts.

<Domestic Travel>

All North Koreans must, in principle, carry travel permits even when traveling within the country. In accordance with Article 6 of North Korea’s Travel Regulations, people must obtain travel permits before taking any trip.

During the review session of North Korea’s second Periodic Report for the ICCPR, a North Korean delegate explained in response to a written query from the UN Human Rights Committee that “Travel permits are necessary for security purposes and to protect citizens from external threats, and there are no restrictions on citizens’ freedom of travel.” The officially stated purpose of issuing travel permits is to obstruct the activities of spies and hostile elements, in other words to protect national security. The most fundamental reason the North Korean authorities are trying to restrict travel and

movement is to prevent the people from being exposed to external information that might cause them to develop ideas contrary to the regime. The freedom to travel within and outside of the country enables the public to obtain information from other regions and make comparisons, which in turn could foster critical attitudes against the regime.

In principle, all North Korean citizens must carry travel permits when they travel outside of their own county or city of residence.⁴²⁰ Underaged persons who are too young to have the people's registration card cannot obtain travel permits and must be accompanied by an adult who has one. Defector XXX testified that children up to the age of 7 need birth certificates, and children of elementary school age or older need certain official tags in order to accompany their parents.⁴²¹ In principle, one who plans to attend the funeral or wedding of a closest relative may travel as far as the city or county of the event, but additional personal travel to any neighboring region is not allowed. If, however, one is on official business, one may travel to any of the destinations indicated on the permit. If a soldier, government employee, or factory worker has a business trip order from their office, he or she can travel anywhere in the country, according to the travel order. If a patient has a diagnostic document, he can travel to any major clinic or hospital in the city or province of his residence, or he can choose to travel to the residence of a close relative who can help take care of the patient's illness.

Those without a Pyongyang residence card⁴²² or temporary

⁴²⁰_ NKHR2011000022 2010-06-24.

⁴²¹_ NKHR2010000018 2010-10-05.

⁴²²_ North Korean authorities make a distinction between the people's registration card, which are issued to the general public and the Pyongyang resident permit, which are issued to the residents of Pyongyang (Democratic People's Republic of Korea People's Registration Law Article 7 was passed at the Supreme People's Assembly).

residence permit⁴²³ may only enter the city once they have obtained a travel permit stamped with a Pyongyang city permit number. In order for ordinary citizens to travel to the cities and counties near the border regions such as the DMZ (Demilitarized Zone), the Apnok River (Yalu River), and the Tuman River, they must carry “travel permits” issued by their province of residence and bearing permit numbers issued by the Section 2 Office of the provincial people’s committee of their destination, such as North Pyongan Province, Jakang Province, Yanggang Province, or North Hamgyeong Province. Those wishing to travel to Pyongyang, the border regions or military areas near the enemy border must obtain an approval number from the Security Guidance office.⁴²⁴ Those living in the inner regions have more difficulty obtaining permits to travel to the border areas.⁴²⁵

Even citizens living in the provinces bordering the Tuman and Apnok (Yalu) Rivers must carry travel permits if they wish to travel to other provinces. These permits are issued by the Section 2 Office of the people’s committee of the traveller’s province of residence.

People planning to travel must submit an application to their factory or office supervisor through the Accounting Section two weeks in advance. Approval depends on a review of the applicant’s ideology and his or her “voluntary labor contribution” records. After this preliminary procedure, the traveller has to apply again three days in advance at the permit section of the local People’s

⁴²³ Permits for temporary stay in Pyongyang are provided to students from the provinces, attending Pyongyang universities or the Pyongyang No. 1 Middle School, soldiers deployed in Pyongyang, and civil servants or business workers assigned to Pyongyang. The length of stay is allotted according to the period of study, work, or service.

⁴²⁴ NKHR2011000236 2011-11-22.

⁴²⁵ NKHR2010000069 2010-10-26.

Security Agency (police department). The Agency will review the applicant in terms of whether he/she is a dangerous person, is under surveillance, has any criminal record, etc. After overall confirmation by the Local Security Agency, the applicant is issued a travel permit through the party secretary at his or her place of employment. However, most defectors testified that they received travel permits from Section 2 of the People's Committee through their place of work. The application would progress through the following route: from the office supervisor, to the office statistician (recording date of birth, destination, purpose, etc.), to the *Kiyoweon* (a corporate worker who deals with high-level secrets),⁴²⁶ to Section 2 of the People's committee. Each region or province is assigned a limited number of travel permits, and these are issued within the assigned limit. Thus security agents can check the permit number against a list of numbers to see if the permit is genuine.⁴²⁷

Those who do not have jobs must get travel permits through their *inminban* (it literally means "people's group" and is the most basic administrative unit in North Korea). In this case, they must get the approval of the local branch of People's Security Agency (police), plus a guarantor.⁴²⁸

Ordinary citizens have to wait for about 2~3 days to travel to non-restricted areas and 7~15 days to restricted areas. However, there is no guarantee that travel permits will come.⁴²⁹ Special control areas issue permits with unique numbers.⁴³⁰

At the central government level, there may exist established procedures, but in the provinces different sets of procedures seem

⁴²⁶_NKHR2010000071 2010-11-09.

⁴²⁷_NKHR2010000069 2010-10-26.

⁴²⁸_NKHR2010000022 2010-06-24.

⁴²⁹_NKHR2010000062 2010-10-12.

⁴³⁰_NKHR2010000061 2010-05-18.

to exist, depending on agencies and localities. Furthermore, the color of diagonal lines on the pass will vary from region to region, and the authorities will frequently change the color of those lines, presumably to prevent fake passes or forgery.

The “travel permit” system actually restricts citizens’ freedom of travel and movement. This is demonstrated by the fact that violators are thrown into Labor Detention Facilities. As part of the regime’s social safety control measures, Article 30 of North Korea’s “People’s Security Control Act” stipulates, “The People’s Security Agency shall exercise control over violations of the rules for traveling and walking the streets.” Those traveling without permits or traveling on fake permits are penalized with fines (Admin. Penalty Law, Art. 167).

After arrival, the traveler must report to the head of *Inminban*, register on the travel roster, and get his or her travel pass stamped by a local MPS official. The local “*Inminban* leader” must report those visitors traveling without permits to the local security agent in charge.⁴³¹ Also, as soon as one arrives at the travel permit destination, one must report and register with the local security agency (police station), so it is quite easy for the authorities to exercise control over travelers. This type of control system is still maintained in North Korea today. The “return home” date is indicated on the travel permit; it will normally be 10 days from the issue date. The traveler must report to the security branch at the railway station 4 days before departure in order to obtain a (train) boarding ticket.⁴³²

Although this travel permit system is still maintained, many North Korean defectors have testified that significant changes are taking place in traveling styles due to the economic hardships.

⁴³¹ Interview with defector XXX in Seoul on April 16, 2010.

⁴³² NKHR2010000061 2010-05-18.

Despite official regulations, it appears that controls over travel are becoming less restrictive in reflection of the current realities in the country. In principle, domestic travel permits are issued free of charge. However in reality, if the *Kiyoweon* does not get some kind of gift, processing is often delayed. Thus it takes a long time to obtain a travel permit if one only follows the proper procedures. As the need for quick peddling trips has increased, people often resort to bribes of money, cigarettes, etc.⁴³³ Since the *Kiyoweon* helps to fill out the application forms and get the approval of various sections, people usually provide gifts or bribes to him/her. The nature of the gift varies depending on the applicant's purpose and destination of travel.⁴³⁴ The *Kiyoweon* will issue the permits to those citizens who offer money through their acquaintances even if they don't have jobs. In other words, the *Kiyoweons* make money by selling travel permit forms.⁴³⁵

Most people offer cash to the *Kiyoweon* for travel permits because the regular procedure involves long waits and complicated steps. Defector XXX testified that he was able to obtain a travel permit by offering a bribe of 5,000 KPW or 3kg of rice.⁴³⁶ Some defectors testified that since the currency reform implemented on November 30, 2009, the amount of money needed to illegally obtain a travel permit has slightly decreased.⁴³⁷ Defector XXX testified that about 20,000 KPW would be needed for a permit to go to Pyongyang.⁴³⁸ In addition, applicants for travel permits need to pay brokerage fees, since they have to resort to brokers' help.⁴³⁹

⁴³³ NKHR2011000111 2011-05-17 and other testimonies.

⁴³⁴ NKHR2011000169 2011-07-26 and other testimonies.

⁴³⁵ NKHR2010000087 2010-08-03.

⁴³⁶ NKHR2011000170 2011-07-26.

⁴³⁷ NKHR2011000106 2011-05-11; NKHR2011000115 2011-05-17.

⁴³⁸ NKHR2010000073 2010-10-19.

⁴³⁹ NKHR2011000238 2011-11-22.

Since the year 2000, people have begun to prefer buses or trucks over trains as a means of transportation. People's perceptions about the necessity of travel permits have also begun to change. Obtaining a travel permit takes a long time and requires complicated procedures, and one's movements are easily revealed through them. Thus an increasing number of people are traveling without permits and trying to bribe their way through when challenged by security agents. Some defectors testified that the percentage of those traveling without travel permits has risen as high as 50 percent.⁴⁴⁰ There have been many additional accounts from defectors about instances of illegal travel without permits. Related testimonies are outlined in <Table II-10> below.

<Table II-10> Cases of Illegal Traveling

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2011-02-07	2010	Pyongseong, South Pyeongan Province	The source needed a travel permit for his business trip to Hoeryeong in 2010. He illegally obtained the travel permit on the spot by offering 15,000 North Korean won (KPW).	NKHR 2011000111 2011-05-17
XXX	2011-01-17	2010	Pyongseong, South Pyeongan Province	The source was a legal adult who had graduated from middle school. However, he needed to borrow a birth certificate to travel. He was able to travel to Cheongjin by bribing order adults, such as military officers, to pretend to be his parents.	NKHR 2011000101 2011-04-26
XX	2011-02-08	2011-01	Pyongseong, South Pyeongan Province	The source obtained a fake travel permit by paying 10,000 KPW to a broker in front of the Pyongsung Train Station. There are brokers who forge travel permits. It used to take about 20,000 KPW to obtain a fake travel permit before the currency reform. Since then, however, it only takes around 10,000 KPW.	NKHR 2011000115 2011-05-17
XXX	2011-03-31	2010-08	Yeonsa-gun, North Hamgyeong Province	The source offered two packs of Cat Cigarettes, priced at 1,400 KPW per a pack, as bribes to obtain a travel permit in August 2010.	NKHR 2011000154 2011-07-05

⁴⁴⁰ NKHR2011000251 2011-12-20.

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2011-03-12	2011-03	Cheonae-gun Gangwon Province	The source was traveling in March 2011 to the border to cross the river without a travel permit. He bribed his way to Eorang-gun, North Hamgyeong Province from Cheonae-gun, Gangweon Province, by giving 10,000 KPW each to the train attendants and on-board police officers.	NKHR 2011000196 2011-09-06
XXX	2011-02-16	2010	–	If caught traveling without travel permits, one can get out of trouble by paying a 500 KPW fine.	NKHR 2011000197 2011-09-06
XXX	2011-03-06	–	–	A number of travel permit sellers disguise themselves as cigarette peddlers (to evade crackdowns) in front of the Section 2 Office (the office in charge of issuing travel permits). The source heard that a travel permit cost 10,000 KPW as of 2011.	NKHR 2011000158 2011-07-05
XXX	2010-10-30	2007	Sariweon, North Hamgyeong Province	The source applied for a travel permit in 2005 and got approval in 2007. It took him two years to obtain the travel permit. He paid one million KPW to cover the expenses associated with issuing the travel permit.	NKHR 2011000168 2011-07-19
XXX	2010-09-30	2010	Hyesan, Yanggang Province	The bribe varies depending on the travel distance. – Travel to regions that require confirmation number: 5,000 KPW or a carton of Cat Cigarettes. – Travel within the Province: 1 to 2 packs of cigarettes or 1,000 to 2,000 KPW.	NKHR 2011000169 2011-07-26
XXX	2009-08-22	–	Bukcheong-gun, South Hamgyeong Province	The cost of travel permits for unrestricted regions varies depending on the time of the travel. In general, it costs about 1,000 to 5,000 KPW.	NKHR 2011000170 2011-07-26
XXX	2006-03-15	–	Manpo, Jagang Province	Only about 40%-50% of travelers carry travel permits - the rest get by with bribes or help from acquaintances.	NKHR 2011000251 2011-12-20
XXX	2011-02-25	2011.	Sinuiju, North Pyongan Province	Travel permits cost about 10,000 KPW in 2011. People can travel without permits if they carry their people's registration card, and they can travel to the Pyongyang by offering about 5,000 KPW to bus "whips" who help fill buses and trucks.	NKHR 2011000238 2011-11-22

One must carry a travel permit to ride a train, so the railroad security agents often will demand money from those who lack travel permits.⁴⁴¹ The railroad security agents bound for Pyongyang often confiscate valuables or money from those lacking travel permits. The agents frequently inspect the passengers' luggage and dozens of passengers may get in trouble. They then have to offer cigarettes or wine to the agents. People with extra cash avoid inspections by bribing the railroad security agents with cigarettes or wine; others, however, have no choice but to follow the routine procedures.

Since the economic hardships set in, people have begun to travel more. Accordingly, the number of train passengers has also increased, which in turn has contributed to increases in illegal ticket trading.

When traveling by train, one needs to have a travel permit because railroad security agents check travel permits. However, during the dark days of the famine, travel permits were practically meaningless for those traveling on foot within the province. Since the 1990s the mobility of the North Korean citizens has tremendously increased, and the situation has reached the stage where the authorities have to condone this development. As a result, the number of bribe-taking lower-level officials has significantly increased, and the North Korean authorities have had to tacitly allow this situation to go on since they have no better way of easing their economic plight. Since inspections are frequent on trains, many people prefer to travel by highway without travel permits. If challenged by security agents, they can offer some form of bribe to get out of trouble.

⁴⁴¹ NKHR2011000005 2010-08-10.

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

Although the number of travellers has increased, there is still no alternative public transportation except for the trains. Therefore various work units have begun to utilize their official cars or trucks as a means of making extra money. Known as “servi-cars,” these vehicles are not part of any publicly authorized transportation service but are a form of private transportation operated by individual enterprise units for profit. They transport people to specified points near large cities for a fee.⁴⁴² It is reported that even units of the military, the Ministry of People’s Security, and the State Security Agency are engaged in extra money-making activities using these “servi-cars.”⁴⁴³

An alternative aspect of travel in North Korea is the phenomenon of bus “whips” who help fill buses and trucks. Anyone trying to get transportation between Hamhung and Sariwon is bound to come across these “whips” who try to attract passengers to fill up vehicles. Once a vehicle is full with passengers, a whip will be paid anywhere from 5,000 to 8,000 KPW in cash. Each bus or truck will hire one to three whips to get more people on. There is said to be fierce competition for passengers among the servi-cars.⁴⁴⁴

⁴⁴² *Daily NK*, October 26, 2010.

⁴⁴³ Interview with defector XXX in Seoul on August 27, 2010.

⁴⁴⁴ Good Friends, “North Korea Today,” No. 35 (Aug. 30, 2006).

As the number of people traveling in search of food or peddling has increased, inspectors sometimes waive travel permit requirements for those accompanied by legitimate business travelers. Once a passenger's personal identification is properly checked out, his companion is allowed to travel too. This measure appears to be an attempt to reduce the administrative burden in the face of increasing travel demands.

The traveling public is subject to inspection with respect to not only transportation but also accommodation. The military's People's Security agents conduct "bed checks" to investigate if there is anyone staying at a private home without registering for the stay or if anyone is staying without a citizen's ID or travel permit.⁴⁴⁵ These inspections are usually conducted during "special alert" periods, and during these periods inspections are conducted every day.⁴⁴⁶ Also, inspectors will target specific towns if there is a special event scheduled for the area or if there is a deserter or fugitive in the area. Bed-check inspections are routinely conducted along the border regions.⁴⁴⁷ Defector XXX testified that midnight "bed checks" were routinely conducted and the level of severity usually differs from town to town but gets more intense the further one goes north.⁴⁴⁸ Defector XXX testified that "bed checks" were frequent in Pyongseong, South Pyongan Province, but in border regions like Heysan, Yanggang Province, they were very frequent and strictly

⁴⁴⁵ NKHR2011000017 2010-06-08. He said that accommodation cost per day is 1500 KPW.

⁴⁴⁶ The "special alert" periods include the following dates: New Year's Day, Lunar New Year's Day, birthdays of Kim Jong-il (Feb. 16) and Kim Il-sung (Apr. 15), Korean Armistice Day (Jul. 27), Youth Day (Aug. 28), Government Anniversary (Sept. 9), and KWP Party Anniversary (Oct. 10). Good Friends, *North Korea Today, North Korea Tomorrow* (Seoul: Good Friends, 2006), pp. 140-141.

⁴⁴⁷ NKHR2010000024 2010-10-19.

⁴⁴⁸ NKHR2011000215 2011-10-04.

enforced.⁴⁴⁹

Those violating the overnight registration rules are penalized with heavy fines, and anyone who illegally allows overnight stays by accepting money or other valuables will be sentenced to “labor education” for up to two months in accordance with Article 132 of the Administrative Penalty Law. People’s Security units conduct bed-checks to check for violations of the overnight registration rules (Art. 33 of the People’s Security Control Law).

<The Reality of Overseas Travel>

Overseas trips by North Koreans are divided into two categories: long-term trips for work or official business, and short-term trips for travel or visiting relatives. With the increase in overseas employment opportunities in industries such as logging, construction, sewing, and restaurants, the proportion of long term overseas stays have also risen. However, this type of opportunity is granted very selectively and only to those whose ideological integrity has been proven beyond any doubt. In most cases, ordinary people who travel to China do so to visit with their relatives or for purposes of vending and peddling.⁴⁵⁰ Overseas travel is possible only with a border-area travel permit or a passport. Article 2 of North Korea’s “Immigration Law of 1999” stipulates that “Citizens and foreigners entering or exiting North Korea should have appropriate exit/entry permits, such as passports, overseas North Korean certificates, boat crew certificates, or visas.” Article 9 of the law stipulates, “Citizens may enter or exit on official or personal business. Those entering or exiting must obtain exit/entry certificates through appropriate agencies, including the foreign ministry or

⁴⁴⁹_ NKHR2011000245 2011-12-20.

⁴⁵⁰_ NKHR2011000013 2010-06-08.

agencies responsible for the entry/exist authorization.”

North Korea’s State Security Agency and China’s Public Security Bureau have been enforcing strict controls over the movement of their citizens across the border based on the “Bilateral Agreement on Mutual Cooperation for the Maintenance of State Safety and Social Order” (July 1998). Section 3, Article 3 of the agreement stipulates, “The security agents and city and county immigration agencies of the two countries along the border regions will issue a one-month ‘Border travel permits’ to any border area resident who wishes to visit relatives on the other side of the border. On these ‘border travel permits’ each side will affix regulation stamps. Also, the border-area residents’ applications to visit their relatives shall be carefully examined, and the permits will be issued only in case there are close relatives actually residing on the other side.” If border-area residents want to visit relatives who are not very closely related, then permits shall be issued based on “letters of invitation.” As for the definition of “close relatives” and the format of “letters of invitation,” these are to be determined at a bilateral security agency chief delegates meeting. In addition, the chief and deputy chief delegates will issue ‘border travel permits’ for one year to those officials engaged in official business along the borders of the two sides. The vehicles involved in cross-border trips must display “Vehicular Border Passes” and must use only the predesignated routes. They must travel only to authorized areas and over the designated highways inside the visiting country.

North Koreans are allowed to visit their relatives in China only, and personal information of the relative should be recorded in the traveler’s personal file (official file), including the relative’s name, address, and so on. Currently, anyone over the age of 45 who has a citizen ID and no criminal record can apply for a passport

for the purpose of visiting his or her relatives in China. Meanwhile, the foreign affairs section of the local security agencies are reported to be maintaining internal regulations prohibiting overseas travels by family groups and by people over the age of 70.⁴⁵¹ But defector XXX testified that passports are issued only to men over 49 years of age and women over 45. In fact, one must obtain a letter of invitation from China in order to get a passport. In addition, confirmation must be made by the manager of one's agency or enterprise as well as by the local security agency and State Security Agency; then, a final review must be approved by the foreign affairs agent at the SSA. Passports are issued by the vice minister of the State Security Agency. Upon receipt of the passport, the citizen must submit a written oath promising that he/she will not defame the honor of the Democratic People's Republic of Korea (DPRK) and will return home at the appointed date.⁴⁵² As North Korea recently is experiencing a foreign currency shortage, the government has been known to encourage travelers to China to bring home lots of grain and Chinese currency.⁴⁵³ Defector XXX testified that he had to pay a lot of money in order to obtain a passport. He received his "river-crossing pass" in 2007. He first had to apply to the security agent in charge. Then he had to go through the foreign affairs section of the city security agency. The city security agency confirmed that he had relatives in China and that he was qualified to be granted the pass. His application was sent for final approval to the Provincial Foreign affairs section, and thence to Bureau No. 2 of the State Security Agency.⁴⁵⁴

⁴⁵¹_Database Center for North Korean Human Rights, "Travelers' Circumstances in North Korea," (2007 Closed documents).

⁴⁵²_Interview with defector XXX in Seoul on April 15, 2010.

⁴⁵³_Good Friends, "North Korea Today," No. 349 (July 5th, 2010).

⁴⁵⁴_NKHR2010000069 2010-10-26.

Defectors have testified that people who have relatives in China are often allowed to travel. In the past, permission was limited based on age and personal background. Upon instructions from Kim Jong-il in December of 2003, the policy has changed, and now anyone, from anywhere in North Korea, is allowed to visit his or her relatives in China, including those along the border regions who enjoyed special privileges.⁴⁵⁵ “Border travel permits” are issued to those living along the border regions whenever they want to visit their relatives in China. For those who live in interior provinces and visit their relative in China, the passport issued is valid for 3 months. River-crossing permits are issued without letters of invitation from the Chinese relatives, but citizens are not even allowed to apply for passports without an invitation from their Chinese relatives. Since 2005, those who have relatives in China have been required to register their names. If the Chinese relatives are not registered in North Korea’s electronic list, they cannot meet with their North Korean relatives, and likewise their North Korean relatives cannot travel to China. If a North Korean resident in the border region wants to visit China for a short trip, a “river-crossing pass” may be issued. For anyone engaged in cross-border trade, a 24-hour or 48-hour pass will be issued. A letter of invitation from China is not required for this kind of “river-crossing” permit, and these are issued immediately upon application.⁴⁵⁶

The permitted duration of stay for a visit to China is up to 3 months, but in reality the authorities usually grant only about one month. However, it is possible to get a one-month extension from the China’s Public Security Bureau.⁴⁵⁷ A significant amount of money

⁴⁵⁵ Interview with defector XXX in Seoul on January 20, 2006.

⁴⁵⁶ Good Friends, “North Korea Today,” No. 377 (Nov. 10, 2010).

⁴⁵⁷ Interview with defector XXX in Seoul on February 2, 2007.

is needed to get a permit to visit China. Defector XXX testified that it is necessary to provide almost one million five hundred thousand KPW in addition to a letter of invitation from a relative in China.⁴⁵⁸ Those wishing to visit China must pay not only the official fees but also some extra money (called an “express fee”) to the agents in charge in order to expedite the process. Consequently, North Koreans who are in China on permits must work hard to make up the money they spent to obtain the permit.⁴⁵⁹ If the North Korean cannot get help from his relatives in China or has no way of making up the money, he might voluntarily decide to remain in China illegally until he can make up for the losses.

Here are three types of passports in North Korea: diplomatic, official and travelers’ passports. Diplomatic passports are only carried by diplomats or special agency personnel such as Party officials or officials of government agencies. When operatives from the Party and spy agencies are sent abroad they are given diplomatic passports.

Upon return to North Korea, travellers must return their passports to the authorities; they are not allowed to keep them.⁴⁶⁰ In the past, officials staying abroad on official business could be accompanied by one of their children. From July 2003, however, officials were allowed to take two children on condition they had the capability to support them. Under the new policy, college-aged children are not permitted to accompany their parents, but up to two middle school-aged children may go. However, in 2007 North Korean officials issued an order that all children who had accompanied their parents abroad must return home; this order resulted in adverse feelings and significant resistance.

⁴⁵⁸ NKHR2010000069 2010-10-26.

⁴⁵⁹ NKHR2011000013 2010-06-08.

⁴⁶⁰ Interview with defector XXX in Seoul on February 15, 2007.

<The Reality of Residence Regulations and Forced Relocation>

As in the case with travel permits, North Koreans are not permitted to freely move to a new residence and must obtain permission from the authorities to do so. Individuals who change residence without permission are unable to obtain a people's registration card, and hence they face extreme restrictions in social activities, including finding jobs and obtaining food rations. In fact, such people can be punished in accordance with new provisions of the Penal Code. Article 149 of the Penal Code as revised in 2004 stipulates that "anyone caught renting, selling, or purchasing state-owned houses for money or other compensation can be sentenced to up to two years of labor-training." However, since the economic hardships of 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 have increased.⁴⁶¹ House prices are calculated based on the number of rooms. In the case of Myeonggan-gun, Hamgyeongbuk Province, the price of a room is one million KPW.⁴⁶² Most people do not even dream of moving to other areas because they cannot afford to do so. At worst, some have no choice but to sell their houses and become homeless (*kott-je-bi*).⁴⁶³

The most obvious breach of the freedom of residence is forcible relocation. North Korea forcibly uproots and relocates people who are considered politically suspect. Forced transfers of political prisoners and anti-regime complainants have become a routine phenomenon. In addition, North Korea forcibly relocates

⁴⁶¹ NKHR2011000167 2011-07-19 and other testimonies.

⁴⁶² NKHR2011000213 2011-10-04 .

⁴⁶³ NKHR2011000214 2011-10-04 .

people according to the needs of the regime, as evidenced at special economic zones like Najin-Sonbong and newly developed industrial or coal mine regions in Jagang and Yanggang Provinces. The former secretary of the KWP, Hwang Jang-yop, stated that after the Korean War the North Korean authorities conducted evacuation exercises in Pyongyang every 3~4 years as part of war preparations and for population adjustment purposes. According to his testimony, at the time of the seizure 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.⁴⁶⁴

As a variety of unruly social behaviors began to appear following the onset of economic hardship in the 1990s, the reasons for forcible banishment became more complex. The primary reason for banishment is, of course, defection from North Korea. If any member of a family has defected to South Korea, the remaining family members are banished. The reasons for banishment have grown more diverse and may include having family members who defected circulating information, and smuggling. Testimonies related to banishment are shown in <Table II-11> below.

⁴⁶⁴ Shin Il-cheol, *Formation and Decline of Juche Ideology in North Korea* (Seoul: Saeng-gak-eui na-mu (Tree of Thought), 2004), p. 62.

<Table II-11> Cases of Banishment

Source	Date of Defection	Time	Place	Reason for Banishment	Detailed Account	Testimony No.
XXX	2011-03-02	2010-10	Sakju-gun, North Pyongan Province	Related to defector	When the brother of the source's husband defected, the remaining family members were banished to Jongju. Right after the guidelines for banishment were revised in October 2011, twenty households were banished in three of the province's counties (Sakju, Byeokdong and Changseong), for minor infractions.	NKHR 2011000105 2011-05-03
XXX	2011-02-25	2008-05 2009-07	Hyesan, Yanggang Province		The source's husband did not return by the expiration date of this legal border crossing certificate in May 2008. Although she divorced him, she was still banished. She was first transferred to Unnam district in Bocheon-gun, Yanggang Province. But because she could not find shelter and she had divorced her husband, she returned to Hyesan. She filed many petitions to the local Party secretary because she wanted to know why she had been banished. However, she was banished again in July 2009.	NKHR 2011000143 2011-06-14
XXX	2011-02-09	-	North Hamgyeong Province		If there are more than two river-crossers in a family, the whole family is banished.	NKHR 2011000119 2011-05-24
XXX	2011-03-01	-	Hoeryeong North Hamgyeong Province		In 2005 and 2006, if there were more than two river-crossers in a family, the whole family was banished. As the number of river-crossers increased, crackdowns in Hoeryeong grew more intense.	NKHR 2011000120 2011-05-24
XXX	2011-01-12	2010-08	Hyesan, Yanggang Province		The source saw an acquaintance's family evicted to Gabsan County from Hyesan; both areas are in Yanggang Province.	NKHR 2011000231 2011-11-08

Source	Date of Defection	Time	Place	Reason for Banishment	Detailed Account	Testimony No.
XXX	2011-09-17	2004-03	Musan-gun, North Hamgyeong Province	Related to defector	Massive public trials have been held for families of river crossers, resulting in banishment to Hongweon, Hucheon, and Goweon-guns in South Hamgyeong Province. According to this source, river-crossers themselves were sent off to long-term corrective labor camps. The source saw four family members of the river-crosser XXX forcibly sent to Hongweon-gun of South Hamgyeong Province from Musan-gun, North Hamgyeong Province.	NKHR 2011000250 2011-12-20
XXX	2009-09-30	-	Hyesan, Yanggang Province		Beginning in 2000, the number of banishments increased rapidly. When one family members goes missing, the remaining family members are subject to forced relocation.	NKHR 2011000169 2011-07-26
XXX	2011-06-07	2006-06	Hyesan, Yanggang Province	Information Circulation	The source's daughter-in-law was caught selling CDs from Mongolia and sentenced to three-year in the Hamheung Long-Term Corrective Labor Camp in Hamheung, South Hamgyeong Province. The source's son and grandson were forcibly banished to Jeungpyeong District in Samsu-gun, Yanggang Province from the Hyesin District of Hyesan, Yanggang Province. Upon her release, her daughter-in-law went to her family's relocated home.	NKHR 2011000219 2011-10-04
XXX	2010-12-09	2009	Hyesan, Yanggang Province		The source saw a person who was caught watching DVDs, get banished to Bocheon-gun, Yanggang Province from Hyesan in the winter of 2009.	NKHR 2011000074 2011-03-22

Source	Date of Defection	Time	Place	Reason for Banishment	Detailed Account	Testimony No.
XXX	2011-05-03	2010	Hoeryeong, North Hamgyeong Province	Information Circulation	The source saw one of his fellow co-workers who was caught watching South Korean DVDs get banished to Saecheon from Hoeryeong, North Hamgyeong Province in the autumn of 2010.	NKHR 2011000187 2011-08-16
XXX	2010-09-10	2008	Pyongyang		The source saw a family banished to Bukchang-gun, South Pyeongan Province from Pyongyang for computer-related crimes in 2008.	NKHR 2011000166 2011-07-19
XXX	2010-05-06	2010	Hoeryeong, North Hamgyeong Province		The source heard that a person caught talking to a South Korean on a mobile phone in Hoeryeong, North Hamgyeong Province was banished in 2010.	NKHR 2011000056 2011-02-22
				Smuggling	There was no testimony about smuggling in 2011.	
XXX	2011-05-01	2008	Hoeryeong, North Hamgyeong Province	Human Trafficking	The source's wife engaged in the human trafficking in 2008, and as a result they were both banished.	NKHR 2011000165 2011-07-19
XXX	2011-08-13	2011-08	Hyesan, Yanggang Province		The source saw about thirty people banished from Hyesan, Yanggang Province to other counties, including Baekam, Samsu, Gabsan and Wunheng, in August 2011 for human trafficking.	NKHR 2011000244 2011-11-22
XXX				Reunions of Separated Families	No testimonies are available for the year 2011	
XXX	2011-01-05	2009	Hoeryeong, North Hamgyeong Province	Brokering River-Crossing	The source saw a whole family banished for facilitating river crossings.	NKHR 2011000093 2011-04-12
XXX	2009-10-16	2007	Musan, North Hamgyeong Province	Other Reasons	Large amounts of money were found in the basements of the source's neighbors, who worked for the Musan Coal Mine as high officials. As a result, the whole family, including cousins, was banished.	NKHR 2011000098 2011-04-19

Source	Date of Defection	Time	Place	Reason for Banishment	Detailed Account	Testimony No.
XXX	2011-01-21	2011	Hyesan, Yanggang Province	Other Reasons	During the source's defection in 2011, the number of banishments increased rapidly. Perpetrators were even banished for minor transgressions.	NKHR 2011000100 2011-04-26
XXX	2011-02-03	2010-10	Jeongju, North Pyeongan Province		The source witnessed someone banishment for prostitution in Jeongju, North Pyeongan Province in October 2010.	NKHR 2011000105 2011-05-03
XXX	2010-10-20	2001	Pyongyang		To limit population growth in Pyongyang, even those detained in long-term corrective labor camps were legally transferred to other regions. The source's second eldest sister was banished in 2011, in the middle of serving her term in a long-term corrective labor camp.	NKHR 2011000085 2011-04-05
XXX	2011-03-06	2010	Weonsan, Gangweon Province		In the wake of the currency reform's failure, the source saw about forty households related to Pak Nam-gi banished. Married couples were divorced, and spouses whose surname was not Pak were not banished. Weonsan residents with the surname Pak feared they might be related to Pak Nam-gi.	NKHR 2011000158 2011-07-05
XXX	2011-08-13	-	Hyesan, Yanggang Province		Due to the housing shortage, increasing numbers of people were banished to arrange homes for veterans.	NKHR 2011000244 2011-11-22
XXX	2011-08-13	2009-09	Hyesan, Yanggang Province		The source's brother was arrested while brokering defections on charges of being connected to an agent from the South Korean National Intelligence Service. As a result, her family was banished from Hyesan, Yanggang Province to Pungseo-gun.	NKHR 2011000244 2011-11-22
XXX	2011-01-04	2011	Hyesan, Yanggang Province		In 2011, cases of banishment increased because North Korea needed to prepare housing facilities for the families of patriotic martyrs.	NKHR 2011000216 2011-10-04

Source	Date of Defection	Time	Place	Reason for Banishment	Detailed Account	Testimony No.
XXX	2011-08-05	2011	Pyongyang	Other Reasons	As a part of the restructuring plans for Pyongyang, the city's population is now being closely monitored. With the population increasing, those caught committing even minor crimes are subject to banishment. The restructuring policy is in line with goal of constructing a strong nation.	NKHR 2011000240 2011-11-22
XXX	2011-02-12	2011-02	Hoeryeong, North Hamgyeong Province		The source heard that a woman caught selling the drugs "ice" (<i>bingdu</i>) was sent off to a long-term corrective labor camp, and her husband was forcibly relocated to Yuseon-dong from the Yeokjeon-dong in Hoeryeong.	NKHR 2011000112 2011-05-17
XXX	2011-05-20	2010	Hamheung, South Hamgyeong Province		The source saw a person sent away to Bujeon-gun from Hamheung, South Hamgyeong Province in 2010 for dealing drugs (<i>bingdu</i>).	NKHR 2011000204 2011-09-20
XXX	2011-09-06	-	Hamheung, South Hamgyeong Province		Seongcheon-dong and Hwesang-dong in Hamheung are the main drug-producing areas, and thus drug-related crimes are increasing in these regions. Perpetrators are shot to death and their families are banished.	NKHR 2011000245 2011-12-20
XXX	2010-10-12	2010-09	Hoeryeong, North Hamgyeong Province		The source witnessed the banishment of a person caught receiving money from relatives in South Korea. The persone was banished from Saemaetul to Changtae (both districts of Hoeryeong), North Hamgyeong Province, in September 2011.	NKHR 2011000037 2011-01-11

B. The Freedoms of Speech and the Press

The freedoms of speech and the press signify the right to freely express oneself and publish one's opinion. A broader interpretation 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 from 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.

Article 19 of the UDHR guarantees that "Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." The International Covenant on Civil and Political Rights also 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 the Socialist Constitution of North Korea clearly stipulates, "Citizens shall have freedom of speech, press, assembly, demonstration, and association." Yet the North Korean press disregards the proper functions of the press, such as providing critical commentary and objective information to citizens. It instead focuses on idolization of the leaders Kim Il-sung, Kim Jong-il, and Kim Jong-un based on 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 Korea Worker's Party (KWP), designed to help it achieve its goals and existing 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.

Every single issue of a North Korean publication or broadcast service contains something that eulogizes Kim Il-sung and praises Kim Jong-il and Kim Jong-un. 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 of sensitive issues regarding the system. However, news on negative aspects of the United States or South Korea is normally reported concretely.

<Media and Information Control>

In North Korea, personal speech and expression is extremely limited. North Korea's Penal Code as amended in 1999 stipulates that "anyone seriously disturbing social order shall be punished with up to 5 years of correctional labor, and in serious cases, their leader(s) shall be punished with up to 10 years of correctional labor (Art. 103 of the 1999 Penal Code)." When North Korea amended the Penal Code in April 2004, this article was more clearly refined to include specific acts that would constitute the above crime, such as listening to South Korean broadcasts, collecting, possessing and circulating South Korean printed matter, and spreading unfounded rumors. "Those who have systematically listened to anti-Republic broadcasts, or those who collected, possessed or circulated leaflets, photographs, video tapes, or printed matter, would be penalized

with up to two years of “labor training,” and in more serious cases they would be punished with up to 2 years of “correctional labor” (Art. 195, the 2005 Penal Code).” “Up to two years of labor training penalty would be given to those spreading false stories or rumors that could create distrust against the state or contribute to social disorder (Art. 222, the 2005 Penal Code).” “Up to 3 months of unpaid labor or labor education and a stern warning or penalty would be applied to those bringing into North Korea or circulating pornographic or corruptive audio/video tapes, or copying and circulating these tapes, and to those who used tape recorders, video tapes, computers, CD-ROMs, or cellular radios without proper registrations. Penalties for more serious cases would include unpaid labor for over 3 months, demotion, lay-offs or job termination (Art. 113).” Clearly, then, North Korea tightly restricts the individual’s freedom of expression and communication with others.

The North Korean authorities control all means of communication in order to completely cut off the information inflow from external sources. All radio dials are fixed to the DPRK official broadcasting service channels and sealed. 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 is treated as a political criminal. These controls are ongoing.

However, defectors testified that more and more North Koreans have been discreetly watching South Korean TV programs or video tapes since the mid-1990s despite the government’s tight control measures. Furthermore, a defector from Bukcheong, South Hamgyeong Province testified that he watched South Korean TV programs live.⁴⁶⁵ The testimonies related to listening to South

⁴⁶⁵ NKHR2011000182 2011-08-09.

Korean broadcasting watching South Korean TV programs and DVDs, and using MP3s or otherwise listening to South Korean songs are arranged in <Table II-12>, <Table II-13>, and <Table II-14>.

<Table II-12> Testimonies about listening to South Korean Broadcasting and watching South Korean CD-ROMs

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2010-11-07	-	Samjiyeon-gun Yanggang Province	After watching the South Korean movies <i>Final Blow</i> and <i>A Well-Matched Couple</i> , the source developed a negative image of South Korea.	NKHR 2011000086 2011-04-05
XXX	2011-02-08	-	South Pyeongan Province	When the source began to watch South Korean videos around 2003, he thought the programs were made on purpose to show off better aspects of the South Korea to North Koreans.	NKHR 2011000115 2011-05-17
XXX	2011-02-25	2011	Hyesan, Yanggang Province	Around 2009, instructions circulated warning that watching South Korean videos is an act of treason. At the time of the testifier's defection, North Koreans were watching South Korean programs through memory chips rather than DVDs. Because memory chips are small, they are harder to detect than DVDs, and thus they are widely used.	NKHR 2011000143 2011-06-14
XXX	2011-03-09	2011	Hyesan, Yanggang Province	Recently (2011) North Koreans have been watching South Korean programs on memory chips rather than DVDs.	NKHR 2011000146 2011-06-21
XXX	2010-10-20	-	Pyongyang	Many people living in Pyongyang speak with a South Korean accent. In particular, many upper class children and college students use South Korean accents.	NKHR 2011000085 2011-04-05
XXX	2010-10-20	-	Pyongyang	The source watched a number of South Korean DVDs and longed to live freely without regard to the political system. He frequently thought it would be good to introduce freedom to North Korea. When he compared his country with the South, he became dissatisfied with the strict restrictions on conducting business in the North, despite his ability to make lots of money.	NKHR 2011000085 2011-04-05

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2011-05-03	2006~2011	Hoeryeong, North Hamgyeong Province	The source watched South Korean videos from 2006 until he left North Korea in 2011. He watched the South Korean drama <i>Autumn Fairy Tale</i> and the movie <i>My Wife is A Gangster</i> . The movie led the source to fear that there were lots of gangsters in the South.	NKHR 2011000187 2011-08-16
XXX	2011-03-06	-	Weonsan, Gangweon Province	In North Korea, everyone thinks that South Koreans are ill-fed and destitute. However, after watching South Korean videos the source realized that this was not true.	NKHR 2011000158 2011-07-05
XXX	2010-10-30	-	Sariweon, North Hamgyeong Province	Youngsters in the North imitate the hair styles (long and dyed) that they see on South Korean DVDs. Some disciplinary teams crack down on these hairstyles, cutting violators' hair on the spot and criticizing them in public.	NKHR 2011000168 2011-07-19
XXX	2010-09-30	-	Hyesan, Yanggang Province	North Korean movies are boring, since they have a fixed format and the endings are predictable, while the movies of South Korea and the US show advanced living standards and are fun to watch.	NKHR 2011000169 2011-07-26
XXX	2011-05-27	-	Hyesan, Yanggang Province	After watching South Korean videos, the source began to envy the economic development and freedom of the South and felt suffocated by the strict restrictions in the North. He testified that he left North Korea because he did not think change was possible there.	NKHR 2011000210 2011-09-20
XXX	2010-11-27	-	Myeonggan-gun, North Hamgyeong Province	The source became aware of the economic development and advanced living standards of South Korea through South Korean videos. He then began to compare what he saw with the reality of North Korea.	NKHR 2011000213 2011-10-04

<Table II-13> Testimonies about Listening of MP3

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-02-12	-	Gimchaek, North Hamgyeong Province	Listening to MP3s is allowed, but South Korean or foreign pop songs aren't. If detected, the MP3 player will be confiscated.	NKHR 2011000108 2011-05-11

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-01-30	-	Pyongyang	People can purchase MP3 players in the market place. College students earn money helping people download songs onto MP3 players. Almost every young person sings South Korean songs a lot.	NKHR 2011000103 2011-05-03
XXX	2011-02-08	-	Pyeongseong South Pyeongan Province	The source listened to South Korean songs with MP3 and CD players. He purchased them from an acquaintance. Recently, South Korean songs have become must-have items for young people.	NKHR 2011000115 2011-05-17
XXX	2011-02-25	-	Heysan Yanggang Province	Young people listen to South Korean songs so much that almost every middle school student has an MP3 player.	NKHR 2011000143 2011-06-14
XXX	2011-05-03	-	Hoeryeong North Hamgyeong Province	The source purchased an MP3 player in the market place and listened the songs of South Korean artists Hyunsuk and Na hun-a. People can purchase MP3 players either with or without songs in the market place. After buying a blank MP3 player, they can pay someone to download songs from a computer.	NKHR 2011000187 2011-08-16
XXX	2010-12-01	-	Cheonnae-gun Gangweon Province	MP3 players with or without songs already saved on them can be purchased in the market. After purchasing a MP3 players, one may ask someone with a computer to download songs. The song on the computer are transferred from CDs.	NKHR 2011000200 2011-09-06
XXX	2011-07-25	2009.	Baekam-gun Yanggang Province	An MP3 player cost seventy thousand KPW in 2009, before the currency reform.	NKHR 2011000232 2011-11-08

◀Table II-14▶ Testimonies about Punishment for Listening Korean Music

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2009-03-25	2006.	Musan-gun North Hamgyeong Province	Some people received six months of disciplinary prison labor in 2006 for listening to South Korean music.	NKHR 2011000174 2011-07-26
XXX	2011-08-13	2009.	Heysan Yanggang Province	A person received one month of correctional prison labor in 2009 but was released on sick leave after offering a bribe.	NKHR 2011000244 2011-11-22

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-02-16	2010.06.	Dukcheon South Pyeoungan Province	A person was arrested in June 2010 for singing South Korean songs and writing the lyrics in a notebook. He was detained in a corrective labor camp but released after ten days from the Duckcheon Collection Point of the People's Security Agency by offering a bribe. The source witnessed that the detainee was released after writing a statement of self-criticism.	NKHR 2011000197 2011-09-06
XXX	2011-03-15	2011.	Hoeryeong North Hamgyeong Province	The source witnessed a person sentenced to six months of disciplinary prison labor on charges of singing South Korean songs in Hoeryeong, North Hamgyeong Province in 2011.	NKHR 2011000151 2011-06-28

Meanwhile, In recent years, the use of mobile communication devices is officially permitted in parts of North Korea. Between 2001 and 2004, a global wireless communication system called GSM was put in operation. In the wake of the explosions at Yongchon Railway Station, however, the mobile service was shut down. Later, in December 2008 an Egyptian communications firm, Orascom, set up their so-called “Koryo Link,” using the third-generation mobile communication service WCDMA in collaboration with the North Korean mobile phone company, “Chosun (Korean) Postal Communications Corporation.” This service provides voice and text messages, but does not provide international calls or roaming service. According to the Orascom’s “2011 Annual Report,” about 1 million North Koreans have enrolled in its mobile phone service.⁴⁶⁶ It is also reported that cellular phone service is being provided along eight highways and in seven North Korean cities, including Pyongyang, Pyongsung, Anju, Gaechon, Nampo, Sariwon, and

⁴⁶⁶ Chosun-Ilbo (Chosun Daily Newspaper), January 21, 2012.

Haeju.⁴⁶⁷ However, as the number of mobile phone users has increased, the authorities are tightening their control over usage.

In particular, tight control over cell-phone use is being enforced in the cities and counties bordering China since many people try to call South Korea using the Chinese-made mobile phones.⁴⁶⁸ Security agencies and the People's Army are jointly enforcing wide-ranging searches and arrests of illegal mobile phone users all along the regions bordering China; they have increased the number of security agents in each locality from one to three and deployed 50 units of wireless communications detection devices. The People's Army has also prepared an additional battalion for this purpose.⁴⁶⁹ What is important to note is that most people caught making illegal use of mobile phones are set free if they pay some form of bribery, even though the law requires them to be sent off to a labor training camp or in serious cases to Correctional Center. The amount of pay-off money can run anywhere from 500,000 KPW to one million KPW. In rare cases, the amount may go as high as 1.5 million KPW. The following defector testimonies of <Table II-15> indicate the level of punishment for the illegal use of mobile phones.

<Table II-15> Testimonies about Punishment for Cell Phone Use

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2010-10-24	2010.08.	Hoeryeong North Hamgyeong Province	The source witnessed a person sentenced to a Labor Training Camp for using a cell phone in August 2010.	NKHR 2011000048 2011-02-08

⁴⁶⁷ Radio Free Asia, Feb. 10, 2011.

⁴⁶⁸ NKHR2010000011 2010-09-14. Defector XXX testified that the official detection controls were so thorough that she was able to use the mobile phone which her daughter gave her only about once a month.

⁴⁶⁹ Good Friends, "North Korea Today," No. 24 (June 7, 2006).

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2010-11-07	2009.	Samgiyeon-gun Yanggang Province	The source witnessed a person sentenced to a limited term of correctional prison labor for using a cell phone in Fall 2009.	NKHR 2011000086 2011-04-05
XXX	2010-12-29	2010.12.	Musan-gun North Hamgyeong Province	A person paid five million KPW in fines for using a cell phone in December 2010.	NKHR 2011000080 2011-03-29
XXX	2011-03-09	2011.02.	Heysan Yanggang Province	The source witnessed a person paying 2000 CNY in fines after being caught using a cell phone in February 2011.	NKHR 2011000150 2011-06-28
XXX	2011-05-01	2011.04.	Musan-gun North Hamgyeong Province	The source witnessed a person paying one hundred thousand KPW in fines for using a cell phone in April 2011.	NKHR 2011000173 2011-07-26
XXX	2011-07-28	2009.	Onseong-gun North Hamgyeong Province	The source was sentenced to one and a half years of disciplinary prison labor for using a cell phone in 2009. It is known that people get disciplinary prison labor for making one phone call to China or South Korea, and correctional prison labor for making several phone calls to South Korea or China.	NKHR 2011000239 2011-11-22
XXX	2011-03-29	2008.06.	Musan-gun North Hamgyeong Province	The source paid three hundred thousand KPW fine to the "Detection Bureau" during the July 2008 crackdown and received a fine receipt. Crackdowns on cell phones are conducted by the Detection Bureau, which is under the State Security Agency but functions independently.	NKHR 2011000155 2011-07-05
XXX	2011-06-07	2009.06.	Heysan Yanggng Province	The source's son was arrested by the State Security Agency for his attempt around June 2009 to call his sister, a defector in South Korea. In order to make a phone call to South Korea, one must first connect to China. He avoided serious punishment and paid only five hundred thousand KPW for his call because he was only connected to China at the time of detection. He received a fine receipt after payment.	NKHR 2011000219 2011-10-04
XXX	2010-10-15	-	Musan-gun North Hamgyeong Province	When caught using a cell phone illegally, one usually has to pay five hundred thousand KPW in fines.	NKHR 2011000079 2011-03-29
XXX	2011-02-09	-	Musan-gun North Hamgyeong Province	Since talking on the phone can be detected, text messages are used.	NKHR 2011000119 2011-05-24

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-02-21	-	-	One person whose relative illegally crossed the border could not use a cell phone at home, so she left it at her in-laws' house and used it secretly.	NKHR 2011000125 2011-05-31
XXX	2011-09-17	2010.	Musan-gun North Hamgyeong Province	The Radio Detection Bureau of the State Security Agency is in charge of cracking down on cell phone use.	NKHR 2011000250 2011-12-20
XXX	2010-07-01	-	-	It is said that the sentence for cell phone use for a first-time offender is disciplinary prison labor. For multiple offenses, the sentence is correctional prison labor.	NKHR 2011000188 2011-08-16
XXX	2010-11-27	-	Myeonggan-gun North Hamgyeong Province	One can avoid punishment by offering a bribe, but it depends on the situation. Talking on the phone with a person in South Korea is considered criminal espionage, so even a bribe cannot circumvent punishment.	NKHR 2011000213 2011-10-04
XXX	2011-04-10	-	Heysan Yanggng Province	Even if one is caught talking on the phone about smuggling and bootlegging with Chinese, one might not be punished. However, talking on the phone with someone in South Korea will result in at least correctional prison labor, regardless of bribes.	NKHR 2011000163 2011-07-12
XXX	2011-03-01	-	Hoeryeong North Hamgyeong Province	Cars designed to detect radio waves go around checking for cell phones use. People caught talking on the phone with someone in South Korea will get a limited term of correctional prison labor. The sentence for talking with someone in China is disciplinary prison labor. One can avoid crackdowns on cell phones by offering six hundred thousand KPW, but the cell phone will be confiscated.	NKHR 2011000120 2011-05-24
XXX	2011-04-28	2011.03.	Kim Jong Suk-gun Yanggagng Province	The source's sister-in-law delivered money from people in China to North Koreans. Her cell phone usage was detected while receiving money from the Chinese. She was detained for a month in the State Security Collection Point in Heysan, but she was not punished because she offered a bribe (amount unknown).	NKHR 2011000167 2011-07-19

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-04-22	2009.08.	Hoeryeong North Hamgyeong Province	Bureau No. 27, under the State Security Agency, use radar to track cell phone use. After conducting crackdowns, the Bureau submits a case list to the City Security Agency, which reviews the list and transfers the relevant cases to the People's Security Agency. The source was arrested by Bureau No. 27, but she offered a 500 CNY bribe and evaded punishment. It is said that when one pays a fine, one gets a receipt and sings it with one's thumbprint.	NKHR 2011000175 2011-07-26
XXX	2007-05-04	2009.	Musan-gun North Hamgyeong Province	The source's brother-in-law was arrested for using a cell phone in 2009. While in China the source learned that he was not punished because he offered a bribe of two hundred thousand KPW.	NKHR 2011000207 2011-09-20
XXX	2010-09-30	-	Heysan Yanggng Province	One would usually be sent to a corrective labor camp or, in severe cases, a corrective labor camp for illegal cell phone use. One can avoid punishment by offering bribes.	NKHR 2011000169 2011-07-26
XXX	2011-08-13	2009.	Heysan Yanggng Province	The source's cell phone usage was detected in 2009 but she was not punished after offering five hundred thousand KPW. One can avoid punishment up to three times by offering bribes, generally about 3000 CNY.	NKHR 2011000244 2011-11-22
XXX	2011-02-25	2010.12.	Heysan Yanggng Province	The source's cell phone use was detected in December 2010, but she was not punished after offering a bribe.	NKHR 2011000143 2011-06-14
XXX	2011-03-09	2010.	Heysan Yanggng Province	A cell phone hidden inside of a refrigerator was detected during a house search. The source witnessed the person avoid punishment by offering 2000 CNY.	NKHR 2011000146 2011-06-21
XXX	2009-01-05	2010.	Hoeryeong North Hamgyeong Province	The source's father was caught using a cell phone in 2010. He offered a 2,000,000 KPW bribe, but then hid in fear of being punished.	NKHR 2011000230 2011-11-08
XXX	2011-08-22	2010.	Hoeryeong North Hamgyeong Province	In 2010 the source witnessed a person, who had been sentenced to disciplinary prison labor for cell phone use, being released after offering a bribe. One will be sentenced to correctional prison labor if caught talking on the phone with someone in South Korea.	NKHR 2011000253 2011-12-20

<Actual Conditions of Punishment>

The North Korean authorities tightly control the circulation of information through video tapes. When North Korea amended its Penal Code in 2004, it installed the new crime categories of importing corruptive culture (Art. 193) and engaging in corruptive behavior (Art. 194). In addition, penalties are imposed on those who import without permission any music, dance, paintings, photographs, video tapes or CDs containing pornographic, corruptive, or depraved contents, on those who manufacture or circulate such materials, and on those who have watched or listened to such materials or participated in such activities. Most violators are locked up either in Labor Training Camps, Correctional Centers, or Education Centers. North Korean defectors' testimonies related to punishment for video recordings are shown in <Table II-16> below.

<Table II-16> Testimonies about Video Recordings

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2010-09-07	2010.	Suncheon South Pyeongan Province	The source heard that a person was sentenced to ten years of correctional prison labor.	NKHR 2011000044 2011-02-08
XXX	2010-09-27	2010.05.	Bocheon-gun Yanggang Province	The source witnessed his/her cousin paying a 200,000 KPW fine for possessing a video recording.	NKHR 2011000076 2011-03-22
XXX	2010-09-22	2010.08.	Onseong-gun North Hamgyeong Province	The source witnessed a person sentenced to ten years of correctional prison labor for possessing a video recording.	NKHR 2011000183 2011-08-09
XXX	2011-05-29	2010.	Cheongjin, North Hamgyeong Province	The source witnessed a person sentenced to three years of correctional prison labor for possessing a video recording.	NKHR 2011000203 2011-09-06
XXX	2011-05-19	2011.	Heysan Yangng Province	The source heard that a person was arrested for selling USBs in Heysan Market. The person was said to have been sentenced to correctional prison labor.	NKHR 2011000209 2011-09-20

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-07-28	2010.	–	The source witnessed five people detained in Seong Labor Training Center in North Hamgyeong Province. They had been sentenced to two years of correctional prison labor for possessing video recordings.	NKHR 2011000239 2011-11-22
XXX	2011-09-17	2010.10.	Musan-gun North Hamgyeong Province	The source witnessed a person sentenced to six months of disciplinary prison labor for possessing a video recording.	NKHR 2011000250 2011-12-20
XXX	2011-02-12	2011.	Gimchaek North Hamgyeong Province	The source heard it decreed that anyone caught watching Chinese, Indian, or Hong Kong movies shall be sentenced to a month of disciplinary prison labor. Anyone caught watching South Korean or American movies shall be sentenced, along with his/her family, to unlimited correctional prison labor. If the offender is an official, s/he shall be fired.	NKHR 2011000108 2011-05-11
XXX	2011-02-07	2010.	Pyeongseong, South Hamgyeong Province	The source saw a person get caught copying a CD. The person offered a two hundred USD bribe and was not punished.	NKHR 2011000111 2011-05-17
XXX	2011-02-21	2010.	Cheongjin North Hamgyeong Province	Those caught watching South Korean or pornographic movies will be sentenced to correctional prison labor. Those caught watching Chinese or Indian movies must write a statement of self-criticism and the recordings will be confiscated.	NKHR 2011000122 2011-05-24
XXX	2011-01-15	2011.01.	Musan-gun North Hamgyeong Province	One South Korean CD costs 3000 KPW; CDs from other countries, including Russia, costs 1,500 KPW.	NKHR 2011000116 2011-05-17
XXX	2011-02-03	2011.	Cheongjin North Hamgyeong Province	109 Sangmu is responsible for cracking down on video recordings. It is a consortium of provincial prosecutors, provincial courts of justice, the People's Security Agency, the provincial State Security Agency, and the provincial Party. In addition, inspection squads are also involved in the crackdowns. While one can easily escape punishment by offering a bribe to the inspection squad, this is not the case for 109 Sangmu which, as a consortium, consists of many organizations.	NKHR 2011000118 2011-05-17
XXX	2011-03-01	–	Hoeryeong North Hamgyeong Province	If one person is arrested, s/he might be released after offering a bribe. However, if several people are arrested, bribes might not work. Likewise, if one inspector finds a video recording, s/he might accept a bribe. If there are several inspectors, a bribe might not work. The bribe is usually 1-200,000 KPW.	NKHR 2011000120 2011-05-24

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-02-21	2010.	Onseong-gun North Hamgyeong Province	The source witnessed a person sentenced to disciplinary prison labor for having a video recording. The severity of punishment for watching video recordings varies according to one's background, but can include imprisonment in a Political Concentration Camp or public execution.	NKHR 2011000126 2011-05-31
XXX	2010-09-22	2008.	Onseong-gun North Hamgyeong Province	The source witnessed a person from Sanseong-gu, Onseong receive two years of correctional prison labor at the Jeongeori Correctional Center for watching a video recording.	NKHR 2011000180 2011-08-09
XXX	2010-11-02	2009.	–	The source witnessed a person receive fifteen years of correctional prison labor at the Jeongeori 12 Correctional Center for smuggling, copying and distributing South Korean video recordings in the winter of 2009.	NKHR 2011000201 2011-09-06
XXX	2009-01-05	2009.	Hoeryeong North Hamgyeong Province	In spring 2009, the source's brother was arrested for watching an American movie, Charlie's Angels, but he was not punished after offering 500,000 KPW bribe.	NKHR 2011000230 2011-11-08
XXX	2011-01-17	2010.04.	Weonsan Gangweon Province	The source heard that her brother-in-law was caught by the 109 squad watching a South Korean movie saved on a USB. He offered a two thousand dollar bribe and was not punished.	NKHR 2011000094 2011-04-12
XXX	2011-01-17	2010.06.	Pyeongseong South Pyeongan Province	The source witnessed a friend being taken into custody for watching a video recording during an inspection of the 109 squad, but the friend was not punished after offering a three hundred USD bribe.	NKHR 2011000101 2011-04-26
XXX	2011-04-29	–	–	If a Chinese video recording is discovered, the owner is sent to a Labor Training Camp. If a South Korean video recording is found, the owner is sent to a Correctional Center and his/her family is forcibly banished.	NKHR 2011000179 2011-08-02
XXX	2008-09-18	–	Heungweon-gun South Hamgyeong Province	The source said that fines and penalties are the source of judges' wages.	NKHR 2011000189 2011-08-16
XXX	2011-05-13	2011.04.	–	The testifier witnessed Kim Jong-un's pronouncement that one shall get correctional prison labor for accessing illegal video recordings, TV and radio broadcastings.	NKHR 2011000191 2011-08-23

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2010-11-27	-	Myeonggan-gun North Hamgyeong Province	At present even movies from the Soviet Union and Hong Kong are banned, as well as certain North Korean movies, such as "Im Kkeok-jeong," "Chun-hyang jeon." The State Security Agency initiated cell phone inspections; later a variety of organizations, including the Anti-socialist Group (inspection group), the Ministry of People's Security, and the prosecutors' office, got involved. The inspection intensified around 2005, and they began searching houses as well. Those caught during inspections could avoid punishment by offering bribes, but it must be kept secret. One can avoid punishment by bribing inspectors whom one knows personally, including State Security agents. The source was exempted from punishment many times by offering bribes, even after an inspector came to his house searching for video recordings. He took some CDs he wanted. Because one's life depends on the inspectors, the price of a bribe is entirely up to the inspector. South Korean CDs are five times more expensive than Chinese CDs.	NKHR 2011000213 2011-10-04
XXX	2010-06-21	2010.	Baekam-gun Yanggang Province	Selling video recordings is subject to correctional prison labor and watching video recordings is subject to disciplinary prison labor for the offender and his/her family.	NKHR 2011000235 2011-11-08
XXX	2010-04-02	-	Dukcheon South Pyeongan Province	Watching a video recording is subject to correctional prison labor. However, many people mitigate their punishment to disciplinary prison labor by offering bribes to the inspector.	NKHR 2011000243 2011-11-22
XXX	2011-04-10	-	Heysan Yangng Province	The source heard in a lecture that "Those detected watching South Korean and foreign broadcasts shall get correctional prison labor."	NKHR 2011000163 2011-07-12
XXX	2011-05-05	-	-	Each 109 Sangmu unit consists of five members, one each from the People's Committee, the Youth League, the Ministry of People's Security, the State Security Agency and the leader of the people's group.	NKHR 2011000185 2011-08-16
XXX	2009-03-01	-	North Pyeongan Province	State Security agents lure children with candy during inspections and ask them if they have seen video recordings.	NKHR 2011000205 2011-09-20

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-02-25	–	North Pyeongan Province	The 109 Sangmu is in charge of inspecting the viewing of South Korean or foreign video recordings. The 109 Sangmu is a consortium made up of the State Security Agency, the Ministry of People's Security, and the inspection squad. If caught watching an illegal video recording, it is difficult to offer since so many organizations are involved in the squad.	NKHR 2011000238 2011-11-22
XXX	2011-07-28	–	Onseong-gun North Hamgyeong Province	Those caught watching video recordings are subject to correctional prison labor. Those caught watching pornographic movies are subject to disciplinary prison labor. One order states that those watching the Chinese movie "Yang San-baek and Chuk Young-tae" [the names of two lovers] shall be punished as much as those caught watching South Korean movies. The reason is that a South Korean actor played the main character, YangSan-baek, in the movie.	NKHR 2011000239 2011-11-22

As <Table II-15> and <Table II-16> show, offering bribes can solve almost any problem in North Korea. The North Korean authorities operate separate units to enforce the law against CD/DVD related crimes. Defector XXX testified that in the early days a joint “group” consisting of agents from the State Security Agency, the Ministry of People’s Security, the Prosecutors’ Office, the Party, and other administrative units used to conduct joint inspections. But as the illegal circulation and viewing of DVDs and CDs increased, separate groups called “109 units” were organized. These units are stationed in strategic locations to conduct inspections.⁴⁷⁰ Defector XXX testified that the primary purpose of these units is to recover circulating CDs and to punish those who watch them.⁴⁷¹ Despite these surveillance and control measures, most defectors

⁴⁷⁰_NKHR2008000023 2008-11-11.

⁴⁷¹_NKHR2009000012 2009-03-05.

consistently testified that discreet viewing of South Korean CDs and videos is widespread. North Koreans can purchase inexpensive videos flowing in from China. The low cost enables many people to buy and sell videos and to take turns borrowing and watching them. One defector testified that in extreme cases some people would watch South Korean videos along with their local police or state security agents.⁴⁷² Defectors have testified that some people invite security agents to watch videos with them in order to avoid potential penalties.⁴⁷³ Defector XXX testified that there are different standards of punishment for different kinds of CDs and videos. The authorities are most sensitive about videos of a political nature, followed by sex videos.⁴⁷⁴

Another defector testified that, unlike in the border areas, the people living in the inner regions cannot even dream of watching videos due to the constant strict control and surveillance.⁴⁷⁵

<Freedom of the Press>

Publications are used as a means for ideological education, and the Party directly manages, censors, and controls all published materials. 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. Therefore, all publications support the Juche ideology and the unitary ideological system of Kim Il-sung. Publications have promoted the establishment of the Kim Il-sung/Kim Jong-il hereditary succession and have fostered

⁴⁷²_NKHR2008000006 2008-07-22; NKHR2008000027 2008-12-02.

⁴⁷³_NKHR2009000011 2009-03-03.

⁴⁷⁴_NKHR2009000035 2009-06-02.

⁴⁷⁵_NKHR2009000054 2009-09-17.

participation in the construction of the North Korean-style life in the “our-style” socialist economy. Freedom of the press is guaranteed in Article 67 of the Constitution but only under the guidance and control of the Party and the state. The North Korean press serves as the mouthpiece of the KWP.

North Korea enacted a “Publication Law” in 1975, and revised it in 1995 and 1999. This law stipulates, “All citizens can freely engage in writing and creative activities” (Art. 6, Sec. 1). However, anyone planning to start a publishing business must register with the Cabinet or the agency responsible for publication guidance (Art. 12). Any unregistered printing equipment is subject to confiscation (Art. 49). All printing and publishing activities are tightly controlled under the Publication Law. For example, Article 47 of the law stipulates, “The Publication Guidance Agency and related agencies shall supervise, control, and maintain registration of all printing equipment. They should further ensure that reactionary ideas, cultures, and lifestyles are not circulated in the society and confidential information is not leaked through printed matter.” Administrative or criminal charges are imposed on individual citizens and/or the responsible workers at organizations, corporation, and agencies who have brought on serious consequences as a result of violating the provisions of the Publication Law (Art. 50). The Administrative Penalty Law stipulates certain penalties to be given to those who violate various procedures related to typing, copying, printing, off-set printing, circulation and transportation of publications (Art. 105). Administrative penalties are also imposed on those who bring into the country corruptive or pornographic drawings (paintings), photographs, or publications, as well as on those who copy or circulate them (Art. 113). North Korea’s Penal Code also stipulates that those who violated publication procedures

shall be penalized with up to 2 years of disciplinary prison labor, and up to 3 years of correctional prison labor penalty in serious cases (Art. 226). Consequently, all writings are ultimately subject to the censorship of the Party's Propaganda Department. If a North Korean citizen were to publish something in violation of censorship standards, the authorities would bring them up on "anti-State propaganda and agitation" criminal charges and impose up to 5 years of correctional prison labor penalty, or 5-10 years of correctional prison labor penalty in serious cases. In reality, it is impossible to publish any criticism of Kim Il-sung, Kim Jong-il or the Korean Workers' Party.

Literature and art in North Korea are important ideological tools utilized to attain a complete socialist revolution. North Korea regulates literature and the arts as a means of educating workers in the communist way and turning the entire society into a communist working class. Literature and art are used as important devices for ideological mobilization, functioning with military precision at the orders of the Party. Since the formation of the General Federation of Korean Literature and Arts Unions, North Korea has faithfully adhered to the principle of strictly following the Party's lines and policies in the literary and creative works, including "Realism of Juche ideology" as the socialist creative methods and the upholding of the "party-class-people" principle. In addition, the government has further demanded that the contents of all art and literary works designed to deify Kim Il-sung should depict themes centered around "revolutionary tradition," "conduct of war," "construction of socialism," and "unification of the Fatherland."

The 1966 KWP Delegates' Conference called for arming North Korean society with Juche ideology. Responding to the call, writers and artists produced a literary and artistic theory based on

Juche. The Juche theory of literature and the arts, therefore, sets forth as its first task the depiction of Kim Il-sung as the prototype of the quintessential communist. In addition, the Juche theory assumes and demands absolute deification of Kim Il-sung as a sacred duty.

North Korea exercises full control over its literary sector. This control is implemented through the General Federation of Korean Literature and Arts Unions, which is an external organ of the Korea worker's Party (KWP). Literary works and the performing arts, in particular, are strictly controlled and supervised. All performances and publications are allowed only after they have obtained a seal of censorship issued under the control and supervision of the Ministry of Culture (a Cabinet ministry) and the KWP. The same rule applies to all works of fine art and music.

Unlike with videotapes, anyone caught reading South Korean books will be severely penalized with espionage charges. Chinese and South Korean books are absolutely not allowed under any circumstances.⁴⁷⁶

In connection with the freedom of speech and publication, North Korea said during the United Nations Human Rights Council (UNHRC) review of North Korea's Second Periodic Report on International Covenant on Civil and Political Rights (ICCPR) in 2001 that it had disapproved printing and circulation of publications in about 30 cases over the last 3 years. North Koreans insisted that the contents of the prohibited articles generally contained state and military secrets. The number of stop-print orders and revisions in the process of printing was approximately 27 or 28 cases, mostly involving encyclopedia, maps, and magazines, and 3 or 4 cases involving military books and pamphlets. Despite North Korea's

⁴⁷⁶ Interview with defector XXX in Seoul on January 19, 2008.

explanations, the UNHRC in its final observations on North Korea's Second Periodic Report on ICCPR urged North Korea not to prohibit its citizens from reading foreign newspapers, and asked North Korea to specifically illustrate the reasons for prohibiting certain publications. UNHRC further asked North Korea to relax foreign travel restrictions on North Korean reporters, and to not misuse the concept of "national security" for the purpose of suppressing the freedom of expression (Para. 23).

C. The Freedoms of Association and Assembly

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

Article 20 of the Universal Declaration of Human Rights (UDHR) 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 (ICCPR) 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)."

Article 67 of North Korean Constitution (as revised in April 2009) stipulates, "Citizens shall have freedom of speech, press, assembly, demonstration, and association. The state shall guarantee

conditions for the free activities of democratic political parties and social organizations.” In reality, however, only the assemblies and associations required by the Korean Workers’ Party (KWP) are permitted. In their second regular report on the implementation of the International Covenant on Civil and Political Rights (ICCPR), the North Korean authorities explained their position on freedom of assembly by saying that in North Korea citizens’ protest rallies are rare, although there are many assemblies and meetings hosted by the central, provincial, city and county governments, and various agencies, corporations, and organizations according to their needs and plans. This description indirectly reflects the fact that these meetings and assemblies are called according to the needs of the KWP.

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. North Korea’s 2005 Penal Code stipulates, “Those individuals or groups unresponsive to or resisting against the instructions of government agencies shall be given up to 5 years of correctional labor penalty” (Art. 219). So the previously strict and oppressive measures barring protest rallies remain intact. The Administrative Penalty Law also stipulates up to 3 months of labor education, or longer than 3 months of labor education in serious cases, if anyone refused to comply with the decisions or instructions of a government agency without justifiable reasons (Art. 133). Regarding freedom of assembly, North Korea in its second report on the International Covenant on Economic, Social and Cultural Rights (ICESCR) offered the following explanation: To stage a rally, the organizers must notify the local People’s Committee or local branch of the People’s Security Agency three days in advance in accordance with the rules guaranteeing assemblies and rallies. The notifications must include the purpose, day of the week, time,

place, the name of the organizer, and the size of the assembly or rally. The People's Committee or People's Security Agency branch must guarantee various conditions necessary for the assembly or rally and cooperate for the maintenance of safety and order. Assemblies and demonstrations harmful to the maintenance of social order or national security may be controlled according to the procedures and methods specified in the Social Safety Control Law.

In terms of the freedom of assembly, North Korea in its Second Periodic Report on the ICESCR said that citizens wishing to organize a democratic public organization must register with the Cabinet 30 days in advance. In North Korea, there are dozens of democratic public organizations, such as the General Federation of Trade Union, Agricultural Workers Union, the Youth League, the Women's Union, the General Federation of Korean Literature and Arts Union, the Democratic Attorneys Association, the Christians Federation, the Buddhists Federation, the Anti-Nuclear Peace Committee, and the Committee for African-Asian Solidarity.

In its second regular report on the implementation of the ICESCR, the North Korean authorities explained the reasons for the formation of a "General Federation of Trade Union" as follows: The workers at state organs, factories, and corporations are not simple employees but owners participating in the planning, administration and management of their own organs, factories, and corporations. 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 corporations have to depend on the labor unions (i.e. General Federation of Trade Union) to protect their rights and interests, their working environment and the terms of contract with foreign firms and their implementation.

Thus far, however, there has not been any labor dispute in connection with the activities of labor unions in North Korea.⁴⁷⁷ However in its final observations issued after reviewing North Korea's second regular report on the ICESCR in 2003, the Committee expressed concern that the only General Federation of Trade Union in North Korea is controlled by the KWP and thus the workers' right to organize is subordinated to the state security apparatus. In addition the Committee pointed out that North Korean citizens' right to freedom of demonstration is not being acknowledged.

As this report gives the information, North Korean citizens do not have any organizations or institutions that can protect their individual rights because the only permitted assemblies and associations are those formed in response to Party instructions. Independent agencies or associations are not allowed in North Korea, and all organizations and associations are subject to absolute control by the authorities, including women's organizations, labor unions, religious associations, and political parties. Even in the Socialist Labor Law (1999), there are no provisions concerning labor organizations for workers.

All North Koreans are required to participate in various organizations from the age of six to retirement. These include kindergarten, the Children's Union, various educational institutions, the Socialist Working Youth League, the *Chosun* (Korea) General Federation of Trade Union, the *Chosun* Agricultural Workers Union, the *Chosun* Democratic Women's Union, the Korean Workers' Party, etc. Social organizations in North Korea are not "interest groups" or "activist groups." As stipulated in Article 56, Chapter 9 of the

⁴⁷⁷ North Korea submitted its Second Periodic Report on the ICESCR in May 2002. <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030_c1256c5a0038d8f0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030_c1256c5a0038d8f0?Opendocument)>.

Charter of the North Korean Workers' Party (as revised in 2010), these social organizations play the role of a "safety belt connecting the Party and the people." In short, they are "satellite organizations" of the Party that faithfully carry out the tenets of the Party.

The main purpose of social organizations is to support the Party and to facilitate loyalty to Kim Il-sung and Kim Jong-il. Consequently, all social organizations in North Korea play the role of external arms of the Party, which will speak for the rights of their members, and carry out the duty as the frontline organizations of the Party's ideology education. These social organizations act as primary control mechanisms over the people and also serve as a means of mobilizing people for mass rallies and marches at national events (i.e., movements to accomplish the goals of authorities; movements to increase productivity, such as the Chollima (flying horse) Movement; and the birthdays of Kim Il-sung and Kim Jong-il).

What the defectors most disliked in North Korea was the lack of individual freedom. All citizens are required to join various organizations, including the ones in their workplaces, and they have to attend "lifestyle review" meetings and political education sessions twice a week. Should any of the inhabitants miss out on these "organized life" activities they would be subject to a stern reprimand, and in extreme cases they might be banished to a remote area. Many of them complain that it was very hard to comply with such an "organized life." In recent years, however, some people miss out these organized meetings by paying money, and in some cases they may participate by telephone, according to some defectors.⁴⁷⁸

⁴⁷⁸ According to a North Korean defector XXX, interviewed in Seoul on Sept. 23, 2004, recently there are some cases where the "organized like" meetings of Women's League take place by telephone. *Daily NK*, July 9, 2010.

The Korean Workers' Party (KWP) 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 its partisans and supporters through various social organizations. In its second regular report on the ICCPR, 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 demand for the formation of a new party. The existing political parties are the Korean Workers' Party, the Korean Social Democratic Party, and the Korean Chundokyo (Heaven's Way) Youth Party. But these political parties, as satellite organizations, are nothing but faithful supporters of the KWP, complying completely with the KWP's statutes.

With regard to human rights organizations, North Korea insisted that the government supports the formation of organizations dedicated to the promotion of human rights. The following is a summary of North Korea's explanations on this subject: the procedures for establishing such organizations are the same as the administrative requirements for any public organization. North Korea has reported that there are currently many human rights organizations, such as the Human Rights Research Institute, the Association to Assist Disabled Persons, the Lawyers' Association, and Democratic Attorneys' Association. In addition, North Korea has reported that many organizations are freely engaged in human rights activities, including the General Federation of Trade Union, the Agricultural Workers Union, the Youth League, the Women's Union, the General Federation of Korean Literature and Arts Union, and the Committee for the African-Asian Solidarity. During the review

of North Korea's Second Periodic Report, the members of ICCPR asked the North Korean delegate to explain the reasons why they could not receive any information from North Korea's human rights NGOs. The North Korean delegate replied that this was because the NGOs were not very active, but he said he would relay the full contents of the Committee's discussions to all human rights NGOs in North Korea.

The United Nations Human Rights Council (UNHRC) in its final observations asked for additional information on various requirements for holding public assemblies, even though North Korea insisted that the freedoms of assembly and association were fully guaranteed in North Korea. In particular, the UNHRC demanded to know under what circumstances a public assembly would not be allowed, and if it was possible to appeal when a public assembly was denied (Para. 24). Pointing out North Korea's argument that there was no social demand for the formation of new political parties in North Korea and thus no need to set forth any legal procedures for it, the UNHRC strongly recommended that North Korea comply with the UNHRC "General Comment No. 25" in an effort to faithfully observe the requirements set forth in Article 25 of ICCPR on citizens' rights to political participation (Para. 25).

D. The Right to Privacy

The guarantee of the right to privacy exists so that individuals can maintain their human dignity. The purpose of privacy protection is to protect the content, honor, and credibility of one's private life from interference. From a different perspective, privacy exists so that the formation and enjoyment of freedom is guaranteed. Therefore,

the right to privacy is an inviolable right that exists primarily to protect the legal development of individual character, which is crucial for the respect of the sanctity and dignity of human beings as well as for legal stability.

Article 17 of the ICCPR guarantees, “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. And everyone has the right to the protection of the law against such interference or attacks.”

Article 79 of the North Korean Socialist Constitution (as revised in April 2009) stipulates, “Citizens shall be guaranteed inviolability of the person and the home and privacy of correspondence. Citizens cannot be detained or arrested and their homes cannot be searched without legal grounds. No citizens can be placed under control or be arrested nor can their homes be searched without a legal warrant.” In addition, the Postal and Telegraphic Service Law (2001) stipulates, “The postal agencies and corporations must guarantee the confidentiality of letters (mail)...” (Art. 22). Individual citizens and the responsible workers at the agency, corporation, or organization that leaked or violated the confidentiality shall be charged with criminal or administrative penalties depending on the case (Art. 52).

In the process of revising its Criminal Procedure Law in May 2004, North Korea has removed Article 137 (amended in Sept. 1999) which stipulated, “If an investigator uncovered personal secrets unrelated to a criminal investigation, he should make sure that the secrets are not made public.” In addition, a new provision was added, which stipulates, “Collecting evidence should be confined to items and documents directly related to the criminal case” (Art. 223). This is a step back compared to the past, but at least a

minimum legal provision has been put in place to protect individual privacy. Article 271 of North Korea's Criminal Procedure Law (as revised in 2005) stipulates that "part or all of a trial can be held out of public view if there is a need to protect state secrets or personal confidentiality or if the case could have an adverse impact on society."

"If a pretrial agent needs to collect private letters or cables in the process of conducting a criminal investigation or in pursuing a criminal, he should have sufficient reasons and obtain approval in advance from a prosecutor, and the agent should collect such evidence in the presence of a representative of the related agency or postal agency" (Art. 217, 218, and 221, 2005 Criminal Procedure Law). Defector XXX testified that all letters arriving in North Korea from China undergo strict censorship.⁴⁷⁹ Defector XXX testified that a letter from her aunt had been torn apart.⁴⁸⁰ Defector XXX testified that since she was penalized for illegal border-crossing the letters her sister in China mailed to her have not been delivered.⁴⁸¹

In 2003, North Korea's International Communication Bureau launched an international e-mail service claiming it would guarantee a normal speed of transmission and the confidentiality of private communication.⁴⁸² However, these legal provisions have little to do with reality. The right to the protection of privacy that North Korea describes is entirely different from that of the West. The invasion of privacy and private life is taking place almost everywhere in North Korea. One of the most well known examples is the wiretapping of homes to eavesdrop on inhabitants. The North Korean authorities are invading people's private lives through mutual surveillance systems, such that wiretapping devices are installed in the residences and

⁴⁷⁹_ NKHR2011000007 2010-04-06.

⁴⁸⁰_ NKHR2011000005 2010-08-10.

⁴⁸¹_ NKHR2010000102 2010-07-13.

⁴⁸²_ Korean Central News Agency, Nov. 28, 2003.

automobiles of high-ranking officials, military officers, and party leaders.

Defectors XXX and XYZ also testified that the North Korean authorities are setting up eavesdropping devices in the houses of major Party cadres and in public places in order to prevent any anti-regime activities from taking place. Defector XXX testified that “eavesdropping” activities are conducted by Bureau 13 of the State Security Agency.⁴⁸³

North Korea is also 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 positive or negative categories, 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 order to systematically control people’s lives and to effectively implement Party policies, the North Korean authorities have been enforcing the so-called “lifestyle review” meetings from the society’s top to bottom. The “lifestyle review” meetings are held once a week on average, and consist of “self-criticisms” and “cross criticisms.”

However, the inhabitants do not engage in mutual criticisms in earnest, even though they formally conduct the “lifestyle review” meetings.⁴⁸⁴ Everything is becoming formalistic, and no one wants to make critical comments on others since every one will try to concentrate only on his or her personal lives. Mutual criticisms have become a matter of formality.⁴⁸⁵

North Korea routinely utilizes the security network to violate

⁴⁸³ Interview with defector XXX in Seoul on January 20, 2006.

⁴⁸⁴ Interview with defector XXX in Seoul on April 7, 2010.

⁴⁸⁵ Interview with defector XXX in Seoul on May 7, 2010.

personal privacy. The Overnight Inspection Group at the Ministry of People's Security visits each family and carries out inspections between midnight and 3 a.m. 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. In other words, "bed-checks" by security agents take place quite randomly.⁴⁸⁶

Each inspection team consists of two State Security agents from the provincial government and one security agent. The team first inspects the home of the leader of the local *Inminban* (people's group) and then, accompanied by the *Inminban* leader, the team inspects the other homes. Every evening two rounds of inspection take place, one at 7 p.m. and another at midnight. More than half of the people arrested for lack of registration are those reported by the *Inminban* leader.⁴⁸⁷

North Korea also utilizes its *Inminban* system in other ways. Ostensibly to prevent fires or unexpected accidents, workers must give their house keys to their *Inminban* leaders. These leaders in turn visit families without notice and inspect 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. Each *Inminban* consists of 15~25 households and is led by an *Inminban* leader, who is authorized to pay visits to any family and to conduct "bed-checks" accompanied by an agent from the Ministry of People's Security. Since the *Inminban* leader usually controls the mobilization order and the lifestyle review and watches over the families in his/her group, real surveillance over the inhabitants begins with

⁴⁸⁶ NKHR2011000005 2010-08-10.

⁴⁸⁷ Interview with defector XXX in Seoul on June 8, 2010.

the group leader.⁴⁸⁸ In addition, among the people there are an unknown number of undercover “stringers” for the local security agents or party secretaries. Thus ordinary inhabitants are under multiple sets of watchful eyes.⁴⁸⁹

Defector XXX also testified that the *Inminban* leader would watch everything and report to the local authorities.⁴⁹⁰ Many defectors testified that some inhabitants were actually penalized based on reports by their group leaders. Defector XXX testified that his friend XXX was seen watching a CD by the son of his group leader. Subsequently, his home was searched and he was detained in the Oro Correctional Center in Hamhung.⁴⁹¹ In recent years, the group leaders have been keeping an eye on certain families with members who pay frequent visits to China.⁴⁹² Most people are fearful of the group leader—so much so that they hate to see the leader’s young children come to their homes.⁴⁹³ Since the unit leader has the power to decide either way on an issue, people try to avoid any confrontation with their group leader at all times.⁴⁹⁴ On the other hand, defector XXX testified that she did not fear the group leader that much. Some people’s group leaders would even let their neighbors know in advance when security agents were about to start inspections.⁴⁹⁵ Defector XXX testified that people are loath to serve as group leaders because the neighbors always hate that person and the government does not pay any compensation for the service.⁴⁹⁶

488. Interview with defector XXX in Seoul on June 8, 2010.

489. Interview with defector XXX in Seoul on May 7, 2010.

490. Interview with defector XXX in Seoul on April 15, 2010.

491. NKHR2009000053 2009-09-08.

492. NKHR2009000057 2009-09-22.

493. NKHR2009000042 2009-06-25.

494. NKHR2010000045 2010-09-07.

495. NKHR2009000026 2009-04-23.

496. Interview with defector XXX in Seoul on April 14, 2010.



6



Freedom of Religion

Article 18 of the “Universal Declaration of Human Rights” (UDHR) 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.” This right shall include the freedom to have or to adopt a religion or belief of his choice, and the 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 “International Covenant on Civil and Political Rights” (ICCPR) 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... [This freedom] may be subject only to such limitations as are prescribed by law... The States Parties to the present covenant undertake to have respect 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.”

According to official statistics of North Korea, North Korea's total population when Korea was liberated in August 1945 stood at 9.16 million. About two million, or 22.2 percent were religious practitioners, including about 1.5 million Chondokyo (or "heavenly way," an indigenous religion of Korea) followers, 375 thousand Buddhists, 200 thousand Protestant Christians, and 57 thousand Catholics.⁴⁹⁷

Since the founding of the regime and pursuant to Kim Il-sung's statement that "Religion is the opiate of the masses," the North Korea 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."⁴⁹⁸

Many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. Most religiously active people were categorized as anti-state and counter-revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they were regarded as tools of imperialist aggression. Taking advantage of the anti-American feelings stemming from the experiences of the Korean War, North Korea reinforced religious persecution and stigmatized all religious persons and their families as "anti-revolutionary" elements based on personal background checks.

⁴⁹⁷ Korean Central News Agency, *The Chosun Central Annual 1950* (Pyongyang: Chosun Central News Agency, 1950), p. 365.

⁴⁹⁸ The Academy of Social Science, *The Dictionary of Philosophy* (Pyongyang: The Academy of Social Science Press, 1985), p. 450.

Since the Central Party's Major Guidance Project was conducted in 1958, all traces of religious activity have completely disappeared from North Korea. Only 60 out of a total of 400 or so Buddhist temples have survived. The 1,600 monks and nuns and their 35 thousand Buddhist followers have vanished. In addition, some 1,500 Protestant churches and some 300 thousand followers, three Catholic dioceses and 50 thousand Catholic followers, and 120 thousand followers of Chondokyo have disappeared. In a speech made at the Ministry of People's Security in 1962, Kim Il-sung stated the reason for their extermination:

(We) cannot carry such religiously active people along on our march toward a communist society. Therefore, we have 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 in concentration camps.⁴⁹⁹

However, since the start of inter-Korean talks in the 1970s the North Korean authorities have reinstated some religious organizations for external propaganda purposes. For example, North Korea revised its socialist Constitution in 1972 and stipulated in Article 54, "Citizens shall have freedom of religion and freedom of anti-religious propaganda..." In reality, North Korea has failed to guarantee complete freedom of religion. North Korea also created new religious organizations by reviving defunct religious organizations such as the 'Chosun Christians Federation,' the "Chosun Buddhist Federation," and the "Chosun Chondokyo Central Guid-

⁴⁹⁹ Koh Tae-woo, *North Korea's Policy on Religion* (Seoul: Minjok Cultural Pub. 1989), p. 79.

ance 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 aimed at South Korea.

The transformation of religious policy began with a constitutional amendment. In the 1992 revision, North Korea stipulated in Article 68, “Citizens have freedom of religious beliefs. This right is granted by approving religious ceremonies and the construction of religious buildings. No one may use religion as a pretext for drawing in foreign forces or for harming the state and social order.” The phrase “freedom of anti-religious propaganda” was deleted from Article 54 of the 1972 Constitution. The revised North Korean Constitution shows some progress. Legal steps have been taken, however superficially, allowing the freedom of religion, construction of religious buildings and observance of religious ceremonies. Legally speaking, North Korea is still capable of restricting religious freedom, because it continues to believe that foreign influences can use religion as a conduit to disrupt national and social order. In the 1998 revision of the Socialist Constitution the term “No one” in Article 68 disappears, and it has remained that way up to now. The following <Table II-17> contains some excerpts of the major changes related to religion in the Constitutions.

<Table II-17> The Changes in Articles Related to Religion in the Socialist Constitution of North Korea

Year of Establishment and Amendment	Articles Related to Religion
Socialist Constitution of DPRK – September 9, 1948	Chapter 2. The fundamental rights and duties of citizens Article 14. Citizens have freedom of religion and religious worship.

Year of Establishment and Amendment	Articles Related to Religion
Socialist Constitution of DPRK Adopted at the 1st Session of the 5th Presidium of the Supreme People's Assembly on December 28, 1972	Chapter 4. The fundamental rights and duties of citizens Article 54. Citizens have freedom of religion and freedom from religious propaganda.
Socialist Constitution of DPRK (Socialist Constitution) Amended at the third session of the 9th Presidium of the Supreme People's Assembly on April 9, 1992	Chapter 5. The fundamental rights and duties of citizens Article 68. Public citizens have freedom of religion. This right is advocated to build religious buildings or permit religious services.
Socialist Constitution of DPRK (Kim Il Sung Constitution) Amended at the first session of the 10th Presidium of the Supreme People's Assembly on April 9, 1992	Chapter 5. The fundamental rights and duties of citizens Article 68. Citizens have freedom of religion. This guarantees the right to build religious buildings or hold religious services. Religion shall not be allowed to attract foreign intervention or disrupt the state's social order.
Socialist Constitution of DPRK (Kim Il Sung Constitution) Amended in the first session of the 10th Presidium of the Supreme People's Assembly on October 7, 2009	Chapter 5. The fundamental rights and duties of citizens Article 68. Citizens shall have freedom of religion. This right shall be guaranteed by permitting the construction of religious buildings and the conducting of religious ceremonies.
Socialist Constitution of DPRK (Kim Il Sung Constitution) revised on April 9, 2010.	Chapter 5. The fundamental rights and duties of citizens Article 68. Citizens shall have freedom of religion. This right shall be guaranteed by permitting the construction of religious buildings and the conducting of religious ceremonies. Religion shall not be used to bring in outside forces or to harm the state and social order.

• Religious Buildings

North Korea finished construction of Bongsu Church and Jangchoong Cathedral at the end of 1988 and Chilgol Church in 1989. Chairman Kim Jong-il paid a visit to a Russian Orthodox

church during his tour of the Russian Far East in August 2002. Subsequently, North Korea began construction of a Russian Orthodox Church in June, 2003. On Aug. 13, 2006, the “Jungbaik Church,” a Russian Orthodox Church, was completed in Jungbaik-dong, Nakrang District of Pyongyang. In April, 2003, four North Koreans began studies at the Russian Orthodox Seminary in Moscow to serve upon dedication of the Orthodox church in Pyongyang.⁵⁰⁰ Currently, two of the four have been baptized as church fathers, and are serving at the church.

In addition to these religious facilities, new religious facilities are being rebuilt or under construction with the support of South Korean religious groups. So, it appears that North Korea is taking positive steps by permitting South Korean religious groups to reconstruct or newly construct various religious facilities in North Korea.⁵⁰¹

The Buddhist temple restoration projects, such as those at the Shinkesa and Youngtongsa temples, are also under way as part of an effort to preserve traditional Korean culture. Since December 2002, massive redecoration projects have been under way at 59 Buddhist temples across the country.

North Korea’s Chosun Christians’ Federation insisted that there were a total of 14,000 Christians, including 300 at Pyongyang’s Bongsu Church, 150 at Chilgok Church, and about 500 “family churches” throughout the country.⁵⁰²

Many Pyongyang residents were aware of some of these religious facilities. However, most North Koreans in the provinces

⁵⁰⁰ *Chosun Central Broadcast*, June 25, 2003; *Yonhap News*, June 24 and 27, 2003.

⁵⁰¹ As part of its attempt to consolidate the Presbyterian churches, North Korea built the Pyongyang First Church in November 2005. However, it does not appear to be functioning as a genuine church.

⁵⁰² *Nocut News*, November 10, 2010.

were not even aware of the fact that there were such religious facilities in Pyongyang.

- Defector XXX, who fled from Buryong, testified that he/she was not aware of any churches or cathedrals in Pyongyang.⁵⁰³

Even those who were aware of the existence of religious facilities did not regard them as facilities where people practiced their faith. The residents of Pyongyang were aware of these religious facilities, but they believed that access to them was restricted. In addition, no one was able to distinguish the differences between churches and cathedrals. Even those who were aware of some religious organizations in Pyongyang knew nothing about any cathedrals there.⁵⁰⁴ As for Buddhist temples, nobody regarded those as religious facilities, and no one believed Buddhist monks were performing any religious roles.⁵⁰⁵ Defector XXX stated that the monks did not shave their heads and simply were guarding the temples and maintaining the “historical relics.”⁵⁰⁶ Defector XXX testified that when she visited a temple in Kaesong, the monk simply guided them around the temples.⁵⁰⁷ The following are testimonies related to religious facilities.

<Table II-18> Testimonies regarding Religious Facilities

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2007-09-04	-	Hyesan, Yanggang Province	There is a small temple on a goat farm in Hyesan, Yanggang Province, but nobody looking like a monk lives there.	NKHR 2011000237 2011-11-22

⁵⁰³ Interview with defector XXX in Seoul on July 30, 2010.

⁵⁰⁴ NKHR2009000031 2009-05-12.

⁵⁰⁵ NKHR2008000001 2008-07-01.

⁵⁰⁶ NKHR2009000031 2009-05-12.

⁵⁰⁷ NKHR2009000033 2009-05-26.

Source	Date of Defection	Time of Incident	Place	Detailed Account	Testimony No.
XXX	2011-09-17	-	Musan-gun, North Hamgyeong Province	The source first learned about religion by watching a North Korean play, "Seong-whang-dang ("A Village Shrine")." The play criticized depicted monks and pastors who urged people to believe them.	NKHR 2011000250 2011-12-20
XXX	2010-11-11	-	Pyongyang	The source first saw a religious facility in Pyongyang during his military service, but he/she could not tell whether it was a Protestant or Roman Catholic church.	NKHR 2011000070 2011-03-15
XXX	2010-08-30	-	Pyongyang	The source witnessed a Roman Catholic church in the Seongyeo (missionary) District in Pyongyang. She also witnessed people pretending to be religious for foreigners during the 13th World Festival of Youth and Students held in Pyongyang in 1989.	NKHR 2011000088 2011-04-05
XXX	2006-07-02	-	Gyeongwon-gun, North Hamgyeong Province	The source had never heard the term "religion," only "fortune-telling."	NKHR 2011000145 2011-06-21
XXX	2010-05-16	-	-	The source had never heard the term "religion" at all.	NKHR 2011000157 2011-07-05
XXX	2011-01-30	2003.	Mt. Myohyang, Pyeongan Province	The source saw a temple called Bo-hyeon-sa on Mount Myohyang.	NKHR 2011000103 2011-05-03

Some established religious educational organizations do operate in North Korea. According to its second regular report submitted to the UN Committee on Civil and Political Rights in 2000, North Korea reported that a department of religion was newly opened at Kim Il-sung University in 1989. The report stated, "There are religious educational facilities run by religious organizations. The Chosun Christian Federation operates the Pyongyang Theological Seminary and the Chosun Buddhist Federation Central Committee is running a Buddhist school, and the Chosun Catholic Association Central Committee also operates a Chondokyo middle school and teaches students." In 2003 North Korea sent graduates of Kim Il-

sung University to Moscow to study the theology.⁵⁰⁸

- **Religious Ceremonies**

The North Korean authorities have begun to permit religious ceremonies. Buddhist temples are allowed to conduct formal ceremonies on Buddha's birthday, as well as on major Buddhist holidays. Sometimes, even Buddhist ceremonies of a political nature—such as the Buddhist Prayer Meeting for the Unification of Fatherland—have been permitted. When the United States designated North Korea as a nation persecuting religious freedom, North Korea complained and responded through articles carried in the *Chosun Shinbo* (in Japan), pointing out that 200-300 Christians were attending church services at Bongsu Church every Sunday and church services were being observed in the form of “family churches” in 500 locations across North Korea every Sunday.⁵⁰⁹ As inter-Korean religious exchanges have increased, joint religious services are being held on a regular basis. Since 1997, joint inter-Korean Buddhist ceremonies are held every year, attended by the Buddhist leaders of South and North Korea, as agreed to by the two sides. Since the joint Easter Prayer Service in 1997, the Christian communities of South and North Korea have been conducting religious exchange activities on a regular basis. In August 1998, the South Korean “Catholic Fathers for the Realization of Justice” have visited North Korea and conducted a Commemorative Mass Service for the Assumption of the Blessed Virgin Mary on August 15. Since then, joint inter-Korean Catholic activities have been held under the leadership of the “Fathers for Justice,” including joint mass service

⁵⁰⁸ *Yonhap News*, Mar. 31, 2003.

⁵⁰⁹ Ministry of Unification, “Weekly North Korean Trends,” No. 569 (Seoul: Ministry of Unification, 2001), pp. 9-10.

at Keumkang Mountain. Finally, leaders of Chondokyo in South Korea also established service contacts with North Korean Chondokyoists when South Korean superintendent Kim Chol paid a visit to North Korea in 2001. Since then, the two sides have observed various joint ceremonies, including the “National Foundation Day of Korea” ceremonies. Since the June 15, 2000 inter-Korean summit meeting, South and North Korean religious leaders have been allowed to attend the “March First (Independence Movement) National Rally” in 2003.

In terms of religious awareness, North Koreans were generally aware of the existence of the Bible through the lectures of the authorities and defectors’ stories.⁵¹⁰ Since North Korea regards the Bible as a tool of cultural and ideological intrusion, the authorities deal most strictly with anyone caught in possession of a Bible.⁵¹¹ However most North Korean defectors testified that they had heard about the Bible, even though they had never seen one in person. By contrast, they testified they have never heard about Buddhist scriptures.⁵¹²

• Religious Organizations

Various religious groups have been organized and are operating in North Korea today. North Korea has been emphasizing that freedom of religion is guaranteed, especially in connection with the freedom of assembly and association. In its second report on ICCPR, North Korea insisted that there were no restrictions for religious practitioners who wanted to form associations or religious activities

⁵¹⁰ NKHR2009000013 2009-03-11.

⁵¹¹ NKHR2009000017 2009-03-24.

⁵¹² NKHR2009000020 2009-04-07; NKHR2009000024 2009-04-20.

as they were guaranteed under Article 67 of socialist constitution, Section 2: “The state shall guarantee conditions for the free activity of democratic political parties and social organizations.” North Korea also insisted that under freedom of association many religious organizations were engaged in religious activities. Their list included the *Chosun* Christian Federation, *Chosun* Buddhist Federation, *Chosun* Catholic Association, *Chosun* Chondokyo Central Guidance Committee and *Chosun* Religionists Association. The North Korean delegation boasted that religion was completely separate from the state, and no religion was discriminated against or interfered with. People were free to choose and freely practice the religion of their choice. Among the North Korean religious organizations, the most well-known are the “*Chosun* (Korean) Buddhists Federation,” “*Chosun* Christian Federation,” “*Chosun* Catholic Association,” “*Chosun* Chondokyo Central Committee,” “*Chosun* Russian Orthodox Church Committee,” and the umbrella organization for these groups called “*Chosun* Religionists Association.” However, it is not known whether any central religious organization is maintaining branches in the provinces. In the interviews conducted in preparation for a religious report, all defectors interviewed said they were unaware of any religious organization that has branches in the provinces.⁵¹³

<Table II–19> The Present Status of Religious Organization in North Korea

Organization	Period	Present Status
Korean Council of Religionists (KCR)	1989.05	<ul style="list-style-type: none"> • A consultative body of religious organizations • Chairman: Jang Jae-un.
Chosun Buddhist Federation	1945.1.2	<ul style="list-style-type: none"> • Originally called the North Korea Buddhist Federation, it was organized in 1945, but did not operate from 1965 to 1971.

⁵¹³ David Hawk, “Thank You Father Kim Il-sung,” U.S. Commission on International Religious Freedom (2005), p. 88.

Organization	Period	Present Status
Chosun Buddhist Federation	1972.	<ul style="list-style-type: none"> • Name changed to the Chosun Buddhist Federation • Chairman: Sim Sang-jin. • There are about 60 temples, 300 monks (married priests), and 10,000 believers. • Its education facility, a Buddhist school, was located in the Jung-Heung-sa Temple in Yanggang Province in 1989, but later it was transferred to Pyeong-hwa-gwang-beop-sa Temple in 1991.
Chosun Christian Federation	1946.11.	• Originally called the The North Korean Christian Federation of North Korea, it was organized in 1946, but did not operate from 1964 to 1973.
	1974.	• Establishment of the Chosun Christian Federation (Choseon Kidokkyo Yeonmaeng).
	1992.02.	<ul style="list-style-type: none"> • Name changed to the present name (<i>Josun grisdo yeonmaeng</i>) • Chairman: the late Gang Yeong-sup.
Chosun Catholic Association	1988.06.	<ul style="list-style-type: none"> • There are main two churches (Bongsu Church built in 1988 and Chilgol Church built in 1989) and 520 house churches. • It published old and New Testaments and a hymnal from 1983 to 1984. It published Bibles and hymnals in 1990. • There are about 10.000 believers in North Korea; 800 live in Pyongyang.
	1999.06.	<ul style="list-style-type: none"> • The Chosun Catholic Association was organized. • Its name was changed to the Chosun Catholic Association • One Roman Catholic Church (Jangchung Catholic Church in 1988), Four parishes, 4000 believers • No Catholic priests and nuns
Chosun Chondokyo Central Committee	1952.02.	• North Korean Chondokyo Religious Affairs was organized, but it did not operate from 1952 to 1973.
	1974.02.	<ul style="list-style-type: none"> • Chosun Chondokyo Church was organized. Chairman: Ryu Mi-yeong • There are about 14,000 believers.
Chosun Russian Orthodox Church Committee	2003.06.	<ul style="list-style-type: none"> • Chairman: Heo Il-jin. • Jeong-baek-sa-won, a Russian Catholic Church, was built on August 24, 2006.

Source: Korea Institute for National Unification, *Buk-han-Gae-yeo 2009 (Introduction to North Korea 2009)*, (Seoul: Korea Institute for National Unification, 2009), p. 439.

North Korea is allowing religious organizations to engage in exchanges with their international counterparts. In the 1990s, North Korean religious organizations sought to establish contacts with their South Korean, European, and American counterparts. In 1995, as part of an effort to improve relations with the United States,

American missionary organizations were invited to Pyongyang, and a North Korean Christian delegation led by Pastor Kang Young-sup, chairman of its central committee, toured the United States for a month.⁵¹⁴ The Chosun Buddhist Federation also sent delegates to the Asian Buddhist Peace Conference held in Laos.⁵¹⁵ These religious organizations have been organized primarily as counterparts to foreign religious organizations or international aid agencies, rather than as instruments to guarantee and support religious activities. Upon the death of Kim Il-sung in July 1994, and as the food shortage exacerbated, North Korea has tried to diversify its external contacts with various religious organizations, even as it has continued to suppress religious activities inside North Korea. In short, North Korea is utilizing religion as a means of gaining foreign currency. This can be verified from the changes in terminology related to religion, as <Table II-20> shows.

<Table II-20> Comparison of Changes in Religious Terminology in North Korea

Religion	Hyeon-dai-jo-seon-mal-sa-jeon (Modern Korean Dictionary, 1981)	Jo-seon-mal-dae-sa-jeon (Korean Dictionary, 1992)	Jo-seon-dae-bae-gyoa-sa-jeon (Korean Bibliographical Dictionary, 2000)
Christianity	It conceals and legitimizes the abuse and inequality of previous eras and uses the ridiculous idea of heaven to persuade people to obey the ruling class.	The major ideology of the church is equality and philanthropy. It preaches that people may go to heaven if they observe the lessons of Christianity well.	It is a religion that preaches the salvation of human beings through Jesus Christ, called the son of God.
Church	A place where poisonous anti-revolutionary ideology is used to abuse people under the mask of religion.	A building where propaganda is created to make people believe in Christianity and provide them with various religious services.	A gathering place to administer ceremonies for believers, such as religious services, baptisms and sacraments.

⁵¹⁴ Kim Byung-ro, *Changes of North Korea's Policy on Religion and Realities of Religion* (Seoul: Korea Institute for National Unification, 2002), p. 48.

⁵¹⁵ *Chosun Central News Agency*, February 10, 2003.

Religion	Hyeon-dai-jo-seon-mal-sa-jeon (Modern Korean Dictionary, 1981)	Jo-seon-mal-dae-sa-jeon (Korean Dictionary, 1992)	Jo-seon-dae-bae-gyoa-sa-jeon (Korean Bibliographical Dictionary, 2000)
Bible	A book about the fictitious and deceitful religious doctrine of Christianity.	A book mainly about the religious doctrine of Christianity.	
Buddhism	It preaches the principles of non-resistance and servile submission, teaching people to tolerate and endure all pain in the real world in order to go to the abode of perfect bliss after death.	Based on the idea that mercy for others liberates human beings from agony, it preaches that those who renounce the mundane world and keep moral principles shall reach the abode of perfect bliss.	It preaches that people who are not obsessed with material attachments and abstain from selfish pursuits will, through mental training, be emancipated from everything and reach Nirvana.

Source: Korea Institute for National Unification, *Buk-han-Gae-yeo 2009 (Introduction to North Korea 2009)*, (Seoul: Korea Institute for National Unification, 2009), p. 437.

• Testimonies on the Reality of Religious Freedom

Religion is a very serious matter, because North Korea cannot permit any ideology other than Juche ideology.⁵¹⁶ North Korea teaches its people that religion is superstition and that it is like a narcotic. Anyone discovered engaging in religious activities is sent off to a Correctional Center.⁵¹⁷ As is evident from the testimonies above, religious freedom is not guaranteed in reality, even though North Korea has taken some positive institutional measures guaranteeing religious freedom such as clearly stipulating it in its Constitution, constructing religious facilities, and organizing religious organizations and operating religious education facilities.

First, no protestant churches or catholic churches exist in North Korea except in Pyongyang. As for the “family churches” that North Korea said existed across North Korea, it is questionable how freely they are allowed to practice religious activities in the

⁵¹⁶_NKHR2008000016 2008-09-02.

⁵¹⁷_NKHR2008000014 2008-09-04.

provincial towns, even if a church existed. In all the personal interviews with defectors from North Korea, not one person was aware of a “family church” anywhere in North Korea.⁵¹⁸ A defector testified that although he visited Pyongyang frequently, he had never heard of any “family churches.”⁵¹⁹ In our personal interviews with North Korean defectors, no one has testified of any knowledge of “family churches” in North Korea.⁵²⁰

Second, North Korea is utilizing protestant churches, catholic churches 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 protestant Church in Pyongyang, which was built in September 1988, only the building supervisor and his family live there. When foreign guests come to visit, however, several hundred carefully selected 40 to 50-year-old citizens are gathered to conduct phony church services. Foreign Christians testified that, while in Pyongyang, they had visited the church on Easter Sunday without prior consultation with the authorities and found the church doors firmly shut.

Third, all defectors consistently testified that one would be certainly persecuted for practicing religion on a personal level. The fundamental reason for North Korea’s difficulty in guaranteeing the freedom of religion in accordance with the socialist Constitution stems from its belief that religions are a means of foreign encroachment and would inflict harm on North Korea’s social disciplines.

⁵¹⁸ Interview with defector XXX in Seoul on January 24, 2007.

⁵¹⁹ NKHR200800014 2008-09-04.

⁵²⁰ NKHR2009000013 2009-03-11.

Even when a large number of the population was forced to roam around in search of food during the grain crisis in the 1990s, North Korea had tried to suppress the promotion or propagation of Christianity in the belief that Christianity was detrimental to the integrity of the North Korean regime. Since 1997, North Korean citizens have been receiving education designed to prevent the spread of Christianity. The education would emphasize the necessity of detecting the individuals engaged in spreading Christianity and how to identify them. A defector testified that some individuals who used to practice religion before the liberation of Korea from Japan (1945) were known to continue their practices discreetly in private.

- **Punishment for Religious Activity**

Freedom of religion is indeed restricted in North Korea except as part of officially sanctioned events and at designated facilities. This reality is clearly demonstrated when we look at the punishments imposed on citizens who practiced religion and on those forcibly deported defectors. As the food shortage became exacerbated and as the number of defectors rapidly increased, the North Korean authorities began to relax punishment for those defecting to China in search of food. Authorities continue to impose heavy penalties on those who have had contacts with religious South Koreans in China.⁵²¹ However, it would appear that the North Korean authorities are no longer treating religion-related defectors automatically as political criminals. The reason the North Korean authorities are trying to curb the spread of religion via

⁵²¹ Interview with defector XXX in Seoul on April 15, 2010.

defectors is because most defectors return to North Korea with significant knowledge and understanding of religious beliefs, even if they do not actually practice any religion themselves.⁵²² Some examples of punishments for superstitious practices are detailed in <Table II-21>.

<Table II-21> Testimony Related to Religious Persecution

Testifier	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2009-10-16	2006.	Musan-gun, North Hamgyeong Province	The source heard of a person who was caught praying. The person was sentenced to correctional prison labor at Musan-gun, North Hamgyeong Province, in 2006.	NKHR 2011000098 2011-04-19
XXX	2011-02-09	-	-	The source heard from a prison inmate in the Jeongeri Long-term Correctional Center at Hoeryeong about how the inmate's mother, who used to play the organ in a secret church, was taken to a Political Concentration Camp.	NKHR 2011000119 2011-05-24
XXX	2009-09-10	2008.07.	-	The source was detained in the Onseong-gun State Security Agency Detention Facility after being deported from China. During processing, a Bible was found among the belongings of a female fellow deportee. As soon as the Bible was found, the woman was placed in another line and disappeared from the Detention Facility. The woman was from Weonsan and was about 65 years old. Nobody knows about what kind of punishment she received.	NKHR 2011000194 2011-08-23
XXX	2010-11-02	2008.	-	During an investigation, it was discovered that one woman had illegally crossed the border and gone to a protestant church in China. She was detained in a Political Concentration Camp, but later she was found to be mentally ill. The source saw her detained in the Jeongeri No. 12 Correctional Center in 2008, after being sentenced to three years of correctional prison labor.	NKHR 2011000201 2011-09-06

⁵²² NKHR2009000011 2009-03-03.

Testifier	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2010-11-02	–	Onseong-gun, North Hamgyeong Province	The source heard from her mother that three family members, including a husband, wife and son who had lived in Sambong-gu, Onseong-gun, North Hamgyeong Province, were caught conducting a family worship service and taken to a Political Concentration Camp.	NKHR 2011000201 2011-09-06
XXX	2011-05-19	2009.	Junghwa-gun North Hamgyeong Province	The wife of a tactical staff officer of Air Command in China's military, North Hamgyeong Province was publicly executed for possessing a Bible around 2009.	NKHR 2011000209 2011-09-20

It is difficult to confirm that the North Korean authorities do not permit individuals to enjoy religious freedoms, but this fact is indirectly confirmed through testimonies that reveal the existence of underground churches. Many defectors have testified that Christians practice their religion in underground churches because the North Korean authorities restrict religious freedom.

– Defector XXX testified that there are about 2000 secret believers in a certain province.⁵²³

Superstition is widespread in North Korean society, and citizens discreetly exchange rumors as to the location of good fortunetellers. High-ranking officials must not and will not seek out such services, but their wives are said to sometimes visit fortunetellers and report back to their husbands. The North Korean authorities will punish any superstitious activities such as fortunetelling. North Korea's Penal Code (as revised in 2004) stipulates in Article 268 (on promoting superstition), "Person who has shared superstition-based predictions with others for profit or egotistical reasons shall be sentenced to up to two years of disciplinary prison labor." All North Korean adults

⁵²³ NKHR2011000086 2011-04-05.

must uphold the 10 Principles of Unitary Ideology and demonstrate absolute loyalty; it is not permissible to have other beliefs or ideologies. That is why North Korea prohibits fortune-telling and other forms of superstition.⁵²⁴ A defector testified that anyone who tried to “consult with fortune tellers” or “learn about personal fortune” would be punished by his or her organization.⁵²⁵ If someone was very good at fortune-telling, even high-ranking security agents, Party members and People’s Security agents would go to consult with that person. In such cases, others who had gone there could avoid punishment. Security agents would impose punishment on fortune-tellers if they refused to pay bribes or show adequate respect. They would also punish fortune-tellers who became popular or widely known.⁵²⁶ Some examples of punishments for superstitious practices are detailed in <Table II-22>.

<Table II-22> Testimony Related to Punishment for Superstitious Behavior

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2011-02-12	2009.	Gimchaek, North Hamgyeong Province	The source witnessed a man receiving three months of disciplinary prison labor for superstitious practices in Gimchaek, North Hamgyeong Province in 2009.	NKHR 2011000108 2011-05-11
XXX	2011-02-07	2009.10.	Pyeongseong-si, South Pyeongan Province	The source witnessed the punishment of a person for superstitious behavior (three months of disciplinary prison labor) at Pyeongseong, South Pyeongan Province in October 2009.	NKHR 2011000111 2011-05-17
XXX	2011-02-25	2010.	Onseong-gun, North Hamgyeong Province	The source witnessed a person sentenced to two months of disciplinary prison labor on charges of superstitious behavior in Onseong-gun North Hamgyeong Province in 2010.	NKHR 2011000141 2011-06-14

⁵²⁴_NKHR2009000012 2009-03-05.

⁵²⁵_NKHR2008000006 2008-07-22.

⁵²⁶_NKHR2008000023 2008-11-11.

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2011-04-29	2010.	Musan-gun, North Hamgyeong Province	The source witnessed a person punished for fortune-telling for people planning to illegally cross the Chinese border. The person was sentenced to three years of correctional prison labor in 2010 in Musan-gun, North Hamgyeong Province.	NKHR 2011000179 2011-08-02
XXX	2010-06-21	2010.03.	Baekam-gun Yanggang Province	The source witnessed a person being punished for believing in superstition, not the Party. This happened in Baekam-gun, Yanggang Province. The person was sentenced to six months of disciplinary prison labor in March 2010.	NKHR 2011000235 2011-11-08
XXX	2011-08-05	2010.	Hyesan, Yanggang Province	The source witnessed a person sentenced to seven years of correctional prison labor in 2010 for superstitious practices in Hyesan-si, Yanggang Province.	NKHR 2011000240 2011-11-22
XXX	2010-10-29	2009.	–	In 2009 the source witnessed a person detained in the Jeongeri Correctional Center after being sentenced to one and half years of correctional prison labor for superstitious practices.	NKHR 2011000052 2011-02-15
XXX	2011-02-09	–	Musan-gun North Hamgyeong Province	A fortune teller asked a prospective customer not to report the fortune teller to the <i>Imminban</i> (people's group). Fortune-tellers ask their customers in advance to keep confidentiality before giving a reading.	NKHR 2011000119 2011-05-24
XXX	2011-03-01	–	Hoeryeong North Hamgyeong Province	Only practitioners of superstition are punished. It is known that practitioners are sentenced to correctional prison labor. Fortune-tellers ask their customers in advance to keep confidentiality before giving a reading.	NKHR 2011000120 2011-05-24
XXX	2007-09-30	–	Cheongjin North Hamgyeong Province	Via advertisements and lectures given by people's group or workplaces, the North Korean government warns people not to visit fortune tellers.	NKHR 2011000226 2011-10-19
XXX	2011-01-16	–	Hoeryeong North Hamgyeong Province	Practitioners of superstition are sentenced to correctional prison labor in the most serious cases.	NKHR 2011000242 2011-11-22
XXX	2011-08-05	2011.	Pyongyang	In 2011, if caught practicing superstition, the practitioner would be sentenced to correctional prison labor.	NKHR 2011000240 2011-11-22

• The Ten Principles of Unitary Ideology

The pivotal factor that prevents religious freedom in North Korea is the cult of personality surrounding Kim Il-sung/Kim Jong-il and the unitary ruling system. In North Korea, Kim Il-sung and Kim Jong-il are like gods.⁵²⁷ One of the most important reasons for North Koreans' perception of religion as a source of foreign intrusion and exploitation is the antithetical nature of religion vis-à-vis the unitary ruling structure. Religion worships an all-powerful entity. This is diametrically opposite to, and clashes with, the stature of Kim Il-sung and Kim Jong-il who, under the Juche ideology, must be revered as all-powerful entities. Juche ideology demands exclusive worship of the Suryong ("the Great Leader," Kim Il-sung) as an all-powerful entity based on the "theory of socio-political organism." Consequently, it is absolutely impossible to permit another all-powerful entity to challenge the unitary ruling structure of the leader(s).

The worship of Kim Il-sung and Kim Jong-il is specifically stipulated in the Ten Great Principles of Unitary 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 the Ten Great Principles of Unitary Ideology. Since its announcement in 1974, the ten great principles have been utilized more than the socialist Constitution or any laws or regulations as a means of exercising control over North Koreans, as well as deifying the "Great Leader Kim Il-sung." The principles are treated as prescribed laws and are applied in criminal cases.⁵²⁸

⁵²⁷ Interview with defector XXX in Seoul on June 8, 2010.

⁵²⁸ The 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.

Since interpretation of the ten principles is arbitrary, they are routinely used to frame political dissenters as perpetrators of political and ideological crimes. For example, two entire families disappeared: one because a nine-year-old second grade elementary student in the family scribbled on the faces of the Kim Il-sung and Kim Jong-il in his text book; another because the elderly grandmother used issues of the *Rodong Shinmun*—which contain pictures of Kim Il-sung and Kim Jong-il—as wallpaper. Both families were punished on the basis of the Ten Great Principles.

This inhumane practice of forcing people to sacrifice their lives to save portraits of Kim Il-sung and Kim Jong-il in accordance with the Ten Great Principles persists in North Korea. In *Stories on “Revolutionary Optimism”*—authored by Ahn Chang-hwan and published in 1991 by the Pyongyang Working People’s Organizations Publishing House—there is a story of a person named Park Youngduk who sacrificed his life to protect a portrait of Kim Il-sung. It is reported that while working in the Yellow Sea Park Young-

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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 loyally repay the Great Leader’s boundless political trust and consideration with high political awareness and skill.
 9. Establish strong organizational discipline so that the entire Party, the entire people, and the entire military 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.

duk drowned when his boat capsized. However, as the boat was on the verge of sinking, Park carefully wrapped a portrait of Kim Il-sung with a plastic cover, attached a heavy weight to himself, and jumped into the sea.

At a “*Inminban* (people’s group)” meeting on October 11, 2007, it was suggested that people should follow the spirit of those who had “saved” the portraits of Kim Il-sung/Kim Jong-il during the flood emergencies. There were people during the flood emergencies in Kangwon Province and South Hwanghae Province who had protected these portraits even as their houses were going under water and they had to abandon everything. In one instance, as the story goes, a parent could not rescue her daughter from drowning in the flood because she had to hang on to the portraits. The lecturers said everyone should look up to the high level of devotion and political values of these people, and should try to follow their footsteps.⁵²⁹

The Organization Bureau of the Central Party issued on May 15, 2007 instructions on “Overall Inspections on How to Carry out Respect for the Portraits of “Great Leader” and “Beloved General.” From that day, the agents of the Party’s Organization Bureau began to inspect thoroughly home and workplace across the nation, including major cities, provinces, Wonsan City, Kangwon Province, Sariwon City in North Hwanghae Province, Kangkei City of Jakang Province, Hyesan City of Yanggang Province, Chongjin of North Hamgyeong Province, Hamhung City of South Hamgyeong Province, and Pyongyang. This time around, not only the homes of party officials but also the homes of ordinary citizens were to be thoroughly inspected. If the portraits have not been respectfully

⁵²⁹ Good Friends, “North Korea Today,” No. 94 (Oct. 17, 2007).

taken care of or if dust was found on them, the person's name was to be recorded on the "black-list." Subsequently, the security agency would call the offenders in and give lectures about how to handle the portraits. In some cases, people would have to spend two or three days in Detention Facility.⁵³⁰ If one admitted to mishandling the portraits on purpose, punishment would be administered, but if one told them the damage was the result of unconscious neglect, they would pardon the "insult."⁵³¹

Defector XXX testified that in December 2004 there was a fire in the Labor-Training Camp where she was detained. As she was escaping from her cell with her belongings she saw the (Kim Jong-il) portrait straight ahead, so she dropped her things, grabbed 3 portraits and exited the building. This made her a model inmate; her 6-month sentence was commuted to three and she was released from prison.⁵³² Defector Kim XX testified that the '10 Principles of Unitary Ideology' were designed to force people to adhere absolutely to the Party's policies. She said she was reminded of the portraits whenever the phrase '10 Principles' came up.⁵³³ This witness further testified that as recently as 2000 she would experience shock whenever she heard about a portrait being torn apart or burned.⁵³⁴ Defector XXX testified that a neighbor woman made her living making and selling tofu at home. This produced a lot of humidity in her rooms, which made the portraits turn brownish. She was ordered to write a statement of self-criticism at a local party office and was locked up for ten days for not replacing the portraits.⁵³⁵

⁵³⁰ Ibid.

⁵³¹ NKHR201000062 2010-10-12.

⁵³² NKHR2008000010 2008-08-08.

⁵³³ NKHR2009000011 2009-03-03.

⁵³⁴ NKHR2009000013 2009-03-11.

⁵³⁵ NKHR2009000053 2009-09-08.

In an effort to galvanize the people's loyalty toward the *suryong* (leader), the North Korean authorities are emphatically working to "internalize" the so-called "10 Principles" in the people's minds through "lifestyle review" meetings. Anyone making a speech during the Party's lifestyle review meetings must inevitably cite one or more items from the 10 Principles. Even in ordinary "lifestyle review" meetings the speakers cite specific items from the 10 Principles.⁵³⁶ Some defectors have said the 10 Principles stand in for the Christian "Ten Commandments" among North Koreans.⁵³⁷

A defector testified that as life became harsh under the economic hardships, people could no longer pay much attention to the so-called "Ten Principles," although they would not dare violate them. It is useful to recall that most defectors have testified that the "lifestyle review" meetings were conducted only as a formality. <Table II-23> contains some excerpts from testimonies.

<Table II-23> Testimony Regarding the Ten Principles (for the Establishment of the One-Ideology System) and Lifestyle Review Meetings

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2002-07-20	-	Onseong-gun North Hamgyeong Province	People suffering the hardships of life do not bother to memorize the Ten Principles. They did not care about being punished, saying "if they want to arrest me, they can just do it."	NKHR 2011000114 2011-05-17
XXX	2011-01-17	-	Pyeongseong, South Pyeongan Province	Recently nearly half of the people do not know about the Ten Principles at all.	NKHR 2011000101 2011-04-26
XXX	2002-12-27	-	-	People re-use the same statement of self-criticism that they wrote the year before, and act in collusion with each other in a lifestyle review meeting.	NKHR 2011000092 2011-04-12

⁵³⁶ Interview with defector XXX in Seoul on April 16, 2010.

⁵³⁷ Interview with defector XXX in Seoul on March 31, 2010.

Source	Date of Defection	Time	Place	Detailed Account	Testimony No.
XXX	2011-07-30	-	Hyesan, Yanggang Province	The elderly are excused from lifestyle review meetings to farm or sell goods in the market place. Since people are usually busy with work, they overlook their friends' absences from the meetings. The Party Secretary also understands the situation and does not punish them. People sometimes offer bribes for their absence, but not offering a bribe does not make much difference.	NKHR 2011000233 2011-11-08
XXX	2005-04-09	-	Musan-gun, North Hamgyeong Province	Since people usually sell things in the market place instead of staying at home, it is difficult for them to get together. The residents understand each other's hard lives well. Thus, even if one is absentee, he/she is not likely to be punished.	NKHR 2011000234 2011-11-08
XXX	2011-01-16	-	Hoeryeong North Hamgyeong Province	Absences from lifestyle review meetings are allowed if there is a good reason. Even if one is absent from the meeting, one can make up for the absence by doing other hard work.	NKHR 2011000242 2011-11-22
XXX	2011-05-05	-	-	People can avoid lifestyle review meeting or industrial mobilizations by offering a 20,000-30,000 KPW in bribe to the leader of Korean Democratic Women's Union.	NKHR 2011000185 2011-08-16



7



The Right of Political Participation

The right of political participation encompasses the civil right of the people to participate directly or indirectly in the policies and politics in their country. It includes the right to vote, the right to be elected, and the right to run for public office. Article 21 of the “Universal Declaration of Human Rights” (UDHR) stipulates the right of political participation as follows: (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (2) Everyone has the right of equal access to public service in his country; and (3) The will of the people shall be the basis of the authority of government, this will shall be expressed in periodic and general elections which shall be by universal, and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

A liberal democratic nation guarantees the people who reside within its sovereign borders a system for electing their representatives who will determine national policy. It also guarantees the separation of powers into legislative, judicial, and administrative branches to provide checks and balances of power. North Korea

accommodates a representative system as its basic principle of government and elects deputies of provincial, municipal and county people's assemblies as well as the Supreme People's Assembly, which fulfill the role of legislative bodies. North Korea, however, has rejected the principle of separation of powers and established a one-party dictatorship, and its election are fundamentally different from those of a liberal democratic countries.

North Korea's Socialist Constitution stipulates that the working people exercise power through their representative organs - the Supreme People's Assembly (SPA) and the local people's assemblies at all levels (Article 4). It also states that the organs of state power at all levels, from the county people's assemblies to the SPA, are elected on the principle of universal, equal and direct suffrage by secret ballot (Article 6).⁵³⁸ The Election Act of North Korea stipulates that the SPA representatives are elected to a term of five years, and representatives of the local people's assemblies at the province (or direct-governed municipality), district, and county levels serve four year terms. However, the Socialist Constitution states the national organs in North Korea are formed and function on the principle of democratic centralism (Article 5), and all activities shall be conducted under the leadership of the Korean Workers' Party (Article 11). These articles show that both local people's assemblies and the SPA are in fact under the control of the Party.

The election of the 11th Supreme People's Assembly and the provincial (or direct-governed municipality), district, and county local people's assemblies were held on August 3, 2003. 99.9% of the electorate voted in favor of 686 deputies of the SPA and

⁵³⁸ "DPRK Local Levels of People's Assemblies Election Law" amended and added by the decree 321 of the Presidium of the Supreme People's Assembly in December 29, 1998.

26,650 deputies at all levels of local people's assemblies.⁵³⁹ The newly elected deputies of the SPA included Kim Jong-il, the general secretary of the Workers' Party of Korea and supreme commander of the Korean People's Army, and other incumbent officials of the Party, the government and the military.

Kim Jong-il was reappointed to the chairmanship of the DPRK National Defense Commission at the first session of the 11th Supreme People's Assembly, held on September 3, 2003.⁵⁴⁰ It has been reported that out of all deputies of the 12th Supreme People's Assembly elected on March 8, 2009, 16.9% of them are military officers.⁵⁴¹ The SPA can be evaluated as a legislative organ of the Korean Workers' Party rather than as a decision-making body representing the people.

The Socialist Constitution stipulates that "all citizens who have reached the age of 17 have the right to elect and to be elected, irrespective of sex, race, occupation, length of residence, property status, education, party affiliation, political views or religion" (Art 66). However, elections for the Supreme People's Assembly and people's assemblies are conducted under the control of the Korean Workers' Party. These characteristics are obvious if one considers the manner in which candidates are nominated, registered, and elected, and the loss of suffrage rights based on the guilt-by-association.

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

⁵³⁹ *Rodong Shinmun (Rodong Daily Newspaper)*, August 5, 2003.

⁵⁴⁰ *Rodong Shinmun*, September 4, 2003

⁵⁴¹ Text of speech given by Representative Kim Guk-tae, Chairman of the SPA Representatives' Qualification Screening Committee, at the 1st Session of the 12th Supreme People's Assembly on April 9, 2009. "Report of Qualification Screening Committee of the 12th SPA of the DPRK," *Rodong Shinmun*, April 10, 2009.

“Social Democratic Party” and the “Chung Woo Party.” For all intents and purposes the KWP controls all these candidates. Election committees are organized one month ahead of the actual elections. Each election committee compiles a list of the voters in their district and manages the district elections. An election committee usually consists of representatives of the Party, the People’s Committee, the security agencies, and the local community.⁵⁴²

Under the principle of universal, equal, and direct voting, the law requires secret ballots; in reality, however, voters are instructed to cast a yes or no vote for a single candidate nominated by the KWP. The elections are conducted under the strict surveillance of the State Security Agency, and the entire voting procedure consists of simply receiving a ballot and casting it in a “yes” or a “no” ballot box.⁵⁴³ The citizens do not perceive the elections as a civil right but a forced obligation.⁵⁴⁴ Anyone who refused to participate in an election would be labeled a “reactionary.” Thus everyone participates in elections unless there are unavoidable circumstances.⁵⁴⁵ 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.⁵⁴⁶

Elections where various political forces freely contend on the basis of ideas and policies are not a part of the political process in North Korea. Rather, it is part of a political mobilization to reinforce the people with a sense of political participation and provide a pro

⁵⁴² *Chosun Central News*, Jan. 12, 2009.

⁵⁴³ Interview with defector XXX in Seoul on May 7, 2010.

⁵⁴⁴ Interview with defector XXX in Seoul on April 16, 2010.

⁵⁴⁵ Interview with defector XXX in Seoul on April 14, 2010.

⁵⁴⁶ *Chosun Central News*, March 8, 2009; Interview with defector XXX in Seoul on April 15, 2010.

forma and post facto approval of the power structure and the method of elite recruitment designed by the KWP.⁵⁴⁷ This process was repeated during the election of deputies for the 11th Supreme People's Assembly conducted on March 8, 2009. It further stated that "Some 99.98 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."⁵⁴⁸

During elections, agents of People's Security and State Security exercise strict control over the people. Anyone who fails to participate in voting or refuses to vote is suspected of harboring political motives, and is treated with suspicion and discriminated against on a daily basis thereafter. The defectors who testified said that for these reasons they always participated in voting.⁵⁴⁹ The "Inminban" leader would go around the households prodding everyone to vote. There is also a People's Security agent in charge of elections, so no one is excused from voting.⁵⁵⁰ Article 64 of North Korea's Local People's Assemblies Election Law stipulates that "the people are to vote by secret ballot. To vote for a candidate, one simply leaves the ballot unmarked, but to vote against someone, one draws a horizontal line on the candidate's name on the ballot." However, no one would ever cast a vote against one of the solitary candidates; indeed no one would even dream of doing such a thing.

- Defector XXX testified that voters would have absolutely no idea who the candidate was, much less whether he was a good or bad person. They would simply cast an affirmative

⁵⁴⁷ Interview with defector XXX in Seoul on May 7, 2010.

⁵⁴⁸ *Rodong Shinmun*, March 10, 2009.

⁵⁴⁹ Interview with defector XXX in Seoul April 7, 2010.

⁵⁵⁰ Interview with defector XXX in Seoul on May 7, 2010.

- vote for the candidate pre-determined by the authorities. The polling booth is curtained to guarantee secret voting, but casting a negative vote is unthinkable.⁵⁵¹
- Defector XXX testified that on election day, student marching bands take to the streets, playing drums and gongs to encourage voting and calling on citizens to cast affirmative votes for the local delegate for the Supreme People’s Assembly. If anyone were to cast a negative vote, it would be construed as a vote against Kim Jong-il and that person would be arrested shortly after the elections. Everybody knows this, so no one would even think about casting a negative vote.⁵⁵²
 - Defector XXX testified that he was told he could cast a negative vote. But officials were watching so closely that no one would even think of doing so.⁵⁵³
 - Defector XXX testified that if you scribbled or placed a mark on the ballot you would be locked up in Detention Facility, and depending on the result of the trial you might be sent off to a Correctional Center.⁵⁵⁴
 - Defector XXX testified that campaigning for voters and discussion of candidates are conducted in a perfunctory way.⁵⁵⁵
 - Defector XXX testified that people can participate in elections in other regions. Nevertheless, voting is mandatory for North Korean people must get a voting confirmation issued by the People’s Security Agency. Voters go into an

⁵⁵¹ Interview with defector XXX in Seoul on April 7, 2010.

⁵⁵² Interview with defector XXX in Seoul on April 7, 2010.

⁵⁵³ Interview with defector XXX in Seoul on April 16, 2010.

⁵⁵⁴ Interview with defector XXX in Seoul on April 15, 2010.

⁵⁵⁵ NKHR2011000053 2011-02-15.

empty room to cast their votes. To vote against a candidate, one would draw a “/” mark with a ball point pen; however, nobody would ever dream of actually doing that.⁵⁵⁶

- Defector XXX testified to the reason for the almost unanimous results: people think that they must agree with a candidate; and the ballots against the candidate, even if there is any, cannot be verifiable. People think that North Korean authorities reject opposing ballots and announce almost unanimous results.⁵⁵⁷

28,116 deputies were elected to the provincial, municipal and county people’s assemblies on July 24, 2011. The Central Election Management Committee produced a great deal of propaganda about the election, stating that “99.97% of the total electorate registered in the electoral roll voted for the candidates of provincial, municipal and county people’s assemblies.⁵⁵⁸ The reason for North Korean authorities’ great emphasis on the near unanimous vote depends on their attempt to interpret the meaning of the vote. They seem to consider a ballot not just as “a ballot for a candidate” but as “a ballot for a unanimous decision to honor and admire Great Leader Kim Il-sung and the Dear General Kim Jong-il.”⁵⁵⁹ Even if there is a low voter turnout or an opposing ballot cast, the Election Management Committee, in this political culture, is unable to report it.

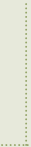
⁵⁵⁶ NKHR2011000179 2011-08-02.

⁵⁵⁷ NKHR2011000213 2011-10-04.

⁵⁵⁸ *Rodong Shinmun*, July 26, 2011.

⁵⁵⁹ Ham won-sik, “A View on Vote,” *Rodong Shinmun*, July 21, 2011.


White Paper on Human Rights in North Korea 2012





III

The Reality of Economic, Social, and Cultural Rights

1. The Right to Food
 2. Social Security Rights
 3. The Right to Health
 4. The Right to Work
 5. The Freedom to Choose One's Job
- 



1



The Right to Food

A. Discriminatory Access to Food

The Universal Declaration of Human Rights states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services.” (Article 25 (1)). The Declaration includes the right to food along with other rights.

The International Covenant on Economic, Social, and Cultural Rights provides a more specific provision regarding the right to food: “The States Parties to the present Covenant [recognize] the fundamental right of everyone to be free from hunger (Article 11 (2)).” According to the UN Special Rapporteur on the Right to Food, the right to food is defined as the right to have regular, permanent and unrestricted access to quantitatively and qualitatively adequate and sufficient food.¹

¹ Available from <<http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx>> (Online, cited January 5, 2012).

To guarantee the people's right to food, the state must fulfill its obligations. As such, North Korea states in its Socialist Constitution that "The state shall provide all working people with the opportunity to obtain food, clothing, and housing" (Article 25). The distribution of food is alluded to in the statement, "Citizens shall work according to their abilities and shall be paid in accordance with the quantity and quality of their work" (Article 70).

Based on these principles, the North Korean government has guaranteed stable, albeit unequal, access to food in accordance with the regulations of the Central Distribution System. The food supply is rationed by age and occupation, and rations are commensurate with class. The classes range from first class (900g) to ninth class (100g), with the first class consisting of those working in hazardous or heavy labor, the third class consisting of ordinary workers (700g), the seventh class consisting of the elderly and housewives (300g), and the ninth class consisting of infants that are less than a year old (100g).

When the nationalized food distribution system (Central Distribution System) was in operation, access to food by ordinary citizens was comparatively well ensured. However, discrimination was inherent, with access to food unevenly allocated according to personal background. Due to the rising economic crisis in the 1990s, the Central Distribution System began to crumble. The famine worsened in 1994, and the government partially halted rations. By 1996 the rations had totally ceased in some regions. In late 1996, individuals were expected to find food on their own, while institutions, factories, and corporations rationed out three to four days of food per month to workers thanks to enterprises that earned foreign currency. Outside aid increased in the 2000s and grain production increased in 2001, allowing the ration system to

recover, but chronic food shortages within North Korea persisted.

Despite the obvious lack of food, the Central Distribution System has never been officially revoked. Rather, it was distorted to ensure that North Koreans were given discriminatory access to food.

The core class is still guaranteed food through the Central Distribution System. Rations are provided at state-mandated prices to protect the core class, which includes the Party, the military, the National Security Agency, and the People's Safety Agency.² However, the middle and lower classes are not supplied with sufficient food. The Class-based distribution system and its daily food rations have no real meaning for the middle and lower classes. Full rations are withheld during food shortages, and the fifteen-day ration cycle is not upheld. Access to food is discriminatory even among the classes that benefit from the rationing system; some receive sufficient food, while others do not and must purchase food at the markets to cover the difference.

Major state agencies and enterprises are expected to secure their own food, and the amount of food granted to workers in urban areas varies depending on where they work. Rations are allocated abundantly to successful corporations and operational factories. Due to the increasing trend of corporations independently obtaining and rationing food, a citizens' access to food differs considerably according to where they work. For example, a defector who used to work at Yuson Mine (in Hweryeong) testified that he received grain rations from the mine until he fled in 2008.³ The Yuson Mine produced bricks for blast furnaces that were so good

2. NKHR 2010000005 2010-03-16; NKHR2010000031 2010-11-09; NKHR2010000071 2010-11-09.

3. NKHR2008000016 2008-09-02.

that they lasted about 3 months, while bricks manufactured by other places would last only about one month. Due to the superiority of Yuson bricks, the authorities guaranteed the maintenance of good facilities and raw materials to the Yuson Mine, including better grain rations. Another defector testified that the United Seongjin Steel Mill Enterprise was also given special treatment. Although the performance of this factory dropped due to the lack of electricity and raw materials, grain rations were distributed somewhat normally thanks to the ingenuity of higher-ranking staff members. However, 450 grams of grain a day is insufficient, and the workers had to buy at least one meal a day at the marketplace.⁴ North Korean defector XXX testified that a special cigarette factory for the People's Army supplied full rations to all of its employees, though not to their families.⁵ Another North Korean defector, XXX, also testified to receiving regular monthly rations from the export corporation he worked at, including 15kg of rice in April of 2011. Employees with families to support received 20kg of rice.⁶

Farm workers on cooperative farms receive their rations once a year when their accounts are settled. The food situation is comparatively better in rural areas, since farmers collect greens, plant vegetables in their own vegetable gardens, and raise pigs or goats. However, recent reports indicate that the food situation for farmers is worsening as well. North Korean defector XXX testified that when potatoes were harvested at the Rokpyeong Cooperative Farm in autumn, workers were generally given 30% to 40% of their share, or 60% to 70% at most. A full 100% share would have been about 1.4 tons, but in reality workers received only up to

4. NKHR2008000015 2008-08-27.

5. NKHR2011000120 2011-05-24.

6. NKHR2011000210 2011-09-20.

about 1 ton.⁷ However, even on the cooperative farms, the cell secretaries, foremen and other officials received more than the farm workers, again demonstrating unequal access to food. The officials of a farm work crew include the cell secretary, foreman, and technical instructor, who are better off and receive more potatoes than ordinary farm workers. The officials then trade the potatoes for non-glutinous rice, while the general workers can only afford corn.⁸ Even some farmers resort to stealing grain due to the deteriorating situation. A farmer (in Kangseo County, South Pyeong Province) was penalized with 3 months of labor-training for stealing some corn, and XXX (Hweryeong, North Hamgyeong Province) was punished with 6 months of disciplinary prison labor after a public trial in front of fellow farmers for stealing a few ears of corn from the field.⁹

Due to the chronic food shortage, most citizens must obtain food on their own. Even special beneficiaries of the Central Distribution System, such as senior citizens and children, no longer receive rations, making their lives even harder. Because the ration system does not work as intended, the elderly and children from broken families face an even more serious threat of being unable to access food.

In addition, food is preferentially distributed to the military, a major political role in maintaining the political system of North Korea under the *Seongun* (Military-first) ideology. However, even within the military, a soldiers' access to food varies according to where they serve, as the ration differs region to region.

Discrimination according to region, class and work places has also been reported.¹⁰ A defector who used to serve in the military

7. NKHR2011000154 2011-07-05.

8. NKHR2011000154 2011-07-05.

9. Good Friends, "North Korea Today," No. 217 (Sept. 24, 2008).

10. NKHR2011000188 2011-08-16.

in Gangwon Province and Pyeongyang testified that his grain ration was different according to region. When he was serving in Gangwon Province, he had to go hungry because they only issued 100-150 grams of grain per meal. He had to sneak outside undetected by his superiors and steal corn or rice from civilian homes to survive. However, when he served in Pyeongyang, his grain ration increased in quality and quantity, which meant he was far better off than when he served in Gangwon province.¹¹ North Korean defector XXX testified that 30% of his troop of 60 soldiers suffered from malnutrition.¹² Even in the military, access to food is differentiated according to rank. Military units are given priority when it comes to food, but even in the unit officers are supplied first. The amount of food rationed to enlisted soldiers is limited. Soldiers stationed in regions where they hardly receive any rations and soldiers of low rank have no choice but to find their own food. A former military officer who defected to South Korea after completing 22 years of military service testified that even though he was a major, his ration was so small that he too had to live on corn porridge mixed with edible field grass.¹³ Soldiers often end up inconveniencing citizens during their search for food.

<Disparity in Access to Food by Region>

Along with disparities in access to food according to class and job type as mentioned above, there is also discrimination by region. Overall, the citizens of Pyeongyang enjoy privileged distribution, though there is discrimination within the Pyeongyang region as well. Outside of Pyeongyang, food conditions tend to be better in

¹¹ NKHR2008000014 2008-08-26.

¹² NKHR2011000096 2011-04-19.

¹³ Interview with defector XXX in Seoul on Jan. 29, 2003.

rural areas than urban areas.

Defector XXX testified that the grain situation in farm villages was slightly better than urban areas, whereas city workers were hit the hardest when grain rations were discontinued.¹⁴ It is said that the areas of Hamgyeong Province, Yanggang Province, and Jagang Province were most affected by the food crises, due to not only the shortage of grain, but also the inadequate transportation system. Citizens in those areas faced serious food shortages due to the collapse of the Central Distribution System, the regional distribution of international aid, and the ineffective transportation systems due to the energy crisis.

<Discrimination of the Right to Food Due to Price Differences>

As grain shortages and the discriminatory rationing policy continues, ordinary people have no choice but to rely on the market to obtain the food they need. Consequently, it has become a universal phenomenon in North Korea that one's access to food is dependent on one's purchasing power. Furthermore, the discriminatory access to food is increasing. Officially, North Korea supplies food at state-mandated prices. In reality, however, there is a staggering disparity in food access between upper classes, who can buy food at state-mandated prices, and ordinary citizens, who must purchase food at market prices.

With the new economic adjustment measures introduced on July 1, 2002, North Korean authorities increased wages of the people on a broad scale, setting the official price of rice at 44 North Korean won (hereafter KPW). Nevertheless, only a limited amount of people are able to receive their ration at that price in

¹⁴ Interview with defector XXX in Seoul on May 6, 2002.

state-owned stores. Ordinary residents had to purchase rice from the market at a higher price. If we compare purchasing power of rice between official government price and market price, the price of rice would differ from place to place, but generally speaking, a kilogram of rice cost about 900 won in 2006 and it went up to 1,700 won in 2007.¹⁵ In about October 2007, the price went up still higher to about 4,000 won per kilogram.¹⁶ In 2008, the price of rice fell to 3,000 won per kilogram,¹⁷ but in 2009 it again increased to 4,000 won.¹⁸ In view of the devaluation of North Korean currency, the price of rice in 2010 was much higher than it was before the currency reform.¹⁹ North Korean defector XXX testified that as of May 2011, when he defected, Chinese rice in the Hyesan market cost 1,900 KPW, while North Korean rice cost about 2,300 KPW.²⁰

In the midst of this, the currency reform implemented in late November 2009 had a major affect on people's access to food. People's savings were rendered almost worthless, and the purchasing power of ordinary citizens declined rapidly. The extreme inflation that resulted from the currency reform decreased the food purchasing power of ordinary citizens. According to a North Korean defector who came to South Korea recently, chronic food shortages persisted in North Korea in 2010. Others have testified that the food shortage following the currency reform (late 2009) was far worse than the food shortage they experienced during the so-called "Arduous March" period (in late 1990s).²¹ Even the grain

¹⁵ Interview with defector XXX in Seoul on January 29, 2008.

¹⁶ NKHR2008000025 2008-11-20.

¹⁷ NKHR2008000024 2008-11-18.

¹⁸ Interview with defector XXX in Seoul on March 22, 2010.

¹⁹ NKHR2010000002 2010-08-10; NKHR2010000066 2010-05-11.

²⁰ NKHR2011000208 2011-09-20.

²¹ NKHR2010000002 2010-08-10.

rations handed out to mine workers were discontinued after the currency reform of 2009.²² According to North Korean defector XXX, previously about 50% to 70% of the citizens of Manpo Jagang Province ate rice, but after the currency reform, less than 50% of Manpo citizens could afford rice.²³

The following chart shows the results of a post-2010 defector survey enumerating deaths from starvation and nutrition conditions on a scale from one to five.

<Table III-1> Deaths by Starvation and Nutrition Conditions

Final Defection Year	Deaths from Starvation					Total
	Greatly Increased	Increased	Normal	Decreased	Greatly Decreased	
2010	8	20	7	7	0	42
2011	19	24	7	3	0	53
Total	27	44	14	10	0	95

Final Defection Year	Nutrition Conditions					Total
	Greatly Improved	Improved	Unchanged	Declined	Greatly Declined	
2010	1	2	6	21	16	46
2011	0	3	6	20	35	64
Total	1	5	12	41	51	110

However, as people have adjusted to economic changes following the currency reform, the worst circumstances for food access have been greatly eased. According to North Korean defector XXX, death from starvation increased temporarily after the currency reform, especially among groups surviving on a day-to-day basis,

²² NKHR2010000005 2010-03-16; NKHR2010000010 2010-09-14; NKHR2010000031 2010-11-09; NKHR2010000071 2010-11-09.

²³ NKHR2011000156 2011-07-05.

but decreased once people started adapting to the situation.²⁴ However, according to other defectors, suicides increased after the currency reform due to the food crisis.²⁵

As described above, ordinary citizens must purchase food at market at prices that are enormously higher than state-mandated prices, severely limiting food access for the lower classes compared to privileged classes, despite overall wage increases. Furthermore, because neither factories nor the wage labor system are operating normally, food purchasing power is conspicuously decreasing in areas lacking any injection of outside capital. The privileged classes, on the other hand, can purchase food at state-mandated prices, and thus enjoy another advantage over ordinary citizens.

<The Increased Divergence of Diets According to Purchasing Power and the Threat to Vulnerable Groups' Right to Food>

The divergence of the food access according to purchasing methods and purchasing power has become apparent in two different aspects. First, there is a disparity in the amount of food and second, there is a disparity in the quality of food and side dishes. The basic diet of an average North Korean family with access to food consists of multi-grain rice mixed with corn. However, with the widening gap between the rich and poor, North Korean citizens' diets are also diverging. The upper class is defined as those "who eat rice as a staple and in addition enjoy various side dishes such as meat and fruit, and do not have any significant trouble buying snacks such as octopus, squid, or ice cream," while the middle class are those who "eat rice, but experience some

²⁴ NKHR2011000175 2011-07-26.

²⁵ NKHR2011000111 2011-05-17; NKHR2011000133 2011-06-07; NKHR2011000177 2011-08-02.

difficulty in buying other side dishes,” and the lower class are those who “can only maintain their diet by mixing other grains into rice.”²⁶ Defectors who escaped after the currency reform report that the upper class comprise about 10~20% of the population, the middle class 15~30%, and the lower class 50~70% (although the ratios differ according to region and urbanization).²⁷

As this gap increases, those who lack purchasing power in the marketplaces face serious threats to their survival. When the grain ration system stopped working, the food situation of ordinary citizens became extremely bad.²⁸ Many defectors said they saw or heard of starvation deaths since the currency reform.²⁹ North Korean defector XXX testified that a number of people came to the blood bank in Pyeongyang’s Dong-dae-weon District to sell their blood to survive. Those who give blood are provided with money and powdered candy. The destitute poor who have no ability to purchase grains often resort to selling their blood to purchase food.³⁰

²⁶ There is another way to categorize them by income level, but the above criteria are more accurate. Since food price fluctuates continuously and unofficial dollar exchange also varies from time to time, the testimonies of the defectors about their income cannot be objectively compared. Cho Jeong-a et al., *Daily Life of North Korean Residents*, (Seoul: Korea Institute for National Unification, 2008).

²⁷ Kim Su-am, *Quality of Life of North Korean Residents: Reality and Perception*, (Seoul: Korea Institute for National Unification, 2011), p. 215.

²⁸ NKHR2008000017 2008-09-04.

²⁹ NKHR201000029 2010-11-09; NKHR2010000058 2010-11-23; NKHR2010000074 210-04-20; NKHR2010000097 2010-06-15; NKHR2010000017 2010-10-05.

³⁰ NKHR2011000240 2011-11-22.

B. Limited Access to Food and Factors behind Discriminative Distribution

<Ongoing Chronic Food Shortage>

The fundamental cause of people's limited access to food originated from a definite shortage of food production. North Korea sustained tremendous flood damage between 1995 and 1997. After North Korea's grain output began to decline, many North Koreans entered a period of hunger and starvation. According to North Korea's official statistics, its total grain output in 1994 was 6.66 million tons, but this declined to 3.37 million tons in 1995. In 1996 and 1997, the total grain output was 2.24 million and 2.58 million tons, respectively. In order to fill the shortage, North Korea needed to import more than one million tons of grain annually from external sources. Due to the famine from 1994 to 2000, a countless number of North Koreans died from starvation. Some have estimated the total deaths at a minimum of 580,000 and a maximum of 1,120,000 people.³¹

Since 2000 North Korea's agricultural output has been showing signs of some recovery as the following <Table III-2> shows. The total grain output passed 4 million tons in 2002 and reached around 4.5 million tons in 2005 and 2006. This was the result of assistance from South Korea and the international community as well as other factors including the donation of fertilizer, the transfer of agricultural know-how, improvements in the operability rate of various agricultural equipment made possible by increased shipments of fuel assistance, and favorable weather conditions. Due to natural disasters, the total grain output fell by 470,000

³¹ Lee Suk, *The DPRK of Famine 1994~2000: Existence and Impact* (Seoul: Korea Institute for National Unification, 2004), p. 75.

tons from the previous year to only 4.01 million tons in 2007, resulting in a deteriorating food situation for the population. The total grain output in 2008 was 4.31 million tons, an increase of 300,000 tons over the previous year. But, The Rural Development Administration estimated North Korea's total grain output for 2009 to be about 4.11 million tons, showing about 200,000 tons of decrease over the year 2008.

<Table III-2> North Korea's Total Grain Output and Demand

(unit: 10,000 tons)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Output	359	395	413	425	431	454	448	401	431	411
Demand	518	524	536	542	548	545	560	543	540	548

Source: Rural Development Administration; Ministry of National Unification, *Understanding North Korea, 2010* (Seoul: The Unification Education Center, Ministry of National Unification, 2010), p. 144.

According to projections of the supply and demand for grain in 2011 and 2012 published in special reports by the UN's Food and Agriculture Organization (FAO) and the World Food Programme (WFP)'s food survey group, the country produced 4.657 million tons of food to meet a total demand of 5.396 million tons, leaving an import demand of 0.739 million tons; with actual imports amounting to only 0.325 million tons, this resulted in a net deficit of 0.414 million tons.

<Distorted Distribution of National Resources and Diminishing Food Access>

As North Korea's capacity for food production decreases, the North Korean government must bear the primary responsibility for making up the difference each year by acquiring aid from the international community and importing food from outside sources

such as China in order to guarantee the people's right to food. North Korea's grain demand for 2010 was about 5.4 million tons, and North Korea imported about 350,000 tons of grain during the 2010 "grain year."³² However, due to the Military-first political system and the subsequent prioritization of the defense manufacturing sector, food imports have received limited allocations even within the already strained budget, making the North Korean government's policies another factor affecting the right to food.

<Discriminatory North Korean Aid Distribution Policies>

The reduction of aid for North Korea is a major harmful effect on North Korean's rights to food. South Korea's food aid for North Korea was halted in 2008 and international food aid in 2009 and 2010 had dramatically declined in 2009 and 2010 as a result of the rise of international food price. Furthermore, the fact that South Korea has been reluctant to resume shipment of fertilizer to North Korea since 2009 plays a major role in decline of food production in North Korea. As such, foreign as well as South Korea's food aid to North Korea, as a primary source of food supply, influence overall food shortage in North Korea.

Food aid to North Korea primarily impacts the right to food in two ways. As most citizens purchase their food in markets, food aid increases the overall supply of food, and thus lowers market prices. While aid expands the overall supply, it is generally agreed that it is not directly delivered to groups that actually need it. Therefore, although aid has an indirect positive effect on North Korean citizens' overall access to food in that it temporarily lowers the market price of food, it does not directly enhance access to

³² Lim Gang-taek et al, An Overall Assessment of North Korean Economy, 2010 and Prospects for 2011 (Seoul: Korea Institute for National Unification, 2010), p. 26.

food for vulnerable groups.

According to the testimony of North Korean defectors, most North Korean citizens are aware that food aid is being provided from the outside world. However, few have been direct beneficiaries of outside food aid. North Korean defector XXX testified that aid to North Korea was distributed to such places as military bases, the Ministry of People's Security, the State Security Agency, and businesses that generate foreign currency revenue.³³ Because of the monitoring system of aid organizations, ordinary North Korean residents receive the aided rice, but it is a purely formal matter. A North Korean defector who used to receive grain rations as a worker at the Musan Mine testified that he had seen empty rice sacks bearing marks like "UN" or "Republic of Korea," but he had never received actual rice rations flowing from these sources.³⁴ A defector testified that citizens would line up to receive beef rations provided by UN agencies. However, after the UN staff finished taking photographs and departed the scene, the citizens would have to return the beef to the stores (rationing authorities).³⁵ A defector who once served as a "people's unit" leader testified that she cooked "foreign aid rice" at home twice in an effort to show off for (i.e. deceive) on-site UN inspectors, but she never again received "foreign aid rice."³⁶ However, privileged cities such as Pyeongyang apparently receive rations from foreign rice aid to North Korea.³⁷

Most North Koreans believe that "foreign aid rice" did not go to the people; it ended up in the hands of the military, which in

³³_NKHR2011000203 2011-09-06.

³⁴_NKHR2010000011 2010-12-07.

³⁵_NKHR2008000011 2008-12-16.

³⁶_NKHR2009000061 2009-10-08.

³⁷_NKHR2011000124 2011-05-24.

turn sold it in the marketplaces.³⁸ Specific testimonies from North Korean defectors who served in the military state that they were provided rations of rice from South Korean aid provisions.³⁹ North Korean defector XXX testified that he substituted military license plates with civilian ones at Heungnam Port to disguise his vehicle as a civilian vehicle while loading the food. Because it was actually a military vehicle, the food was diverted entirely to the military.⁴⁰ When asked about the perceptions of external aid and rationing problems, defectors said that most North Korean citizens believe it is natural for aid to flow to military bases, and those who are dissatisfied with this arrangement do not outwardly complain or share their true feelings.

³⁸ NKHR2009000027 2009-12-02.

³⁹ NKHR2011000096 2011-04-19; NKHR2011000103 2011-05-03.

⁴⁰ NKHR2011000213 2011-10-04.



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.

From North Korea's Constitution and social security laws, North Korea appears—at least institutionally—to be striving for a welfare state that offers comprehensive social security. Article 72 of the Constitution of the DPRK stipulates that “Citizens shall have the right to free treatment and children, the old, and the infirm are entitled to material assistance, and that these rights are guaranteed by the free medical system, medical facilities, state social insurance and the social security system.”

In reality, North Korea's social welfare system can be divided into the following three categories. The first is the State Social Insurance and the State Social Welfare, which are the two pillars of North Korea's social welfare system. The second is the food, clothing and shelter supply system, which is a typical public support system. Under this form of income guarantee system, there are cash payments

and in kind payments. The third is the free treatment system (i.e., health care and medicine). Also, in the case of free treatment, the government does not provide doctors and hospitals with payments in cash or other commodities, but in the form of “medical payment (medical supplies).”

From the recipients’ point of view, these systems play the role of supplier of food, shelter and clothing under the national social security system. And the free medical treatment system plays the role of primary social safety net designed to protect the individual’s livelihood. On the other hand, the Industrial Disaster Compensation System, which is a form of National Social Insurance, plays the role of secondary social safety net.

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 Insurance Law contains two major types of insurance: (a) health related insurances such as life insurance, casualty insurance, insurance for children, and passenger insurance; and (b) property related insurances including fire insurance, maritime insurance, agricultural insurance, liability insurance, and credit insurance. Article 5 of the Insurance 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. In addition, North Korea has a pension system as part of its social security system. According to the Socialist Labor Law (enacted in April 1978, revised in 1986 and 1999), male citizens reaching the age of 60 and females reaching the age of 55 are entitled to a retirement pension if their years of service allow them to qualify (Art. 74). In addition, public assistance is extended to those who fall under special categories, such as livelihood protection, casualty relief,

and veterans. Included in the living subsidy program are those with national citations, military families, retired soldiers, deported Koreans from Japan, and defectors from South Korea.

The North Korean authorities advertise that North Korea's social security system is far better than those of advanced nations. What is important to note, however, is the vast gap between the system in theory and the reality. One of the reasons the North Korean social security system is not working is that there is a widespread shortage of necessary materials and equipment. For example, the most basic means of livelihood, the grain-ration system, is not functioning properly except in Pyongyang and a few select areas. Thus it is hard to imagine that the sick, the infirm, and the elderly benefit much from North Korea's social guarantee system. North Korea's pension system is supposedly all provided for under the law, but none of the practical details are carried out, due to the economic problems.

A significant portion of North Korea's social security system in reality became defunct in the wake of the 7·1 Initiative of 2002, and the gap between the ideal system and reality widened. Officially and outwardly, the old system is maintained, but the operating principles and the nature of welfare payments have gone through a fundamental change in the wake of the 7·1 Initiative. In short, through the 7·1 Initiative the government gave up responsibility for providing food, shelter, and clothing for the people; the responsibility for the people's welfare was transferred from the state to the individual, even though North Korea's welfare system continues to stipulate various terms for state-guaranteed social insurance and social security. In other words, North Korea's national social welfare system and the roles and functions of its social safety net have largely been curtailed.

It is also noteworthy that the nature and level of pay (either in cash or in kind) have drastically changed since the 7.1 Initiative. In the past, if one worked one could automatically get various welfare payments. After the 7.1 Initiative, the pay scale became stratified based on individual skill, total output, and overall income. Due to the rising price of rice, which is used as payment in kind, the government's role as a guarantor of the livelihood of workers has significantly diminished.

Since the 7.1 Initiative, the responsibilities of the State on the people's welfare have been minimized, and maximum responsibility has been placed on the individual and family. The North Korean social welfare system was distorted and has been inoperative since the 1990s. The authorities finally recognized the flaws in their system and made revisions to reflect the realities.

In particular, the economic hardship and the demise of public distribution system dealt a serious blow to the economic rights of the elderly. First of all, even though the elderly are entitled to receive pensions, they can not live on the pension alone, since they have to purchase food from the markets due to the failure of the ration system. As they cannot survive on their pensions, most depend on family support, farming or vending. Pensions appear to be unevenly distributed by region, ranging from 200 KPW to 800 KPW per month. North Korean defector XXX testified that her mother received monthly pension payments of 700 KPW until her defection in February 2011.⁴¹ Another defector stated that her father received 800 KPW per month as his pension.⁴² Still another defector said his father received monthly pension payments of 200

⁴¹ NKHR2011000119 2011-05-24; NKHR2011000143 2011-06-14; NKHR2011000184 2011-08-16.

⁴² NKHR2011000250 2011-12-20.

KPW.⁴³ Under current conditions, it would be difficult to purchase even one kilogram of market rice with that amount of money. North Korea defector XXX testified, “They call it seniors’ security, but they don’t give us grain rations, and no one could live on 750 KPW a month, which would amount to about half a kilogram of rice.” He further said, “If you don’t have a son, you simply starve to death when you get old.”⁴⁴ As such, since pension is not sufficient enough to manage a life, most of them depend on their children,⁴⁵ or start farming or selling.

Second, there are an increasing number of cases where retirees eligible for annual pensions have never received them due to the country’s economic problem.⁴⁶ Furthermore, to receive a senior pension, one must continue working until the eligible retirement age. Otherwise, one will not qualify for a pension.⁴⁷

Third, workers who suffer industrial accidents receive nearly the same amount of compensation as that of a senior pension.⁴⁸ However, they must submit to health checks once every six months to assess whether they are able to return to work. Interestingly, injured workers often bribe doctors to give false reports so that they can continue receiving compensation for industrial accidents.⁴⁹

North Korea appears to be giving priority treatment to men and women in uniform under the banner of “military-first politics,” but in reality the government is unable to provide housing for the

43_NKHR2011000116 2011-05-17.

44_NKHR2008000020 2008-09-17.

45_NKHR2011000111 2011-05-17.

46_NKHR 2010000032 2010-11-23; NKHR 2010000056 2010-11-16; NKHR2011000209 2011-09-20; NKHR2011000230 2011-11-08.

47_NKHR2011000219 2011-10-04.

48_NKHR2011000120 2011-05-24.

49_NKHR2011000100 2011-04-26; NKHR2011000123 2011-05-24; NKHR2011000164 2011-07-12.

discharged soldiers. Defector XXX, who retired as a first lieutenant after 22 years of military service, was not given any housing after retirement nor any place to work. Instead he had to stay at his sister's house at Daehungdan-gun. He made several trips to China, and then decided to defect to South Korea.⁵⁰ These testimonies well describe the reality of the government's meritorious service grant system, and is evidence that there exists a wide gap between the system in theory and in reality in North Korea's social security policies. Due to the worsening economic and food crises, the grain ration system, which used to be the source of basic livelihood, is not operating properly and the suffering of most vulnerable class of people, such as children, the old, and the infirm, is truly serious.

⁵⁰ Interview with defector XXX in Seoul on January 29, 2003.



3



The Right to Health

The provisions of the North Korea's Socialist Constitution emphasize that the state must guarantee the right to health in three ways. The first is free medical care. The second is the District Doctor System, and the third is a strong system of preventive medicine. North Korea maintains a system of free medical care, as guaranteed by the Socialist Constitution and the People's Health Act. Additionally, it has enacted and implemented health-related laws such as the Public Health Act (1998), the Border Sanitation Inspection Act (1996, 1998, 2007), the Food Sanitation Act (1998, 2005), the Medical Care Act (1997, 1998, 2000), the Pharmaceutical Administration Act (1997, 1998), the People's Health Act (1980, 1999, 2001), the Communicable Disease Prevention Act (1997, 1998, 2005), the Disabled Protection Act (2003), the Red Cross Act (2007), and the Physical Education Act (1997, 1998).

A. Overall Decline of the Right to Health Due to the Collapse of the Medical System

<Overall Collapse of the Medical System>

The medical care system of North Korea suffers from the following problems:

First, above all, there is a critical shortage of pharmaceuticals and medical supplies, mostly because domestic pharmaceutical factories are not operating properly. In addition to medicine shortages, there are serious shortages of basic equipment such as blood pressure gauges and thermometers. Hospitals are unable to function due to the lack of supplies. North Korean defector XXX testified about a an eighteen-year-old man living in Gimchaek who was injected with an unsterilized hypodermic needle and died within hours.⁵¹

Second, the quality of medical personnel is declining. Because health and medical personnel do not receive proper education, problems arise with testing equipment and prescribing medication.

Third, due to the deterioration of hospital facilities and the depletion of medical resources, appropriate medical services are not being provided to patients who require hospitalization and surgery.

Fourth, the health of the citizens has seriously deteriorated due to the spread of communicable diseases and malnutrition. Proper sanitation practices (such as disinfection and disaster prevention) and public health services (such as vaccinations) have ceased, aggravating the danger of communicable diseases.

Fifth, the unstable supply of electricity, heating, and water,

⁵¹ NKHR2011000108 2011-05-11.

together with fundamental problems with medical logistics such as patient transportation and natural disasters such as droughts and floods, have caused the health and medical service system to collapse. Hospital operating hours are limited due to shortage of electricity and potable water, making it common for emergency patients not to be treated in time. In particular, electricity shortages can have deadly effects in medical situations. Doctors fear the possibility of power outages occurring during surgery. Also, the provision of medical services, such as patient transfers, dispatching of medical personnel, delivery of vaccines, and management of hospital infections, are affected by the inadequate transportation infrastructure and communication facilities.⁵² Inadequate infrastructure degrades the quality of medical care in emergency situations.

<Stratified Unequal Access to Medical Treatment>

The collapse of North Korea's general free medical service results in unequal rights to health of the stratified class. It made relatively great impact upon the medical hospital system of which ordinary residents are major beneficiaries. Currently North Korea operates one university hospital and central hospital at the seat of each Provincial People's Committee, one or two People's Hospitals in each city and county seat, one village clinic in each township and workers' district, and one general clinic for every few small townships or neighborhoods (*dong*). All hospitals have pre-defined subjects and grades of treatment, and are not allowed to treat citizens who are not in their jurisdiction. For instance, there are hospitals that only Party officials may use, and all city and county hospitals

⁵² Lee Il-hak, "Current Status and Aid Direction," *KPI Report*, No. 4. January 2010; Choe Hyeon-ju, "2010 Building Domestic and International Network for Improvement of Human Rights in North Korea" (Seoul: Korea Institute for National Unification, 2010).

from Pyongyang to the provinces have separate departments for officials versus ordinary citizens. In particular, medical facilities for the privileged, such as Pyongyang's Bonghwa Clinic (for members of the Kim Il-sung family line and as well as Party and government officials at the ministerial level or higher); Eoeun Hospital (for military officers); and Namsan Clinic (for vice ministers or higher, and some famous actors and ethnic Koreans who have immigrated to the North) do not treat ordinary citizens. Ordinary citizens usually use the neighborhood or township clinics or the city, county or district hospitals. However, because there is chronic shortage of hospitals relative to the demand for treatment, only a tiny number of citizens use hospitals at city or county levels or higher.

The collapse of the free health care system has resulted in an unintended concentration of benefits going to powerful officials and the affluent upper class. Differences in the level of deterioration can be observed at different levels of medical service, including clinics, city and county hospitals, province hospitals, and the high-class general hospitals in Pyongyang. The general consensus among North Korean citizens is that medical services have totally collapsed in clinics, which ordinary citizens use most frequently and conveniently. Less degrees of deterioration can be seen at the higher-level hospitals, progressing from city and county hospitals to provincial hospitals and general hospitals in Pyongyang. Thus, access to medical services in North Korea is differentiated by class. The deterioration of the medical system is more severe at primary and secondary medical care facilities, which are easily accessible by ordinary citizens. According to North Korean defector XXX, in the First People's Hospital of Bukcheong County, there are 150 doctors and nurses in various specialties, including internal medicine, surgery, pediatrics, cancer, and oral medicine, but none have

access to modern equipment. The only machinery is one broken ultrasound machine. Although hypodermic needles are available, they are used in a very unsanitary and unsterilized way.⁵³ However, the tertiary and quaternary medical facilities, which are used by the middle and upper classes and officials, offer comparatively high-functioning medical services. The differences in the level of collapses of health care systems and the difference in access to medical services are the major culprits behind the inequality of medical benefits among different social classes.⁵⁴

Norbert Vollertsen is a German doctor who provided medical service in North Korea between July 1999 and December 2000, when he was expelled. He testified that in most North Korean hospitals there were no antibiotics or bandages, nor such simple operating equipment as surgical knives. However, hospitals that were used for treatment of high-ranking military officers and the elite were almost as modernly equipped as German hospitals. Their inventory included a MRI, Ultra-sonar, EKG and X-ray cameras. He testified that an enormous inequality existed between the two levels of hospitals.⁵⁵

<The Ineffectiveness of Preventive Medicine and the District Physician System>

As provided for in the Socialist Constitution, North Korea operates a District Physician System offering free medical care to prevent diseases. This system was created so that doctors in each district could systematically provide health care for all citizens. However this system, which is the core element of the North Korean

⁵³_NKHR2011000182 2011-08-09.

⁵⁴_Kim Su-am et al., op. cit., pp. 137-138.

⁵⁵_Norbert Vollertsen, "The Prison State," Wall Street Journal, April 17, 2001.

health care system for providing primary integrated preventive care and treatment, is not functioning correctly. First of all, the level of treatment is low and the lead physicians are inadequately qualified. Second, physicians face excessive workloads, as each district doctor must take charge of four to five People's Neighborhood Units (In-min-ban), and must treat up to 4,000 people. Third, the medical situation has deteriorated to the point where preventive medicine is ineffective. Ultimately, the District Doctor System that was organized to implement socialist preventive care at the district level has been reduced to a formality and is generally not functioning.

Table III-3 indicates the numbers of defectors who rated the usefulness of the District Doctor System. These defectors' fined defections were made in the years 2010 and 2011.

<Table III-3> Defector's Evaluations of the District Doctor System

Date of Final Defection	Usefulness of the District Physician System					Total
	Very Useful	Useful	Indifferent	Not Useful	Detrimental	
2010	0	9	6	11	15	41
2011	0	1	6	10	28	45
Total	0	10	12	21	43	86

Under these circumstances, district doctors avoid censure during inspections by making false reports, as though they had visited the families in their care once a month, including details such as stating the blood pressure of their patients on specific dates.⁵⁶ In fact, North Korean defectors deny the usefulness of the District Physician System, and some do not understand the system at all.⁵⁷

⁵⁶_NKHR2008000024 2008-11-18.

⁵⁷_NKHR2011000203 2011-09-06; NKHR2011000251 2011-12-20.

According to the testimony of North Korean defectors, the preventive medicine that the government boasts of appears to have a nominal effect at best. However, medical checkups and vaccinations are partially in effect. North Korean defector XXX witnessed a district physician in her home county of Musan going door to door giving vaccinations in the winter of 2010.⁵⁸ Another defector XXX testified that a medical checkup car came once a year to the Bukchang Thermoelectric Power Plant where he worked, and gave checkups including X-rays, bloodwork, blood pressure checks, and eyesight tests.⁵⁹

<Table III-4> Reality of Preventive Medicine

Received Vaccinations	Cases	Cost	Cases	Payment	Cases
Yes	225	For pay	6	Institution	3
No	26	Free	151	Individual	0
No response	130	No response	224	No response	378
Total	381	Total	381	Total	381

Received Medical Exams	Cases	Cost	Cases	Payment	Cases
Yes	37	For pay	3	Institution	0
No	205	Free	21	Individual	2
No response	139	No response	357	No response	379
Total	381	Total	381	Total	381

Received Health Consultations	Cases	Cost	Cases	Payment	Cases
Yes	13	For pay	2	Institution	0
No	223	Free	9	Individual	1
No response	145	No response	370	No response	380
Total	381	Total	381	Total	381

⁵⁸_NKHR2011000186 2011-08-16.

⁵⁹_NKHR2011000144 2011-06-14.

B. Collapse of the Free Health Care System and Increasingly Unequal Right to Health

Next we must examine whether the people's right to health is actually guaranteed in accordance with the free treatment system outlined in the Socialist Constitution. The People's Health Act provides more detail on the free medical treatment system. Article 9 stipulates, "The state gives all citizens the benefit of full free treatment. Citizens including laborers, farmers, and intellectuals have the right to be treated without paying." Article 10 provides the detailed terms of the free treatment system.

The People's Health Act Article 10: Free Medical Services

1. Medicine dispensed by medical facilities, including that dispensed to outpatients, shall be given free of charge.
2. All services for the treatment of patients, including diagnosis, testing, treatment, surgery, house calls, hospitalization, and meals, shall be given free of charge.
3. Convalescent medical services for workers are free of charge, and the travel costs both ways shall be borne by the state or the social cooperative.
4. Assistance for mothers in labor shall be given free of charge.
5. Preventive medical care, such as medical checkups, health consultations, and vaccinations, shall be given free of charge.

The North Korean free health care system is still in operation, but has very little real-life effect due to the lack of resources caused by the economic crisis. As the economic situation has deteriorated, the North Korean medical system and medical services have fallen into disarray. The free medical system has collapsed to such an extent that North Korean citizens perceive county, provincial, and other state hospitals as being public health treatment facilities in name only — in truth, they function more like private hospitals.

<Absolute Shortage of Medical Supplies and Unequal Access>

One service included in free medical services that is generally provided free of charge is diagnosis. Article 10 (1) of the People's Health Act provides that pharmaceuticals must also be provided free of charge, but during chronic shortages, access to pharmaceuticals is provided unequally according to social class.

First, although the law mandates free treatment, under North Korea's medical conditions most patients must purchase pharmaceuticals on their own. Due to shortages, doctors only give diagnoses and prescriptions, leaving patients to purchase their own medicine.⁶⁰ In most cases the patient must buy medicine at a market or a private unofficial pharmacy recommended by the doctor. When a patient buys the medicine at market, the doctor might give directions on usage.

Second, the absolute shortage of pharmaceuticals at hospitals creates disparities in the right the health in two ways. First, privileged classes and officials benefit unfairly from the limited pharmaceuticals provided by hospitals. Since they are provided with limited medical supplies through their connections and societal power, unequal access to health care has become serious. Due to shortages, the pharmaceuticals provided to hospitals are usually dispensed to the doctors' acquaintances or to officials, while the rest only receive consultations. For instance, to acquire a measles vaccines requires influence. The head of the clinic is the only one who can dispense the vaccine, so one must have connections with that doctor. With doctors also suffering economically, they increasingly divert the pharmaceuticals provided to hospitals to the markets, or receive payment directly from patients for their limited

⁶⁰_NKHR2011000203 2011-09-06.

supplies. Nurses responsible for the administration of medicine sometimes divert supplies to the markets as well.

Third, with pharmaceutical factories not operating at full capacity due to the economic crisis, clinic doctors sometimes use substitute ingredients such as grass roots, but these have very little effect. In short, with the exception of officials or those with connections to high-level players, most people find it almost impossible to access freely dispensed medications, severely hindering their right to health.

Fourth, regional disparities in the right to health have deepened as the system of free health care has deteriorated. While this is the reality in the provinces, the situation in Pyongyang is said to be somewhat better.⁶¹

The North Korean authorities are trying to compensate for the lack of medicine by encouraging the use of unorthodox “folk medicine” methods. On the theory of the revolutionary spirit of self-help and anti-Japanese guerrilla-style projects, they are encouraging the construction of production bases that will autonomously produce herbal medicine. In order to propagate herbal treatments, they taught the people about various cases of folk medicine treatment, while encouraging an “all-masses campaign” for the production and distribution of medicinal herbs. A North Korean defector testified that he was infected with typhus, but he could not get hospital treatment because he did not have money. So he had to treat himself at home with local folk medicines (herbal medicine).⁶²

⁶¹ Interview with defector XXX in Seoul on September 23, 2004.

⁶² NKHR2010000032 2010-11-23; NKHR2011000213 2011-10-04.

<Increasing Disparities in the Right to Health Due to Pharmaceutical Sales>

During pharmaceutical shortages, patients may purchase medicine in one of three ways.

First, they must exchange money or goods for the medicine doctors have diverted from hospitals. North Korean defector XXX testified that when his father was an outpatient at the Myeongcheon-gun hospital, he paid the doctor 500 Won for a vial of penicillin.⁶³

Second, patients may purchase pharmaceuticals in the markets or private vendors. There are also numerous vendors in front of hospitals who sell medicine unofficially.⁶⁴ Article 38 of the North Korean Pharmaceutical Administration Act provides: “Pharmaceuticals may be sold at designated pharmacies or pharmaceutical stands. They must be sold in accordance with the general sales index set by the Central Health Guidance Institution or the prescription issued by the treatment or prevention facility. Pharmaceuticals not specified in the general sales index may be sold at designated pharmacies with the approval of the health care guidance Institution.” In practice, however, hospital doctors increasingly run illegal pharmacies out of private homes after their retirement or resignation. There have been cases of collusion between these private pharmaceutical merchants and doctors. North Korean defector Lee XX’s mother was hospitalized in the Hamheung City Hospital for leg surgery, and she had to purchase antibiotics at her own expense. A number of merchants were selling medicine to patients in the apartment complex in front of the hospital, and her doctor directed her to the unit where she could buy the medicine she needed. This suggests that the apartment unit that sold the medicine was in

⁶³_NKHR2011000167 2011-07-19.

⁶⁴_NKHR2011000123 2011-05-24.

collusion with the doctor.⁶⁵ These private pharmacies have agreements with certain doctors who tell their patients where to buy their medicine.⁶⁶ The illegal sale of pharmaceuticals in the markets is also becoming more common. Even when there are crackdowns, officials can be bribed to condone such sales.⁶⁷ With almost no medical supplies in the hospitals, private sales in these goods cannot be eradicated through market crackdowns. Because patient demand is high, officials stay silent in exchange for bribes.⁶⁸

As such, medicine sold in a pharmacy or in the market can be divided into those imported from China by a merchant or those pocketed from hospitals. Wholesale dealers usually imported medicine and medical supplies from China and distribute them in the market. Some individual merchants purchase some medicine from Chinese living in North Korea and sell them in the market. North Korean defectors testified that the medicine and medical supplies aided by U.N. are distributed to a hospital, but are eventually sold in the market. According to Dr. XXX, a medical doctor and defector, some medicines do occasionally arrive at XX city hospital through international support groups, but the hospital and regional government staffs intercept the boxes, saying that they or their family members are ill. They then sell them at the black market at high prices.⁶⁹ Because doctors would divert good medicines for their personal profit, the medicines provided by UN agencies were hard to come by.⁷⁰ Whenever the medicines from UN agencies arrived at the hospital, the staff would systematically divert them and sell

65. Interview with defector XXX in Seoul on August 24, 2011.

66. Interview with defector XXX in Seoul on June 22, 2011.

67. Interview with defector XXX in Seoul on May 20, 2011.

68. Interview with defector XXX in Seoul on May 11, 2011.

69. "A Workshop for the defectors," sponsored by KINU, Jan. 20, 2006.

70. NKHR2008000010 2008-08-08; NKHR2008000029 2008-12-16.

them at the market.⁷¹

Medicines purchased in the markets vary greatly in effectiveness. This fact, coupled with the profound effect of purchasing power on health outcomes, is exacerbating inequality in the right to health.

First, the prevalence of counterfeit pharmaceuticals in the market, cheaply accessible to ordinary citizens, adversely affects their right to health.

The testimonies of North Korean defectors reveal that medicine purchased in the market are mostly quack medicines compounded by an individual without a pharmacist's license. Even if patients have a doctor's prescription, the medicine they purchase at the market are quack ones. According to defector XXX, in the winter of 2006 a measles epidemic broke out in his area of responsibility, so he gave local residents measles shots that had been manufactured in North Korea. Nevertheless, those who got the shots became infected. Upon re-testing the medicine, it was revealed that the medicines were bogus. He stopped using the bogus medicine and instead used the medicines provided by the UN agencies, and the measles disappeared. For this reason, it is said that North Korean residents often ask their relatives living in a foreign country or other people going abroad to purchase medicine and medical supplies for them.

Second, in addition to counterfeit medicines, disparities in the effectiveness of the medicines available mean that economic power greatly effects their access to effective pharmaceuticals. Many North Korean citizens have no choice but to buy pharmaceuticals from the markets, despite their dubious efficacy. Sales of pharmaceuticals at markets and private pharmacies adversely

⁷¹_NKHR2008000027 2008-12-02.

affect the right to health in two ways. As seen above, though there are many counterfeits among market pharmaceuticals, medications sold by private pharmacies are somewhat more effective.⁷² Also, while market vendors are generally elderly women and others with no professional knowledge of medicine, private pharmacies are mostly run by doctors with professional expertise. Therefore, citizens prefer to buy their medication from private homes rather than markets, if they have the resources. Although there is no perception that one should buy medicines from a licensed pharmacist, North Korean citizens nevertheless put more trust in private pharmacies run by former doctors because they have professional expertise in prescribing medicine. Citizens trust medicine more when it is sold by doctors. Therefore, doctors earn a profit through the sale of medicines. State-run pharmacies also have comparatively more effective medicine.⁷³ North Korean defector XXX testified that a state-run pharmacy called Jeong-Seong Pharmacy in Pyeongseong sells medicine for money, and that they did not carry counterfeit medicine.⁷⁴

Third, as medicines are sold by ordinary people with inadequate knowledge of their properties, such sales put the consumer's health at risk. However, North Koreans generally do not hold the perception that medicine must be purchased from the professional practitioners. There is a trend of elderly women carrying containers of medicine to the markets and clandestinely selling them for a living. These pharmaceutical merchants are told what the medicines do from those who bring the medicines in from China and other sources, and they sell it to anyone who has the appropriate symptoms and

⁷² Interview with defector XXX in Seoul on May 12, 2011.

⁷³ Interview with defector XXX in Seoul on May 16, 2011.

⁷⁴ NKHR2011000115 2011-05-17.

wishes to buy it. Medicines are smuggled into the country, stored in private homes, and sold wholesale. The wholesalers learn the basic effects, usage, and dosages from translations of manuals brought in from China and the United States. These wholesalers then outline those facts to the retailers.⁷⁵

Fourth, there is a growing trend of misuse and abuse of medicine. Because North Korean citizens can buy pharmaceuticals at markets and private pharmacies without prescriptions, they generally go to the markets when they are sick, state their symptoms and buy medicine as desired. Because hospitalization costs money, they avoid that option. They prefer to just buy medicine from a pharmaceutical. When sick, rather than going to a hospitals, most people self-diagnose and buy medicine in the market.⁷⁶ For instance, a person with indigestion may go to the market and buy a digestive aid. Self-diagnoses leads citizens to citizens buy unnecessary medicine, resulting in the misuse and abuse of medicines.⁷⁷

Fifth, amid economic hardship, the practice of taking narcotics to cure illnesses has become widespread and has contributed to bad health outcomes. The abuse of opiates among the youth has resulted in serious complications. When North Korean are unable to obtain medicine by any other means, they often turn to drugs such as opium. This enables them to forget the immediate pain of the illness, and when they finally go to the hospital, treatment is impossible. There are people who turn to drugs at the first sign of illness and only seek help from the hospital after they have become addicted; and that time, many are beyond help.⁷⁸

⁷⁵_NKHR2011000203 2011-09-06.

⁷⁶_Interview with defector XXX in Seoul on May 4, 2011.

⁷⁷_Interview with defector XXX in Seoul on August 23, 2011.

⁷⁸_Good Friends, "North Korea Today," No. 419 (Sept. 7, 2011); NKHR2011000173 2011-07-26.

<Increasing Inequality in the Free Medical Treatment>

As discussed above, the only area where North Korea still complies with the free treatment principle encoded in Article 10 (2) of the People's Health Act is diagnosis. Most North Korean citizens go to the hospital to receive a doctor's diagnosis and then receive prescriptions, injections, or surgery according to the diagnosis. Free services at present are limited to diagnosis, surgery. However, the outcomes of diagnosis and surgery differ based on economic power.

First, admission into any hospital is free. However, patients must pay for all the necessary goods during their stay in the hospital. Once a patient is received and hospitalized, he or she must bring his/her own food and bedding. While some hospitals provide meals, the quality of the food is often so poor that patients provide their own food. They must personally bear the heating costs as well. They must bring wood for kindling or an electric stove in winter if they want any heat.⁷⁹ The state used to cover pregnancy and labor-related costs through birthing centers, but now mothers are personally responsible for all incurred costs, including post-birth meals.⁸⁰

- Defector XXX testified that the situation in Musan Miners' Hospital was a little better, but at other hospitals the patient should bring all their own food to the hospital if hospitalized. There were medicines and syringes at the hospital, but the doctors would not use them except in emergencies.⁸¹
- Defector XXX testified that at Hweryong OB/GYN Hospital,

⁷⁹_NKHR2011000118 2011-05-17.

⁸⁰ Interview with defector XXX in Seoul on April 28, 2011.

⁸¹_NKHR2008000022 2008-11-05.

the doctors would provide diagnostic results but the patient would have to pay for the bed sheets, cleansing solutions, and medicines. The only item the patient did not have to pay for was the bed itself. In addition, the patient would have to provide the doctor with at least one meal or something else. These days, he said, hospitals have a list of set prices for treatment according to the types of illness.⁸²

- Defector XXX testified that he had injured himself and was hospitalized for five days at Yuson Hospital. However, he had to pay for his own food and bandages. He also had to purchase necessary medicines from the market. He added that if you wanted to get proper treatment at the hospital these days, you had to pay for everything yourself.⁸³
- Defector XXX testified that he was hospitalized at Chongjin City Hospital in the Sinam District for 15 days in October 2006 to receive treatment for kidney stones. The hospital only had kidney stone medicines it had made (which did not work), so he had to purchase other medicines from the market, and he also had to cook his own meals at the hospital.⁸⁴
- Defector XXX testified that when she gave birth to a baby at the Pyongyang OB/GYN Hospital, she had to buy her own medicines from the market. The hospital would provide cooked rice and soup, but she had to bring meals from home for better nutrition.⁸⁵

⁸²_NKHR2008000027 2008-12-02.

⁸³_NKHR2008000016 2008-09-02.

⁸⁴_NKHR2008000017 2008-09-04.

⁸⁵_NKHR2008000023 2008-11-11.

Second, an increasing number of patients provide medical doctors with cash or goods to receive proper medical treatment. As doctors begin to feel the effects of the economic crisis, they are increasingly diverting medical supplies or demanding goods or money from patients in return for treatment. According to a defector who came to South Korea in 2010, it wasn't necessary to pay any hospital bills, but in most cases one had to provide the doctor some sort of compensation, like alcohol, food, or money. One defector said some doctors openly demanded cash payments.⁸⁶ Furthermore, hospitalized patients are sometimes asked for money to help pay for hospital facilities.⁸⁷

Third, discrimination in medical services according to class can be seen clearly in major medical treatments such as surgery. If one needs to undergo surgery at a major hospital, one must have personal connections or well-connected relatives in order to get a surgical appointment. In order to undergo surgery, one must be able to afford the necessary supplies. Serious surgeries are performed better at the large hospitals in Pyongyang than at the county or provincial hospitals. While officials can go to these facilities, they are out of the reach of ordinary citizens who do not have the money or connections. If one cannot mobilize personal connections with the doctor or bribe relevant personnel, one must ask the doctor's superior. Most citizens do not have such lofty connections, however. North Korean defector Kim XX testified that a prospective patient might spend a month in Pyongyang to try to get a surgical appointment, before ultimately giving up and coming home.⁸⁸ When surgery does take place, the cost is very high. North Korean defector

⁸⁶ NKHR2010000082 2010-06-22.

⁸⁷ NKHR2011000154 2011-07-05.

⁸⁸ Interview with defector XXX in Seoul on April 28, 2011.

XXX testified to receiving an appendectomy at a provincial hospital in Hyesan, which cost 15,000 Won.⁸⁹ When surgery is required, patients are expected to give the doctor something extra in addition to the cost of surgery. Doctors can earn money through surgery or raise money by selling cigarettes, clothes, etc to them from the patients and their families. Some doctors refuse to operate if the patient does not have money. Those without funds must simply wait for death. Cancer patients must go to the Pyongyang Red Cross Hospital or the Kim Man-yu Hospital to be treated. It is impossible to get to such hospitals without money, and those who do go must pay for surgery, even with a cancer diagnosis. Most citizens who do not have resources for proper treatment believe that the best cure for all diseases, even cancer, is for the patient to eat everything he or she wants.

- Defector XXX testified that he witnessed a woman who was suffering from post-abortion complications. She was hospitalized but the doctors did not give her any treatment, and she ultimately died.⁹⁰
- Defector XXX testified that his father-in-law (70 years old) was hospitalized at the Hweryong Hospital for a month (Oct. 2007) to have a liver operation. Hospitalization and medicines cost him about 500,000 won altogether. They performed the operation, but he had to pay for everything else, including meals and medicines.⁹¹
- Defector XXX testified that the cost of an operation was pre-determined. For example, an operation for an appendicitis would cost 50,000 won, surgical operations (like

⁸⁹_NKHR2011000231 2011-11-08.

⁹⁰_NKHR2010000042 2010-10-26.

⁹¹_NKHR2008000013 2008-08-19.

abdominal incisions) would cost 100,000 won, and so on. The patient is 100% responsible for the cost of all medicines.⁹²

Fourth, inequality is manifested in the practice of making treatment appointments by bribery. A patients' ability to get an appointment depends on his/her ability to pay a bribe. Regardless of the order of processing, appointments are provided based on the provision of cash or goods. For example, a number of procedural steps are required to receive ultrasound testing at a city hospital. Much like in South Korea, treatment is supposed to be delivered on a first-come, first-served basis. However, if someone who is late offers cash and cigarettes, that person may receive ultrasound testing ahead of schedule, skipping the earlier procedures. Those who do not have money must follow all the procedures, however, which takes a long time because the rich frequently go ahead of them. North Korean defector XXX testified that she went to a provincial hospital in Pyeong-seong to receive treatment for a disorder of the uterus. She gave the doctor in charge 10,000 Won and asked to be seen as soon as possible, and thus was able to be treated quickly, before other patients.⁹³

<The Livelihood and Corruption of Medical Workers>

As the economic hardship deepen, medical doctors also face harsh livelihoods due to the defunct ration system. Thus they too must look for various ways to survive.

First, an increasing number of doctors ask patients to bring cash or other necessities when coming in for treatment. In order to

⁹² NKHR2008000021 2008-09-23.

⁹³ Interview with defector XXX in Seoul on August 23, 2011.

get better treatment, patients must provide favors, such as meals, to doctors and nurses. Patients secretly buy high-quality food or manufactured goods that they never have at home as gifts for their doctors to get better medicine and treatment.⁹⁴ North Korean defector XXX testified that when he was ill he gave a cigarette to the doctor every time he received acupuncture at the city hospital.⁹⁵ Doctors earn money by selling the cigarettes and goods they receive. Specialists who receive bribes use their authority to divert medicines provided by the UN to patients who have given them gifts or favors.⁹⁶ Because county hospitals are often too far for women in labor to reach, heads of clinics often make house calls to assist with labor and delivery, and it is common practice to give them rice or goods as a sign of gratitude. Thus, clinic doctors prefer to make house calls to better-off homes. Affluent families are said to give about 10,000 KPW in gratuities. The less affluent try to show their appreciation by offering goods such as eggs.⁹⁷

Also, many doctors receive money in exchange for diagnosis certificates. Such certificates enable patients to be exempted from work and give them time for commercial activities. Even soldiers serving in the military have been known to pay for forged diagnosis certificates to get discharged. One North Korean defector who served for four years from 2002 to 2006 as a Coast Guard radio operator faked a disease to be hospitalized, and then paid 350,000 KPW for a forged diagnosis certificate. He was discharged despite having about six years of service left.⁹⁸

⁹⁴_Ministry of Unification, Korea Institute of National Unification, *Medical Condition in North Korea* (Seoul: Ministry of Unification KINU, 2006), p. 15.

⁹⁵_Interview with defector XXX in Seoul on May 13, 2011.

⁹⁶_Interview with defector XXX in Seoul on May 12, 2011.

⁹⁷_Interview with defector XXX in Seoul on May 9, 2011.

⁹⁸_NKHR2008000030 2008-12-23.

Second, doctors often provide illegal medical services from inside their houses. Because official hospital treatment is free, doctors often visit homes at night for pay. North Korean defector XXX testified that when he was sick, he “went to a private doctor [a specialist who quit the hospital for economic reasons and went into private practice] for treatment.”⁹⁹ In particular, with the clinics and people’s hospitals giving different treatment based on the patient’s ability to pay, more citizens prefer to go to private doctors for treatment. Abortion is another area where patients seek private doctors. If a woman has an unwanted pregnancy and wishes to get an abortion, an official hospital will refuse to perform the procedure, but a doctor in a private home may provide discrete abortion, for a fee.¹⁰⁰

As mentioned earlier, doctors smuggle medicines from hospitals, thus depriving lower-class people of access to needed drugs.

⁹⁹_NKHR2011000213 2011-10-04.

¹⁰⁰_Interview with defector XXX in Seoul on August 17, 2011.



4



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 International Covenant on Economic, Social and Cultural Rights (ICESCR) also stipulates, “The States parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.” Furthermore, Article 7 declares, “the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no other considerations than those of seniority and competence; And rest, leisure and reasonable limitation of working hours and

periodic holidays with pay, as well as remuneration for public holidays.” Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantee that “The states party to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work... [And] to ensure the right of everyone to form trade unions and join the trade union of their choice.”

Article 70 of North Korea’s Constitution provides for the people’s right to work. That is, all persons with the ability to engage in labor may select occupations according to their choice and talents and are guaranteed the right to a secure job and labor conditions. People are supposed to work based on their abilities and receive allocations based on the amount and quality of their labor. Article 31 says, “The minimum working age is 16 years old. One can find further support for this interpretation in the various sections of Article 1 (Fundamental Principles of Socialist Labor) of the Socialist Labor Law enacted by the Supreme People’s Assembly in April 1978. Under these provisions, all North Koreans above the age of 16 are obligated to work at a workplace until the age of legal retirement (that is, 60 years of age for men, 55 for women). However, laws and institutional guarantees are absolutely irrelevant to the realities on the ground. In North Korea, labor is the responsibility of all people, because labor is not for the individual’s benefit but is based on collectivist principles—it is a group activity for the benefit of everyone. Ultimately, the “right to work” in North Korea is not a right but a duty to respond to mobilized labor.

For example 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. 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 Korean Workers' Party has sole responsibility for representing the interests of laborers, and the trade union exists merely as a formality.

Even the policies on leaves of absence and vacations show a wide gap between the workers' rights as stipulated in North Korean laws and the rights they enjoy in reality. In addition, Article 71 of the Constitution provides that people have the right to rest, and Article 62 of the Socialist Labor Law adds that laborers have a right to rest. Article 65 of the same law stipulates that "Workers, office workers, and workers on cooperative farms are entitled to 14 days of annual leave. Depending on their line of work, an additional leave of 7-21 days may be granted." The government does not control annual leaves. They are granted to individual workers upon request. But, the official leave policy for workers is not observed in reality. The North Korean Constitution in Article 30 stipulates, "The daily working hours of the working masses are eight hours." On the other hand, Article 33 of the Socialist Labor Law decrees, "In terms of organizing workers' lives the State shall strictly enforce the principle of 8 hours of work, 8 hours of rest and 8 hours of education." Because of this specific stipulation, the "8-hour rest" rule mentioned in the Constitution became nothing but a formality. This is because, in addition to their basic workloads, people are mobilized for additional labor mobilization programs and must attend various study sessions. Labor projects are planned

on daily, monthly, and quarterly schedules. To surpass the goals of these plans, socialist work competition movements such as the “The 90’s Speed Creation Movement” have been established. Under these circumstances, extended work hours are inevitable. In short, workers are driven to the limit as additional work is forced on them such as labor mobilization, education and training, and various group meetings in addition to regular working hours.

For North Koreans, work is not a right but a duty. Yet, a majority of North Korean industrial workers are unemployed. The average rate of factory operation is only 20~30 percent due to the deteriorating economy and dilapidated infrastructure, and workers can not find places to work. A defector who used to work at a factory rhetorically asked, “How can anyone work when there are no source materials to work with?” He testified that most workers would be mobilized for “social work” during working hours.¹⁰¹ Since many factories are not operating, even if workers do report for work, they soon find themselves venturing out on the street to engage in street vending or other personal profit-seeking activities. Kim Jong-il issued instructions twice, in December, 2005, and March of 2006, in which he said, “Eliminate the phenomenon of individuals working on their own, and make them report to factories and enterprises and join in collective work.” Despite these instructions, however, the phenomenon appears to be permanent.¹⁰²

Testimonies are mixed regarding the pay system and whether or not it is based on the quantity of one’s work. North Korean defector XXX testified that his workplace, the Daeheung Administrative

¹⁰¹_NKHR2009000018 2009-03-26.

¹⁰²_Good Friends, “North Korea Today,” No. 56 (Jan. 24, 2007).

Department at Yeonsa-gun, measured labor quantity and compensated employees accordingly.¹⁰³ Another defector said that when she worked as a coal miner at the Hweryeong coal mines, the monthly quota was 1 ton 500 kg of coal, and those who met this quota for the month were paid extra.¹⁰⁴ Still another defector, XXX, testified that the Rokpyeong Cooperative Farm where he worked conducted production evaluations only once every year, even though they should have been conducted daily.¹⁰⁵ Meanwhile, some testified that they were paid without regard to any evaluation of work quantity.¹⁰⁶

Furthermore, since enterprises did not operate well, the right to work of ordinary workers has been denied in reality. In Chongjin City there are many well-known enterprises, including the Kim Chaek Steel Mill. However, many of these factories and enterprises are not operating normally. For this reason, there are many “squatters” in front of factories and enterprises; there is no work even if they want it.¹⁰⁷ The Kim Chaek Steel Mill failed to pay its workers from January 2008, and many workers did not report to work without authorization. Faced with this situation, the local Party and the “workers’ league” officials held an emergency meeting and issued instructions to all workers to report to work unconditionally.¹⁰⁸ A North Korean defector well described the current North Korean situation: “Work-related rights and regulations are meaningless. Since the workspaces are not managed properly,

¹⁰³_NKHR2011000123 2011-05-24.

¹⁰⁴_NKHR2011000177 2011-08-02.

¹⁰⁵_NKHR2011000154 2011-07-05.

¹⁰⁶_NKHR2011000105 2011-05-03.

¹⁰⁷_NKHR2008000011 2008-08-12.

¹⁰⁸_Good Friends, “North Korea Today,” No. 139 (June 5, 2008).

most workers do not report for work but instead try to make a livelihood on their own.”¹⁰⁹ Besides, there are some testimonies that working conditions are kept relatively well. North Korean defector XXX testified that 500 KPW per a child was paid to a mother who had more than three children and 500 KPW per parent was paid to a person to encourage people to support their parent.¹¹⁰

¹⁰⁹_NKHR2011000013 2010-06-08.

¹¹⁰_NKHR2011000133 2011-06-07; NKHR2011000156 2011-07-05.



5



The Freedom to Choose One's Job

Article 23 of the Universal Declaration of Human Rights provides, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Furthermore, Article 6 of the International Covenant on Economic, Social and Cultural Rights stipulates that “The states party to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which one freely chooses or accepts, and will take appropriate steps to safeguard this right.” Article 70 of the North Korean Constitution provides, “People have a right to the choice of employment according to their desire and talent.”

However, as in other areas, the freedom to choose jobs is extremely restricted in North Korea. One’s job depends on the Party’s plans which dictate the supply and demand of manpower rather than one’s individual choices. In other words, job assignments are determined by the central economic plan and the demands of each sector; individual talents, preferences, and capabilities are not seriously considered. In North Korea, the Party (KWP) exercises

full and exclusive control over all “job assignments” for the people. Various departments share this authority depending on the level and position of persons subject to reassignment. The departments include the Central Party Organization Guidance Dept., Senior Staff Dept., Provincial Party Organization Dept., and Military Party Organization Dept. For example, the Central Party Organization Guidance Dept. will handle the appointment (assignment) of all “chief secretaries” at all senior positions in the Central Party and Provincial Party headquarters, as well as party positions in the military. But, the military staff committee will handle the assignment of section chiefs of military administrative committees and workers below the level of “guidance officers.” For ordinary workers, the Workers’ Dept. of the province and city/county people’s committees handle various assignments.

<Discrimination and Imbalance in Job Choices>

The Party’s criteria for job assignments include Party loyalty, personal background and family background rather than individual talents or professional qualifications. Students with bad or unfavorable backgrounds are assigned to positions requiring menial labor such as collective farms and coal mines. A bad personal background, for example, would include the following cases: If any relatives violated the “Sole-Leadership Ideology” if one’s family fled to the South at the time of Korean War or a family member had joined the “voluntary security police” against the North Korean regime; or if one’s family was classified as a “landlord class.” Conversely, the children of Party and Government officials are given good jobs regardless of their ability or qualifications. Reassignment from one position to another depends on the decision of the Party, based on one’s background, irrespective of one’s talents. Many

recent defectors testified that the most important factor in job placement was money. In short, most people who get good job placements do so through bribery.¹¹¹

<Group Assignment and Deprivation of Job Choice>

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 on a group basis to work places, factories, mines, or various construction facilities based on what the Party believes necessary. Recently, as North Koreans began to avoid hard labor, the 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, 2001, high school students and soldiers discharged from the military were group assigned to the Pyongyang Textile Factory located deep inside the lumbering fields in Rangrim County, Jagang Province, and to the Ranam Coal Mine Machine Company Collective in Chungjin City, North Hamgyeong Province, from where the “Ranam Torch Movement” originated. A defector has testified that in 2002 about one thousand young discharged soldiers were “group assigned” to a collective farm in the Daeheungdan County.¹¹² The North Korean authorities would award “medals of honor” and host massive send-off rallies for them. According to North Korean defectors, however, the so-called “group assignments” are one-sidedly imposed on these people by the authorities regardless of personal choices.¹¹³

¹¹¹ NKHR2010000001 2010-05-25; NKHR2010000004 2010-05-25; NKHR2010000061 2010-05-18.

¹¹² Interview with defector XXX in Seoul on January 20, 2005.

¹¹³ Yonhap News, December 13, 2001.

The group assignments are carried out upon the approval of KWP general secretary Kim Jong-il, thus 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 assignment. If it was revealed that if someone was missing from a group assignment, the responsible staff would be subject to severe punishment, while the missing individual would be returned to the original group assignment. To prevent evasions from group assignments, the authorities collect vital documents such 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.

If anyone who has been “group-assigned” to a workplace fails to report to work or goes absent without leave for any reason, the workplace suspends grain rations and stops issuing daily necessities to that person. Thus everyone has to report to work regardless of individual feelings or excuses. The reason the North Korean authorities refuse to permit job transfers is to prevent loss of manpower (or man-hours) and to systematically implement their economic plans through effective control of manpower. Furthermore, the government is able to exercise institutional control over its population through this system. Arbitrarily assigning jobs to individuals and preventing mobility between jobs are other ways of demanding loyalty to the Party and extracting psychological allegiance from the people.

The practice of group assignments has continued up to the present. Some discharged soldiers have reportedly been to coal mines: 1000 discharged soldiers to Gimchaek Coal Mine; 1000 discharged soldiers to Gyeongsung Coal Mine; 200 discharged

soldiers to Hyesan Coal Mine.¹¹⁴ Due to the recent food shortage, however, government rations are not guaranteed and corruption is pervasive everywhere. One defector testified that the government had “group assigned” one thousand veterans (discharged soldiers) to the Daeheungdan work site, but all of them subsequently deserted the place.¹¹⁵

In the past, the authorities used to “group-assign” discharged soldiers to various mines and coal mines in groups of several hundreds. Since many of them would flee from these sites, in recent years they have been assigned to work places near their homes or hometowns.¹¹⁶

<Bribery and Job Choices>

Despite strict labor laws and ration systems, significant changes have been taking place in the existing job market recently and in people’s attitudes toward jobs. Bribery is routine in job assignments, and people change jobs frequently. In getting a job assignment, one’s major field of study or specialty does not matter in most cases. However, for a bribe, one may get assigned to a commercial or trading outfit where it is possible to make some easy money. One defector, who used to be an ordinary worker, testified that he was able to make some money by bribing the Labor Section officials with things like cigarettes.¹¹⁷ North Korean defector XXX testified that he offered a bribe to be transferred from a fuel department to the fire department at Bukchang Thermal Power Plant, where the workload was relatively easier.¹¹⁸ So it is

¹¹⁴ NKHR2011000100 2011-04-26; NKHR2011000108 2011-05-11; NKHR2011000129 2011-05-31; NKHR2011000164 2011-07-12.

¹¹⁵ Interview with defector XXX in Seoul on January 9, 2008.

¹¹⁶ NKHR2008000024 2008-11-18.

¹¹⁷ NKHR2009000011 2009-03-03.

¹¹⁸ NKHR2011000144 2011-06-14.

quite possible to get desired job assignments by bribery. Another factor which plays a role in job assignment is, of course, power. A defector testified that he was assigned as a researcher at a research institute after his graduation from college. He said the most important consideration in his assignment was his parents' power (i.e., clout or capabilities).¹¹⁹ Students without influential background were assigned to jobs that the university would offer, whereas students with powerful support would inform the school where their assignments were going to be.¹²⁰ Because of these instances, more and more North Koreans came to believe that the North Korean economy was growing worse due to the crooked staffing practices such as "bribery assignments" and "my-buddy" assignments.¹²¹

Money, power, and other capabilities have brought about various changes in work rules.

Anyone having money and talent can register with the company engaged in foreign currency earning and engage in foreign currency business by paying a set amount to the company. If that company happened to be operating under the Party or Security Agency, it will facilitate the worker's business and travels. The companies operating as part of powerful agencies are better for the purpose of making foreign currencies. In North Korea, the enterprises engaged in foreign currency earning or work places dealing with foreign currency are considered good jobs. So everyone would try to get assigned to such good positions.¹²² According to a defector who used to work for such a company, he used to pay in about US \$100 to his company every month.¹²³ However, managers and

¹¹⁹_NKHR2008000023 2008-11-11.

¹²⁰_NKHR2008000001 2008-07-01.

¹²¹_Interview with defector XXX in Seoul on February 2008.

¹²²_NKHR2008000021 2008-09-23.

¹²³_Interview with defector XXX in Seoul on January 2008.

workers at these companies are so often involved in illicit operations that they usually end up in correctional centers. So, people joke about “foreign currency earning” as “earning correctional jobs.”¹²⁴

<Bribery and Job Desertions>

People who don't have enough money and talent to secure a job at foreign currency companies go into peddling jobs. They pay their bosses to make up for their absence from work, so they can continue vending and peddling. Many people would provide nice meals or discreetly offer money to the doctors to obtain a bogus diagnosis, which they submit to their work places and set out to peddling in the market.¹²⁵

Anyone absent from work risks being sent to “labor-training camps,” but in most cases people can avoid going to the camps by paying bribes. These people are called the “8.3 workers.”¹²⁶ A defector said he used to make 600 thousand won a month and had to pay 200 thousand won to his boss at the assigned workplace.¹²⁷ Another defector said he resigned from his former job as a teacher giving personal reasons, registered at an enterprise, and engaged in vending in the market. He earned anywhere from 5-10 thousand a day, but he had to pay about 40-50 thousand won to his boss at the nominal workplace.¹²⁸ A defector testified that at Gochang Mine in 2003 some workers could get appointed as “8.3 workers” if they paid 5,000 won, which would cost about 30,000

¹²⁴. Interview with defector XXX in Seoul on January 10, 2008.

¹²⁵. NKHR2008000025 2008-11-20; NKHR2011000175 2011-07-26.

¹²⁶. NKHR2011000169 2011-07-26.

¹²⁷. Interview with defector XXX in Seoul on January 9, 2008.

¹²⁸. Interview with defector XXX in Seoul on January 30, 2008.

won today.¹²⁹ Another defector who used to work at a paper mill testified that he had worked as a “8.3 worker” for four years before his defection.¹³⁰ Another defector testified that he had worked as a peddler while maintaining his position as a teacher by paying off the school’s principal from 2004.¹³¹

In North Korea, everyone has to have a job, however nominal it may be. However, many workers try to engage in “8.3 work” (i.e., self-employment), instead of reporting to their regular job. In some cases, a worker will inform his supervisor that “I will be on a 8.3 work” and not report to their regular job.¹³² Since most North Korean workers are not able to survive on the pay they get from their regular job, many of them try to earn some money on their own, paying a certain amount of money or bribes to their nominal work place. They do not get into trouble as long as they pay some money to their supervisors.

These “8.3 workers” not only do not work at their nominal jobs but they also do not attend the “lifestyle review” meetings.

They live independently of their nominal jobs. Some people will bribe their way to resign from work by giving false excuses such as illness, and begin their vending or peddling business. In North Korea today, more and more people change jobs and get into personal business. Picking one’s own job has become relatively easy. What is interesting in North Korea today is that instead of being paid by the workplace, many North Koreans pay to get away from their assigned jobs in order to engage in vending and peddling.

As the “absences without leave” multiplied, more and more

¹²⁹_NKHR2008000025 2008-11-20.

¹³⁰_NKHR2008000027 2008-12-02.

¹³¹_NKHR2008000011 2008-08-12.

¹³²_NKHR2008000021 2008-09-23.

workers were sentenced to labor-training penalties. A worker at Sangwha Mine (in Onsung, North Hamgyeong Province) received a 3-month labor-training sentence because he had concentrated his efforts on private farming without reporting to his regular work. Another worker was also sentenced to 3 months of labor-training because he had submitted a bogus diagnosis to his work place.¹³³ As the number of workers penalized with labor-training for their absences from work increased, the level of workers' grudges also rose. However, the authorities would overlook some absentees who were really missing regular meals, because sending them to correctional centers would be too harsh.¹³⁴

<Changing Jobs>

In North Korea, people are not allowed to change jobs without government permission. However, anyone fired from a job may get another job elsewhere. In this instance, the worker becomes a temporary worker, and must obtain an authorization number from the city the worker is moving to, along with a number of documents, such as a government dispatch order, Party branch affiliation, ration card, military record, and change of residence.¹³⁵ In order to change jobs, one needs to obtain the approval of the Party secretary. This is very difficult unless one is able to bribe the guidance officer.¹³⁶

In order to change jobs, one must obtain in advance the approval of the hiring work place in advance. One must obtain a

¹³³ Good Friends, "North Korea Today," No. 156 (June 30, 2008).

¹³⁴ NKHR2008000006 2008-07-24.

¹³⁵ Interview with defector XXX in Seoul on January 9, 2004.

¹³⁶ Interview with defector XXX in Seoul on November 11, 2003; Another defector XXX testified during an interview in Seoul on Jan. 29, 2003 that sometimes people can change jobs by providing cartons of cigarette or a TV set to the Army's Workers' Section.

“letter of employment” from the hiring employer and submit it to the current job, which would then issue a letter of resignation. The worker should then submit it to the Labor Department, which would issue a “labor card” and the Socialist Labor Agency would issue a transfer certificate. Then the People’s Committee would issue a “dispatch order” on the basis of the labor card.¹³⁷ A defector testified that most people would purchase “letters of employment” by paying about US \$100 for ordinary jobs and US \$500-1,000 for “good” jobs.¹³⁸ Another defector stated he had a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South.¹³⁹

So anyone who did not like their current job could pay their way out and move to another job by cancelling the current job. Since the food shortage, it is clear that in North Korea today, the system of job assignment by the central government is weakened and under stress.¹⁴⁰

¹³⁷_NKHR2008000022 2008-11-05

¹³⁸_NKHR2008000023 2008-11-11.

¹³⁹_Interview with defector XXX in Seoul on February 4, 2003.

¹⁴⁰_NKHR2008000009 2008-08-07.

White Paper on Human Rights in North Korea 2012





IV

The Reality of Minority Human Rights

1. Women's Rights
2. The Rights of the Child
3. Care for the Disabled





1



Women's Rights

A. Gender Equality and Women's Social Participation

Article 3 of the UN's "International Covenant on Civil and Political Rights (ICCPR)" that reads, "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant emphasizes both men and women's equal rights." In addition, UN also stresses gender equality in Article 3 of "The Convention to Eliminate All Forms of Discrimination Against Women (CEDAW)" by stipulating that "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

In terms of current North Korean laws and institutions,¹

¹ Through the adoption of the "Gender Equality Law" prior to the founding of the North Korean government, and afterwards through the adoptions of the Constitution,

North Korean women enjoy the same civil and political rights as men that have raised their social statuses relative to the past. As such, North Korea claims that “There is no other place like North Korea, a nation that continuously establishes laws and provides social services for women. North Korea is just like a utopia for women as the nation assumes great role in the upbringing of children and household chores that allows women to devote their abilities fully to the workplace and society.”² North Korea signed the UN’s “CEDAW” in February 2001 and established the National Coordination Commission that September in an effort to implement the terms of “CEDAW.” In its first progress report submitted in September 2002,³ North Korea said that “We have tried to abolish discrimination against women throughout our history, and gender equality is fully reflected in our policies and legislations. We place more emphasis on women, going beyond assuring simple equality for them.” It further claimed that “Social inequality between men and women has long been eradicated in North Korea.”⁴

In reality, however, the roles and social status of North Korean women do not match those professed by the North Korean government. In its first periodic report on “CEDAW,” North Korea declared itself, “Progress was possible in implementing the terms of the convention as we had in place various legal and institutional measures designed to eliminate discrimination against women, but

the Law on Upbringing and Education of Children, the Socialist Labor Law, and the Family Law, North Korea established guarantees of the political and social roles of women; systemic measures such as abolishing the family registry system and implementing a national childcare system, as well as the socialization of domestic labor, contributed to women’s entry into society and improved their status.

² Oh Seong-gil, *Creator of Happiness* (Pyongyang: Pyongyang Press, 2006), p. 240.

³ North Korea was due to submit its second periodic report on the implementation of the CEDAW by March 27, 2006. As of February 2011, the report has not been submitted to the CEDAW Committee.

⁴ Oh Seong-gil, *Ibid.*, p. 239.

we admit that there is room for further improvement.” Moreover, according to a defector survey conducted in 2011 regarding women’s rights, 83%⁵ of respondents answered that the social status of North Korean women is unequal when compared to men and 34% of respondents answered that it is very unequal.

The policies regarding women’s social participation and socialist reforms in household chores pursued during its founding years were motivated by the class theory as well as the need to mobilize the labor force for economic growth, rather than for the liberation of women. Since the 1970s, North Korea has emphasized the importance of family, paternalism, and patriarchy for political reasons and purposes of succession. As a result, an enormous gap between the reality governing women’s lives and the ideal of women’s liberation formed.

Regarding women’s political participation, about 20% of the people’s deputies at the Supreme People’s Assembly (SPA) are women.⁶ It has also been reported that the ratio of female deputies elected to the Provincial People’s Assemblies is about 20~30%. These ratios of female delegates show a high level of women’s political participation in North Korea, perhaps as high as those of advanced countries. The difference, however, is that delegates in North Korea are not elected through free elections but through arbitrary assignments by the Party for political considerations. Furthermore, assembly delegates serve only a symbolic purpose and do not perform important functions or supervisory roles in state affairs. As such, the actual political power of North Korean women is not as great as the number of delegates to the SPA seems

5. NKHR2011000042 2011-02-08 and other 71 testimonies.

6. The ratio of women in the deputy election was 20.1% in the 10th and 11th Supreme People’s Assemblies in July 1998 and August 2003, respectively, but the ratio was declined to 15.6% in the 12th Supreme People’s Assembly in April 2009.

to suggest. In fact, only a very small number of women appointed to cabinet positions hold political and administrative powers and responsibilities. In addition, there is a significantly low percentage of female members in the Central Committee of the Party that exercises actual authority.⁷

In July 2001, North Korea submitted its second regular report on the implementation of the “International Covenant on Civil and Political Rights (ICCPR)” to the UN Committee on Civil and Political Rights. During the Committee’s review session on this report, a North Korean delegate commented on the issue of promoting women’s social status by stating that “Only 10% of central government employees are women. We do admit that this ratio is clearly not enough for the realization of gender equality.” He then promised that his government would develop policies to improve the situation.⁸

In its first report on the implementation of “CEDAW” submitted in September 2002, North Korea said, “We have increased the ratio of female senior staff in the public sector as an effort to upgrade the social status of women. The ratio of female judges, for example, has reached 10%, while some 15% of Foreign Ministry employees are women.” In this regard, the UN Commission on the Elimination of All Forms of Discrimination Against Women has expressed concern over the relatively small number of women in decision-making positions in political and judiciary sectors of the North Korean government. In his report to the 64th UN General

⁷ The female delegates took only 4.2% (5/120) and female candidates for delegates took merely 2.9% (3/104) at the Conference of Party Delegates held on September 28, 2010. Refer to Korea Institute for National Unification, *2010 Who’s who of North Korean Institutions* (Seoul: Korea Institute for National Unification, 2010).

⁸ Lee Won-woong, “An Observer Report on the UN Human Rights Committee’s Review Session on North Korea’s Second Periodic Report on Human Rights,” at a seminar sponsored by the Citizens’ Alliance for North Korean Human Rights in Seoul, Oct. 3, 2001.

Assembly (August 2009), the Special Rapporteur on North Korean Human Rights, Vitit Muntarbhorn, pointed out that although equal rights between men and women are guaranteed under the North Korean Constitution, women have much fewer opportunities for promotion to major policy-making positions than men.

North Korea employs women mainly as senior staff of the Chosun Democratic Women's League (hereinafter, Women's League). Other sectors employing women include People's Committees, Women's Affairs Management Sections, document sections, and county party offices.⁹

In the economic sphere, women's participation has been encouraged to fill the woeful shortages of labor that have risen as a result of socialist nation-building and postwar reconstruction. During these periods, the Party and government organizations arbitrarily assigned most women between ages 16~55 specific posts in accordance with the workforce supply plans of the State Planning Commission. Once assigned to work sites, women were then forced to perform the same work as men on the basis of equality, irrespective of the difficulty or danger of work.

Discrimination against women emerged in forms of differentiated pay scales and types of work assigned as numerous administrative measures were taken to expand women's participation in a variety of economic activities such as postwar rehabilitation efforts and collective farm projects. Under the guidelines, men were assigned to important, complex, and repetitive higher paying jobs, while women were assigned to relatively less important, simpler, and lower paying jobs. Subsequently, the sexual criteria in employment became more pronounced. As a result, a new phenomenon developed in which women were assigned to special fields where

⁹ Interview with defector XXX in Seoul on January 16, 2008.

more feminine qualities were required, such as those of agriculture, commerce, communications, health, culture, education, and light industries. According to official North Korean statistics from 2001, the percentage of female administrative staff in the health, children, nursery, and commerce sectors was 70%,¹⁰ with 100% of nurses and 86% of school teachers being women.¹¹ According to the “3rd and 4th Combined Report” on its implementation of the “Rights of the Convention on the Rights of the Child,” which North Korea submitted in December of 2007 (hereafter the “3rd and 4th Combined Report”),¹² the ratio of female teachers averaged 57% as of 2007. The breakdown of this report is as follows: 100% of kindergarten teachers, 86% of elementary school teachers, 58% of middle/high school teachers, 23% of college professors, and 19% of university professors were female. However, according to the “2008 North Korean Census Report” published in 2009, the occupational distribution of the workforce above the age of 16 showed that only about 55.6% of teachers were women, slightly lower than the 57% figure of 2007.¹³

According to the “2008 North Korean Population Census” conducted with the support of the UN Fund for Population Activities (UNFPA), 48% of North Korean workers above the age of 16 were women. With the inclusion of the “housework” category, the percentage of working women amounted to 51.4%. This means that

¹⁰ Refer to North Korea’s initial report on implementing CEDAW.

¹¹ 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 the ICESCR in November 2003.

¹² The 3rd and 4th Periodic Reports of the Democratic People’s Republic of Korea on the Implementation of the Convention on the Rights of the Child, December 2007, Pyongyang, DPRK. <<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.PRK.4.pdf>>.

¹³ Central Bureau of Statistics, DPR Korea 2008 Population Census, National Report, Pyongyang, DPR Korea, 2009, p. 200 <Table 37>.

female workers accounted for over 50% of all North Korean workers above the age of 16, yet most were employed in particular job categories generally regarded as lower level jobs. For example, 83.6% of high-ranking officials and management positions were held by men, but 93.4% of sales and service personnel were held by women. Women also accounted for 54.8% of workers in the agricultural and fisheries sector.¹⁴ In connection with this reality, the UN Commission on CEDAW in July 2005 reviewed North Korea's first progress report and expressed serious concern over the traditional and stereotypical prejudices against women. The UN Commission expressed concern that such practices would have a negative impact on women's daily lives, particularly discrimination in jobs and education. During economic crises such as the current one, furthermore, roles and diminutive benefits imposed on women intensify, burdening women with additional hardships that amounts to multidimensional discrimination against women.

The Women's League is an organization that North Korean women between the ages of 31 and 60 must join if they have no other specific affiliations. However, this is neither a voluntary organization for the promotion of women's rights nor does it exercise any critical political influences as a social organization. Rather, it is simply the Party's external arm charged with responsibilities of mobilizing women for the construction of its socialist economy. Its main task is to inculcate state ideology in women. However, most women's organizations are known to enforce their rules rather strictly, and many have strengthened functions and activities such as public education and prevention of anti-socialist behavior.

It has been reported that the main role of the Women's

¹⁴ Central Bureau of Statistics, DPR Korea 2008 Population Census, National Report, Pyongyang, DPR Korea, 2009, p. 202 <Table 38>.

League in recent years is labor mobilization. As women's economic roles have increased since the onset of economic hardship, the activities of the Women's League have also increased significantly, particularly in connection with farming, coal production, fertilizer production, railroad repairs, and highway construction. For this reason, people describe the League as "flying high" at present.¹⁵ As chronic workforce shortage persists, the North Korean authorities mobilize members of the Women's League for farming and construction work, as well as various military support activities. The authorities justify this type of mobilization in terms of preventing ideological hazards that could fester among jobless housewives at home.¹⁶

B. The Status and Role of Women at Home

The status of women at home also differs significantly from the alleged guarantees of gender equality provided in North Korea's Constitution and laws. 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 also oppressed women politically and economically. Furthermore, it regarded liberation of women from the colonial and feudalistic yoke of oppression as well as women's guarantee of equal rights with men in all aspects of social activity as crucial tasks in its anti-imperialist, anti-feudal democratic revolution. As such, superficial legal and institutional measures were imple-

¹⁵ NKHR2009000006 2009-02-05; NKHR2009000058 2009-09-24; NKHR2009000070 2009-11-18; NKHR2009000073 2009-12-02.

¹⁶ Interview with defector XXX in Seoul on April 7, 2010.

mented to provide socialist equality between men and women although traditional patriarchal family structures were maintained in families. Moreover, as the sole leadership of Kim Il-sung and Kim Jong-il solidified in the 1970s, premodern traditions in family life began to be emphasized again. North Korea's "Family Law" enacted in 1990 contains various outdated male-dominant elements of the family structure such as the broad scope of "prohibited marriages," the principle of following the paternal line, and the role of "breadwinner" in the family.

The North Korean authorities have always insisted that they guarantee an environment for the equal social participation of women through measures such as the socialization of family chores and the rearing of children. Contrary to their claims, however, traditional role of women in the family continues to be emphasized. As such, North Korean women carry dual burden as the state not only retains deep-rooted traditional concept that family chores and rearing of children are natural responsibilities of women, but also mandates women to participate in society as equal workers with men. With regards to women's role and mission in the family, North Korea declares, "A woman is a housewife and a flower that enables warm and healthy atmosphere to overflow in the family. It is the woman in the family who will take good care of old parents in their late years of life and it is the wife who, as a revolutionary comrade, will actively assist and support her husband in his revolutionary projects. Women will also give birth to, raise, and teach children to become trustworthy successors of great revolutionary tasks."¹⁷

Worse still is the fact that as the economic situation deterio-

¹⁷ Park Young-sook, "Revolutionizing Families and Women's Responsibilities," *The Korean Women Magazine*, No. 3 (Pyongyang: Labor Organization Press, 1999), p. 15.

rated after the 1980s, the demand for women workers dwindled drastically. One result was the reduction of various socialization measures related to domestic chores and child rearing. This change in policy is also reflected in the status of women in the North Korean Constitution. Article 62 of the 1972 Constitution of the DPRK had stipulated that “Women shall enjoy the same social status and rights as men... The state shall liberate women from the heavy family chores and guarantee all conditions for them to advance in the society.” But Article 77 of the 1998 Constitution stipulates that “Women shall enjoy the same social status and rights as men... The state shall provide all conditions for them to advance in the society.” Here, the clause “liberate women from the heavy family chores” has been deleted. This clearly indicates that the policies to “socialize” family chores and child rearing have been weakened or cancelled during the food crisis and economic hardship. Since burden-sharing of household chores and child rearing is not practiced in most North Korean families, women who have already been suffering from the burden of excessive workload experienced tremendous increases in responsibilities, most specifically in securing food.

Furthermore, while the Family Act of North Korea stipulates that “The husband and wife enjoy equal rights in family life” (Article 18), the family in North Korea centers around the husband. A husband has absolute authority over all of household affairs as the household head. Since the famine, however, economic activities of North Korean women such as vending and peddling, have significantly increased. As a result, women’s economic roles and their influence in the family have also increased. This means that the status of the husband has changed in North Korean households.

According to the 2011 defector survey, while 46% of respondents replied that the husband still has practical authority in the family,¹⁸ 51% of respondents said that the husband has no more than symbolic status in the family.¹⁹ Although the percentage is not statistically significant, this result reflects a gradual weakening of the authority of the husband and simultaneous a strengthening of women's status in the family. 62% of respondents answered that changes in the social status and values have occurred since women have begun to more actively participate in economic activities.²⁰

Most North Korean defectors said that North Korea is still a male-oriented country where women tend to be compliant to their husband. However, women in their thirties who support their families through their own economic power have increasingly their husbands' authority and even file for divorce on the grounds of their husbands' economic inability and domestic violence. According to the 2011 defector survey, 76% of respondents answered that divorce is common and 19% of respondents answered that it is very common.²¹ The major reasons for divorce include financial stress (58%),²² domestic violence (17%),²³ and family trouble (14%).²⁴

North Korean defectors testify that there are minor differences in the level of women's voices and statuses within each family. In general, however, wives recognize their husbands as the head of household in order to retain a peaceful family structure and to not

18_NKHR2011000044 2011-02-08 and other 47 testimonies.

19_NKHR2011000042 2011-01-25 and other 53 testimonies

20_NKHR2011000042 2011-01-25 and other 63 testimonies.

21_NKHR2011000049 2011-02-08 and other 79 testimonies.

22_NKHR2011000042 2011-01-25 and other 68 testimonies.

23_NKHR2011000073 2011-03-22 and other 16 testimonies.

24_NKHR2011000059 2011-02-22 and other 19 testimonies.

challenge the norm of male-oriented family life. Most North Korean women accept and follow rather than object and resist against the traditional social precept.

Although women have begun to play the role of family head more since the start of famines with men sometimes even relinquishing the prized role of “breadwinner,” the traditional belief that equates man as the head of the family has remained in most families. The reason for this appears to be the pre-modern and outdated concept of “men dominating over women” that is deeply rooted in the North Korean society. North Korea defines this concept as remnants of the feudalistic Confucian tradition that should be rooted out, what it labels the “reactionary moral precepts of an exploitative society.” Contrary to the official North Korean position on this issue, however, it is reported that the belief in male-superiority is still strong among North Korean citizens.²⁵ Along with the traditional patriarchal system, this belief in gender inequality is yet another factor that constricts women’s lives in North Korea.

According to a male defector in his thirties who used to be an upper class member of North Korea, the idea of male-superiority is held strongly by most North Koreans over forty years old. Men often denigrate and abuse women, while wives are held up to a high standard by having to faithfully serve their husbands.²⁶ It is said that the male-oriented family norm recurs one generation after another as children grow up in male-dominated families and grow accustomed to the idea.

However, as mentioned earlier, with the persistence of food

²⁵ Interview with defector XXX in Seoul on August 10, 2011; Interview with defector XXX in Seoul on August 11, 2011.

²⁶ Interview with defector XXX in Seoul on July 30, 2010.

shortages, more families have come to depend on women for livelihood. Accordingly, men's predominance over women appears to be waning. According to a 2010 defector survey, most respondents reported that the idea of male predominance is inadequate and needs to be corrected.²⁷ The respondents of a 2011 defector survey also replied that the idea of male-dominance was "quite unsatisfactory" (28%)²⁸ or "should be improved" (35%).²⁹

C. Sexual Violence

Dictated by long-held patriarchal traditions, namely the concept of "men dominating over women," sexual violence is commonplace in North Korea although women seldom report it. 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 schools. A defector who used to work as a physical education teacher testified that girls' middle schools provide extensive instruction on subjects such as cooking, sewing, and tailoring, but very little on sex education (except for a little bit about menstrual cycles).³⁰

Since the food crisis in the 1990s, sexual violence against women has increased significantly in North Korea. During this

²⁷_NKHR201000005 2010-03-16; NHKR201000006 2010-05-25; NKHR201000014 2010-10-05; NKHR201000019 2010-10-12; NKHR201000031 2010-11-09; NKHR201000035 2010-11-09; NKHR201000038 2010-11-02; NKHR201000042 2010-10-26; NKHR201000043 2010-11-02; NKHR201000058 2010-11-23; NKHR201000093 2010-03-30; NKHR201000099 2010-07-13; NKHR201000003 2010-03-16.

²⁸_NKHR 2011000042 2011-01-25 and other 20 testimonies.

²⁹_NKHR 2011000046 2011-02-08 and other 25 testimonies.

³⁰_Interview with defector XXX in Seoul on May 19, 2010.

time, cases of female trafficking and enforced prostitution increased drastically. This contrasts sharply with North Korea's second regular report on the implementation of the "ICCPR" to the UN Committee on Civil and Political Rights in July 2001. During the Committee's review session, the North Korean delegate asserted that the trafficking of women had been absolutely eliminated and that trafficking of women had never occurred in North Korea in the past 50 years. He finally stated that women-trafficking is completely inconsistent with North Korea's laws and systems. However, this is incompatible with his statement that reads, "Even though we do not know what activities are taking place in the border areas..." as this comment seems to indicate that the North Korean authorities are aware of human trafficking activities along the Sino-North Korean border.

Human trafficking of North Korean women takes several different forms including forced abduction, enticement through go-betweens, and volunteering by women themselves to support their families. Human trafficking continues today in the Sino-North Korean border regions. In both 2009 and 2010, there have been reported cases of forced marriage between North Korean women and Chinese men who often inflicted domestic violence.³¹ In 2011, one human trafficking case was reported.³² Additionally, a North Korean defector XXX testified to known cases in which traffickers lured women in rural areas with the promise that they would be "taken to places where they can earn a lot of money," only to sell them to Chinese men.³³

Defectors stated that a significant number of criminals were

³¹ NKHR2010000005 2010-03-16; NKHR2010000002 2010-08-10; NKHR2010000018 2010-10-05; NKHR2010000018 2010-10-05; NKHR2010000054 2010-06-22; NKHR2010000075 2010-04-20.

³² NKHR2011000179 2011-08-02.

³³ Interview with defector XXX in Seoul on August 10, 2010.

publicly executed as “human-traffickers.” With regards to this issue, many defectors criticized the North Korean authorities as the latter would publicly execute even the brokers (known as “guides”) who accept fees to aid women who voluntarily wish to escape from North Korea.³⁴ Many defectors reasoned that the brokers would be more appropriately charged with the act of “assisting illegal entry/exit” instead of the more serious charge of “human-trafficking” in cases where North Korean women voluntarily ask for help in crossing the border.³⁵ This interpretation is in line with the recent trends of more and more North Korean women voluntarily crossing the border instead of being kidnapped or lured. The following list are some of the cases identified in the 2011 survey.

- Defector XXX testified that there are many females asking to be “sold” because they cannot live like a decent human being in North Korea. They are usually young or divorced women. Their numbers are greater now than they were ever before, due to the Arduous March period.³⁶
- Defector XXX testified that women choose to be trafficked voluntarily as it is the only way to enter China without money.³⁷
- Defector XXX testified that she knew she would be trafficked to China when she left Hoeryeong, North Hamkyeong Province, in February 2008.³⁸

³⁴ NKHR200800027 2008-12-02; NKHR2008000029 2008-12-16; NKHR2008000017 2008-09-04; NKHR2008000018 2008-09-11; NKHR2008 2009-09-17.

³⁵ NKHR2010000006 2010-05-25.

³⁶ Interview with defector XXX in Seoul on August 17, 2011.

³⁷ Interview with defector XXX in Seoul on August 9, 2011.

³⁸ NKHR2011000178 2011-08-02.

In the past, incidents of sexual assault against North Korean women in the workplace were often initiated by supervisors or Party officials who would lure women with promises of promotion or Party membership.³⁹ Cases of North Korean women offering sexual services to Party Officials and managers at work in order to secure Party membership or get good assignments is still common.⁴⁰ Many state that sex is involved in most cases of single women becoming a party member. Moreover, in the military, male officers often assault enlisted women.⁴¹ In North Korean society, sexual harassment of women is rarely problematized as most North Koreans are not conscious of the problem and the widespread inferior treatment of women relative to men has left women with little recourse even when sexually harassed or assaulted. For example, most women prefer to remain quiet upon being sexually abused at the workplace as it is likely that women be humiliated and mistreated rather than the men who committed the act.

According to defectors who came to Seoul in 2009 and 2010, the North Korean authorities usually punish sex offenders in accordance with Penal Code provisions.⁴² According to the 2011 defector survey, 59% of respondents answered that the offenders should be punished in accordance with North Korea's Criminal Act,⁴³ whereas the remaining 41% answered that they should not.⁴⁴

According to the Penal Code as amended in 2009, any man who rapes a woman by using force (violence) or intimidation in a

³⁹ Interview with defector XXX in Seoul on May 26, 2008; NKHR2009000053 2009-09-08.

⁴⁰ Interview with defector XXX in Seoul on April 16, 2010.

⁴¹ Interview with defector XXX in Seoul on January 19, 2008.

⁴² NKHR2010000014 2010-10-05 and other 10 testimonies.

⁴³ NKHR2011000047 2011-02-08 and other 23 testimonies.

⁴⁴ NKHR2011000042 2011-01-25 and other 23 testimonies.

situation where the woman has no means to get help will be given up to 5 years of correctional prison labor (Art. 293). Additionally, any man who forces a female subordinate into sex will be punished up to two years of disciplinary prison labor, or in serious cases, up to two years of correctional prison labor (Art. 294). Article 295 also stipulates that people who have sex with children under the age of 15 shall be penalized with up to five years of correctional prison labor. The law requires the more serious offenders to be sentenced to 5-10 years of correctional prison labor.

Sexual assaults on women became more widespread after women assumed the role of providing for the family during the famine and economic hardship. Compared to the past, sexual assaults related to the granting of party membership or promotions have declined while “chance assault” cases have increased. More specifically, individuals such as security agents at the market, safety conductors on the train, and soldiers have begun to demand sex from women who have committed minor violations. There have also been few reported cases of sexual assault inside guard post detention facilities.⁴⁵ These guard post detention facilities are places where suspected would-be defectors are detained and interrogated. It is here that young women are often targeted for interrogation and even the possibility of sexual harassment for arbitrary reasons. Finally, in cases where women are suspected of carrying drugs, detention facility agents forcibly remove women’s clothing in order to carry out the inspection, thereby shaming women.

One of the issues that deserve particular attention with regards to sexual harassment is the plight North Korean women

⁴⁵ Good Friends, “North Korea Today,” No. 417 (August 24, 2011).

forcibly deported back from China face. When defectors are forcibly deported back and detained in a holding facility, they are prone to violence and torture. For women, the authorities search their body for money, confidential letters, and secret documents. In the process, the authorities may even check their wombs. The agents force female defectors to take off all their clothes under the name of investigation and torture them with electrical rods on specific parts of their body.⁴⁶ In many cases, the detained female inmates are raped or subjected to other forms of sexual violence.⁴⁷

The 2011 defector survey results includes the following cases.

- Defector XXX testified that the director of a Short-Term Labor Detention Facility made her inspect a vagina of a detained female inmate to search for money.⁴⁸
- Defector XXX testified that she witnessed some people wearing medical rubber gloves, the kind used when delivering a baby, in order to take money out from the vagina of a detained female inmate at Onseong Labor Training Camp in North Hamkyung Province in December 2001. The defector also testified that the agent at the Labor Training Camp forced detained female inmates to take off their clothes and do “sit-ups” repeatedly.⁴⁹
- Defector XXX testified that female People’s Security agents conducted vaginal inspections of detained female inmates and male National Security agents conducted general body

⁴⁶ Good Friends, *Human Rights in North Korea and the Food Crisis* (Seoul: Good Friends, 2004), pp. 102-105; Interview with defector XXX in Seoul on Jan. 21, 2005.

⁴⁷ NKHR2008000022 2008-11-05; NKHR2008000021 2008-09-23; NKHR2008000008 2008-08-01; NKHR2008000010 2008-08-08; NKHR2009000073 2009-12-02.

⁴⁸ NKHR2011000072 2011-03-22.

⁴⁹ NKHR2011000117 2011-05-17.

searches, including the examination of detained female inmates' undergarments.⁵⁰

- Defector XXX testified that a female People's Security agent wearing rubber gloves inserted her fingers into detained female inmates' vaginas to search for money. Furthermore, the same gloves were used to repeatedly carry out the inspections although it was washed in a perfunctory manner after each use in a water basin.⁵¹

The 2011 defector survey results revealed multiple instances of sexual violence in the detention facilities: 9 respondents answered that they were sexually assaulted at detention centers;⁵² 12 respondents answered that they witnessed cases of sexual assault;⁵³ and 7 respondents said that they had heard of sexual abuse.⁵⁴ The following are brief excerpts of their testimonies.

- Defector XXX testified that she was sexually assaulted five times while detained in the Onseong State Security Agency and Hoeryeong State Security Agency in North Hamkyung Province. The assault occurred under the pretense of giving State Security Agents “massages.”⁵⁵
- Defector XXX testified that sexual assaults occurred at the Sinuiju State Security Agency in North Pyeongan Province in August 2009.⁵⁶
- Defector XXX testified that a State Security Agency agent sexually assaulted female prison inmates at the Sinuiju

⁵⁰_NKHR2011000201 2011-09-06.

⁵¹_NKHR2011000253 2011-12-20.

⁵²_NKHR2011000082 2011-03-29 and other 8 testimonies.

⁵³_NKHR2011000045 2011-02-08 and other 11 testimonies.

⁵⁴_NKHR2011000050 2011-02-15 and other 6 testimonies.

⁵⁵_NKHR2011000082 2011-03-29.

⁵⁶_NKHR2011000094 2011-04-12.

- State Security Agency Detention Facility in North Pyeongan Province in May 2010.⁵⁷
- Defector XXX testified that National Safety agents sexually assaulted female prison inmates several times in the Sinuiju National Security Agency Detention Facility in North Pyeongan Province in June 2010.⁵⁸
 - Defector XXX testified that she witnessed People’s Safety agents sexually assaulting women at the Kim-Hyung-Jik-gun Labor Training Camp in Kim Hyung Jik County, Yanggang Province, in June 2010.⁵⁹
 - Defector XXX testified that she witnessed a People’s Security agent sexually assaulting a female prison inmate at a provincial Short-Term Labor Detention Facility in Cheongjin, North Hamkyung Province, in August 2008 and June 2009.⁶⁰
 - Defector XXX testified that she witnessed a female prison inmate being sexually assaulted in the Hyesan Short-Term Labor Detention Facility for Suspects in Yanggang Province in 2009.⁶¹
 - Defector XXX testified that she witnessed a woman being sexually assaulted after being promised with the provision of comfortable living conditions in the Dong-heung-san District Labor Training Camp in Hamheung, South Hamkyung Province, in March 2010.⁶²
 - Defector XXX testified that she witnessed a female prison

⁵⁷_NKHR2011000018 2011-01-18.

⁵⁸_NKHR2011000253 2011-12-20.

⁵⁹_NKHR2010000014 2010-10-05.

⁶⁰_NKHR2011000190 2011-08-23.

⁶¹_NKHR2011000170 2011-07-26.

⁶²_NKHR2011000088 2011-04-05.

- inmate being sexually assaulted by a People's Security agent at the Sinuiju State Security Short-Term Labor Detention Facility in North Pyeongan Province in August 2010.⁶³
- Defector XXX testified that a victim personally told her that she was sexually assaulted by a prison guard at the Onseong County People's Security Agency Short-Term Labor Detention Facility in North Hamkyung Province in December 2009.⁶⁴
 - Defector XXX testified that she heard about the sexual assaults committed by the People's Security Agency director of Cheongjin Short-Term Labor Detention Facility in North Hamkyung Province in 2010.⁶⁵
 - Defector XXX testified that many People's Safety agents at Short-Term Labor Detention Facility commit sexual assault.⁶⁶
 - Defector XXX testified that sexual assaults of female prison inmates occur frequently at refinement centers.⁶⁷

According to the 2011 survey, 48% of respondents said that sexual violence against women confined in detention facilities is common (23% described it as very common).⁶⁸ Such acts are predominantly carried out to satisfy the perpetrators' sexual appetite; some inmates exchange sex for better treatment and/or other favors within the detention facility.

Many forms of gender-based violence have been reported

⁶³ NKHR2011000253 2011-12-20.

⁶⁴ NKHR2011000201 2011-09-06.

⁶⁵ NKHR2011000068 2011-03-15.

⁶⁶ NKHR2011000092 2011-04-12.

⁶⁷ NKHR2011000213 2011-10-04.

⁶⁸ NKHR2011000048 2011-02-08 and other 20 testimonies.

against North Korean women, including domestic violence such as wife-beating. Many defectors testified that incidents of domestic violence are widespread in North Korea even in recent years. Husbands who frequently drink alcohol or take drugs often beat their wives and daughters at home.⁶⁹ In addition, domestic violence is frequent in families where the wife does not provide for the family by earning money in the market; this phenomenon is partially explained by the women's inability to fulfill their perceived role of supporting family by earning sufficient income.⁷⁰ North Korean defectors warranted that the idea of male predominance over women still prevails in North Korea even among the younger generation, as young husbands often beat their wives.⁷¹ The problem of domestic violence is just as grave as before. In 2011, about 87% of respondents reported that domestic violence is common and of the 87%, 39% described it as very common.⁷²

In most cases, the Women's League does not get involved in cases of domestic violence or infidelity, labeling "family problems." Adultery or domestic violence is not regarded as a serious matter in North Korea, and even the Women's League chooses not to intervene.⁷³ Sometimes domestic violence is reported to the People's Security Agency, but it is not punished on the grounds that it is a family matter.⁷⁴ Even local Party officials simply issue a personal

⁶⁹ Interview with defector XXX in Seoul on April 15, 2010.

⁷⁰ Interview with defector XXX in Seoul on August 17, 2011; NKHR2011000125 2011-05-31.

⁷¹ Interview with defector XXX in Seoul on May 12, 2011; Interview with defector XXX in Seoul on August 9, 2011; Interview with defector XXX in Seoul on August 11, 2011.

⁷² NKHR2011000044 2011-02-08 and other 94 testimonies.

⁷³ Interview with defector XXX in Seoul on April 16, 2010; Interview with defector XXX in Seoul on April 14, 2010.

⁷⁴ NKHR2010000069 2010-10-26; NKHR2010000049 2010-11-30; NKHR2011000002 2010-03-16.

warning or advice to the husband involved in cases of domestic violence.⁷⁵ A defector testified that her husband used to severely beat her at home, and when she reported the problem to the local Security Agency and County Party office, they regarded it as part of “family matter” and did not bother to investigate. To resolve the conflict, the authorities simply required the husband to write up a letter of self-criticism.⁷⁶ A defector from Pyongyang in her early thirties also testified that some women filed petitions or reported domestic violence to Party or judicial organizations. However, such applications were often responded to with simple recommendations that stated that “domestic problems should be solved within the family.”⁷⁷ Domestic violence is generally considered a family matter and is not even reportable to the police.⁷⁸

According to North Korean defectors, many victimized housewives are often even unwilling to report cases of domestic violence to the authorities, regarding such incidents as shameful.⁷⁹ In other words, many wives perceive domestic violence as commonplace and do not consider filing a petition as it will only “bring shame upon the family.”⁸⁰

Domestic violence is thus not legally punishable in North Korea and has become an issue that society simply chooses to bypass.⁸¹ However, there are rare cases in which husbands have been arrested and sent to labor-training camps after housewives had reported domestic violence to the authorities.⁸²

⁷⁵ Interview with defector XXX in Seoul on April 15, 2010.

⁷⁶ Interview with defector XXX in Seoul on January 17, 2008.

⁷⁷ Interview with defector XXX in Seoul on August 11, 2011.

⁷⁸ NKHR2011000092 2011-04-12.

⁷⁹ Interview with defector XXX in Seoul on May 7, 2010.

⁸⁰ Interview with defector XXX in Seoul on August 10, 2011.

⁸¹ NKHR2008000027 2008-12-02; NKHR2009000065 2009-11-10.

⁸² NKHR2010000014 2010-10-05.

According to female defectors in South Korea, husbands' habits of drinking and wife-beating became more common as an increasing number of women began to earn income for the family through peddling in the markets.⁸³ Moreover, in many cases, wives who could no longer tolerate their husbands' beatings abandoned their families altogether. In addition, there is no statistical data on wife-beating cases in North Korea, which seems to indicate that incidents of wife-beating or domestic violence are not perceived in North Korea as a serious violation of fundamental human rights of women. In light of this phenomenon, the UN Committee on CEDAW expressed concern in July 2005 asserting that "North Korea was not fully aware of the seriousness of family violence, and so was not taking any protective measures or violence-preventive measures for women." It further went on to ask North Korea to "investigate all incidents of violence against women, including family violence, as well as their frequency (ratio), causes and results, and include them in North Korea's next periodic report." The Committee has also recommended North Korea (a) legislate detailed laws against family violence, (b) penalize acts of violence on women and young girls as serious crimes, (c) provide effective protection and immediate relief for the female victims of violence, and (d) indict and punish the assailants against women.

Article 261 of Penal Code that was revised in 2009 stipulates that anyone who has repeatedly engaged in prostitution shall be subject to up to two years of labor-training and that serious sex offenders shall be sentenced up to two years of correctional prison labor. Repeat offenders and socially sensational sex offenders are written to be sentenced to 5 to 10 years of correctional prison

⁸³ NKHR2009000053 2009-09-08; NKHR2009000057 2009-09-22; NKHR2009000058 2009-09-24.

labor (Art. 262, Penal Code). Additionally, prostitution cases involving under-age persons are subject to correctional prison labor of up to 5 years while more serious cases may get 5 to 10 years of correctional prison labor (Art. 295). Despite these precautionary measures, however, many North Korean women have become reportedly involved in the practice of prostitution following the severe food shortages that has persisted since the 1990s.⁸⁴ Defectors said most earnings from sex was for the purpose of sustaining livelihood. Cases of under-aged prostitution have also increased as the food shortage worsened.⁸⁵

What is more, prostitution has come to be undertaken by more women as a viable means of sustaining livelihood as North Korea suffered yet another crisis with the failed currency reform of November 2009.⁸⁶ There are increasing reports of parents coercing daughters into prostitution for economic reasons.⁸⁷ Organized prostitution is also becoming prevalent as front line brokers for such transactions usually receive protection from collaborating People's Security agents, thereby rarely coming to face criminal charges.

The "Resolution on the Human Rights Situation in North Korea" adopted in the 66th UN General Assembly in December

⁸⁴ Good Friends, "North Korea Today," No. 129 (May 22, 2008); Good Friends, "North Korea Today," No. 145 (June 13, 2008). The "sex trafficking" situation is different from region to region. In recent years, the sex trafficking is said to flourish in Nampo City (Hwanghae Province). A defector testified that there were some cases of "professional" sex trade. NKHR2008000021 2008-09-23.

⁸⁵ Interview with defector XXX in Seoul on Jan. 19, 2008; Interview with defector XXX in Seoul on Jan. 11, 2007; Good Friends, "North Korea Today," No. 94 (Oct. 17, 2007).

⁸⁶ Interview with defector XXX in Seoul on August 11, 2011; Interview with defector XXX in Seoul on August 17, 2011; Good Friends, "North Korea Today," No. 406 (June 8, 2011).

⁸⁷ NKHR2011000244 2011-11-22.

2011 expressed grave worry about instances of sexual assault against North Korean women and urged that offenders be punished. More specifically, the Resolution also expressed deep concern about the lack of legal consequence in light of continued violation of women's basic human rights and freedoms, including practices such as human trafficking for the purposes of prostitution and forced marriage, illegal smuggling, forced abortions, sexual discrimination in economic spheres, and sexual violence.

D. Deteriorating Health

One of the most serious consequences of malnutrition caused by famine for North Korean women is health deterioration related to pregnancy, birth, and child-rearing. More specifically, not only have women's birth rates markedly decline due to malnutrition, but many pregnancies have also resulted in abortions, stillborns, premature or underweight babies, as well as harm to the mothers.⁸⁸ According to the consolidated 3rd and 4th Annual Performance Report, North Korea has established "The Strategy of the DPRK for the Promotion of Reproductive Health, 2006-2010" in order to protect and promote the health of North Korean women and children, with special emphasis on mothers. According to North Korea, this report contains specific strategies and goals related to reducing mortality rates of mothers and children, managing of women's nutrition, and treatment of various maternal diseases. Contrary to the stated goals of the report, however, according to the "State of World Population Report, 2007" published jointly by

⁸⁸ According to North Korean women defectors, since the food crisis many North Korean women have been experiencing irregular menstrual periods or none at all.

the UN Fund for Population Activities (UNFPA) and the Population Health and Welfare Association, the ratio of maternity death due to pregnancy, delivery, and related complications was reported to be 67 out of 100 thousand, placing North Korea's maternity death rate at 60th rank in the world.⁸⁹ Furthermore, the WHO's World Health Statistics 2011 ranked North Korea's maternal mortality rate at 250 people.⁹⁰

Malnutrition of pregnant mothers is also intimately connected with North Korea's high mortality rate. The 2007 UNFPA report estimated North Korea's infant mortality rate (for infants less than one year old) at 42 per thousand.⁹¹ Moreover, the National Statistical Office (NSO) of South Korea stated that the infant mortality rate of North Korea from 2005 to 2010 was 27.4%, while South Korea's rate for the same period was 3.8%.⁹²

According to the report "State of World Population, 2007," the average child-birth rate for North Korean women (the total number of children a woman will give birth to in her lifetime) that year was 1.94, much lower than world average of 2.56 births per woman.⁹³ In addition, the 2011 report by the National Statistical Office (NSO) of South Korea stated that the total fertility rate of North Korean women from 2005 to 2010 is 2.05.⁹⁴

Another serious complication famine has caused in women's

⁸⁹_UNFPA, "State of World Population, 2007," p. 87, <http://www.unfpa.org/swp/2007/english/notes/indicators/e_indicator1.pdf>.

⁹⁰_WHO, *World Health Statistics 2011*, Available from <http://www.who.int/whosis/indicators/WHS2011_IndicatorCompenium_20110530.pdf>.

⁹¹_UNFPA, "State of World Population 2007," p. 87.

⁹²_The ratio of estimate of deaths under 1 year of age to the total estimate of live births in the same year, regularly expressed as a rate per 1000 live births. Central Bureau of Statistics of South Korea, *Major Statistical Indicators in 2011*, January 17, 2012, p. 52.

⁹³_UNFPA, "State of World Population 2007," p. 87,

⁹⁴_Central Bureau of Statistics of South Korea, op. cit., p. 52.

health is that related to gynecology. More specifically, the most common ailment for North Korean women is hysteropathy. Furthermore, the North Korean authorities insist that all women are responsibly and routinely cared for by “home doctors” and gynecological physicians, with 98% of women getting professional help during childbirth.⁹⁵ However, North Korean defectors have testified that most North Korean women give birth at home, and their health is often undermined by lack of care during and after delivery of baby.

According to a 2011 defector survey, 82% of respondents responded that district doctor system is “not useful” while 59% described it as “completely useless.”⁹⁶ Only 11% evaluated the district doctor system as “useful.”⁹⁷

In addition, as the economic recession continued, the medical distribution system collapsed, causing safe contraception difficult. As such, there have been many reported cases in which expectant mothers attempted ill-advised abortions, risking their own lives and the lives of their babies in the process.

Premarital and extra-marital sex are subject to punishment in North Korea. However, sexual prejudice against women has been undergoing change with the influx of foreign culture since the 1980s. Accordingly, prostitution as a means of survival has increased, leading to more pregnancies from premarital and extra-marital sex as well as prostitution. Women who become pregnant for these reasons attempt to avoid punishment by seeking abortion,

⁹⁵ The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)”; South Korea’s National Human Rights Commission, Collection of Materials concerning North Korea’s National Human Rights Report contained in the UN’s Universal Periodic Report, 2009, and South Korea’s Report on NGOs and INGOs (Seoul: National Human Rights commission of Korea, March 2010), pp. 18-19.

⁹⁶ NKHR2011000042 2011-01-25 and other 82 testimonies.

⁹⁷ NKHR2011000047 2011-02-08 and other 10 testimonies.

thereby increasing the number of illegal abortions. Moreover, the 2nd Mothers' Rally in 1998 was held to compensate for the increase in infant and young children's death rates during the food crisis and Kim Jong-il himself issued an "instruction on childbirth." For these reasons, it has become impossible to obtain contraceptives or go to hospitals for abortion procedures. 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, women not only suffer severe post-procedural pain but also seriously damage their health.

According to one related source,⁹⁸ North Korean girls get a brief education during middle school on the subjects of pregnancy and menstrual cycles, but they do not get any information concerning venereal diseases, sex hygiene, or methods of avoiding pregnancy. Therefore most North Korean women must rely on abortion if they do not want to have a child, and these abortions are carried out at home by doctors without anesthesia. They have to do the procedures at home because abortion is illegal in North Korea and also because there are not enough doctors at small-city hospitals due to the economic troubles. It is said that the hardship of life after the currency reform in November 2009 led many pregnant women to attempt abortions. They did so by purchasing medicines in the market that were rumored to work well for abortion and by overdosing on them. Alternatively, they arranged with doctors to perform secret abortions. These women often severely damage their own health in the process.⁹⁹

⁹⁸ North Korean Human Rights Coalition, *Newsletter on North Korean Human Rights*, No. 144 (May 2010), p. 9.

⁹⁹ Good Friends, "North Korea Today," No. 400 (April 27, 2011).

Furthermore, many women who have had to undergo forced abortions in detention facilities suffer from deteriorating health from the lack of medical help. When pregnant women are sent back to North Korea from China, the North Korean authorities subject them to forced abortions by striking them hard in their abdomens, sentencing them to hard labor, or forcing them to undergo surgery.¹⁰⁰

A female defector testified that in 2002 a detainee who was six-months pregnant was forced to abort her child without anesthesia simply because the baby was half Chinese. After the abortion, the woman was severely beaten.¹⁰¹

According to a 2011 defector survey, 17 respondents had witnessed forced abortions,¹⁰² and 14 had heard of such cases.¹⁰³ The following summarizes defector testimonies of forced abortions.

- Defector XXX testified that in May 2007 she witnessed an army surgeon inject medicine into a woman 8 months pregnant in order to induce labor. Afterwards, the surgeon placed the newborn baby facedown until it died and the director of Sinuiju Labor Training Camp in North Pyeongan Province removed the body.¹⁰⁴
- Defector XXX testified that a female prison inmate who was three months pregnant by a Chinese man was forced to have an abortion at the Sinuiju Short-Term Labor Deten-

¹⁰⁰ Lee Hye-gyeong, “North Korean Human Rights and Women’s Human Rights Issues from the Perspective of North Korean Defectors,” *The First Chaillot Forum on Human Rights in North Korea: Reality of Human Rights in North Korea and Measures for Efficient Intervention* (Seoul: Korea Institute of National Unification, 2011), p. 92.

¹⁰¹ NKHR2011000018 2011-01-18.

¹⁰² NKHR2011000045 2011-02-08 and other 16 testimonies.

¹⁰³ NKHR2011000050 2011-02-15 and other 13 testimonies.

¹⁰⁴ NKHR2011000201 2011-09-06.

tion Facility in North Pyeongan Province in May 2009. After the operation, she was detained at a collection point without any post-abortion care.¹⁰⁵

- Defector XXX testified that she witnessed a forced abortion in a detention facility between 2010 and 2011.¹⁰⁶
- Defector XXX testified that pregnant female prison inmates often have miscarriages upon being beaten in detention facilities.¹⁰⁷
- Defector XXX testified that abortions of pregnant women often occur at collection points near the Chinese border area. A pregnant woman might be released by offering a bribe or she might be allowed to give birth and leave the new-born baby with the grandparents before being repatriated if the baby's father wishes to do so. Otherwise, pregnant women are forced to abort their babies before repatriation.¹⁰⁸

In the 2011 survey, 95% of respondents said that female inmates in detention facilities receive little care (79% answered that there are no special measures at all for pregnant women).¹⁰⁹ However, some respondents reported that special measures are taken for pregnant female inmates, as follows.

- Defector XXX testified that there were almost no special measures in place for pregnant women at the Sinuiju State Security Detention Facility in North Pyeongan Province in 2006, but that the situation improved greatly compared to

¹⁰⁵ NKHR2011000223 2011-10-19.

¹⁰⁶ NKHR2011000068 2011-03-15; NKHR2011000253 2011-12-20.

¹⁰⁷ NKHR2011000213 2011-10-04.

¹⁰⁸ NKHR2011000224 2011-10-19.

¹⁰⁹ NKHR2011000043 2011-01-25 and other 35 testimonies.

the past.¹¹⁰

- Defector XXX testified that she was released to deliver her baby and receive post-natal care in the police office without being punished when she was repatriated to North Korea while pregnant in April of 2009.¹¹¹
- Defector XXX testified in October 2009 that she witnessed a pregnant woman being released after her trial for “sick leave” (childbirth) when she was 8 months pregnant. The woman had been detained at the Musan-gun People’s Security Agency Collection Point in North Hamkyung Province and was obligated to return there after delivering the baby.¹¹²

Health problems that years of famine have brought about to North Korean women are not confined to malnutrition, pregnancies, childbirth and child rearing. During the food crisis, most North Korean women had to initiate vending, peddling, and trading to support their families. They operated under constant threat and fear of being pilfered, pick-pocketed, mugged, robbed, trafficked, sexually assaulted and harassed by soldiers and safety agents at the markets and on the trains. Furthermore, long distance travel, constant walking, and ever-present hunger exacerbated the mental anguish and physical exhaustion. In addition, the psychological and emotional strains stemming from the responsibility for providing food for the family became almost unbearable. The recent trend of drug abuse among North Korean citizens is widely known. It is not unusual for North Korean women responsible for supporting their families to turn to drugs in order to temporarily forget about their

¹¹⁰_NKHR2011000102 2011-05-03.

¹¹¹_NKHR2011000190 2011-08-16.

¹¹²_NKHR2011000155 2011-07-05.

physical and psychological pains. This, however, often leads to greater harm on their health.

In addition, food shortage has led many more women to develop hysteria, tuberculosis (TB), and breast cancer. More specifically, many women became infected with venereal diseases with the rise of sexual activity or prostitution, but those infected were unable to receive medical attention at hospitals. It is said that the best remedy available to them is home treatment with Chinese medicine purchased at the market.

Many women who cannot easily obtain sanitary items also undergo difficulties in order to manage menstruation. There have been reported cases of North Korean women repatriated from China being forced to use cut-up pieces of the confiscated jeans they wore from China as sanitary pads in detention facilities.¹¹³

In response to a question in the 2011 survey regarding how female prison inmates in detention facilities dealt with their menstruation, 60% of respondents answered that they used scraps of old clothes,¹¹⁴ while only 18% answered that they used pieces of gauze.¹¹⁵ In addition, a testimony indicated that female prison inmates rarely have periods in detention facilities.¹¹⁶ It is inferred that these irregular periods must be the result of weakened physical state, illness, and high levels of stress in the detention facilities.

According to female defectors, as disposable sanitary pads are not widely available in North Korea, most women use hand-sewn cloth or gauze pads. Only those affluent women living in Pyongyang or in the border areas are able to obtain Daedong-gang brand “wisaeng-dae” (North Korean sanitary pads) or Chinese

¹¹³_NKHR2008000021 2008-09-23.

¹¹⁴_NKHR2011000043 2011-01-25 and other 23 testimonies.

¹¹⁵_NKHR2011000056 2011-02-22 and other 6 testimonies.

¹¹⁶_NKHR2011000188 2011-08-16.

disposable sanitary pads.¹¹⁷ According to the 2011 survey results, 83% of respondents answered that they used “pieces of gauze,”¹¹⁸ while other respondents stated that they had used “scraps of old clothes”(9%),¹¹⁹ or “disposable sanitary pads”(8%).¹²⁰ Notably, in Political Concentration Camp, many female prison inmates asserted that they had to use unusable pieces of old cloth or socks as sanitary pads and sleep on floors covered with vinyl so that menstruation would not flow out. They also asserted that they were unable to wash their used pads as there was no soap.¹²¹

On December 22, 2010, the Presidium of the Supreme People’s Assembly adopted the “Women’s Rights Protection Act.” North Korea has emphasized the establishment of this law as a significant step toward protecting women’s rights and interests in all areas.¹²² The Act reflects the concerns expressed in “Concluding Observation of the UN CEDAW Committee” and contains several new articles, in addition to articulation of existing articles in greater detail. These changes in the act suggest that North Korean authorities have responded positively to the international attention focused on its poor human rights record and demand for improvement. However, it is possible to understand this move as a deliberate effort to improve North Korea’s international image in light of the consistent censure of its human rights record and urging from the international community. Therefore, the Act demands closer attention and provides an opportunity for advocates to voice out for better implementation of the law.

¹¹⁷ Interview with defector XXX in Seoul on May 4, 2011.

¹¹⁸ NKHR2011000042 2011-01-25 and other 52 testimonies.

¹¹⁹ NKHR210000047 2011-02-08 and other 5 testimonies.

¹²⁰ NKHR2011000099 2011-04-26 and other 4 testimonies.

¹²¹ Interview with defector XXX in Seoul on April 22, 2011.

¹²² *Miju Joseon (Democratic Chosun)*, January 26, 2011.



2



The Rights of the Child

Article 25, Section 2 of the “Universal Declaration of Human Rights” stipulates that all children in their childhood are “entitled to special care and assistance.” The “Convention on the Rights of the Child”¹²³ in its preamble also emphasizes that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,” and that “the child should be fully prepared to live an individual life in society and brought up in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.” Article 24 of the “International Covenant on Civil and Political rights (ICCPR)” mandates, “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.”

¹²³ Article 1 of the Convention on the Rights of the Child 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.”

North Korea has insisted since its founding its firm dedication to treating children as 'kings' and represented them as the future of the country. To ensure these goals, North Korea has legally guaranteed the rights of children through the Constitution as well as Education People's Health Children's Education Social Safety Handicapped Persons Protection and Family Laws.¹²⁴ More specifically, an example of a North Korean law that holds up children's rights includes. Article 12 of "North Korea's Child Rearing Guidelines Law" that reads, "The state and social cooperative organizations shall guarantee all necessary measures for child rearing under the principle of 'only the best things for the children'."

North Korea signed the "Convention on the Rights of the Child" in September 1990, and established a national action program for children's welfare, in 1992 and was active from 1992 to 2000. Furthermore, in April 1999, North Korea launched the "National Coordination Commission for Children (NCRC)" charged with implementing the "Convention on the Rights of the Child." In addition, North Korea adopted and implemented the "Second National Action Program for the Children's Welfare" (2001-2010). North Korea submitted its first "Rights of the Child Performance Report" in February 1996 and its second report covering the period of 1995-2000 in May 2000, in its efforts to fulfill the terms of the Convention. On June 1, 2004, the UN Committee for the Rights of the Child reviewed the North Korean report.

In its second performance report on the "Rights of the Convention on the Rights of the Child," North Korea reported that

¹²⁴ The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)"; South Korea's National Human Rights Commission, Collection of Materials concerning North Korea's National Human Rights Report contained in the UN's Universal Periodic Report, 2009, and South Korea's Report on NGOs and INGOs (March 2010), p. 19.

it had appropriated funds for causes intimately related to children's rights such as public health, welfare, and education despite experiencing numerous difficulties owing to a series of natural disasters and extended economic sanctions during the 1995-2000 reponing period. North Korea further stated it has also implemented 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 the Education Law (1999). In addition, North Korea declared that it has provided free food and medical treatment to all children.

In December of 2007, North Korea submitted a consolidated report on the 3rd and 4th terms of its implementation of the "Rights of the Convention on the Rights of the Child," which covered the period from 2001 to 2007. In this report, North Korea insisted that the government's policies for children were consistent with the principles and demands of the Convention, and that North Korea has newly enacted or revised existing laws to fully fulfill the terms of the Convention. More specifically, North Korea has revised and updated many of its legal provisions, including the Penal Code (in 2004) and the Family Law (in 2004). It has also newly enacted the Inheritance Law (in 2002), the Handicapped Protection Law (in 2003), the National Budget and Revenue Law (in 2005), the Cigarette Control Law (in 2005), and the Korean Red Cross Society Law (in 2007). Furthermore, North Korea stated that the laws revised in 2005 related to narcotics control, food hygiene, disease control, Criminal Procedure, and environmental protection fully mirror the requirements stipulated in "Rights of the Convention on the Rights of the Child" and stated that it has thereby come one step closer to perfecting laws ensuring and promoting children's rights. In an effort to promote children's rights to have equal access

to education North Korea established a “National Plan of Action on Education for All” in 2002. In a consolidated report published in 2006, “Strategy of the DPRK for the Promotion of Reproductive Health, 2006~ 2010,” North Korea stated that it has taken positive steps to strengthen the roles and expand the scope of activities of its National Commission for the Rights of the Child (NCRC). It also asserted that North Korea was teaching various principles and regulations contained in the “Rights of the Convention on the Rights of the Child” to its school children during “Socialist Ethics” and “Socialist Law and Morality” classes, two classes that have been introduced to the Elementary and Middle School Curriculum since 2005.

In its 2nd implementation report on the “International Covenant on Economic, Social, and Cultural Rights” submitted on April 2002, North Korea said that it has incorporated numerous laws and policies that protect children, including the strengthening of provisions related to children’s rights in the Constitution as well as development of laws related to raising children, education, family, medicine, and civil practices. North Korea said that these laws were specifically designed to rear the next generation up as physically healthy and morally sound adults under the principle of “only the best things for our children.”

On January 23, 2009, the UN Rights of the Child Committee convened a review session on North Korea’s 3rd and 4th period consolidated report on the implementation of the “Rights of the Convention on the Rights of the Child” submitted on December 2007 in Geneva. Following the meeting, the UN committee published its “Concluding Observations” on Jan. 29, 2009.¹²⁵ In it,

¹²⁵ Committee on the Rights of the Child, 50th Session, “Concluding Observations: Democratic Peoples’s Republic of Korea,” CRC/C/PRK/CO/4, 27 March 2009.

Committee made some positive observations about North Korea's various administrative efforts to carry out the terms of the "Rights of the Convention on the Rights of the Child." More specifically, the Committee favorably noted a number of North Korean policies such as the "DPRK Strategy for the Promotion of Health of Pregnant Women (2006~2010)," the "Strategy for Prevention of AIDS (2002~2007)," the "First Stage Health Promotion Strategy for Mothers and Children (2008~2012)," the "Overall Action Plan for Handicapped Persons (2008)," the population census of October 2008, and the establishment of the Central Committee of the Korean Federation for the Protection of Persons Disabilities (See Section 3 of the "Concluding Observations"). However, the UN Rights of the Child Committee expressed regret about the unsatisfactory performance and incomplete implementation of various recommendations the UN Committee had proposed after reviewing North Korea's second regular report submitted in 2002. The UN Committee also called on North Korea to faithfully carry out these recommendations in connection with the 3rd and 4th period combined report (Sections 5 and 6). The UN Committee also expressed concern over the absence of independent watch-dog organizations and the lack of independence NGOs had in implementing the "Rights of the Convention on the Rights of the Child" (Sections 11 and 13).

A. The Right to Food and Health

A great majority of North Korean children are not guaranteed their fundamental right to food, living under constant threat of chronic hunger and malnutrition. In 2002, the North Korean authorities conducted a survey in cooperation with UNICEF and

WFP on malnutrition among North Korean children. Of the 6,000 children surveyed, 20.15% were found to be underweight, 39.22% suffering from chronic malnutrition, and 8.12% acutely malnourished. In a 2004 survey of 4,800 children below the age of six, some 23 percent were underweight, 37 percent were suffering from chronic malnutrition, and 7 percent suffered from acute malnutrition. According to the 3rd and 4th Term Consolidated Report, some 19.5 percent of all North Korean children were underweight, 34 percent were suffering from chronic malnutrition, and 6.1 percent of them were experiencing acute malnutrition. Since 2000, there have been slight improvements in these statistical rates. In December of 2009, UNICEF published a report on this subject. The report said that during the 2003-2008 period, 23% of the children under the age of six were underweight, 45% showed chronic nutritional disorder, and 9% suffered from acute malnutrition.¹²⁶

According to “World Health Statistics 2011” released by the WHO,¹²⁷ 20.6% of children under the age of five were reported to be underweight. The report stated that a majority of North Korean children suffer from malnutrition and showed signs of underdevelopment as a result. North Korean defector XXX from Heysan testified in 2010 that in general 30-40% of middle school students are malnourished, while *kkotjebis* (street children) who beg or steal food actually tend to be better off. However, the defector said that once these *kkotjebis* are sent off to orphanages or ‘Jung-deng-hag-won’ (boarding school for teenage orphans) run by the government, they become malnourished as well.¹²⁸

¹²⁶ UNICEF, The State of World’s Children, special edition (November 2009), Table 2. Nutrition.

¹²⁷ WHO, “World Health Statistics 2011,” p. 23, <www.who.int>.

¹²⁸ Interview with defector XXX in Seoul on May 9, 2011.

As economic conditions worsened, nurseries, kindergartens, schools, as well as other educational and child protective facilities were not able to perform their proper functions. This situation thus clearly illustrates that North Korea has been unable to fulfill the terms spelled out in the “Convention on the Rights of the Child,” specifically Article 6 of Section 2, which mandates that “States Parties shall ensure to the maximum extent possible the survival and development of the child.” North Korea has also failed to meet the terms of Article 27 that 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 “Convention on the Rights of the Child” illustrates various measures to be taken for the fulfillment of health rights of children. 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 2nd implementation report, North Korea stated there were no cases in which children were denied public health care. The report further stated that although material and technical aspects of children’s health service as well as some children’s health have deteriorated due to extreme natural disasters, the active efforts of the government, the people, and international aid all working together to overcome the deleterious impact of natural

disasters has led to the gradual improvement of North Korean children's health and recovery of the public health care service to the level of the early 1990s. In its 3rd and 4th year consolidated report, North Korea said it has secured legal guarantees for the protection and promotion of children's health by revising and updating laws on the prevention of communicable diseases, food hygiene, and environmental protection as well as by adopting the law on herbal medicine, narcotics control, and cigarette control. It also said that the "Strategy for the Promotion of Reproductive Health (2006~2010)" and the "Strategy for Prevention of AIDS (2002~2007)" were also part of its policy to protect and promote children's health. However, the fact remains that North Korea's medical services have collapsed due to the food crisis and deepening of the economic hardship. Therefore, most North Koreans remain unable 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 been abundant among the population since the mid-1990s, killing many children. Lack of clean water and unsanitary living conditions are known to be the main culprits behind such contagious diseases. According to the 3rd and 4th consolidated report, the most common communicable diseases among North Korean children were reported to be diarrhea and acute respiratory illnesses.

In its "Concluding Observations" on North Korea's combined 3rd and 4th report, the UN Committee expressed its concerns over issues such as persistent poverty, lack of grain, death of drinking water, poor general hygiene, as well as the deplorable environment children are living in. The UN Committee further called upon North Korea to take necessary measures to improve these situations as

soon as possible (Sections 50 and 51).

In its consolidated report, North Korea said its infant mortality rate has been improving since 2000, and as of 2005 the mortality rate for children under the age of five was 40 per thousand. However, the “State of World Population, 2007” report stated that the actual mortality rate stood at 56 per thousand for boys and 49 for girls. By comparison, infant mortality rates for South Korean children stood at 5 per thousand for boys and 5 per thousand for girls.¹²⁹ The annual report “State of the World’s Children, 2009” released by UNICEF pointed out that the mortality rate of North Korean children under the age of 5 was 55 per 1,000, placing North Korea 62nd among 189 countries.¹³⁰ Moreover, the report “State of the World Population, 2010” pointed out that the mortality rate of newborn babies in North Korea stood at 47 per 1,000 and the mortality rate of children under the age of 5 was 63 per 1,000 during the period 2005-2010.¹³¹ The World Health Organization’s World Health Statistics 2011,¹³² however, reported that the mortality rate of North Korean children under the age of five was 33 per 1000. The State of World’s Children 2011¹³³ also reported that the mortality rate of children under the age of five was 33 per 1000, placing North Korea 77th among 193 countries. These two reports show that there have been a noticeable decrease in the North Korean child mortality rate in 2011.

According to a joint survey on the nutritional levels of North Korean mothers and children conducted by UNICEF and United Nations World Food Program in 2002, one third of mothers

¹²⁹ UNFPA, “The State of World Population, 2007,” p. 91.

¹³⁰ UNICEF, “The State of the World’s Children, 2009,” p. 117.

¹³¹ UNFPA, “The State of World Population, 2010,” p. 96, p. 102.

¹³² WHO, “World Health Statistics 2011,” p. 24.

¹³³ UNICEF, THE STATE OF THE WORLD’S CHILDREN 2011 (February 2011), p. 87.

surveyed were suffering from anemia and malnutrition of mothers was found to be the main cause of unhealthy newborn babies. A 2004 survey also revealed that one third of the surveyed mothers were suffering from malnutrition and anemia.

According to a report by the International Federation of Red Cross and Red Crescent Societies published in October of 2009, the nationwide nutrition level assessment conducted in mid-2008 showed that the overall nutrition level of North Korean children was deteriorating and the health of mothers and children remained a critical issue. The rate of disease occurring in winter was especially alarming. Due to poor heating at health-care facilities, the bed occupancy rate was less than 50%. In addition, 9.8% of babies under 24 months of age were found to be suffering from acute respiratory diseases such as tuberculosis, a major contributing cause of death in North Korea.¹³⁴ In connection with these disturbing statistics, the UN Committee's "Concluding Observations" on North Korea's 3rd and 4th period combined report expressed concerns about various breaches committed on the rights of the child, including the right to life, the right to food, and the right to proper growth. The Committee expressed particular worry about North Korean children's poor level of nutrition and its related problems that include stunted growth and untimely death (Section 23). The UN Committee further expressed particular concerns over problems such as chronic malnutrition, acute pulmonary disease, and diarrhea of children. The Committee also expressed worry over sharp increases in pregnant workers' malnutrition and anemia rates and their impact newborn babies' health. The Committee

¹³⁴ International Federation of Red Cross and Red Crescent Societies, "Democratic People's Republic of Korea (MAAK002) Country Plan 2010-2011," Oct. 20, 2009.

also expressed concerns over the quality of drinking water and the lack of free medical service for all children (Section 44), which could have an adverse impact on children's health. The UN Committee also expressed concerns over the possibility that young pregnant women may not have ready access to reliable information and services related to health, child-birth, and unsafe abortions (Section 46).

Recently, a major threat to the health of North Korean youngsters is posed by narcotics ("ice" or methamphetamine). As previously reported, the dealing and use of narcotic drugs are becoming widespread among North Koreans with even some middle school students getting involved in drugs.¹³⁵ Use of narcotics has been rapidly spreading among middle school students, especially by those in and above 4th grade of middle school (equivalent to 10th grade in Western countries). Some of these children show symptoms of addiction¹³⁶ and those in the 14-18 age range who do not take drugs are sometimes ostracized by their peers.¹³⁷

On this issue, the UN Committee in its "Concluding Observations" on North Korea's 3rd and 4th period combined report expressed concerns over the harmful effects drugs may have on the physical, emotional, and psychological development of these young students, potential accidents that could result from student drug abuse, as well as concerns about the practice of mobilizing young students to work on opium farms (Section 61).

¹³⁵ Good Friends, "North Korea Today," No. 326 (Jan. 19, 2010).

¹³⁶ Newsis, January 5, 2011.

¹³⁷ DailyNK, May 23, 2011.

B. The Right to Protection against Physical and Mental Abuse

Article 19 of the “Convention on the Rights of the Child” 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.” Furthermore, 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 2nd performance report that it was taking various measures to provide family environments for children who have lost their parents and that it was paying great attention to child-rearing at both the family and society levels. More specifically, North Korea stated that it has been devising a variety of means to solve the problem of children on streets since 1996. As such, most orphans have been sent to vocational schools or institutions where they could receive government protection. Moreover, North Korea mentioned in its 3rd and 4th year consolidated report that although the nation had sustained extensive damages to its children’s facilities due to floods and typhoons in August and September of 2007, that it put the restoring of various children’s facilities on top of its priority list in order for affected children to resume normal daily lives as soon as possible. In accordance with Articles 16 and 17 of the “International Covenant on Economic, Social, and Cultural Rights (ICESCR),” North Korea submitted its second report in 2002. In the report, North Korea stated that it was providing special protection to children who had lost their families or were in poor environments. The report affirmed children without means of livelihood had the right to receive

material assistance under Article 72 of the DPRK Constitution. Article 18 of the Child-rearing Guideline Law stipulated that children not under state or family protection would be cared for by nurseries and orphanages.

In its “Concluding Observations,” the UN Committee also expressed concern over the fact that many children housed in child protection facilities were not actual orphans and that a great majority of them were sent there as a matter of general practice, especially those children whose parents were locked up (Section 34).

According to defectors, during the food crisis, many parents abandoned their children upon divorce or death of one parent, which often resulted in putting a heavier burden on the remaining parent. Children who were abandoned or whose parents had died or who had ventured out on their own out of extreme hunger lived on the streets and at marketplaces as *kkot-je-bi* (literally “flower-swallows”—a euphemism for food-snatching children) to engage in begging or stealing.

Street orphans called *kkot-je-bi* usually gather in marketplaces or in front of train and bus stations where many people congregate. They wander around begging during the day and sleep in the waiting rooms of train and bus stations at night. In Cheongjin, North Hamgyeong Province, teenagers and young adults in their twenties go around Sunam Market or the station begging for food during the day and sleep on *Jaemugi* (piles of coal dust) near Gimchaek Steel Mill at night using cooling coal briquettes for warmth.¹³⁸ Many *kkot-je-bi* prefer to sleep on *Jaemugi* over homeless shelters where there are usually no heating systems. It is said that homeless

¹³⁸ Good Friends, “North Korea Today,” No. 388 (January 2, 2011).

children become beggars and stay in the station or near railroad lines in Bukchang-gun, South Pyeongan Province.¹³⁹ A defector from Pyongyang in 2009 testified that while traveling he/she witnessed a 12 year-old street orphan whose legs had been cut off below the knee, with pus still leaking from the unhealed wounds; nobody helped the child.¹⁴⁰

When street orphans are caught during inspections, the North Korean authorities send them to facilities such as relief centers, boarding houses, juvenile corrective training centers, and vagabond shelters for supposed purposes of “guidance” and “regulation.” In addition, Jungdeung Hakon is a sort of orphanage operated by the state that detains street orphans as well as elementary and middle school students who have lost their parents.¹⁴¹ Street orphans who have wandered in from other regions are sometimes detained in facilities called *Sangmu*, resembling inns or training camps, until they are sent back to their hometowns.¹⁴² For example, it is said that a two-story building known as “9.27 *Sangmu*” located in Kyeongseong-gun, North Hamgyeong Province houses some 70-80 street orphans.¹⁴³

However, these children reportedly have difficulty adapting themselves to the controls and daily routine of such facilities and are not properly fed. As such, they often sneak out to wander out in the streets again. Many of them die in the cold winters. The lives of children in orphanages are not much different from those of children in state facilities. Children are forced to work in fields

¹³⁹ Interview with defector XXX in Seoul on August 10, 2011.

¹⁴⁰ Interview with defector XXX in Seoul on August 11, 2011

¹⁴¹ Interview with defector XXX in Seoul on May 4, 2011; Interview with defector XXX in Seoul on May 9, 2011.

¹⁴² Interview with defector XXX in Seoul on May 4, 2011.

¹⁴³ NKHR2010000067 2010-04-27.

while staying in orphanages that do not feed them well and receive no financial support from the state. Thus, most children prefer to live on streets as beggars than to stay in orphanages.¹⁴⁴ One North Korean defector testified that in May 2008 some children detained in a relief center were forced to work in the small field outside of the center, with the female children asked to gather vegetables from the mountains.¹⁴⁵ Furthermore, it is said that children detained in relief centers are ordered by the center managers (instructors of People's Committee) to obtain certain supplies that are only obtainable by stealing.

The number of street orphans seems to have increased dramatically since the currency reform in November 2009. According to a 2011 defector survey, 85% of respondents answered that the number of street orphans has risen as daily life became harder after the currency reform. 43% of respondents said that the increase had been dramatic.¹⁴⁶

Meanwhile, the North Korean authorities encourage individual families to take these *kkot-je-bi* into their families and raise them, saying such practice is a model way of giving back to the society. In the "Consolidated Report," North Korea said that as of 2006, a total of 2,528 North Korean families were taking care of these homeless children. Furthermore, with regards to this problem, a respondent who defected in 2010 testified that although some orphans have been adopted, economic hardships often make even such adoptions difficult and therefore less frequent.¹⁴⁷

Article 22 of the "Convention on the Rights of the Child"

¹⁴⁴ Interview with defector XXX in Seoul on April 29, 2011; Interview with defector XXX in Seoul on May 12, 2011.

¹⁴⁵ NKHR2011000187 2011-08-16.

¹⁴⁶ NKHR2011000044 and other 60 testimonies.

¹⁴⁷ Interview with defector XXX in Seoul on August 17, 2011.

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 “2nd report,” North Korea stated that no child had been regarded as a refugee or had sought refugee status for political or other reasons. North Korea insisted that the question of protecting or assisting a refugee child has never been raised. In its “Consolidated Report,” North Korea stated that it was not in a state of war and that there were no racial disputes, socio-political conflicts or contradictions. Therefore, North Korea argued that there are no refugees or displaced children in North Korea. However, it is widely known that numerous North Korean children under the age of 18 lead lives as *kkot-je-bi*, begging and sleeping in the streets under constant fear of arrest. Most of them suffer from severe malnutrition and various illnesses such as skin rashes. They are constantly subjected to humiliation, beatings, and verbal abuse. Some even become involved in violence, larceny, and human trafficking.

In its 2nd implementation report, North Korea said it was carrying out the terms of Article 35 of the “Convention on the Rights of the Child,” declaring that prostitution and illegal sexual behaviors were strictly prohibited under its penal code. In its “Consolidated Report,” North Korea insisted that there have never been cases of sexual abuse involving children, kidnapping, and human trafficking of children in North Korea. 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. In addition, since the late 1990s, the trafficking of teenage girls has been reported. Additionally, there are known cases of four- and five-year-old children being trafficked to China for adoption by

Chinese families.¹⁴⁸

As the food crisis worsened, cases of sex-for-money involving under-age girls have been known to take place in North Korea. In its “Concluding Observations,” the UN Committee expressed concerns about the dearth of information regarding issues of children’s sex exploitation and prostitution, and recommended that accurate information about these issues be gathered in order to take appropriate measures for prevention (Sections 65 and 66). The committee further expressed deep concerns over the fact that North Korea did not have anti-human trafficking laws as well as the mere fact that North Korean citizens were being trafficked to China (Section 67).

C. The Right to Nationality and Justice

Regarding the rights of the child stipulated in Article 37 of the “Convention on the Rights of the Child,” North Korea in its 2nd as well as 3rd and 4th consolidate reports, stated that North Korean law enforcement authorities does not arrest, detain, or imprison any child in principle. It further stated that only under inevitable circumstances do the authorities detain a child after school hours in his/her home or specified facility with the approval of a prosecutor in accordance with Articles 189 and 190 of Criminal Procedure Law for a maximum period of one month. The North Korean reports also stated that North Korean laws have been revised to comply with international agreements, especially the standards spelled out in the “Convention on the Rights of the Child.” For example, North Korea asserted that the age for assessing the death

¹⁴⁸ NKHR2011000223 2011-10-19.

penalty for young people has been raised from 17 to 18 and that not a single incident in which a child was tortured, punished in a cruel and inhumane manner, or otherwise mistreated occurred. In its consolidated report, North Korea said that there were no cases of mistreatment of children, such as torture or inhumane and degrading treatment, during the entire reporting period (2001~2007). Contrary to North Korea's claims, however, children deported from China have been reported to have gone through various forms of torture, especially verbal and physical abuse, including beatings and intimidation. They have been further detained in facilities designed for adults and forced to endure violence and forced labor.

- Defector XXX testified that he witnessed a 15-year old child detained in Jeongeri Long-term Corrective Labor Camp mobilized for forced labor.¹⁴⁹
- Defector XXX testified that children detained with their parents in Sacheon No. 22 Political Prison Camp, located in Hoeryeong, North Hamgyeong Province, were forced to perform extremely heavy labor beginning at 10 a.m. Even the parents were not allowed to help their children inside the Camp.¹⁵⁰
- Defector XXX testified that children shared rooms with adults at a “620 Samgmu” (a kind of boarding house) located at Pyeongseong, South Pyeongan Province, in 2008.¹⁵¹
- Defector XXX testified that a 15-year old boy was arrested, detained, and battered in a boarding house for using a flash drive in a computer. This defector knew of another 40

¹⁴⁹_NKHR2011000247 2011-12-20.

¹⁵⁰_NKHR2011000134 2011-06-07.

¹⁵¹_NKHR2011000101 2011-04-26.

- students of similar age who were also victims of violence.¹⁵²
- Defector XXX testified that a 16-year old boy was taken to the Musan National Security Agency collection point because his parents sent him money from China. He was detained for fifteen days, endured forced labor and severe batterings, only to finally escape.¹⁵³
 - Defector XXX testified that he/she was only 16 years old when deported from China. However, he was detained in an adult facility, in Hyesan National Security Agency collection point.¹⁵⁴

In connection with this issue, the UN Committee expressed concern about *kkot-je-bi*, children who have illegally crossed the border, and other children detained in police or other agencies who are seriously mistreated in its “Concluding Observations” (Section 31). Although the North Korean authorities insisted that there were no refugee children in North Korea, the UN Committee expressed concern about the fact that the children repatriated after crossing into the neighboring country were being mistreated (Section 55). The Committee further expressed its concern over the real possibility that children victimized by human-trafficking might be criminally penalized upon their return to North Korea. It recommended that the North Korean authorities treat these children as victims of crimes rather than as criminals themselves in order to provide them with various service programs for reintegration into society (Section 67-68). The UN Committee called upon the North Korean authorities to develop a juvenile justice system for children

¹⁵² NKHR2011000105 2011-05-03.

¹⁵³ NKHR2011000134 2011-06-07.

¹⁵⁴ NKHR2011000142 2011-06-14.

aged 14-18 in accordance with the UN standards for juvenile justice, pointing out that North Korea has not developed such a system at this time (Section 72).

The UN Committee noted that North Korea failed to uphold the principle of non-discrimination of handicapped children, children living in care facilities, and children under legal disputes. It further expressed concerns about the possibility of discrimination against children based on their political opinions, social backgrounds, or other issues relating to personal status, whether they be based on parents or children themselves (Section 19). The Committee therefore called on North Korea to implement current North Korean laws guaranteeing the principle of non-discrimination (Section 20).

“The Resolution Condemning Human Rights Violations in North Korea” adopted by the UN General Assembly in December of 2011 also pointed out that there have been repeated reports of severe violations on children’s freedom in North Korea. The Resolution particularly highlighted children’s limited access to basic economic, social, and cultural rights. On this point, it urged that special attention be devoted to the extremely vulnerable situation of children repatriated to North Korea, homeless children, handicapped children, children of detained parents, children living in labor detention facilities, and children exposed to illegal acts.

Regarding Article 7 of the “Convention on the Rights of the Child” on the nationality of the child, North Korea stated that children would never be without a nationality. If either one of a child’s parents is Korean, the convention automatically guarantees the child North Korean citizenship. However, for a North Korean woman who has formed a family with a Chinese or a Korean-Chinese man, her “marriage” is not regarded as “legal” as she is only regarded as

a “common law wife” who is “living-in” through human-trafficking or by being “sold off” by intermediaries. As a result, her children cannot expect to receive any legal protection.

D. The Right to Education

Article 29 of the “Convention on the Rights of the Child” stipulates, “Education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential.” However, the most important objective of education at North Korean schools is the teaching of political ideology that is dictated by education laws and fundamental principles of Socialist education. As a result, imparting of knowledge, universal values, and good personality at schools is usually neglected.

More specifically, Article 40 of the DPRK General Education Act¹⁵⁵ enacted and announced on January 19, 2011, stipulates that general education institutions “place a priority on the education of political ideology” and integrate this topic into basic science, technology, and other general curricula, including subjects such as foreign languages, art, and physical education.

In fact, the elementary and middle school curricula have placed relatively heavy emphasis on the education of Communist ideology and deification of Kim Il-sung, Kim Jong-il, and Kim Jung-sook. For four years of elementary school, North Korean

¹⁵⁵ ‘General Education Act’ consists of six chapters and fifty two articles. It includes ‘Basic principles of general education act,’ ‘free education,’ ‘establishment and operation of general education’ ‘fostering general education workers’ ‘organization of liberal education’ ‘guide and control of general education.’

children study the “younger years” of Kim Il-sung, Kim Jong-il, and Kim Jung-sook. During the six years of middle school, they study the “revolutionary activities” and “revolutionary history” of Kim Il-sung, Kim Jong-il, and Kim Jung-sook. During their vacation, the students are required to visit revolutionary battlefields and historical sites.

Article 13, Section 1 of the “International Covenant on Economic, Social, and Cultural Rights” stipulates that education be directed to the development of good personality and respect for the dignity of man. Article 29, Section 1 of the “Rights of the Convention on the Rights of the Child” reads, “the education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential.” However, due to the mandatory regimentation of their daily lives through activities such as the *Chosun (Korean) Boy Scouts* and *Kim Il-sung Socialist Youth League*, young people of North Korea are deprived of the opportunity to develop normal personalities through education. In other words, their development of personalities and talents as well as mental and physical abilities to their fullest potential is seriously hampered by ideology-oriented education that emphasizes uniformity and regimentation. All of these factors, in short, amount to young people of North Korea not having guaranteed right to study subjects of their own choices.

Article 32 of “Convention on the Rights of the Child” stipulates that “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” North Korea’s Socialist Constitution (in Art. 31) and Socialist Labor Law (in Art. 15) also

stipulate the age of 16 as the legal working age and prohibit child labor under that age. In reality, however, North Korean young people are mobilized for work at farm villages or Socialist construction sites in accordance with the national plan in the name of revolutionary training or implementation struggle. In order to put into practice the principle of combining education with experience and under the pretext of practicing the spirit of love for work, young people are mobilized for “mandatory labor” and utilized fully. According to a defector who previously taught at a North Korean middle school, middle school students there, are mobilized for work for four weeks in the spring. High school students on the other hand, are mobilized for work for eight weeks (four in the spring and four in the fall). They work on farms or at construction sites. Their workload is so heavy that it often interferes with their education.¹⁵⁶ According to one magazine report, children are not as a rule assigned to 8-hour workdays. However, middle school students in Shinuiju City of North Pyongan Province were once mobilized for “8-hour-day” work days in order to complete the development of an orchard.¹⁵⁷

The following cases were reported in testimonies by defectors who left North Korea since 2010.

- Defector XXX testified that children were mobilized for farm labor or construction projects for the benefit of society two to three times a year.¹⁵⁸
- Defector XXX testified that children in primary school from grade three onward are pressured to work in farming communities one to two hours every day during the farming

¹⁵⁶ Interview with defector XXX in Seoul on July 14, 2005.

¹⁵⁷ Good Friends, “North Korea Today,” No. 338 (March 30, 2010).

¹⁵⁸ NKHR2010000021 2010-10-12 and other 8 testimonies.

- season.¹⁵⁹
- Defector XXX testified that he/she was mobilized for farm labor service numerous times, in fact almost every day throughout his/her middle school years, and that this became a serious obstacle to studying.¹⁶⁰
 - Defector XXX testified that students are pressured to provide service to farming communities beginning in April, when corns are planted and until late October or early November. They work almost every afternoon for about seven months a year. Students live together in rural farming villages during their service. Alternatively, some are mobilized to carry stones at construction sites or clean the streets.¹⁶¹
 - Defector XXX testified that elementary school students are mobilized at work sites to carry stones or soil.¹⁶²
 - Defector XXX testified that rural mobilizations are part of agricultural curriculum in North Korean middle schools. Since students are required to serve at least one month per year along with their other daily assignments, students are often overworked, which aggravates their health.¹⁶³
 - Defector XXX testified that from fourth to sixth year of middle school, all spring and fall classes are suspended in order for students to mobilize and work in farming villages.¹⁶⁴

¹⁵⁹_ NKHR2010000075 2010-04-20.

¹⁶⁰_ Interview with defector XXX in Seoul on August 11, 2011.

¹⁶¹_ Interview with defector XXX in Seoul on April 29, 2011.

¹⁶²_ Interview with defector XXX in Seoul on May 12, 2011.

¹⁶³_ Interview with defector XXX in Seoul on August 10, 2011.

¹⁶⁴_ Interview with defector XXX in Seoul on August 17, 2011.

In its “Concluding Observations” on the 3rd and 4th period combined report, the UN Committee pointed out that even though North Korea has prohibited child labor under the Constitution, North Korean children were known to be mobilized for labor as part of school life. The Committee said this practice went far beyond the scope of vocational education and that the labor demanded heavy physical exertion (Section 59).¹⁶⁵ The UN Committee also called on North Korea to take necessary measures to prohibit all mobilization of children for exploitative labor, expressing its concern that North Korea’s labor-related laws did not proscribe labor mobilization of children for work that could be potentially dangerous and harmful to children under the age of 18 (Sections 60 and 61).

One of the serious problems the international community has identified in connection with North Korea’s child education is the mandatory military training imposed on North Korean young people. North Korean students receive two weeks of military training in the “Red Youth Guard” during their fifth grade of middle school. They also receive “shooting” training at the firing range for two to three days.¹⁶⁶ Because of this practice, the Committee on the Rights of the Child expressed in its second recommendation “serious concern over the students’ participation in the military camp during the summer vacation, including the weapons assembly training (Section 56).” According to North Korean defectors, were middle school 5th graders (11th graders in the West) undergoing “Youth Red Guard” military training even in recent years, and depending on the situation, were even forced into week-long

¹⁶⁵ UNCRRC, “Concluding Observations: Democratic People’s Republic of Korea (unedited version),” Jan. 31, 2009.

¹⁶⁶ Interview with defector XXX in Seoul on August 11, 2005.

military-style marches.¹⁶⁷ A defector who left North Korea in 2010 testified that students learn about the kind of attitude a soldier should have as well as how to shoot, attack, and defend themselves. They live together for three to four weeks during the training and have a live ammunition exercise at the end of the course. Both male and female students are trained together by discharged soldiers at military education facilities, which are different from military camps.¹⁶⁸

The UN Committee in its concluding observations expressed its concern that this “military” training could have a negative impact on the purpose of education specified in Article 29 of the “Convention on the Rights of the Child,” and called on North Korea to take necessary steps to stop the practice of early military training of students (Section 57).

Article 28, Section 1 of the “Convention on the Rights of the Child” stipulates, “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity... [They shall] make higher education accessible to all on the basis of capacity by every appropriate means.” On the other hand, in terms of equal opportunity for education in North Korea, Article 48 of Education Law stipulates, “Individual capacity shall be the basis of determining gifted and talented students and higher education opportunities.” While institutionally equally guaranteeing “eleven years of free, compulsory public education.” In March, 1980, North Korea even introduced a “college entrance qualification examination (National Board Exam),” that allowed in principle all middle school graduates the opportunity to matriculate in colleges. However, college admissions

¹⁶⁷ NKHR2010000011 2010-09-14.

¹⁶⁸ Interview with defector XXX in Seoul on August 10, 2011.

are based more on students' family background and Party affiliation (or the evaluation of organized-life) than fair competition among applicants. When a high school recommends students for college admission, personal background and Party affiliation are considered with greater weight than grades.

This selective admission policy based on personal background is particularly noticeable in the cases of Kim Il-sung University, Kim Chaek Polytechnical College, and the Teachers' Colleges. In the case of Kim Il-sung University, that educates North Korea's elites, students with a missing family member (for unknown reasons) are never admitted regardless of family background or Party membership.¹⁶⁹ Moreover, college applicants who are relatives of Kim Il-sung or children of "anti-Japan fighters" are admitted to colleges of their choice. Those who were selected in their fourth and fifth grade of middle school for government service through the Central Party screening—for example, those selected for the "honorary guards" (inspection and reception), Group 6,¹⁷⁰ or Kim Jong-il's "palace guards"—are assigned to appropriate colleges according to national demand.¹⁷¹

Since the 1990s, however, family background or Party membership has become less important for college admissions than individual's academic achievements, parents' influence, and financial capabilities. In particular, natural science colleges place

¹⁶⁹ Interview with defector XXX in Seoul on May 12, 2005.

¹⁷⁰ They are selected from among the graduates of girls' middle school based on family background, economic level, looks and talents, and family status. They were classified under "Group 5" in the past, but they were recently re-classified under "Group 6." Once a girl is selected to "Group 6," she is most likely to be assigned a good job such as a guide at Keumsoosan Memorial Palace, an usher at the Party Central Committee Building, a hotel receptionist, or a waitress at a North Korean restaurant in China. Most girls are known to prefer selection into "Group 6"; Interview with defector XXX in Seoul on November 8, 2005.

¹⁷¹ Interview with defector XXX in Seoul on August 12, 2005.

priority on an individual's academic ability. Students with less impressive family backgrounds are able to advance to natural science colleges if their academic records are impressive. In addition, since the onset of economic hardship, children from wealthy families have begun to enroll in more major universities by way of bribes. North Koreans cynically say, "Since the 'Arduous March,' money is more important than loyalty and personal background," and "You can't even dream of going to college if you don't have money."¹⁷² In particular, the children of high-ranking officials bribe their way into foreign language colleges as well as music and ballet colleges.¹⁷³ Even in recent years, the most essential element for matriculation to institutions of higher learning is wealth, although personal background and political power also play important roles.¹⁷⁴

The results of a 2011 defector survey reveal that important factors for entering higher education institutions include: economic ability (including bribery) (53%),¹⁷⁵ learning ability (22%),¹⁷⁶ family background (19%),¹⁷⁷ and power (6%).¹⁷⁸ One related testimony by a defector reveals that parents wanting to send their child to Kim Il-sung University had to pay about \$1,500 in bribes in 2010, but about \$3,000 in 2011.¹⁷⁹

In its first progress report on "CEDAW" submitted in September, 2002, North Korea stated the ratio of female students to all students at grade schools and colleges were 48.7 % and 34.4

¹⁷² Interview with defector XXX in Seoul on January 20, 2005.

¹⁷³ Interview with defector XXX in Seoul on January 9, 2008.

¹⁷⁴ NKHR2010000017 2010-10-05 and other 11 testimonies.

¹⁷⁵ NKHR2011000042 2011-01-25 and other 40 testimonies.

¹⁷⁶ NKHR2011000047 2011-02-08 and other 16 testimonies.

¹⁷⁷ NKHR2011000046 2011-02-08 and other 14 testimonies.

¹⁷⁸ NKHR2011000096 2011-04-19 and other 4 testimonies.

¹⁷⁹ NKHR2011000240 2011-11-22.

%, respectively. These numbers seem to indicate that opportunities for higher education differ according to gender. On this point, in 2004, the UN Committee on the Rights of the Child recommended in Section 55b that North Korea “provide female students with the same opportunities for higher education as male students.” However, in the “3rd and 4th Term Combined Report,” North Korea insisted that there was no gender discrimination in children’s education.

Since September 1975, North Korea has offered an 11-year compulsory education program in accordance with its education laws. North Korea has insisted that all education programs are completely free with the government paying for all expenses. North Korean defectors have testified that free education was indeed provided in most areas until the economic crisis hit the nation. From the 1990s, school supplies that had previously been provided every semester freely were issued every 3~5 years, and as the economic crisis worsened, these supplies were completely cut off.

However, the situation at the special schools in Pyongyang is different. A defector who went to school in Pyongyang said that there was no shortage of supply with regard to textbooks, and the students only had to purchase school supplies from the market.¹⁸⁰ In recent years, most students have been to purchase their school supplies, including textbooks, from the market. Most school supplies such as backpacks, notebooks, pencils, and pencil cases were Chinese-made according to the defector.

As the government’s budget for schools began to decrease after 2002, parents had to provide for about 70 % of educational expenses. Furthermore, school authorities asked students and

¹⁸⁰ Interview with defector XXX in Seoul on August 12, 2005.

their parents to pay not only for pencils, papers, and other school supplies, but also for the construction of school buildings and their management including firewood for classrooms in the winter.¹⁸¹

Even after 2000, students from poor families experienced difficulties at school because schools demanded cash contributions for a variety of reasons. They included classroom decorations, laboratory upgrades, school hygiene projects, teachers' birthdays, commencement exercises, support for the People's Army, construction sites, and firewood.¹⁸² In the case of firewood, for example, students were required to pay cash in elementary schools, but were required to bring firewood from nearby hills, in middle schools, a rather difficult task considering how trees and firewood are not easily available. In many instances, parents collectively refused to send their children to school.¹⁸³ Largely because of financial burdens imposed by the school.¹⁸⁴

- Defector XXX testified that in Hoeryeong, North Hamkyung Province, about 40% of the children in all classes do not go to school because of the imposed financial burdens, including obligatory cash contributions.¹⁸⁵
- Defector XXX testified that there are additional financial

¹⁸¹ The North Korea Research Center, Dongguk University, *A Survey on the Reality of North Korean Human Rights through the Defector Testimonies* (Seoul: North Korea Research Center, Dongguk University, 2005), p. 111.

¹⁸² NKHR2008000009 2008-08-07; NKHR2008000010 2008-08-08; NKHR2008000012 2008-08-14.

¹⁸³ Interview with defector XXX in Seoul on Jan. 16, 2008; Good Friends, "North Korea Today," No. 111 (Feb. 13, 2008).

¹⁸⁴ NKHR2008000022 2008-11-05; NKHR2008000028 2008-12-12; NKHR2008000006 2008-07-24; NKHR2008000010 2008-08-08; NKHR2009000032 2009-05-19; NKHR2009000044 2009-07-02; Good Friends, "North Korea Today," No. 351 (July 9, 2010).

¹⁸⁵ Interview with defector XXX in Seoul on April 29, 2011.

burdens associated with schooling, including providing for school and playground decorations, planting trees in the spring, and composting. Furthermore, parents are obliged to pay for teacher's personal events, including birthday or marriage celebrations.¹⁸⁶

- Defector XXX testified that some people living the suburbs of Hyesan would not send their children to school because the school imposed extra financial burden on students in order to exchange or repair school facilities and to purchase textbooks.¹⁸⁷
- Defector XXX testified that students would drop out of schools or parents would keep their children home because of the extra financial burden imposed by schools.¹⁸⁸
- Defector XXX testified that parents would not let their children go to school because of the extra financial burdens.¹⁸⁹
- Defector XXX testified that parents would not let their children go to school because students would be beaten by their teachers if they do not pay money.¹⁹⁰

The 2011 survey results also show that 78% of respondents felt burdened by unofficial financial contributions to schools (55% of respondents felt severely burdened).¹⁹¹ Unofficial financial burdens include meals for teachers, support for school facilities, bribes, and etc.

As economic conditions deteriorated, many North Korean

¹⁸⁶ Interview with defector XXX in Seoul on April 28, 2011.

¹⁸⁷ Interview with defector XXX in Seoul on August 17, 2011.

¹⁸⁸ Interview with defector XXX in Seoul on May 4, 2011.

¹⁸⁹ NKHR2011000179 2011-08-02.

¹⁹⁰ Interview with defector XXX in Seoul on May 12, 2011.

¹⁹¹ NKHR2011000049 2011-02-08 and other 49 testimonies.

young people suffered from inferior educational environment and poor quality of education. This is clear from student attendance records. With regard to the sharp drop in students' attendance, the UN Committee on the Rights of the Child expressed "concern over the seasonally low attendance record of 60 to 80% and the long-term absentees due to the extended economic difficulties (Section 54a)." The committee also recommended that North Korea "take necessary measures to reduce and prevent student absenteeism and provide classroom heating in the winter season (Section 55a)."

Since 2000, when the "Arduous March" ended, the attendance rates at all levels of school have been improving, with the attendance rate in North Hamkyung Province marking as high as 70~80% in recent years.¹⁹² However, in most provincial towns, unlike Pyongyang and large cities, many students have quit school to join their parents in peddling in the market or farming on patches of land along hillsides.¹⁹³ According to a magazine report, elementary and middle schools in South Pyongan and North Hamkyung Provinces were unable to operate on normal class schedules due to the low student attendance rate. Students were often unable to attend school because they were hungry or were suffering from various diseases. Many parents also gave up on educating their children due to poverty and mounting school costs.¹⁹⁴

However, the 2011 survey results indicate that the elementary school attendance rates are not particularly low. 98% of

¹⁹² Interview with defector XXX in Seoul on January 19, 2008; NKHR2008000016 2008-09-02.

¹⁹³ Interview with defector XXX in Seoul on January 10, 2008; Interview with defector XXX in Seoul on Jan. 16, 2008; Interview with defector XXX in Seoul on January 30, 2008; NKHR2008000005 2008-07-22; NKHR2009000044 2009-07-02; NKHR2009000070 2009-11-18.

¹⁹⁴ Good Friends, "North Korea Today," No. 331 (Feb. 16, 2010): Good Friends, "North Korea Today," No. 359 (Aug. 4, 2010).

respondents¹⁹⁵ answered that they believe more than 80% of school-aged children are attending elementary school. In the case of middle schools, 64% of respondents¹⁹⁶ replied that more than 80% of students are attending. In Musan, South Hamkyung Province, however, it was reported that some teenagers do not attend school and are unable to read or write even by the age of 16. About half of the students in this town have reportedly been absent from school since the currency reform in November 2009.¹⁹⁷

North Korea's educational facilities and equipment are known to be extremely poor. Since the economic hardships of the early 1990s, the supply of educational equipment was mostly cut off and maintenance was stopped. Even the North Korean authorities have acknowledged this situation. In its 2002 "Second Implementation Report" on the "International Covenant on Economic, Social, and Cultural Rights," North Korea stated that due to the natural disasters of 1995, many schools were destroyed or lost educational facilities or equipment, with even the equipment manufacturers suffering tremendous damage from the disasters. For these reasons, the report said, North Korea was experiencing great difficulties in its educational sector.¹⁹⁸ However, the situation has significantly improved thanks to the contributions of parents.¹⁹⁹ Even so, school facilities and educational equipment in most regions of North Korea outside of Pyongyang are very poor. In August and September of 2007, North Korea suffered from severe flood damage again, which brought wide-ranging damage to educational facilities

¹⁹⁵ NKJHR2011000042 2011-01-25 and other 41 testimonies.

¹⁹⁶ NKHR2011000047 2011-02-08 and other 33 testimonies.

¹⁹⁷ Interview with defector XXX in Seoul on April 28, 2011.

¹⁹⁸ DPRK, 2nd implementation report on the ICESCR, April 9, 2002.

¹⁹⁹ Interview with defector XXX in Seoul on Jan. 10, 2008.

and equipment. In the “3rd and 4th Period Combined Report” submitted in December of 2007, North Korea reported that 316 schools had suffered partial or total destruction, leaving a total of 35,040 students without classrooms.

The storms of June and concentrated floods of July 2011 left school buildings severely damaged and classrooms filled with mud and water. Consequently, students had to take four to five days off from school or hold classes in other buildings, such as farm buildings.²⁰⁰

The North Korean authorities continue to insist that all North Korean children are receiving 11 years of free education and that they are given full opportunities to develop their individual talents and youthful hopes under the free education system. They claim that the enrollment rate for elementary schools is 100%, middle schools 99.7%, and the graduation rate 100%.²⁰¹ Contrary to these assertions, however, North Korean children are not guaranteed their right to an education in reality.

On December 22, 2010, North Korea passed the Children’s Rights Guarantee Act (hereafter the Children’s Rights Act). With this law, North Korea emphasized that they have established firm legal grounds for a consistent policy that values children as well as guarantee their rights and interests on a preferential basis.²⁰² This Act does reflect a number of the obligations that the parties to the “Convention on the Rights of the Child” must follow. However, many provisions are merely hortatory in nature. In addition, the

²⁰⁰ Good Friends, “North Korea Today,” No. 416 (August 17, 2011).

²⁰¹ The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A);” South Korea’s National Human Rights Commission, Collection of Materials concerning North Korea’s National Human Rights Report contained in the UN’s Universal Periodic Report, 2009, and South Korea’s Report on NGOs and INGOs (March 2010), p. 19.

²⁰² *Miju Joseon (Democratic Chosun)*, January 26, 2011.

implementation process is expected to encounter many limitations considering the current economic problems of North Korea. Furthermore, North Korea still shows reluctance to legislate politically sensitive civil rights and freedoms. Thus, the international community still needs to persistently urge North Korea to change its attitude toward human rights.



3



Care for the Disabled

Due to the closed nature of the North Korean system, it is difficult to collect accurate information on the number and reality of disabled people. World Milal is an international evangelical group that helps the physically challenged around the world. In 1999, the group released a “Survey of Disabled Persons in North Korea,” which it had obtained from the (North) Korean Association for Supporting the Disabled. According to this survey, there are a total of 763,237 disabled persons in North Korea, or about 3.41% of the population. The survey showed that 296,518 persons, or 38.8% of the total, had physical disabilities, 168,141 persons were hearing-impaired, 165,088 were vision-impaired (i.e., blind), 68,997 were suffering from multiple disabilities, and 37,780 were mentally disabled. Disabled persons made up about 1.75% of the Pyongyang population. Also, it was said that 64% of all physically challenged persons were living in urban areas, while 35.4% were living in farm villages.²⁰³

²⁰³ *Yonhap News*, April 9, 2006 and Nov. 23, 2006.

In addition, in its report to the UN, North Korea clarified that there were 3,639 children with handicapped mobility, including 2,176 boys and 1,463 girls, according to its own survey conducted in 2005.²⁰⁴

<Table IV-1> Handicapped Children by Age

(Unit %)				
Age	0~4	5~6	7~10	11~17
100%	11.6%	11.2%	30.2%	47.0%

In its Second Report on “International Covenant on Economic, Social, and Cultural Rights” (hereafter “ICESCR”), North Korea reported that the disabled persons are provided with jobs appropriate for their capabilities and constitutional rights. North Korea also insisted that the government was paying special attention to disabled children, with pre-school children receiving treatment at special hospitals, and school-age children getting special consideration to enable them to receive treatment so that they could continue their school education. North Korea said it maintained 3 specialized schools for blind and deaf-mute children, as well as 9 schools for children with speech-impairment. In these schools, a total of 1,800 handicapped children were receiving elementary and high school education. The report said these children were receiving government scholarships and were living in school dormitories built especially for them. However, after reviewing North Korea’s second

²⁰⁴ The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)” (Aug. 27, 2009); South Korea’s National Human Rights Commission, A Collection of Materials concerning North Korea’s National Human Rights Report contained in the UN’s Universal Periodic Report, 2009, and South Korea’s Report on NGOs and INGOs (March 2010), p. 20.

periodic report on the “ICESCR” in 2003, the UN Committee on Economic, Social and Cultural Rights, in its “Concluding Observations,” expressed concern about the fact that disabled children were excluded from the normal educational process.

In the second regular report on the “ICESCR,” the North Korean authorities insisted that they were protecting the rights of handicapped persons. In addition, in its 2009 report to the UN, North Korea insisted that all disabled persons were receiving proper education and treatment by being given the opportunity to choose jobs according to their talents and wishes. North Korea further insisted that they were guaranteed equal rights with other citizens and were able to fully enjoy their cultural rights.²⁰⁵ North Korean defectors, however, have testified that handicapped persons are discriminated against. Two types of discrimination are apparent from the defector testimonies below; the first and most serious type of discrimination is the operation of segregated facilities and forced sterilizations of people suffering from dwarfism.

- According to Hwang Jang-yeop’s testimony, in the 1960s, Kim Il-sung instructed that dwarfs not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for dwarfs was established in Jungpyong County of South Hamkyung Province.
- Defector XXX testified that there were dwarf concentration camps in the 1960s and 1970s.²⁰⁶
- Defector XXX testified that two dwarfs were admitted to the hospital he was working at in 1993. They told him that they were there to receive sterilization.²⁰⁷

²⁰⁵ Ibid.

²⁰⁶ Interview with defector XXX in Seoul on January 31, 2007.

²⁰⁷ Interview with defector XXX in Seoul on January 24, 2007.

- Defector XXX testified that his relative XXX was forced by the government to be sterilized in the late 1980s because he was a dwarf.²⁰⁸
- Defector XXX testified that there was a dwarf camp in Bujon County, South Hamkyung Province, and that the authorities performed “neutering” operations there.²⁰⁹
- Defector XXX testified that her sister had seen a dwarf first-hand around 1998. She followed the person to his place of residence, and there she saw a group of dwarfs living together under a supervisor.²¹⁰
- Defector XXX testified that he had gone for fishing in July 2007 to an area near the Samsok Power Plant. He said he saw a group of dwarfs living together at a place called Kwansaengyi in Samsok County.²¹¹
- Defector XXX testified that she had heard that dwarfs were detained in segregated facilities and forced to submit to sterilization.²¹²
- Defector XXX testified that she personally saw a village of dwarfs at Sangchong-ri in Kim-Hyong-jik County (or Huchang County), Yanggang Province.²¹³
- Defector XXX testified that dwarfs were detained in segregated facilities and there was a “village of dwarfs” in Kim-Kyong-jik County (Huchang County), Yanggang Province.²¹⁴

²⁰⁸ Interview with defector XXX in Seoul on March 10, 2007.

²⁰⁹ Interview with defector XXX in Seoul on January 23, 2006.

²¹⁰ NKHR2009000029 2009-05-01.

²¹¹ NKHR2009000028 2009-04-28.

²¹² NKHR2010000007 2010-03-16.

²¹³ NKHR2010000005 2010-08-10.

²¹⁴ NKHR2010000018 2010-10-05; NKHR2011000001 2010-03-23; NKHR2011000018 2011-01-18.

- Defector XXX testified that he saw a “village of dwarfs” in Pyongsong City, South Pyongan Province.²¹⁵
- Defector XXX testified that he had heard that dwarfs were not allowed to get married and that they lived collectively in Poongsan, Yanggang Province.²¹⁶
- Defector XXX testified that he had overheard conversations between his father and some friends in the late 1980s. They said the authorities rounded up dwarfs and put them through biological experiments in an effort to obliterate their hereditary “seeds” (genes). In addition, they experimented to find out how the dwarfs reacted to certain chemical materials that the researchers were developing at the time. Even deformed children were subjected to such experiments.²¹⁷
- Defector XXX who defected in 2009 testified that while he/she was attending college from 2000 to 2005, he/she heard of a village where dwarfs were relocate and kept segregated.²¹⁸
- Defector XXX who defected in 2010 testified that he had heard of a place to facilitate the segregation of dwarfs in Huchang-gun in the 1990s.²¹⁹
- Defector XXX who defected in 2010 testified that dwarfs are unable to marry because they are forced to undergo a sterilization operation.²²⁰
- Defector XXX testified that in October 2010, she witnessed

²¹⁵_ NKHR2010000097 2010-06-15.

²¹⁶_ NKHR2010000071 2010-11-09.

²¹⁷_ Interview with defector XXX in Seoul on July 30, 2010.

²¹⁸_ Interview with defector XXX in Seoul on August 11, 2011.

²¹⁹_ Interview with defector XXX in Seoul on August 17, 2011.

²²⁰_ Interview with defector XXX in Seoul on May 12, 2011.

six dwarfs from Pukcheong-gun being forced to undergo a sterilization operation at the Jae-il (No. 1) People's Hospital of Pukcheong County, North Hamkyung Province, where the witness was employed.²²¹

- Defector XXX testified that he witnessed a village of dwarfs in Jungdong-ri, Goeup-gu, Kim-Hyung-Jik County, Yanggang Province, in December 2010.²²²

In the 2011 survey, 80% of respondents²²³ said that authorities segregated and relocated dwarfs. 67% of respondents²²⁴ indicated the state forced dwarfs to undergo sterilization although it is difficult to verify these testimonies, most of which fail to mention the exact dates of the events.

However, other defectors testified that the authorities segregated dwarfs but later set them free, with the accompanying elimination of segregation facilities for dwarfs.

- Defector XXX testified that dwarfs were detained in segregated facilities and that male dwarfs were sterilized. However, under mounting pressure from the international community, dwarfs were all released between 1998 and 1999.²²⁵
- Defector XXX testified that there was once a “village of dwarfs” in Huchang County (Kim-Hyung-jik County), but it no longer exists today.²²⁶
- Defector XXX testified that dwarfs were detained in a segregated facility near Huchang County 9-ri (Woltan-ri),

²²¹ NKHR2011000182 2011-08-09.

²²² NKHR2011000103 2011-05-03.

²²³ NKHR2011000043 2011-01-25 and other 85 testimonies.

²²⁴ NKHR2011000048 2011-02-08 and other 38 testimonies.

²²⁵ Interview with defector XXX in Seoul on October 20, 2003.

²²⁶ NKHR2009000023 2009-04-16.

Yanggang Province. Dwarfs could get released from the “dwarfs’ village” by paying cash. Many have been released by now and have moved to the cities.²²⁷

- Defector XXX testified that when he was young, he had heard a story about sending dwarfs off to a remote location, but he believed that there are no such dwarf camps today.²²⁸
- Defector XXX, who used to work as a medical doctor, testified that there were no special facilities designed to segregate and detain dwarfs.²²⁹
- Defector XXX testified that he saw a few dwarfs in Yonsa County.²³⁰
- Defector XXX testified that she saw a female dwarf in Namsan District, Musan County where she was living. She had heard that they were segregated in the past, but this dwarf woman had a baby and a family.²³¹
- Defector XXX testified that in the 1980s, people shorter than 150cm were required to register themselves and the females sterilized. Since then, however, these practices have disappeared.²³²

The second type of discrimination against handicapped persons involves the issue of restricting their residential areas. North Korean defectors have testified that the authorities thoroughly restrict the areas where handicapped persons are allowed to reside,

²²⁷ NKHR2009000030 2009-05-07.

²²⁸ Interview with defector XXX in Seoul on January 23, 2007.

²²⁹ NKHR2008000024 2008-11-18.

²³⁰ NKHR2009000011 2009-03-03.

²³¹ NKHR2009000009 2009-02-19.

²³² Interview with defector XXX in Seoul on November 18, 2008.

especially in cities like Pyeongyang, Nampo, Kaeseong, and Cheongjin, where many foreigners visit. The authorities control the residence of handicapped persons simply because they might leave an unpleasant impression on visiting foreigners.

- Defector XXX testified that rather than periodically relocating handicapped persons, the authorities relocate them during periods of specific events.²³³
- Defector XXX testified that the authorities would relocate handicapped persons to provincial areas so that they would not be seen in Pyeongyang, which the authorities were trying to transform into an international city.²³⁴
- Defector XXX testified that he/she could not continue living in Pyeongyang from the early 1980s because she had mentally handicapped children.²³⁵
- Defector XXX testified that he thought handicapped persons were sent away from Pyeongyang and not permitted to return.²³⁶
- Defector XXX testified that the authorities would also banish persons with post-birth physical handicaps to provincial towns. If someone were to contract infantile-paralysis, the parents would keep the child at home and not send the child to school. The main reason for these actions was that once the disabled child had grown up, it would be difficult for the authorities to force him/her out of town.²³⁷
- Defector XXX testified that any handicapped person would

²³³ Interview with defector XXX in Seoul on May 18, 1999; Interview with defector XXX in Seoul on May 23, 2000.

²³⁴ Interview with defector XXX in Seoul on February 15, 2003.

²³⁵ Interview with defector XXX in Seoul on March 10, 2007.

²³⁶ NKHR2009000013 2009-03-11.

²³⁷ Interview with defector XXX in Seoul on July 30, 2010.

be classified as a “subject of action” (action-required person), and would not be permitted to live in Pyeongyang. The authorities would explain that since Pyeongyang was the “face” of the country, they wanted to show only the “good side” of the city to foreigners.²³⁸

However, some defectors and people who visited Pyeongyang recently testified that there are disabled persons living in Pyeongyang.

- One defector claims that physically challenged persons are now living in Pyeongyang, whereas in the past they were rounded up and sent to the countryside.²³⁹
- Another defector testified that he saw disabled persons in Pyeongyang. The child of a high-ranking official he used to know was suffering from infantile paralysis. He saw the child until he (the defector) left North Korea.²⁴⁰
- Defector XXX, who used to live in Pyeongyang, testified that the government did not allow people with physical deformity to live in Pyeongyang. In the 1970s and 1980s the government had forcibly relocated all those with physical deformity, such as dwarfs, blind persons, humped backs, and etc. to remote places, and if one was seen in Pyeongyang, they were not Pyeongyang residents but visitors from outlying provinces.²⁴¹
- The Lighthouse Welfare Association (in Seoul) is in the process of building a Combined Welfare Center for the Handicapped in Pyeongyang. The association said it has made a significant contribution to reducing the authorities’

²³⁸ Interview with defector XXX in Seoul on July 30, 2010.

²³⁹ Interview with defector XXX in Seoul on January 24, 2007.

²⁴⁰ Interview with defector XXX in Seoul on February 9, 2007.

²⁴¹ Interview with defector XXX in Seoul on January 30, 2008.

- prejudices on dwarfs.²⁴²
- Defector XXX who was born in Pyongyang testified that in the past the authorities used to expel handicapped persons like dwarfs, deafs, and hunchbacks, but in recent years they have discontinued such a practice. People can occasionally see handicapped persons in the streets of Pyongyang today.²⁴³
 - Defector XXX testified that he saw many handicapped persons between the years of 1998-1999 when he was roaming around extensively in the streets of Pyongyang.²⁴⁴
 - Defectors who used to live in Pyongyang testified to unfair practices against disabled persons in Pyongyang. However, these practices were reported to the international community and subsequently ceased because Pyongyang has more foreigners than any other city. The number of disabled persons living in Pyongyang has been on the increase in recent years.²⁴⁵
 - Defector XXX testified that in Pyongyang he/she witnessed a person with both legs amputated and a person with both arms amputated. Both were married and had families.²⁴⁶

Other defectors testified that handicapped persons were living freely in areas other than Pyongyang.

- Defector XXX who fled in 2007 testified that she had seen dwarfs leading normal lives in Gilju County, North

²⁴² Interview with defector XXX in Seoul on February 20, 2008.

²⁴³ NKHR2008000023 2008-11-11.

²⁴⁴ NKHR2008000029 2009-12-16.

²⁴⁵ Citizens Coalition for North Korean Human Rights, NKHR Newsletter - North Korean Human Rights, No. 144 (May 2010), p. 9

²⁴⁶ Interview with defector XXX in Seoul on August 11, 2011.

- Hamkyung Province.²⁴⁷
- Defector XXX who fled in 2009 testified that he hadn't seen any dwarfs but he had seen many hunchbacks. They were leading normal lives with families and children.²⁴⁸
 - Defector XXX testified that he saw a person in a wheelchair in Haeju City, South Hwanghae Province.²⁴⁹
 - Defector XXX who came to Seoul in 2009 testified that in 2006 he saw a dwarf who came to visit his next-door neighbor.²⁵⁰
 - Defector XXX who came to Seoul in 2010 testified that he had seen two male dwarfs who were freely living in Sengjang district, Woonhung County, Yanggang Province several days before he fled.²⁵¹
 - Defector XXX testified that he/she frequently saw dwarfs and they were living with their family and children, not segregated from other people.²⁵²
 - Defector XXX testified that he/she witnessed a mentally and physically handicapped girl. She was the same age as the defector and lived next door to the defector's house in Hweryeong, North Hamkyung Province until the defector left North Korea. In 2007, the defector also witnessed a man who had been amputated at the knees and was living with his brother's family. This man was living in the house opposite from where the defector's grandmother lived. The defector also witnessed a dwarf on the street, probably in

²⁴⁷ NKHR2010000102 2010-07-13.

²⁴⁸ Interview with defector XXX in Seoul on April 15, 2010.

²⁴⁹ NKHR2011000023 2010-06-18.

²⁵⁰ NKHR2010000018 2010-10-05.

²⁵¹ NKHR2010000055 2010-11-30.

²⁵² Interview with defector XXX in Seoul on April 15, 2011.

2006 or 2007. In addition, His/her aunt has an uncle who is a dwarf who had children after marriage.²⁵³

- Defector XXX, who defected from Bakchang-gun, South Pyeongan Province, in 2010 and is now in his/her late twenties, testified that after being discharged from the military service in 2006 he/she often saw handicapped people in the streets who were blind or missing one leg.²⁵⁴
- Defector XXX from Hyesan who defected in 2010 testified that he/she saw some handicapped people, including a dwarf and a hunchback, and that these people were living with their families.²⁵⁵
- Defector XXX from Hyesan, who defected in 2010 and is now in his/her mid-twenties, testified that he/she frequently saw handicapped persons in the streets, including hunchbacks, lame people, blind people, and dwarfs. There is a village for dwarfs in Pyeongseong, but it is a naturally formed village, not one created purposely to segregate dwarfs from average-sized people. He/she said that dwarfs walked about freely in the streets.²⁵⁶

According to a 2011 survey, defectors had witnessed people with various disabilities including, in order, physical handicaps (61%),²⁵⁷ visual impairment (14%),²⁵⁸ speech impediments (13%),²⁵⁹ and mental/hearing/intellectual disabilities (4%).²⁶⁰

²⁵³ Interview with defector XXX in Seoul on April 29, 2011.

²⁵⁴ Interview with defector XXX in Seoul on August 10, 2011.

²⁵⁵ Interview with defector XXX in Seoul on August 17, 2011.

²⁵⁶ Interview with defector XXX in Seoul on May 12, 2011.

²⁵⁷ NKHR2011000028 2011-01-25 and other 365 testimonies.

²⁵⁸ NKHR2011000043 2011-01-25 and other 84 testimonies.

²⁵⁹ NKHR2011000049 2011-01-25 and other 75 testimonies.

²⁶⁰ NKHR2011000053 2011-02-15 and other 26 defectors witnessed people with

“Physical handicaps” is a term used by North Korean defectors to refer to such disabilities as polio, dwarfism, kyphosis (hunchback), and loss of limbs.

In response to the rising concerns of the international community over discrimination against disabled persons, North Korea in June of 2003 enacted a 54-article “Handicapped Persons Protection Law,” thus providing a legal basis for the protection of the rights of disabled persons. Article 1 defined the purpose of the law as follows: “To firmly establish a system for the treatment, recovery, education, work, and cultural life of handicapped persons, and to contribute to the development of living conditions and environments for them.” Article 2 of the law defines a handicapped person as “A citizen whose normal life is hampered due to a long-term loss or limitation of physical or mental functions.” It also stipulates, “The state shall respect the individuality of handicapped persons and guarantee them the same socio-political rights, interests, and freedoms enjoyed by other citizens.” The law also lays out various rules concerning disabled persons’ treatment and recovery (Chapter 2), their education (Chapter 3), cultural life (Chapter 4), and their right to work (Chapter 5). The law specifically guarantees various rights for the handicapped persons, including guarantees for comprehensive free medical care (Art. 9), compulsory education at elementary and secondary schools (Art. 17), college and professional education if desired (Art. 18), operation of special classes or schools depending on the specific physical and mental needs and types of handicap (Art. 19), assignment to appropriate jobs at proper enterprises and work-places according to their wishes (Art.

mental disability, NKHR2011000043 2011-01-25 and other 22 defectors witnessed people with hearing disabilities. NKHR2011000043 2011-01-25 and other 21 defectors witnessed people with mental disabilities.

32), and the creation of a disabled persons protection committee in charge of the projects of the “Disabled Persons League” (Art. 45).

In connection with the protection of the rights of handicapped persons, North Korea established a joint disabled persons survey plan. Participating in this plan would be the National Commission for the Rights of the Child (NCRC), the Chosun Handicapped Persons Protection League, the Central Statistical Office, and the Ministry of Health. North Korea has also constructed a rehabilitation center at Kim Man-hyu Hospital so that the Ministry of Health can conduct rehabilitation research for the handicapped children. It has also formed a new organization for the protection of the rights and interests of disabled persons. In addition, there is an organization designed for the promotion and protection of the rights of the disabled. A non-governmental organization called the “Korean Association for Supporting the Disabled” was formed in July, 1998. In July 2005, it was said to have been expanded and reorganized into the “Korean League for Protecting the Disabled” with branch committees at county, city and province levels. This League is carrying out various important roles, such as conducting surveys on the status of disabled persons, improving health and living conditions, and developing action programs to enhance social awareness on disabled persons. Describing this league, the *Chosun Shinbo* (the official mouthpiece of the General Association of Korean Residents in Japan) reported that the “League is working actively with 20 full-time workers and 4,000 volunteers at various organizations and committees at province, city and county levels.” The League has also established the Cultural League for the Disabled. In addition, the Disabled Art League, the Disabled Children’ Fund, and a trading company supporting disabled persons have jointly established a welfare promotion program for disabled persons. Also, a “Comprehensive

Action Plan 2008-2010 for Disabled Persons” has been established.²⁶¹

In an interview with a monthly periodical, *The Chosun*, in March 2006, the deputy chairman of the League, Kim Young-chol, emphasized that the League was concentrating on education and rehabilitation of disabled persons. Deputy chairman Kim introduced major activities of the League in detail. For example, the League has rebuilt and modernized the Hamhung Orthopedic Surgical Hospital and Shijungho Sanatorium in Tongchon, Gangwon Province, for the treatment and recuperation of the disabled, including wounded soldiers. It has also added a new polypropylene rehabilitation equipment line at the Hamhung Rehabilitation Equipment Factory for the production of wheelchairs, crutches, and hearing aids. He said the League was also promoting a project to build a “recuperation (rehabilitation) center” for the disabled in Pyeongyang. The League was also extending support for the rebuilding and improvement of the School for the Hearing Impaired in Wonsan. In addition, the League was providing “sign language books and dictionaries” to schools for the hearing impaired all over North Korea.²⁶²

Spearheaded by this League, North Korea is promoting cooperative relations with South Korea and the international community to assist the disabled. The two Koreas are promoting medical cooperation projects.

- In an effort to help the inter-Korean exchange program for handicapped persons, an inter-Korean seminar was held on December 19, 2006, at Yanggangdo Hotel in Pyeongyang. Participating in the seminar were delegates from the North

²⁶¹ “The 3rd and 4th Periodic Reports of the DPRK on the Implementation of the Convention on the Rights of the Child,” December 2007, Pyongyang, DPRK (CRC/C/PRK/4).

²⁶² *Voice of the People*, April 5, 2006.

Korean Red Cross Hospital and a South Korean delegation from Daegu City. The delegates discussed their respective research results in the fields of rehabilitation treatment, special education, and other subjects.²⁶³

- On February 26, 2007, the South Korean missionary organization, the Lighthouse Welfare Association, and the Central Committee of North Korea’s Handicapped Protection League agreed to build a Senior Citizens/Disabled Persons Welfare Center on Daechu Island on the Daedong River in Pyeongyang.
- With support from the Lighthouse Welfare Association, North Korea built the Botong River Consolidated Convenience Center, a combined welfare facility for self-support and convalescence of disabled persons.
- The Lighthouse Welfare Association has provided school supplies, daily necessities, farming equipment, and special education supplies to various special education schools in North Korea, including 8 schools for the hearing-impaired (1,035 students) and 3 schools for the blind (84 students).²⁶⁴
- With the help of the Lighthouse Welfare Association, three North Korean “observer delegates” from the Central Committee of the North Korean Handicapped Protection League attended the Ninth Far East and South Pacific Games for the Disabled (PESPIC Games) held in Kuala Lumpur, Malaysia from November 25, 2006.²⁶⁵

On the occasion of World Disabled Day, December 1, 2007,

²⁶³ *Yonhap News*, Dec. 22, 2006.

²⁶⁴ *Yonhap News*, Oct. 23, 2006, and Feb. 26, 2007.

²⁶⁵ *Yonhap News*, Nov. 23, 2006.

North Korea carried an article in *The Pyeongyang Times* entitled “For More Rights of the Disabled,” which was the first indication of support for the disabled. In their report submitted to the United Nations in 2009,²⁶⁶ the North Korean authorities said that hearing and sight-impaired children would attend special schools on scholarships and other children with minor disabilities would be included in normal school classes.

North Korea reported that in order to provide jobs for the disabled, it has established factories for honorably discharged soldiers and “welfare convenience service centers.” It is there that the disabled would receive free booster pills and “walking-aid” equipment, as well as paid vacations. North Korea said it was sponsoring major promotional events to remind citizens to respect the values of disabled persons; on June 18th every year, it would observe a “Day for the Disabled” with various benefit events, and the Chosun Handicapped Persons Protection League, which became active in July of 2005 played an important role in bringing about these events.

Thus the North Korean authorities have enacted various laws for the disabled, including the “Handicapped Persons Protection Law.” Through exchanges and cooperation with South Korea and the international community, North Korean authorities are trying to develop and pursue various policies to protect the rights and interests of the disabled. However, many North Korean defectors have testified that discrimination against the disabled has not

²⁶⁶ The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)” (Aug. 27, 2009); South Korea’s National Human Rights Commission, *A Collection of Materials Concerning North Korea’s National Human Rights Report Contained in the UN’s Universal Periodic Report, 2009*, and South Korea’s Report on NGOs and INGOs (March 2010), p. 20.

significantly decreased. The 2011 survey results also show that 77% of the respondents²⁶⁷ felt that there is still discrimination against the handicapped and 46% of these felt that the discrimination is very serious.

Defectors testified that in North Korea it is rare to see disabled persons such as paraplegics, sight-impaired, speech-impaired, hunchbacks, dwarfs, and persons with missing limbs. Also, they reported that the public generally had negative attitude toward such persons. Most defectors were not aware of any associations for the disabled, equipment, or convenience facilities for the disabled. The 2011 survey results show that only 6% of the respondents²⁶⁸ knew of organizations for the handicapped and 49%²⁶⁹ answered that they knew of no special products or convenience facilities for the handicapped.

But some of the defectors testified that there were special schools and “rehabilitation centers” for sight, hearing, and speech-impaired persons, as well as factories where disabled persons and honorably discharged soldiers work at. They also reported that some disabled persons such as hunchbacks and paraplegics were engaged in light-duty work like watch-repairs, seal-carving, as well as bicycle, shoe, and television repair work at local convenience service centers, with some sight-impaired persons collecting money by playing guitars.

North Korean defectors testified that only handicapped veterans, otherwise known as *yeong-ae-gun-in*, are entitled to disability benefits or financial support from the government. Other handicapped people without entitlements must work to get house-

²⁶⁷ NKHR2011000043 2011-01-25 and other 95 testimonies.

²⁶⁸ NKHR2011000042 2011-01-25 and other 7 testimonies.

²⁶⁹ NKHR2011000042 2011-01-25 and other 65 testimonies.

hold supplies and auxiliary products. One obvious example is the establishment of a factory operated by handicapped veterans.

In its “Concluding Observations” on North Korea’s 3rd and 4th period combined report, the UN Committee on the Rights of the Child expressed its concern over the fact that the non-discrimination principle specified in Article 2 of the “Convention on the Rights of the Child” was not being fully carried out with respect to disabled North Korean children (Section 19). The Committee welcomed various measures North Korea had taken to improve the protection of disabled persons, including the disabled children, such as the collection of reliable data, action plans, and statistical surveys (2008~2010) on the disabled. However, the Committee expressed its concern over the continuing discrimination against the disabled and the lack of society-wide service for the disabled children and their families (Section 42). The UN Committee recommended that the “Action Plan for the Disabled” (2008~2010) include a special focus on disabled children and that the North Korean authorities work to ensure full realization of the right to education for disabled children. The Committee then called on North Korea to ratify the “Human Rights Covenant for the Disabled” and its optional protocol (Section 43). Finally, the resolution condemning the human rights violations in North Korea adopted by the UN General Assembly in December 2011 urges North Korea to consistently report the violations of fundamental human rights as well as human rights of the handicapped. In particular, it expresses deep concern about North Korea’s compulsory measures and use of concentration camps to prevent handicapped people from having children.

White Paper on Human Rights in North Korea **2012**





V

Human Rights in Major Issue Areas

1. South Koreans Abducted and Detained in North Korea
2. Korean War POWs
3. North Korean Defectors





1



South Koreans Abducted and Detained in North Korea

A. South Koreans Abducted during the Korean War

The exact number of South Koreans abducted by North Korea during the Korean War is not known at this time. The seven lists of abducted persons identified so far show significant differences between them. For example, the Statistics Bureau of South Korea's Ministry of Public Information listed the number of abducted Seoul citizens to be 2,438.¹ The Family Association for the Korean War Abducted Persons had published a list in 1951, containing the names of 2,316 abducted persons.² In 1952 the South Korean

1. This list divides the data (total 4,616 persons) into three categories: shot to death (976 total, 796 men, 180 women), abducted (2,438 total, 2,345 men, 93 women), missing (1,202 total, 1,149 men, 53 women). Also included in the list are 10 items of personal information, including name, sex, age, occupation, workplace and position, time, place and type of incident, personal history and address at time of incident. For further details, see the Institute for Data and Materials on Korean War Abducted Persons, A Compilation of Data and Materials on Korean War Abducted Persons, vol. I (Seoul: IDMKWAP, 2006).

2. This is a list compiled by the "Association of Families of Korean War Abducted Persons." Most of the persons listed were from the Seoul area; the list contains the name, occupation, age, address, and date of incident. Unlike other lists which sort

government published a list of names of 82,959 abducted persons during the war,³ but the 1953 Statistical Almanac listed 84,532 names. The Police Headquarters of the Ministry of Internal Affairs documented 17,940 abducted persons,⁴ the Missing Civilians List compiled by Korean Red Cross in 1956 reported 7,034 persons,⁵ and the Missing Civilians List compiled by the Ministry of Defense reported 11,700 persons.⁶ Many names appear on different lists, indicating that they were clearly abducted by the North during the war.

names by region, this list divides the names into 17 different job categories (including “other” job category) and also contains some descriptions in English. Major job categories of abducted persons include 442 Anti-Communist Youth Corps members, 391 businessmen, 328 government officials, 209 policemen and correctional officers, and 209 bank and company employees. For details, see Vol. II, *op cit.* in footnote 1 above (Seoul: 2009), p. 963.

3. This five-volume data source is compiled by region contain names, sex, age, occupation, company and position, date and place of abduction, and address).
4. This is a two-volume list compiled by the Police Headquarters, Ministry of Internal Affairs. It contains names, sex, age, occupation, date and place of abduction, the circumstances at the time of abduction, and address at the time. The KWAUFU surmised that the reason the number of abducted persons was much smaller on this list was because the names of young people who had been drafted as “volunteers” in the People’s Army have been removed. In view of the fact that the names that did not appear in the 1952 list re-appeared on this list, the number of abducted persons would be much greater than the 82,959 names appearing in the 1952 list, said the association.
5. Korean Red Cross conducted a two-month campaign to compile a list of abducted persons from June 15 to August 15, 1956. For its “Missing Civilians Report,” the Red Cross requested the families to record such items as name, sex, date and place of birth, place of original family registry, last known address, occupation at the time of abduction, name, address, and relationship of the reporting person, time and place of abduction, and other details of circumstance at the time of abduction. The Korean Red Cross conducted this campaign in the hope of obtaining some information on the status of abducted persons from the North Korean Red Cross with the help of the International Red Cross Committee. But because the campaign was not widely known to the public, the number of names reported was significantly smaller than the 1952 list.
6. The “Missing Civilians List” published by the Defense Ministry on Jan. 1, 1963 is equivalent to a list of abducted persons even though it was compiled by the military authorities. It lists four items: name, age, sex and address. The number of names

<Table V-1> Statistics of Persons Abducted in Wartime⁷

Category	Source (compiled by)	Year	Number of victims	List exists?
List of victims from Seoul City	Statistical Bureau, Ministry of Public Information	1950	2,438	yes
List of persons abducted during the Korean War	Statistical Bureau, Ministry of Public Information	1952	82,959	yes
Number of persons abducted during the Korean War	Police Headquarters, Ministry of Internal Affairs	1952	(126,325)	no
List of persons abducted during the Korean War	Statistical Office, Ministry of Public Information	1953	(84,532)	no
List of persons abducted due to circumstances of the Korean War	Police Headquarters, Ministry of Internal Affairs	1954	17,940	yes
List of citizens registered as missing	Korean Red Cross	1956	7,034	yes
List of missing citizens	Ministry of Defense	1963	11,700	Vol. 1 yes Vol. 2 no

Based on the lists discovered so far, the Association of Families of Korean War Abducted Persons has concluded 96,013 persons as abducted, excluding overlapping names. The following <Table V-2> shows the distribution of their ages at the time of abduction.

on this list is much smaller than other lists, partly because it does not list young people who may have participated in the war in a number of different ways. The total number of abducted persons is estimated to exceed 20,000. Up to this point, the total number of names compiled by the Institute for Data and Materials on Korean War Abducted Persons is 11,700 persons. See op. cit. above. p. 959.

⁷ The Institute for Data and Materials on Korean War Abducted Persons, A Compilation of Data and Materials on Korean War Abducted Persons, Vol. II, (Seoul: IDMKWAP, 2006).

<Table V-2> Age Distribution of Wartime Abducted Persons

(Unit: People)

Age	1~10	11~15	16~20	21~30	31~40	41~50	51~60	61~older	Unknown	Total
Number	338	376	20,409	51,436	14,773	5,456	1,675	746	804	96,013
Ratio	0.4	0.4	21.2	53.6	15.4	5.7	1.7	0.8	0.8	100

According to the Korean War Abductees' Family Union (KWAUFU)⁸ Kim Il-sung wrote an article in 1946 entitled "About Fetching Intellectuals from South Korea." In line with the contents of this article that demonstrated the need to solve the manpower shortage problem, North Korea abducted a large number of South Koreans (88.2 percent of all abducted persons) during the first three months of the war (July, August, and September of 1950).⁹ By region, Seoul and the Greater Seoul Metropolitan Area had the highest ratio of abducted persons (42.3 percent), followed by Kyunggi and Chungchong Provinces. Kangwon Province showed the highest ratio of abducted persons to its relatively smaller population, perhaps due to its mountainous regional characteristics that made it difficult for anyone to flee. KWAUFU insisted that the abduction of Seoul citizens began from early July 1950. KWAUFU's argument was based on two documents titled "Concerning the Grain Situation in Seoul (Decision No. 18 of North Korea's "7-men Military Committee" - July 17, 1950)¹⁰ and "Concerning the Cooperation

⁸ <<http://www.kwafu.org>>.

⁹ Kim Il-sung, *Collected Works of Kim Il-sung*, Vol. 4 (July 1946~Dec. 1946), (Pyongyang: KWP Publishers, 1992), pp. 66-69. Kim Myong-ho, "An Evidence-based Analysis of the Reality of Korean War Abducted Persons," *A Collection of Materials on Persons Abducted during the Korean War* (Seoul: The Korean War Abductees Research Institute, 2006), pp. 1114-1149.

¹⁰ The document instructed in part, "The related agencies are conducting transfer projects for the liberated Seoul citizens (workers) who will be assigned to industries, mines, and enterprises in the northern half of the Republic... If any of them attempt to flee, put them under arrest!" South Korea's History Compilation Committee,

for the Transfer Project of Seoul Citizens (Kangwon Province Internal Affairs No. 3440 - Sept. 5, 1950).¹¹

Most of the abductions were carried out by North Korean soldiers who showed up at the homes of individuals with specific names and identification in hand. Some 80.3 percent were taken away from homes (72.1 percent) or near their homes (8.2 percent). This is an indication that the abductions were carried out intentionally and in an organized manner. Most of the abducted persons¹² were men (98.1 percent), but their job categories varied. Most of them were intellectuals, such as government officials, policemen, soldiers, lawyers, prosecutors, national assemblymen, journalists, students, professors, and teachers. Among the abducted persons were 20 foreigners (19 men, 1 woman), including Americans, French, and Germans. Six of them were Christian missionaries. The United States' CIA documents declassified in April 2007 have confirmed these abductions. The United States' CIA documents indicated some of the abducted persons as having been turned over to China.¹³

Historical Materials on the Relations with North Korea, Vol. 16, (Kwachon, Seoul: National History Compilation Committee, 1993), Korean War Abductees Research Institute, <<http://www.kwari.org>>.

11. Prof. Kimura Mitsuhiro (Kimura Mitsuhiro, 木村光彦) of Japan has recently discovered from the archives of the former Soviet Union a secret North Korean document entitled, "Decision No. 18." Section 3 of the document stipulated, "The chairman of Seoul Provisional People's Committee has a duty to systematically transport 500,000 citizens from Seoul City to North Korea's mining industries and agricultural farms in response to the requests of various ministries and agencies." This document was sent to the chairman of Seoul Provisional People's Committee from the "Seven-men Military Committee," which was the supreme source of power at the time. Korean War Abductees Research Institute, <<http://www.kwari.org>>.
12. As for the profile of Korean War Abducted Persons, see Monthly Chosun, The 82,959 Korean War Abducted Persons (Seoul: Monthly Chosun, 2003).
13. According to an intelligence report on "How North Koreans handled POWs in Manpojin," dated Aug. 8, 1951, a former Korean independence fighter, XXX, played a major role in abducting 4,600 important South Koreans to the North in September 1950. The abducted persons arrived in Manpojin on Oct. 19, and most of

No one abducted during the Korean War has been officially confirmed to have returned to South Korea. This is quite unusual given the large number of abducted persons. One theory is that they were forced to adjust to the North Korean system during a wartime situation. Despite the large number of defectors during the food crisis, no one abducted during the Korean War was able to flee from North Korea. This may have been due to their advanced age or perhaps because they chose not to reveal their past to their North Korean family members.

On September 1, 1951, the Family Association for the Korean War Abducted Persons (or “Family Association”) was organized. The Family Association had compiled a listed of abducted persons and submitted it to the then Speaker of the House, Ikhee Shin. In accordance with the terms of Korean Armistice Agreement, there was an exchange of dispersed persons on March 1, 1954, but North Korea decided to return the 19 foreigners without returning any South Korean abducted persons. The Family Association subsequently appealed for the return of the South Korean abducted persons through the United Nations and International Red Cross. The Korean Red Cross contributed by compiling a list of 7,034 abducted persons based on a registration drive it conducted from June 15 to August 15, 1956. The Korean Red Cross submitted its list to the International Red Cross, requesting that negotiations begin with the North Korean Red Cross. The North Korean Red Cross did propose a meeting with its South Korean counterpart on Feb. 26, 1957, but no meeting took place. Later, the North Korean Red Cross responded, on Nov. 7, with a letter titled “A Reply

them were detained in a detention center there. However, some important persons were transported across the Yalu River and handed over to the Chinese Public Security. Yonhap News, April 13, 2007.

based on a Survey of Dispersed Citizens,” containing the names of 337 abducted persons, along with their addresses and jobs. On Dec. 3, the North Korean Red Cross sent a request to its South Korean counterpart through the International Red Cross, inquiring about the status of 14,132 North Koreans who came to the South during the war. Meanwhile, the Family Association paid three visits to the Armistice Committee, which was compiling a list of abducted persons, and submitted its periodic reports. However, the Family Association ceased its activities on June 30, 1960.

On November 30, 2000, a “Family Group for Korean War Abductees” was organized, and on Sept. 6, 2001, the group renamed itself as the “Korean War Abductees’ Family Union (KWAFU)” and began to actively re-focus on the issue. In March 2002, the KWAFU began renewed efforts to compile a detailed “List of Korean War Abductees.” The list contained 94,700 names with eight items of detail, including the name, sex, age, job, company, position, date and place of abduction, as well as address at the time. In June, 2005, KWAFU revised and updated the list. It also established the “Korean War Abductees Research Institute,” developed a computer database, began to operate a webpage, and started compiling a collection of witnesses’ testimonies.¹⁴ Through these activities, KWAFU demanded speedier results regarding the identification of the status of the persons abducted during the Korean War as well as their early return. On August 19, 2008, KWAFU produced a “User-Created Commercial” entitled “People Who Could Not Return” and posted it on their web site. According to the association, the issue of abducted persons was “very difficult to publicize in contemporary South Korea, with the eye-witnesses

¹⁴ Korean War Abductees Research Institute, <<http://www.kwari.org>>.

increasingly growing old and passing away from the scene.” The Institute for Data and Materials on Korean War Abducted Persons published Volume I of its Compilation of Korean War Abduction Cases in September of 2006. It published Volume II in September of 2009.

During the 4th Inter-Korean Red Cross meeting held in September of 2002, the two sides agreed to discuss and resolve the status and addresses of “those who went missing during the wartime.” During the 15th Inter-Korean Ministerial Meeting (June 21~24, 2005) the two sides agreed to “consult humanitarian issues,” including the confirmation of status of those who went missing during the wartime (Sec. 3, Joint Press Release). During the 6th Inter-Korean Red Cross meeting (Aug. 23~25, 2005) and the 16th Inter-Korean Ministerial Meeting (Sept. 13~16, 2005), the two sides agreed again to continue their consultations on confirming the status of those who went missing during the war. During the 13th Family Reunion meeting held on March 22, 2006, an attempt was made to include the families of abducted persons. For that purpose, a request was made to confirm the whereabouts of four abducted persons, but none was confirmed. Only one person (Lee Kyung-chan) was able to meet with the bereaved families (an aunt and a cousin) of his uncle (who had formed a new family in North Korea). During the 14th Family Reunion meeting in June 2006, eight families of abducted persons had requested a meeting. North Korea confirmed the status of one living person (Lee Bong-woo, father of Yoo Jung-ok), but said he was the wrong person after two weeks, canceling the planned meeting. Thereafter, eight families of abducted persons received notice from the North that it was unable to confirm the status of their family members. During the 15th Family Reunion meeting in May 2007, four families of

abducted persons requested confirmation of the status of their family members. North Korea confirmed one had died, but was unable to confirm the status of the others. However, the (South Korean) family of the deceased was able to meet with the bereaved family members from the North. In 2010 the inter-Korean family reunions were resumed. On that occasion, South Korea asked the North Korean authorities to confirm the status of five family members abducted during the Korean War, but North Korea sent notice that it was unable to confirm their statuses.¹⁵

The issue of South Koreans abducted during the Korean War was not adequately discussed in the period following the formal cessation of overt hostilities, partly due to the difficulty of distinguishing between defections and abductions that took place during the confusion of war. In fact, the ‘missing’ status of the abductees has created limitations in the lives of entire families. In April 2004 and again in July 2008, South Korea’s National Human Rights Commission called for studies and special legislation of abductees’ relief and compensation. The “Committee for the Fact-finding of Korean War Abduction Damages and Restoration of the Victims’ Honor“ was formally launched in December 2010, following the enactment and promulgation of the “Fact-Finding of Korean War Abduction Damages and Restoration of the Victims’ Honor Act” in March of the same year. The Committee was composed of sixteen members, with the Prime Minister serving as the president, five governmental commissioners including the Minister of Foreign Affairs and Trade, the Minister of Unification, the Minister of National Defense, three representatives of the families of wartime abductees, and six civilian commissioners. It was charged with the mandate

¹⁵ Naeil Newspaper, Nov. 4, 2010.

of receiving reports of North Korean abductions from all levels of local administration for four years and of uncovering the truth about abductees forcibly abducted by North Korea during the Korean War in order to reinstate their good names at a governmental level.¹⁶ The Committee, formally established in February 2011, now operates through a subcommittee with the Vice Minister of Unification as its president. It is further comprised of director-level civil servants, experts, and abductee family groups. The subcommittee discusses preliminary determination of abductee status, ways to encourage reporting, and other matters related to the Committee's work. The Committee has convened four general meetings as of December 2011, evaluating 319 of the 1,034 cases of reported North Korean abduction and finding 272 of those to be Korean War abductees.

<Table V-3> Decision on Abductees at the time of Korean War

(Unit: People)

Case	Decision		
	Abductee	Not Abductee	Unconfirmed Abductee
319	272	28	19

Source: Mistry of Unification, Committee for the Fact-finding of Korean War Abduction Damages and Restoration of the Victims' Honor

B. The Abducted Persons in the Postwar Years

A total of 3,835 persons have been abducted to North Korea since the cease-fire of the Korean War. Some of them have been involuntarily held in North Korea as a result of their usefulness,

¹⁶ Mae-il-gyeong-je (MK Business News), December 13, 2010.

physical conditions, and educational background.¹⁷ A total of 3,310 of them (86.5%) returned to South Korea after being held for 6 months to a year. Not including the eight persons who have recently returned to the South, there are currently a total of 517 persons still held in the North.

<Table V-4> Status of Abductees and Detainees

(Unit: People)

Category	Total	Fishermen	Korean Airlines	Soldiers/ Policeme	Other	
					Domestic	Overseas
Abducted to the North	3,835	3,729	50	30	6	20
Returned to the South	3,318	3,271	39	–	–	8
Detained in the North	517	458	11	30	6	12

Source: Ministry of Unification, Separated Families Division

<Table V-5> Number of Abductee by Year

(Unit: People)

Year	Number detained	Cumulative total	Year	Number detained	Cumulative total
1955	10	10	1973	8	430
1957	2	12	1974	30	460
1958	23	35	1975	28	488
1962	4	39	1977	4	492
1964	16	55	1978	4	496
1965	20	75	1980	1	497
1966	19	94	1985	3	500

¹⁷ Lee XX 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.

Year	Number detained	Cumulative total	Year	Number detained	Cumulative total
1967	52	146	1987	13	513
1968	133	279	1992	1	514
1969	20	299	1995	1	515
1970	36	335	1999	1	516
1971	20	355	2000	1	517
1972	67	422			

Source: Ministry of Unification, Separated Families Division

<Table V-6> Status of Returned Abductees

Name	Date of Abduction	Occupation	Date of Return
Lee XX	Apr. 29, 1970	Crew of the Bongsan #22	July 26, 2000
Jin XX	Apr. 12, 1967	Crew of the Chundae #11	Oct. 30, 2001
Kim XX	Nov. 24, 1973	Engineer of the Daeyoung-ho	June 23, 2003
Koh XX	Aug. 17, 1975	Crew of the Chunwang-ho	July 12, 2005
Choi XX	Aug. 17, 1975	"	Jan. 16, 2007
Lee XX	Aug. 17, 1975	"	Sept. 10, 2007
Yoon XX	Jul. 2, 1968	Crew of the Kumyoong-ho	Jan. 9, 2008
Yoon XX	Aug. 17, 1975	Crew of the Chunwang-ho	Feb. 26, 2009

Source: Ministry of Unification, Separated Families Division

Since the forcible abduction of 10 fishermen aboard the “Daesung-ho” on May 28, 1955, the North Korean authorities have abducted a total of 3,729 fishermen, only to subsequently return 3,263 of them. Since 8 of them have recently returned home to South Korea on their own, a total of 458 fishermen are still held in North Korea. Among those abducted, any fisherman who insisted that his captain voluntarily went to North Korea under the guise of abduction was categorically regarded as a voluntary escapee. In addition, as a result of the fact-finding research carried out by the Committee on Compensation and Support of Abduction

Victims, 14 sailors of the boat Suwon No. 32 who had been presumed dead or missing in 1974 have been identified as alive in North Korea. At the time, it was believed that the boat was attacked and sunken by a North Korean patrol boat. On the contrary, however, those who were on the ship were rescued by the North Korean boat and taken to North Korea according to an investigation by South Korea's Abduction Victims Review Commission. Furthermore, in cases regarding "abductee boats" that were used to abduct South Korean fishermen, records have shown that some fishermen boarded the boats without registering their names and that the 'fishermen' roster' showed a different number of fishermen from those actually on board. In 2007, a South Korean who previously worked for the Ministry of Defense and had been listed as a defector to the North was reclassified as an abducted person as a result of petition his son filed to the National Ombudsman Commission. More specifically, Mr. Cho Byung-wook, who was a 7th grade clerk at Defense Ministry who was working as a repair chief at the Army's Third Repair Unit in Jinhae City of South Kyungsang Province was classified as a defector to North Korea because he flew to the North together with a pilot aboard a two-seater light airplane on Oct. 21, 1977. His son filed a petition to the Ministry of Unification, which in turn requested re-investigation of the case to the Ministry of Defense. After reviewing the military records at the Judge Advocate's office, it was determined that Mr. Cho had no reason or intention to flee to the North. As such, Mr. Cho's case came to be regarded as a case of abduction.

Moreover, 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 hijacked on December 11, 1969 with 11 people aboard. North Korea has also

detained a South Korean schoolteacher, Ko Sang-mun, since his abduction in April, 1979 in Norway, as well as Full Gospel Church Reverend Ahn Seung-wun since his abduction in July, 1995 at Yanji, China. In January, 2000, South Korean Reverend Kim Dongshik was kidnapped in Yanji, China by a special kidnapping unit of eight or nine agents, including four or five agents from the state security detachment in North Hamkyung Province, Korean-Chinese agent Ryoo XX, and three others. Reverend Kim was handed over to the Chief of the Security Agency named XXX at Goksan (cigarette) factory in Hamkyungryong City, North Hamkyung Province. According to the Citizen's Coalition for Human Rights of Abductees and North Korean Refugees (hereafter CHNK), Reverend Kim was detained in Mankyungdae Visitor Center in Pyongyang during November of 2000. During interrogation, the captors asked him to defect to North Korea and cooperate with them. When Reverend Kim refused conversion, he was tortured. Suffering from malnutrition, claustrophobia, and dehydration, he was reported dead in February, 2001.¹⁸ Secretary general Doh Hee-yoon of the CHNK announced that "We have learned through foreign information sources that Reverend Kim was buried in the garrison district of No. 91 military training base located in Sangwon-ri near Pyongyang."

Five persons who had previously been classified as "missing persons" have been newly identified as "abducted persons" during the interrogation process of North Korean spy agents in 1997. The names of abductees include Kim Young-nam, Hong Keon-pyo, Lee Myung-woo, Lee Min-kyo, and Choi Seung-min. Kim Young-Nam (enrolled in Kunsan Technical High School at the time) was reported missing from Kunsan Seonyudo Beach on Aug. 5, 1978. Hong Keon-

¹⁸ Yonhap News, Jan. 6, 2005.

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 Aug. 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. It has been found that a North Korean espionage agent on his way back to the North kidnapped these five high school students, who were enjoying themselves at beaches during their vacation.

Testimonies of North Korean defectors and former abductees who have returned to the South reveal that there are more abducted persons in North Korea than is listed on the South Korean government's "management card for abducted persons." In addition, the Association of Families of Abducted South Koreans (hereafter, the Association of Families) has been releasing additional names of kidnapped persons based on testimonies of abductees who have returned alive from North Korea. This list has been partially confirmed by the Committee on Compensation and Support of Abduction Victims in the process of conducting deliberations to disburse consolation compensations. On February 1, 2005, the group also released a picture of 36 kidnapped persons taken in 1974 (abducted in 1971 and 1972) during a group tour of Myohyang Mountain north of Pyongyang. Former abducted fisherman, Kim XX, 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 1981.¹⁹ On December 2, 2007,

¹⁹The JoongAng Ilbo, Seoul, Feb. 3, 2005; This "re-education center" is located at "Jangduksan Motel" which belongs to No. 62 Liaison Office of Foreign Project

the Family Association for Abductees to North Korea made public two letters and two photographs of 5 fishermen who had been abducted in 1972 aboard the “Yoopoong-ho” boat. The photograph was taken somewhere in North Korea on Nov. 9, 1972, five months after the abduction. Inscribed on the back of a photograph were names of the five fishermen (Nam Jung-ryol, Bae Min-ho, Lee Su-sok, Lee Won-je, and Kim Gil-jung) and a sentence that read, “A photograph commemorating advancement into socialism, Nov. 9, 1972.”

In 2008, the Family Association obtained photographs of the abducted persons and released them through the Chosun Ilbo (a daily newspaper in South Korea). These pictures showed 31 abducted fishermen and two North Korean guards. They were taken at the “Rajin Revolutionary Struggle Site” in Rajin, North Hamkyung Province during the “group education period” in Wonsan in 1985. Altogether 23 fishermen were confirmed through the pictures, including Park Si-dong (deckhand on the Chunwang-ho). Some other individuals identified in the picture include Park Young-suk, Jeong Bok-sik, Kim Yong-bong, Jeong Chol-kyu, Choi Hyo-gil, Tak Chae-yong, Choi Young-cheol, Yoon Jong-soo, Lee Byung-ki, Kim Ui-joon, Kim Il-man, and Hong Bok-dong.²⁰ According to fishermen who returned to South Korea, the North Korean authorities conduct

Section of the Committee for the Peaceful Unification of Fatherland. The center consists of a three-story main building and an annex (containing a mess-hall). The abducted persons from South Korea were believed to have received ideology education there from lecturers dispatched from the Central Party. The abducted person XXX who returned to South Korea testified that during the period of ideology education conducted by the No. 62 Liaison Office the abducted persons were given three out-of-town tours, lasting about 42 days, to various noted places, including Pyongyang where they saw the “Arch of Triumph,” the Great People’s Study Hall, Mansudae Palace, the War Memorial, Mankyung-dae, Folk Village Homes, the Cultural Palace, subway facilities and mass game demonstrations.

²⁰ The Chosun Ilbo, May 19, 2008.

regular ideological indoctrination of abducted fishermen by carrying out group sightseeing tours (as seen below) of Pyongyang and other relevant historical and cultural relics.

<Figure V-1> Photograph of Abducted South Koreans



Source: The Association of Families, *The Joongang Ilbo*, Feb. 1, 2005.

<Figure V-2> Photograph of Abducted South Koreans



Source: The Association of Families, *The Chosun Ilbo*, May 19, 2008.

South Korea's "the Committee on Compensation and Support of Abduction Victims" that began work in November of 2007 decided to include in the abduction list the following persons who were not previously included in the list of abduction victims: 14 crew members aboard the Gilyong-ho (Jan. 22, 1966), 6 crew members aboard the Nampoong-ho (Dec. 21, 1967), 2 South Koreans soldiers dispatched to Vietnam, five individuals aboard a row-boat (Aug. 5, 1967), four soldiers from Army 2nd Division (July 14, 1962), one soldier from Army Ordinance Command (Oct. 12, 1967), six fishermen aboard the Daehan-ho (Jan. 11, 1968), one fisherman aboard the Anhung-ho (June 4, 1967), one fisherman aboard the Ducksung-ho (July 12, 1968), the Odaeyang-ho (Dec. 28, 1972), and one fisherman aboard the Jinbok-ho (Aug. 27, 1992).

In sum, a total of 41 persons have been recently added to the official list as "abducted persons."

<Table V-7> List of Additionally Confirmed Abducted Persons

Incident	Date	Name	Date of birth	Address	Occupation
Army 2nd Division	July 14, 1962	Choi Jeha	March 4, 1939	Youngyang, North Kyungsang Province	Army corporal Boat owner
Army 3rd Ordinance Command	Oct. 12, 1977	Cho Byungwook	Jan. 31, 1940	Jinhae, South Kyungsang	Military civilian
The Kilyong-ho	Jan. 22, 1966	Park Sungman	Feb. 23, 1917	Tongyoung, South Kyungsang	Skipper
"	"	Kim Kwangsup	Oct. 9, 1918	Tongyoung, South Kyungsang	Engineer
"	"	Yang Hokeun	March 5, 1925	Wando, South Cholla	Crew
"	"	Jeong Boksik	Aug. 28, 1941	"	"

Incident	Date	Name	Date of birth	Address	Occupation
The Kilyong-ho	Jan. 22, 1966	Lee Dukhwan	Oct. 23, 1911	Tongyoung, South	Crew
"	"	Kim Dusok	Jan. 19, 1931	Kyungnam Koje, South Kyungsang	"
"	"	Nam Jeongsik	Feb. 15, 1928	Sanchung, South Kyungnam	"
"	"	Lee Sengki	Dec. 1919	Namhae, South Kyungnam	"
"	"	Kim Kyungnam	1935	Tongyoung, South Kyungsang	"
"	"	Lee Sutae	1935	"	"
"	"	Jeong Uidoh	Aug. 10, 1938	Seoku, Busan	"
"	"	Suh Ilyong	July 23, 1937	Young-il, North Kyhungsang	"
"	"	Park Jangwoon	July 18, 1937	Tongyoung, South Kyungsang	"
"	"	Kang Jongkil	1994	Koje, South Kyungsang	"
The Nampoong-ho	Dec. 21, 1967	Kim Youngpil	May 18, 1935	Kosung, Kangwon Province	Engineer, Boat owner
"	"	Paik Donghyun	March 14, 1942	"	Crew
"	"	Kim Seung-ok	July 9, 1919	"	"
"	"	Lee Youngjun	May 16, 1945	Yangyang, Kangwon	"
"	"	Kim Bongrae	Dec. 7, 1928	Kosung, Kangwon	Skipper
"	"	Choi Sungmun	1936	"	Crew
Soldier in Vietnam	Sept. 9, 1966	Ahn Haksu	Sept. 23, 1943	Pohang, North Kyungsang	Army Staff Sergeant
Row boat	Aug. 5, 1967	Bae Seungyoon	Feb. 10, 1929	Ongjin, Incheon	Boat owner

Incident	Date	Name	Date of birth	Address	Occupation
Row boat	Aug. 5, 1967	Bae Seungku	Feb. 10, 1929	Ongjin, Incheon	Crew
"	"	Jeong Chulkyu	May 5, 1943	"	"
The Anhong-ho	June 4, 1967	Hwang Jungsoon	Feb. 9, 1947	"	"
Soldier in Vietnam	Nov. 3, 1965	Park Sungryol	Oct. 19, 1943	Jinchun, North Chungchong	Army sergeant
The Jinbok-ho	Aug. 27, 1992	Lee Choljin	Feb. 5, 1947	Sinahn, South Cholla Prov.	Boat owner, Skipper
The Duksung-ho	July 12, 1968	Lee Yangjin	May 20, 1945	"	Crew
The Odaeyang-ho No. 61	Dec. 28, 1972	Chun Wook-pyo	Nov. 18, 1946	Gojai, South Kyongsang Province	"
The Daehan-ho	Jan. 11, 1968	Jang Young-chan	Feb. 23, 1938	Kosung, Kangwon Province	"
"	"	Kim Ku-yang	1933	Unknown	Engineer
"	"	Kim Tae-soon	1945		Crew
"	"	Yoon Young-ju	Oct. 20, 1933	Kosung, Kangwon Province	"
"	"	Lee Sang-ki	1918	Unknown	"
"	"	Lee Kuk-hyon	Dec. 29, 1943	Kwangsang-ku, Kwangju City	"
Army 2nd Division	July 14, 1962	Woo Ji-won	Oct. 5, 1930	Changwon, South Kyongsang Province	First lieutenant
"	"	Lee Keum-sop	July 19, 1934	Changwon, North Chungchong Province	Sergeant First Class
"	"	Park Ki-chan	Jan. 19, 1939	Yongdungpo-ku, Seoul	Sergeant

Source: Ministry of Unification, Separated Families Division

Amnesty International (herein referred to as AI) released the names of 49 political prisoners on July 30, 1994, and the names of abducted persons appear on the list. When the AI list drew international attention, both Ko Sang-mun (Aug. 10, 1994) and Yoo Sung-keun (Aug. 11, 1994), whose names were included on the list, were made to confess their voluntary entry into North Korea. A defector 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 Airlines stewardesses Sung Kyung-Hee and Chung Kyung-sook have been used in broadcasts to South Korea. Other detainees are used as instructors for North Korean espionage agents sent to the South. According to the testimonies of defectors who came to South Korea in 1993, about 20 unidentified abductees from South Korea were working as spy instructors at the “enter 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. In addition, North Korea is training some of its abductees in anti-South Korea operations. According to the testimonies of formerly kidnapped fisherman Lee Jae-geun who defected from North Korea in June of 2000, some of his colleagues were also engaged in anti-South Korea operations after undergoing a period of special training. Lee himself admitted

to having received some espionage training.²¹

The remainder of the abducted, whom North Korea presumably did not find useful, are in all probability detained in various concentration camps. Some abducted individuals from South Korea are detained in the detention camps and can be identified from the AI report above. In a special report entitled “New Information on Political Prisoners in North Korea,” published in 1994 by AI, the names of abducted individuals, who had probably been detained in the now defunct concentration camp at Seunghori, were included in the report. South Korea’s National Security Planning Agency also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, were detained in a political prisoner detention camp.

<Table V–8> List of Abducted Persons Reportedly Detained in Political Concentration Camps (22 persons)

Name	Abducted Year	Occupation
Lee Young-hoon	April 1992	Law Office, manager
Jeong Rak-ho	July 1991	Crew, Chokwang Marine Company
Lee Jae-kwan	December 1989	Samsung Electronics Branch Office
Cho Hong-rae	August 1992	Owner, Sports Shop
Choi Hee-chang	October 1991	Crew, Chokwang Marine Company
Lee Dae-sik	September 1988	Former immigrant to Paraguay
Shin Won-shik	June 1991	Bridge Designer in USA
Kang Kwang-suk	December 1992	Realtor
Kim Sung-bae	May 1983	Director, Construction Co.
Kim Soon-sung	Unknown	Former miner in Germany
Lee Jae-hwan	July 1987	Son of former National Assemblymen Lee Young-wook, studying in USA
Choi Jong-suk	January 1987	Crew, the No. 27 Dongjin-ho
Kim Won-suk	February 1990	President, Tourist Agency

²¹ Interview with defector XXX in Seoul on January 7, 2004.

Name	Abducted Year	Occupation
Yang Chil-sung	September 1988	Realtor
Kim Sung-jin	September 1984	Army private
Kwon O-mun		Identity unknown
Cho Seng-ku		Identify unknown
Suh Hak-sik		Identity unknown
Park Jong-shin		Identity unknown
Lee Chan-soo		Identify unknown
Yoo Jae-won		Identity unknown
Kim Choon-gil		Identity unknown

Source: Yonghap News, Jan. 31, 1991.

Meanwhile, in a Red Cross statement issued on Sept. 24, 1996, North Korea insisted that the Reverend Ahn Seung-wun, who was abducted in July 1995, was not forcibly kidnapped but instead voluntarily entered North Korea. Significantly, however, the Chinese government on Sept. 13, 1996, sentenced Lee Kyung-choon, who was one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year of imprisonment sentence and banishment from China for illegal detention and unlawful border-crossing and banished him from China. By its actions, the Chinese government effectively confirmed that the Reverend Ahn incident as one of 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 policy of refusing to confirm the existence of abducted and detained people from South Korea. For example, during the second group of South-North Separated Family Reunions (Nov. 30~Dec. 2, 2000), a South

Korean sailor, Kang Hee-kun of the fishing boat Dongjinho that had been seized by the North on Jan. 15, 1987, met with his mother from South Korea in Pyongyang. Despite his being forcibly abducted to North Korea, Kang was told by the North to identify himself as having voluntarily entered North Korea. A stewardess of the Korean Airlines, Sung Kyunghee (Dec. 11, 1969), was also forced to tell her South Korean mother who visited Pyongyang to meet her, that she came to North Korea voluntarily. In early 2001, North Korea informed South Korea of the whereabouts of 200 family members in North Korea in preparation for a reunion with families from the South. North Korea revealed that one of the persons who was abducted in 1987, namely Lee Jae-hwan, was dead. Moreover, although Lee's family as well as organizations in South Korea wanted to know the date and cause of his death and requested the return of his remains to the South, North Korea refused both requests.

On a more positive note, however, during the 5th South-North Separated Family Reunion (Sept. 13~18, 2002), Captain Chung Jang-baik of the Changyoung-ho, a boat seized by the North on April 17, 1968, met with his mother from South Korea. In 2003, during the 6th (Feb. 20~25), 7th (June 27~July 2), and 8th South-North Separated Family Reunion (Sept. 20~25), Kim Tae-jun, a crew member of the Odaeyang No. 61 (seized December 1972), Yoon Kyung-gu, a crew member of the Changsung-ho (seized May 23, 1967), and Kim Sang-sup, a crew member of the Dongjin-ho (seized Jan. 15, 1987) met their mothers from South Korea.²² During the 9th South-North Separated Family Reunion in 2004 (March 29~April 3), kidnapped person Yoo Sung-keun met

²² Youn Mi-ryang, "The Process and Results of Negotiations Concerning the Abducted Persons," Human Rights of the Abducted Persons and Possible Solutions (Seoul: the National Human Rights Commission of Korea Public Hearing Proceedings, Dec. 19, 2003).

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 members of their Southern families during the 10th South-North Separated Family Reunion (July 11~16). During the 12th South-North Separated Family Reunion meeting (Nov. 5~10, 2005), the abducted South Korean Chung Il-nam was able to meet with his South Korean family members.

In 1977, the Association of Families requested the South Korean and Japanese governments to verify personal information on Kim Chol-jun, who was married to an abducted Japanese woman, Yokoda Megumi. The association believed that he was one of five South Korean high school students who had been abducted to the North in 1977~1978. Based on a DNA test, the Japanese government announced that Megumi’s daughter, Kim Hae-kyung, was probably related to Kim Young-nam, who was abducted from Seonyu Island in 1978. Subsequently, the families of Megumi and Kim Young-nam have met together. North Korea decided to include the families of Kim Young-nam in the 14th South-North Separated Family Reunion meeting. Kim Young-nam’s mother and sister have met with Kim Young-nam and Megumi’s daughter. In a news conference on June 29, 2006, Kim Young-nam said his situation was “neither abduction nor voluntary defection [to the North]. It was simply a chance-happening in the era of confrontation.” At the time, he had gone to the beaches on Seonyu Island, where he was beaten up by a high school senior. According to Kim, when he ran away from his attacker and reached the waters, he found a small wooden boat. When he got on it and floated out to the sea, he was rescued by a North Korean boat. This is his testimony of how he ended up in North Korea. Through the 17 rounds of “Family Reunion Meet-

ings” since the year 2000, South Korean Red Cross has requested confirmation of the status of 97 South Koreans who had been forcibly held in North Korea since the Korean War. The North Koreans informed the South that 15 of them were alive, 19 were dead, and 63 of them they were unable to confirm. 14 of the 15 living in the North have met with their South Korean families. All 14 had spouses and children in the North. Altogether, 73 persons from 16 families were present at the reunion meetings.

The Association of Families reported on July 31, 2006 that Lim Kuk-jae (abducted in January 1987 aboard the *Dongjin-ho*) was detained in Susong Correctional Center in Chongjin City after his third attempt to defect from North Korea. North Korea has been refusing to respond to South Korea’s demand to discuss the abduction issue, saying there were no abductees in the North. The South Koreans they were holding in the North were those South Koreans who had crossed over into North Korea “voluntarily” and by their personal choice. This “abduction” issue is an urgent problem that needs early resolution not only because South Korea is under obligation to protect its own citizens but also because it is a case of flagrant violation of human rights for the abductees and their families. In an effort to resolve this humanitarian issue, South Korea has been calling on the North for cooperation on both the separated family and Korean War POW issues through Red Cross talks and other forums. As a result, consultations on these issues have begun between the two sides. Furthermore, as North Korea continuously denies the existence of both “abductees” and “former POWs,” a new concept of “missing persons during the war time” has been introduced during the bilateral discussions. During the Fourth South-North Red Cross Talks in September 2002, the two sides agreed to consult and resolve the problem of confirming the

status and addresses of those who lost contact during the period of the Korean War. Moreover, the two sides agreed “to consult humanitarian issues including the current status of the ‘missing persons’ during the war time” at the 15th Inter-Korean Ministerial Meeting (June 21~24, 2005). At the 6th Red Cross talks (Aug. 23~25, 2005) and the 16th Inter-Korean Ministerial Meeting (Sept. 13~16, 2005), South Korea repeated its call for an early resolution of the two issues, including a pilot project on the status and whereabouts of the missing persons. In response, North Korea proposed that the project be limited to the confirmation of status of “missing persons during the war time” without civil-military distinctions and also restricted the publication of the results to only “family reunion framework.” In short, North Korea is still refusing to admit any cases of abduction of South Korean civilians in the postwar years. At the 7th Red Cross talks (Feb. 21~23, 2006), the two sides officially agreed to consult and resolve the issue by including the status confirmation of “those missing during and after the war” within the framework of family reunion meetings, thus allowing discussion of the abduction issue. However, due to the tension in inter-Korean relations, discussions on the abducted persons have ceased between the two sides. In order to continue its efforts, the Family Association later inserted the list of abducted persons’ names in leaflets and flew them to North Korea, which caused a strong protest among the North Korean authorities.²³ Furthermore, with the resumption of inter-Korean Red Cross talks on the family reunion event planned for the 2009 Chuseok (Korean Thanksgiving) holiday, the South Korean government decided to

²³The Rodong Shinmun (Nov. 29, 2008) in a commentary entitled, “Who Are the Leaders of Leaflet Balloon Campaign?” argued that sending balloons containing anti-North Korea leaflets was an act of serious provocation.

re-emphasize the need to discuss various humanitarian issues including the issue of abducted persons. As such, when the Inter-Korean Family Reunion meetings resumed in 2010, South Korea asked the North to confirm the status of 11 abducted persons in the post-Korean War period. However, this inquiry was only met by North Korea's response that it could not confirm the status of the 11 abducted persons in question.²⁴

South Korea's National Assembly enacted on April 2, 2007, the "Law for the Victims of Abduction to the North in the Postwar Years (or the law concerning the assistance and compensation for the abducted persons since the Korean Armistice Agreement)." Based on this law, the abducted persons, upon returning to South Korea, are entitled to receive assistance and the returning persons and their family members are also entitled to compensation for the human rights infringements committed during the period. After the South Korean Cabinet approved the Enforcement Decree of the same Act on October 16, 2007, the Committee on Compensation and Support of Abduction Victims was formed in November of the

<Table V-9> Status of Abduction Damage Application and Decision

(Unit: Cases)

Case	Damage Compensation					Settlement and Housing Stipend	Compensation	Total
	Fisherman	KAL (Korean Airline)	Military, Police	Etc	Sub-total			
Application	377	11	20	20	428	8	12	448
Accepted Case	370	11	20	15	416	8	1	425
Rejected Case	7	0	0	5	12	0	11	23

Source: Ministry of Unification, Separated Families Division

²⁴ Naeil Newspaper, Nov. 4, 2010.

<Table V-10> Status of Decisions on Consolation Payments for Abduction Victims

Category	Number of applications	Disbursement decisions (cases)	Amount (thousand won)	Remarks
Total	448	425	14,510,497	Based on disbursement decisions
Consolation payments	428	416	12,914,573	Payment decisions: 378 cases Nonpayment: 7 cases Not approved: 7 cases
Settlement and Housing stipend	8	8	1,528,320	Settlement: 1,017,767,000 won Housing: 510,553,000 won
Compensations and medical stipend	12	1	674,604	Compensation: 51,491,000 won Medical: 16,113,000 won Not approved: 8 cases

Source: Ministry of Unification, Separated Families Division

same year. This committee has since convened 40 review commissions as of December 2011, 2007.

Lastly, since May of 2011 there has been a popular movement across South Korea to confirm the survival and ensure the successful return of Shin Suk-ja, otherwise known as the “Daughter of Tongyeong.” In November of 2011, the UN Special Rapporteur for Human Rights in North Korea spoke to Ms. Shin’s husband, Oh Gil-nam, and the Canadian Parliament recently voted in favor of a resolution regarding Ms. Shin and her daughters.



2



Korean War POWs

The term “Korean Armed Forces prisoners” refers to those members of the Republic of Korea Armed Forces who were taken as prisoners of war (POWs) during the Korean War, detained in North Korea or other enemy countries then, and have been unable to return to South Korea. The U.N. Command, at the time of the armistice following the Korean War, estimated 82,000 members of the Korean Armed Forces to be missing, but the number of POWs who were finally returned as a result of prisoner exchanges conducted between April 1953 and January 1954 was only 8,343. Accordingly, it is estimated that many more South Koreans continue to be detained in North Korea.

Various testimonies of returning POWs and defectors indicate that there are about 500 Korean Armed Forces prisoners surviving in North Korea as of the end of 2011. Military personnel regulations require all POWs and MIAs be re-classified as “killed-in-action” after a certain period has elapsed, so that their families may benefit from various compensation and consolation payments.

There are still cases of POWs returning to South Korea,

beginning with the late Lieutenant Cho Chang-ho who returned in 1994 and 80 additional Korean Armed Forces prisoners who returned to South Korea by January 2012.

<Table V-11> Status of Returned Korean War POWs by Year

(unit: People)

Year	1994	1997	1998	1999	2000	2001	2002	2003	2004
No. of POWs	1	1	4	2	9	6	6	5	14
Year	2005	2006	2007	2008	2009	2010	2011	2012	Total
No. of POWs	11	7	4	6	3	1	-	-	80

Source: The Ministry of Defense

According to the testimonies of defectors and returning POWs, many POWs were re-enlisted into the People's Army during the war and after the war between 1954 and 1956, when they were "group assigned" to coal mines, factories, and farm villages to participate in rehabilitation projects. According to a U.S. Defense Department document²⁵ declassified on April 12, 2007 ("A Report on the Transfer of Korean POWs to the Soviet Region"), several thousand South Korean POWs were transferred to Okhotsk and other Soviet Far Eastern ports between November of 1951 and April of 1952. They were then detained in Kholima Detention Center near Yakutsk.²⁶ The number of POWs transferred to the Chukutsi Sea region was at least 12 thousand. The report also mentioned that as they were mobilized for difficult road and airfield construction work, their death toll was high. With regards to this

²⁵ This report was written on Aug. 26, 1993, as part of the investigative activities of the "Joint U.S.-Russian Committee for POWs and MIAs," which was formed after the Cold War to confirm the status of Korean War U.S. POWs in Russia and the return of their remains.

²⁶ Yonhap News, April 13, 2007.

issue, the South Korean Defense Ministry announced on December 18, 2007, that it was unable to confirm or discover any evidence concerning the transfer of South Korean soldiers (POWs) to the Russian Far Eastern Province. The ministry said it had interviewed a large number of people, including the person who wrote about it at the U.S. Defense Department, the son of Soviet Army General Kang Sang-ho who had insisted on transferring them to the Soviet Union, about 10 Korean-Russians who had participated in the Korean War, former POWs who have returned to South Korea, and about 100 North Korean defectors staying in Russia. The ministry said that it also visited a Russian Institute for Military History and commissioned a research project concerning the transfer of South Korean POWs to the former Soviet Union during the Korean War.²⁷ More specifically, the Institute for Military History sent a fact-finding mission to the “Magadan” area of Siberia, where the Soviets formerly operated a concentration camp. It has also reviewed a joint study report by a U.S.-Russian team on American POWs and MIAs. Although the research effort produced a few testimonies from North Korean defectors in South Korea regarding the transfer of South Korean POWs to the Soviet regions, there was no conclusive evidence to support the case.

Most South Korean POWs were believed to have been assigned to coal mines in North and South Hamkyung Provinces. At the time, many South Korean POWs were employed there as North Korea was in great need of manpower for its coal mines and ordinary North Koreans were reluctant to work in them. Furthermore, mines were optimum places for South Korean POWs as it provided an easy way to control and supervise all individuals.

²⁷ Dr. Cho Sung-hoon at the Institute of Military History conducted this research from December 2008 to August 2009.

According to the testimonies of defectors in South Korea, the Korean War POWs were deployed for work at various coal mines. Working at Sanghwa Youth Mine in Onsung County (North Hamkyung Prov.) were Ahn Hwa-sik, Woo Kwangyoon, Jang XX, Hong Seung-ro, Park In-gong, Kim Sang-jin, Shin Sang-won, Choi XX, Ok Sam-sik, Bae Myung-jo, Paik Boo-jae, Jeong Won-mo and Lee Bok-man.²⁸ Working at Musan Mine were Lee Gap-so, Kang Young-ho, and Lee Hee-keun.²⁹ Working at Hakpo Mine in Seichon County in Hweryong City (North Hamkyung Prov.) were Jang Yong-yon, Ryu Tae-in, Oh XX, Lee Jeung-ho, and Jeong Soo-hwan.³⁰

South Korean POWs were given citizen ID cards and released to the society from collective detention centers in June 1956, but most of them were assigned to coal mines near their previous collective detention centers as the authorities needed their manpower. In addition, they were constantly subjected to oppression and discrimination, particularly in terms of their choice of jobs and residence because of their background as former POWs. Since their personal background was certain to impact the lives of their children, many POWs chose not to tell their children about their past personal life. Notwithstanding that fact, the children of former POWs have been discriminated against in their careers, including those related to Party membership, college admission, and jobs. A defector testified that North Koreans called the South Korean POWs “puppet soldiers” (captured soldiers).³¹

After the 1990s, most Korean War POWs were old enough to qualify for the “old-age” pensions. But after social services became

²⁸_NKHR2008000021 2008-09-23.

²⁹_NKHR2008000016 2008-09-02.

³⁰_NKHR2008000011 2008-08-12.

³¹_NKHR2008000011 2008-08-12.

payable in cash and consumer prices rose greatly following July 1st of 2002 when economic system was recalibrated, the livelihoods of pension-dependent former POWs were greatly jeopardized.

However, the aforementioned situation provided an impetus to many POWs' escape. The desperate situation POWs faced coupled with South Korea's generous policy on POW repatriation and influx of foreign information led the rate of defection among those who lived in border areas to rise, thereby leading to a greater number of POWs returning to South Korea. The assistance of many NGOs engaged in humanitarian work was also of great help. In most cases, the families of former POWs who defected to South Korea arrived without the POWs in question as most POWs had already passed away; however, in some cases surviving POWs have accompanied their families. In December of 2004, the former POW Han XX defected from North Korea in an attempt to return to the South, but he was captured by Chinese security agents and was deported back to North Korea. A similar incident took place in August of 2009 when a former POW tried to return to South Korea. It is presumed that he was deported to North Korea in September of 2009. In addition, some people have been punished for trying to help these former POWs flee from North Korea and return to South Korea.³²

From the 2nd to the 18th "Inter-Korean Family Reunion" meetings, the status of a total of 126 former POWs have been confirmed. Of those 126 POWs, 19 were confirmed to be alive,

³² Goh XX from Anwoen-ri, Saebyeol-gun and Hwang XX, guiding personnel of Military Security Agency, were arrested and detained in a political prison camp. Interview with North Korean defector XXX in Seoul on June 14, 2008; Eom XX from Sambong-ri Onseong-gun was arrested while helping a South Korean POW leave North Korea in July 2006. Interview with North Korean defector XXX in Seoul on September 23, 2008.

14 deceased, and 93 unknown. Only 17 showed up at reunion meetings.³³

In accordance with the “Law concerning the Repatriation and Treatment of Former POWs” and its implementation rules, all returning POWs are entitled to their salaries, pensions, and housing stipends during the period from which they became POWs to the day they returned to the Republic of Korea and were discharged from military service. If a POW were to die while being held in North Korea, his bereaved family would receive additional compensation as the family of a former POW contingent on their return to South Korea.

³³ On the occasion of the family reunion meeting in 2010, it was confirmed that former POW Suh Pil-hwan (82) had died, while four POWs previously classified as “killed-in-action” attended and met with their loved ones from South Korea. They were Lee Won-sik, 77, Lee Jong-ryol, 90, Yoon Tae-young, 79, and Bang Young-won, 81.



3



North Korean Defectors

A. The Life and Status of Escapees Abroad

The International Covenant on Civil and Political Rights stipulates in the second paragraph of Article 12, “Everyone shall be free to leave any country, including his own.” Since 1990, many North Koreans have fled their country and a large number of North Korean escapees are believed to be residing illegally in China, Russia, and other countries. The collection of accurate data on their exact number and individual situations is realistically impossible as most of them have uncertain legal status and are unable to openly ask for help. The Tumen River region is normally used as the defection route for many North Koreans because it is easier to cross than at other geographical points. However, there are various ways of fleeing including fleeing officially by being assigned jobs abroad.³⁴

³⁴ It is believed that a significant number of North Koreans are living illegally in Russian Far Eastern Provinces after having escaped from various timber-farms and construction sites. But, no estimate is available. We confirmed that 11 cases

In February, 2005, the U.S. State Department announced that the number of North Korean defectors had reached its peak between 1998 and 1999, and said that as of 2000 the number was somewhere in between 75 thousand and 125 thousand.³⁵ In June and July 2005, Good Friends conducted on-site surveys in the rural areas of northeastern provinces of China, covering areas 500km away from the North Korean border. Based on its survey results, Good Friends announced that the number of North Korean defectors in the area was about 50 thousand.³⁶ In 2006, it conducted another set of surveys on a Korean-Chinese village (about 20 thousand) in the northwestern corner of the Three Far Eastern Chinese Provinces, and in the cities of Shenyang, Dairen, and Qingdao, and their vicinities (about 30 thousand).³⁷ The International Crisis Group also estimated the number of North Korean defectors to be as many as 100 thousand based on its interviews with local Chinese and Korean-Chinese, as well as other NGO reports.³⁸ Other than these estimates, however, no systematic survey has been conducted on the number of North Korean defectors in China. In 2008 the number of North Korean defectors dropped;

including NKHR2011000410 came to South Korea via Russia in our basic survey for North Korea defectors

³⁵ U.S. State Department, *The Status of North Korean Asylum Seekers and the U.S. Government Policy toward Them* (The Bureau of Population, Refugees and Migration, February 2005).

³⁶ Yonhap News, Aug. 21, 2005.

³⁷ The Good Friends sample-surveyed 135 villages along the Korean-Chinese border in Jan. 2006. The association has found 267 children born of North Korean women and Chinese men in these sample villages. Based on the number of North Korean women living there in 1999, and assuming the birthrate of about 22 percent per 100 persons, the association estimated the number of newly born children to total about 49,500. It also estimated the total number of defecting North Korean women to have been about 225,000 over the years.

³⁸ International Crisis Group, "Perilous Journeys: The Plight of North Koreans in China and Beyond," Policy Report, No. 122 (October 2006).

one analyst estimated the number to be between 20-40 thousand.³⁹ Professor Courtland Robinson of the Bloomberg School of Public Health at Johns Hopkins estimated the total number of North Korean defectors in the three Northeastern Provinces of China to amount to 5,688 males (minimum of 3,305 and maximum of 9,109), 4,737 females (minimum of 2,741 and maximum of 7,599), and 6,913 children (minimum of 3,606 and maximum of 11,063).⁴⁰

In the latter part of the 1990s, most North Korean defectors were living in the ethnic Korean communities scattered around China's three northeastern provinces (Jilin, Liaoning, and Heilongjiang). As the Chinese tightened surveillance and as the defectors' language skills improved, they began to relocate to Chinese communities and urban areas. Some reasons for the decreasing number of North Korean defectors since 2000 include more stringent border patrols and inspections,⁴¹ continuing forced deportations, the rising costs involved in the process of defection, increases in the number of legal visitors as China has relaxed its procedures for issuing "border travel passes."⁴² On the occasion of the 2008 Beijing Olympic Games, the Chinese and North Korean authorities

³⁹ Yoonok Chang, Stephan Haggard, and Marcus Noland, "Migration Experiences of North Korean Refugees: Survey Evidence from China," Peterson Institute for International Economics, Working Paper Series (March 2008).

⁴⁰ Courtland Robinson, "Population Estimation of North Korean Refugees and Migrants and Children Born to North Korean Women in Northeast China," May 2010 (Seoul: KINU Seminar, Dec. 7, 2010). Dr. Robinson's survey was conducted by interviewing 324 North Korean refugees living in 108 randomly selected areas of the three northeastern provinces of China.

⁴¹ In July 2010 North Korea's Defense Commission issued "Instruction 0082" to the Chinese border region military units authorizing them to shoot to kill all defectors on site.

⁴² In order to obtain a "border travel pass" one still must pay some bribes, but the time required has been significantly shortened. Good Friends, "North Korea Today," No. 377 (Nov. 17, 2010).

significantly tightened border controls. From 2009, as the National Security Agency began to implement a new set of emergency measures against defection, control over every avenue of defection has been tightened, including tighter surveillance and detection of ideological trends,⁴³ rigorous ideological education,⁴⁴ travel permit checks along the borders, “bed-checks,”⁴⁵ and inspections at border security units.

Tighter surveillance of defectors also continued into 2011 in order to stabilize the political situation surrounding the succession of Kim Jong-un with the National Security Agency conducting more inspections and intensifying the punishments for defectors. In particular, a special unit under the Ministry of the People’s Armed Forces called the “Storm Force” has been installed at the border checkpoint at Hyesan in Yanggang provinces. According to media reports, on October 25 of 2011, a defector who had crossed

⁴³The authorities investigated even law enforcement workers (at security agencies, people’s safety agencies, and prosecutors’ offices) to see if any of their relatives had defected. If so, the employees involved would be punished, removed from their jobs, or fired. Good Friends, “North Korea Today,” No. 321 (Jan. 5, 2010), and No. 334 (March 2, 2010); According to “NK Intellectuals Solidarity,” the North Korean authorities conducted “in-depth inspections” of all defector families along with a census survey in May of 2010. They then designated “banishment villages” in remote areas and forcibly banished defector families to those villages. “Open Radio for North Korea” reported on Aug. 16, 2010 that North Korea’s People’s Safety Agency organized “strike units” at all city and county administrative levels to watch over families of defectors and missing persons. The NK Intellectuals Coalition also reported on July 7, 2010 that the “strike units,” launched in June following up on the April 2010 instructions, were conducting tight control and surveillance aboard trains in Musan County in 2010.

⁴⁴On Jan. 27, 2010, North Korea’s Central Party designated the month of February as a period of in-depth inspections of boarding houses in the border areas. The authorities also decided to punish the party secretaries and administrative supervisors of any enterprises whose employees had defected. Good Friends, “North Korea Today,” No. 332 (Feb. 18, 2010).

⁴⁵According to Good Friends, in the border region one may be punished merely for allowing a relative to stay overnight at one’s home unregistered. Good Friends, “North Korea Today,” No. 326 (Jan. 19, 2010).

the Amnok River near Hyesan Province and stepped onto the road on the Chinese side was shot and killed by North Korean guards. Reports have also revealed that on December 31, three North Korean men in their forties were killed by guards while crossing the Amnok at Hyesan Province. Furthermore, it appears that the North Korean authorities have strengthened punishment for residents found using cell phones in the border regions as well as intensified surveillance of coast guards to prevent defections by sea.⁴⁶

<Table V-12> Cases of People Killed During Defection

Source	Means	Time	Place	Details
NKHR2010000040 2010-10-26	informed	2010	Musan, North Hamkyung Province	<ul style="list-style-type: none"> • Assailant: Guard • Advance Warning: Yes
NKHR2012-000003 2012-01-10	informed	2011.11	Hyesan, Yangang Province	<ul style="list-style-type: none"> • No. of Victims: 5 • The witness heard that 5 people were killed in an attempt to leave North Korea in November 2011

Considering defectors as conduits of information of the outside world, North Korea has come to regard them as belonging to the “hostile class.” The authorities have further forcibly relocated over one thousand defector families to remote mountainous areas. It has further been reported that the persecution of defector families has become worse since Kim Jong-un emerged as the successor to Kim Jong-il.⁴⁷

⁴⁶ There were six cases of defection by sea - two from East Sea and four from West Sea - in 2011. *Yonhap News*, November 6, 2011; *Yonhap News*, November 7, 2011; and *YTN*, January 3, 2012.

⁴⁷ *Radio Free Asia*, April 5, 2011.

As anti-defection measures have been tightened in such aforementioned measures, the “fee” (i.e. bribe) the “river-crossing guides” have to pay the border security guards has gone up.⁴⁸ This practice has become so widespread that at one point an order was issued in Hweryong City of North Hamkyung Province that stated that even border guards who took money from river-crossing guides would not be penalized as long as they reported it afterward.⁴⁹ As the number of “whistle-blowing” brokers including soldiers increased,⁵⁰ some defectors began to investigate details and defect alone without the brokers’ help.⁵¹ As the risk of getting caught in the process of defection increased, the number of people trying to get into China simply to make money has significantly decreased.

In addition to China, defectors appear to be attempting to move to Russia, other CIS countries, Mongolia, and Southeast Asia, even risking to live in illegal Chinese and Korean immigration communities. Furthermore, assisted by civilian organizations, volunteers and activists, defectors are seeking asylum and safe havens around the world, including Thailand, Japan, Canada, Australia, United States, EU member states, and Israel. Since 2005, the number of North Korean refugees illegally entering Thailand in hopes of going to the United States has risen constantly. Since 2004, the

48_XXX, “The Status and Prospects of North Korean Defectors in China,” Undisclosed Consultation Meeting, KINU (Seoul: June 14, 2010).

49_Good Friends, “North Korea Today,” No. 353 (July 14, 2010).

50_After the Central Border Guard Command raised the reward for the arrest of illegal border-crossers in February 2010, there have been increased incidents in which border guards entrap citizens by promising to help them illegally cross the border for a fee, and then reporting them to their higher command for a reward. Good Friends, “North Korea Today,” No. 366 (Sept. 15, 2010).

51_Defector XXX from South Hwanghae Province said he obtained the necessary information for defection from a discharged border guard and then defected alone in 2008. NKHR2011000028 2011-01-25.

number of North Korean refugees illegally entering Thailand in hopes of going to South Korea or the United States has risen constantly. In 2004, only 46 North Korean defectors went to Thailand, but in 2005 there were about 115, in 2006 about 752, in 2007 about 1,785, in 2009 about 1838, and in 2010 about 2,500.⁵² With increasing number of defectors, Thai authorities have also arrested many more groups of North Koreans illegally crossing into their border.

Furthermore, as the detention period grows longer, some refugees have begun to stage “hunger-strikes” in order to protest for faster processing, which has indeed brought about speedier entry procedures. An increasing number of North Koreans have also applied for political asylum (refugee status) in the United Kingdom and other EU member states. Many of them, however, were unsuccessful in their attempts as they were registered as Korean-Chinese in China or North Korean defectors who had already resettled in South Korea. For a North Korean citizen to cross the border and apply for political asylum in the European Union or another Western country, a large amount of cash is needed. As such, it is very difficult for any North Korean defector to file an exile application with a Western country, except for a few wealthy people and those already working overseas. In light of such trends, in 2009, South Korea revised its “Protection and Settlement Support of Residents Escaping from North Korea Act” as well as its enforcement. In accordance with the Act, any former North Korean who has obtained South Korean nationality and applies for political asylum in a third country afterwards by concealing his/her new nationality may have his/her settlement grant suspended by the South Korean government.

⁵² *Radio Free Asia*, May 7, 2011.

B. The Life of Escapees in China

Because defections have been taking place for over a decade, the lives of North Koreans crossing the border into China have undergone significant changes. Most North Koreans would quickly return to North Korea after getting help from their relatives, and the relatives tried their best to protect them.

However, as the food crisis persisted in North Korea, many North Koreans who did not have relatives in China began to cross the border in search of food and jobs. Once in China, these people obtain food and clothing from sympathetic ethnic Koreans in China. They stay with any sympathetic family, doing household chores or paying a small fee for a longer stay.

As the food shortage persisted over a long period, more North Korean women ventured into China to earn money, and the number of North Korean women in China began to increase. Many North Korean women, not only single women but also married women with husbands and children, choose to “live in” with Chinese men simply to avoid the famine situation back home. These extreme cases often originate through a third party or the women are involuntarily “sold off” to the Chinese. Some women voluntarily enter into such a relationship,⁵³ while others would be sold unknowingly.⁵⁴ In cases where female defectors are forced to live as involuntary “live-in maids,” the conditions are often so inhumane and unbearable that the victims grasp at any chance to run away to a distant region.⁵⁵ Others stay on, living in fear of

⁵³_NKHR2010000024 2010-11-26; NKHR2010000084 2010-03-30; NKHR2012000007 2012-01-10

⁵⁴_NKHR2010000001 2010-05-25 and other 45 testimonies; NKHR2011000014 2011-01-04 and other 85 testimonies.

⁵⁵_NKHR2010000060 2010-05-18; NKHR2011000052 2011-02-15; NKHR2011000057

forcible deportation and having given up all hope. Since most North Korean women in these situations have been “traded” like merchandise, they are usually under the watchful eyes and constant supervision of relatives and neighbors of their “masters.” Indeed, the reality in these situations is that any North Korean woman who illegally crosses the river into China cannot survive unless she chooses to “live-in” with a Chinese man. Consequently, once they realize the danger of arrest and other unavoidable realities most North Korean women who have crossed the river into China accept the situation in which they must “live-in” with a Chinese man.⁵⁶ After prolonged stays in China, some defectors are able to obtain resident permits.⁵⁷ Others give birth to Chinese babies.⁵⁸ In some cases, children born in China to female defectors have been granted resident permits.⁵⁹ However, significant numbers of children born to female defectors from North Koreans and Chinese men are abandoned when their mothers are forcefully deported to North Korea. The majority of these children are subsequently unable to receive proper education or medical services because they are not registered as Chinese residents. The problems associated with the tens of thousands of such unregistered children in China have recently emerged as a major international human rights concern.⁶⁰

2011-02-22; NKHR2011000073 2011-03-22; NKHR2011000109 2011-05-11; NKHR2011000138 2011-06-14; NKHR2011000212 2011-10-04; NKHR2011000224 2011-10-19.

⁵⁶ NKHR2010000007 2010-03-16; NKHR2010000063 2010-10-05; NKHR2010000018 2010-10-05.

⁵⁷ NKHR2010000060 2010-05-18; NKHR2010000063 2010-05-18; NKHR2010000095 2010-03-23; NKHR2011000005 2010-08-10; NKHR2011000072 2011-03-22; NKHR2011000109 2011-05-11.

⁵⁸ NKHR2010000001 2010-05-25 and other 28 testimonies; NKHR2011000014 2011-01-04 and other 31 testimonies.

⁵⁹ NKHR2010000001 2010-05-25 and other 19 testimonies; NKHR2011000014 2011-01-04 and other 21 testimonies.

⁶⁰ *Voice of America*, November 5, 2011.

As their stay in China was prolonged, this approach had to change. Unlike during earlier phases, more North Koreans now were living in Chinese homes rather than in the homes of ethnic Koreans. As their language skills rapidly improved and as they became familiar with the Chinese environment, many defectors rent a room of their own. Some take jobs at an office or in the homes of South Korean businessmen in China. In exceptional cases, some women would “live in” with South Korean businessmen in China and subsequently come to South Korea. Some defectors have learned to live in China by saving some money and engaging in vending business.⁶¹ In exceptional cases, some women “live in” with South Korean businessmen in China and subsequently come to South Korea. Some North Korean women in China find out about the settlement grants offered by the South Korean government through their husbands, who go to South Korea first to find jobs. Upon their husbands’ suggestion, these women come to South Korea through guidance brokers operating in China. In their efforts to receive the settlement-support grants offered by the South Korean government, some Korean-Chinese couples voluntarily confess the fact that they came to South Korea on employment visas they obtained based on fake Chinese passports.⁶²

In January 2007, South Korea revised its laws concerning the protection and settlement of North Korean defectors and decided to exclude those who had lived in a country outside North Korea for more than ten years. As a result, North Korean defectors who lived in China for many years began to show a tendency to rush their entry into South Korea. Some North Korean defectors who entered South Korea after staying in China for over ten years

⁶¹_NKHR2011000030 2011-01-04.

⁶²_NKHR2011000127 2011-05-31; NKHR2011000192 2011-08-23.

were excluded from the settlement benefits under the revised South Korean laws. These defectors and citizens groups assisting them staged protest rallies against the government decision. Subsequently, in January 2009 the South Korean Government decided to make some adjustments to the law, allowing some exceptions to the rule in cases of “special circumstances.”⁶³ As a result, there is an increasing number of North Koreans who have stayed in China for an extended period of time entering South Korea with their Chinese-born children.⁶⁴

C. Types of Human Trafficking

Human trafficking is prohibited under international and municipal laws of most countries. Many human rights groups are actively watching for human trafficking activities around the world, and promoting international campaigns against such activities. According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime, “Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent

⁶³ Art. 9 Sec. 2 of the Act on the Protection and Settlement Support of Residents Escaping from North Korea. Revised on Jan. 30, 2009.

⁶⁴ NKHR2010000065 2010-10-12; Some North Korean women bring their Chinese-born babies, especially girls, without the father’s permission. These incidents occur because the mothers suspect that the Chinese father or grandparents might agree to raise a boy baby, but not a girl.

of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” The concept of “exploitation” is critically important here. The main difference between “human trafficking” and “human smuggling” is that traffickers continue to exploit women on an ongoing basis after “the deal (illegal border crossing)” is concluded.⁶⁵

Over the years, the international community has repeatedly addressed human trafficking of North Korean women who have crossed the border. Many international reports have pointed out serious human trafficking cases of forced marriages and prostitution involving female escapees. The U.S. State Department report placed North Korea in the third category, placing it with 16 other countries including Algeria, Oman, and Qatar. It further named North Korea as a country engaged in trafficking (or exporting) full-aged and under-aged persons for the purposes of commercialized sex exploitation and hard labor. The report said the North Korean authorities did not acknowledge the human rights abuses and trafficking of their own people, and did not distinguish human trafficking crimes from other illegal immigration crimes.⁶⁶

The human trafficking phenomenon involving North Korean escapees has gone through several stages over the years. Thus, it is necessary to examine the changing patterns at each stage and the punitive measures the North Korean authorities have taken. In the

⁶⁵ Norma Kang Muico, *Absence of Choice: The Sexual Exploitation of North Korean Women in China* (London: Anti-Slavery International, 2005), p. 3.

⁶⁶ U.S. Department of State, *The Trafficking in Persons Report* (June 2007), <<http://korean.seoul.usembassy.gov/uploads/images/KvT6tA2qzNuoSxuRtB5Qpw/TraffickingInPersonsReportNK.pdf>>.

early period, the professional river-crossing guides were involved in human trafficking. These “guides” approached good-looking young women in the marketplaces or in the railroad stations, and tried to entice them by saying “If you decide to get married in China, you can eat and live well and even your family can get financial support.” In 1997 to 1998, when the food crisis was most serious, it was very important to reduce the number of mouths to feed by even one and the idea that you could help the family was a very strong incentive. Given the widespread food crisis in all of North Korea, it would be very difficult to distinguish “Brokering” from simple guiding. In the latter case, guides simply helped the people searching for food to illegally cross the border, perhaps for a fee. Whether this practice amounted to “human trafficking” is difficult to say. In many cases, North Koreans themselves, or their families, have asked the guides or brokers to help them illegally cross the border into China. In later stages, the brokers would introduce the North Korean(s) to their ethnic Korean contacts in China for a fee. These “professional river-crossing guides” inside North Korea operated in close contact with ethnic Koreans in China. They have been involved in the border crossing of many North Koreans.

In the early stages of border crossing, many North Koreans crossed the river without the help of professional guides. For example, some North Koreans would cross the river by themselves. Since there was no one around, people would wait until someone spotted them and approached. If the spotter showed any sympathy, the illegal North Koreans would be inclined to trust the person. Taking advantage of this situation, ethnic Koreans would turn river-crossers over to other ethnic Koreans. They would provide food and clothing for the North Koreans who had crossed the border.

They would provide him or her with a ride, if necessary. They would suggest that since the border region was risky, he or she would be better advised to move inland. The illegal border crossers would agree to follow the person who was assisting them.

As the number of border crossings increased, organized rings of human traffickers began to appear to make a profit by turning the border crossers over to others. There appeared many incidents in which these ring members would try to capture targeted North Koreans found in rail stations or marketplaces for sale elsewhere. This type of human trafficking would usually go through several stages and pass through many hands. There were people who would lure women across the river and there were people who would receive them on the Chinese side. There are brokers involved in the deals, and the “cost” of transaction increases at every stage. Organized human traffickers even employed violent means to kidnap North Korean women, regardless of their marriage status, and turn them over for profit. As these organized traffickers have become involved, the practice of “selling” North Korean escapees has spread to inner areas of China’s three northeastern provinces. In most cases, transactions were completed for North Korean women, but North Korean men are also traded to remote areas of China where manpower is in dire need.

As more human trafficking incidents and cases of human rights violations have been reported, the Chinese authorities have launched a massive roundup campaign targeting human trafficking rings. Subsequently, organized human trafficking rings have all but disappeared. As North Koreans stay in China for longer periods of time, the illegal North Koreans themselves have become involved in the human trafficking of fellow North Koreans. For example, a North Korean woman “living in” with an ethnic Korean or a Chinese

would introduce or turn over another North Korean woman to a Chinese man or an entertainment establishment for a fee. Korean Chinese intermediaries (brokers) would turn over defecting North Korean women to Korean Chinese men, telling them to contact them if they have any problems. If they received any complaints, they would move the women to another region for an additional fee.

As China industrialized, women on the farms began to relocate to urban areas or to other foreign lands to earn more income. As a result, there began to appear a general shortage of women in China. In turn, the demand for marriage partners and employees in the entertainment industry increased. As the demand for women increased in China, the border crossing North Korean women became the targets of transaction for “live-in” partners for Chinese men. Some North Korean women knew this before being sold, but most of them would not know where they were being taken, in most cases to a Chinese man, until the end of the deal. Even if they knew that they were destined to be sold off to Chinese men, some North Korean women would ask for help in river-crossing to lessen the expense of crossing the border.⁶⁷ In the process of moving from the border region to the inner regions, Chinese brokers often rape these women.⁶⁸

Human trafficking is illegal in China, and if detected, those involved are heavily fined. Since the “go-betweens” would usually receive money for their services, others around them began to keep their distance as soon as they learned of the go-between’s activities. It was reported that the border patrol battalions were

⁶⁷ NKHR2010000031 2010-11-09.

⁶⁸ NKHR2011000003 2010-03-16; She was pregnant as a result of rape by a Chinese broker at the time she came to South Korea.

conducting intensive investigations on North Korean defectors with particular emphasis on human trafficking and narcotics trade.

In some cases, when a North Korean woman is forcibly married to a Chinese man, the marriage could last for a long period. Often, however, if the marriage encountered trouble due to sexual abuse, violence, gambling or drinking on the part of the husband, the woman would try to run away or would be forcibly deported to North Korea, and the relationship would end. When a North Korean woman becomes pregnant after “living in” with a Chinese man, the Chinese man decides whether or not to have the fetus aborted. If the man wants to continue with the relationship, he will in most cases want the baby to be born and will provide legal status (family registry) for the woman. However, this requires that he invest a significant amount of money to secure the legal status for the woman.⁶⁹ Even in the case of forced marriage, the husband desiring to continue the relationship with the North Korean woman is usually required to assume various expenses, like river-crossing expenses, not only for the woman but for her family members, as well. Even if a North Korean woman voluntarily decided to “live in” with a Chinese man after she illegally crossed the border into China, her actual life could be like a forced marriage. Unable to speak Chinese, it would be impossible for her to work at any public places, for example, at a restaurant. Since she lacked proper legal papers, she would have to stay at home to avoid security checks. Therefore, “living in” would be practically the only safe choice for her.

As North Korean women stayed in China for extended periods of time, they would gradually learn simple Chinese expressions

⁶⁹_NKHR2011000067 2011-03-15. The testifier paid 2000 yuan (CNY) to have her name listed in the family register.

and adjust to life in China, this would then lead to decreases in the number of forced marriages. Even if forced into a marriage, the women could find ways to escape the situation. However, if a child was born to the couple, it became difficult for the mother to abandon her child, so she would continue her forced marriage. If she was lucky enough to marry a Korean-Chinese, the marriage would be easier and likely to last longer. In fact, many Korean-Chinese men encouraged their spouses to have children, so that they could maintain the relationship on a longer term basis. But, as their stay in China is prolonged, many North Korean women chose to move on to a third country or to another location in China, even if they had given birth to a child or children in China. Also, if a man were to propose living together, the North Korean woman could selectively accept the proposal depending on the person, conditions, etc. It has been reported that many North Korean women have restarted “live-in” relationships with friendly ethnic Koreans or South Korean men they befriended while working at places of work like restaurants. In some cases, they actively ask their partners for economic compensation, including remittances to their families back in North Korea, or expenses for their border crossing. In cases like these, the North Korean woman would likely defect again if she were forcibly deported to North Korea. She then looks for the man she previously lived with, especially if the couple had a baby born to them.

Many North Korean women who were sold in China are forced to provide sex services at restaurant bars and “sing-along joints.”⁷⁰ In order to prevent them from fleeing, the bar operators would withhold their pay, saying they would save money for

⁷⁰ NKHR2011000030 2011-01-04.

them.⁷¹ It is also reported that organized criminals are operating pornographic “computer chatting” businesses in China, using North Korean women escapees.⁷² They are also utilized for telephone scams (“voice phishing”) targeting South Koreans.⁷³

D. Punishment for North Korean Escapees in North Korea

Defections fall into two different categories according to the 1987 North Korea Penal Code. Article 47 of the Penal Code stipulates that anyone caught fleeing the country would be deemed to have committed treason against the Fatherland and be punished with a seven years or more of correctional labor. At the same time, Article 117 stipulates that anyone who unlawfully crosses a border of the Republic shall be sentenced to correctional prison labor for up to three years. The 1999 Penal Code is similar to that of 1987 in the classification of defections, but Article 47 has been slightly changed to read, “Any citizen of the Republic who commits such acts against the country as defecting to a foreign country for the purpose of overthrowing the Republic shall be committed to correctional prison labor for between five and ten years. In cases of extremely grave offenses, the offender shall be sentenced to correctional prison labor for no less than ten years, or shall be sentenced to death and confiscation of all property.” Article 233 of the revised 2004 Penal Code defines “border crossing” broadly as “those going

⁷¹ Interview with defector XXX in Seoul on April 6, 2007.

⁷² NKHR2010000006 2010-05-25; NKHR2010000017 2010-10-05; NKHR2010000018 2010-10-05; NKHR2010000080 2010-06-15; NKHR2010000082 2010-06-22.

⁷³ NKHR2010000082 2010-01-18.

and coming across the border” instead of “simple crossing.” 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,” 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. In addition to North Korea’s Penal Code, the terms of punishment for defection are dictated by the People’s Safety Control Law (enacted on Dec. 28, 1992 and revised on July 26, 2005) and the Administrative Penalty Law (enacted on July 14, 2004 and revised on May 20, 2008). Article 30 of the Safety Control Law stipulates, “The People’s Security Agency shall check and control violations of travel laws and disorderly street-wandering behavior.” Article 57 specifies that penalties may be directly applied to the violator(s). These provisions do not directly apply to the act of defection, but rather to interdict travelers on their way to the border regions for defection. Article 123 of the Administrative Penalty Law stipulates 3 months of unpaid labor for violations of border inspection rules. Article 167, outlining “Acts of Violation of Orderly Travel,” stipulates that “any violation of orderly travel or illegal travel to and from restricted regions, including national borders, shall be subject to fines, warnings, stern warnings, or unpaid labor for 3 months (correctional labor). In more serious cases, correctional labor or unpaid labor for longer than 3 months may be imposed.”⁷⁴

⁷⁴Article 17 of the “Administrative Penalty Law” defines “correctional labor” and “unpaid labor” as penalties lasting anywhere from five days to six months. The decision to send defectors off to “labor-training camps” without a trial seems to be based on this law.

Article 4 of the penal code, revised in 2004 stipulates that “Even if a person had committed acts of treason against the fatherland and the people, the state would not prosecute the crime if he were to demonstrate active efforts for the unification of fatherland.” Addressing this, North Korea in a letter from the frontline of fatherland took the position that South Korea’s admission of a large group of North Korean defectors in Vietnam in July 2004 was a case of kidnapping and inducement, and encouraged them to return home.⁷⁵ Article 118 of the Penal Code of 1999 stipulated two to seven years of correctional labor for border patrol guards who illegally aided border-crossings. This was revised and significantly mitigated in Article 234 of 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.⁷⁶ North Korean defectors could also face additional charges such as the crime of dealing with foreign currency (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

⁷⁵ North Korea claimed that South Korea and other human rights organizations had systematically organized, induced and kidnapped the North Korean escapees under the direction of the United States, and demanded their repatriation. These demands came through its front organizations like the Fatherland Unification Committee, the National Reconciliation Council and the North Korean Human Rights Research Association.

⁷⁶ Unlike earlier periods, it is understood that safe border crossing would be possible only if advance arrangements were made between the North Korean and Chinese border guards.

levied penalties, and charged with heavier punishments in serious cases (Art. 45).”

After transfer from border military units where they are received, the North Koreans deported from China go through an identification process and a basic investigation at the National Security Agency in the border region. Subsequently, they are transferred to the individual’ hometown. Depending on the case, deportees are sent to local agencies via the border region labor training camps or to provincial collection centers. Sometimes, they are directly sent to their hometown agency (Social Safety Agency or local labor training camp). Once in the hands of the local agency, they will be sent to labor training camps, or immediately released, or sent home on condition that they make daily reports (self-criticism) to the local Safety Agency. The punishment procedures vary from one detention facility to another. If the initial detention facilities are in the detainee’s hometown, or near it, the level of punishment is determined more quickly, and chances are that the detainee’s family can exercise some influence or offer some bribes to obtain a reduced sentence.⁷⁷ If, however, the detainee’s hometown is far away, the period of detention gets much longer, because the detainee’s hometown Social Safety agent has to travel to the border area detention center in person to sign out the defector. The agent also makes travel arrangements, sets up precautionary measures against unexpected flight, and notifies the immediate family.

Since 2000, few deportees appear to have been sent to a political prison camp. In most cases, deportees are sent for a 1-6 months of labor training. Today, it is rare to find any deportee

⁷⁷ NKHR2009000023 2009-04-16.

spending more than a year in any detention facility from the time of deportation to final release. In some cases, however, people were detained in the “revolutionary district” for having had contacts with South Koreans.⁷⁸ However, punishments for defection became heavier in 2009, and it was reported that forcible banishment of families became frequent in the border regions.

The deportees are investigated at a “first-level” detention facility. The National Security Agency maintains detention centers in the border cities of Onsung, Musan, Hoeryong, and Shinuiju. The detainees go through a “naked search,”⁷⁹ examination of personal belongings, and a medical exam (including testing for AIDS). There are separate facilities for men and women, but when the number of detainees is large, both are often combined in the same facility. Many defectors have testified that the returning North Koreans use a variety of tricks to hide from the inspectors the money earned in China. The inspectors, however, employ numerous methods to find hidden money or valuables of the returnees. The inspectors thoroughly examine the detainees, including their private parts. They order naked sit-ups and examine human waste. In the early years of this practice, the inspectors would confiscate all items brought in from China, but would then return all personal items and possessions to the detainees upon their release. Many defectors use the money they made in China to reduce the terms of their

⁷⁸ Defector XXX testified that after she was forcibly deported back to North Korea, the interrogating agent told her that she would be released early by stating that she had “contacted South Korean intelligence agents.” She was however later sent to the “Revolutionary District” in Yodok Prison, and served as a platoon leader from 2004. In 2004, the inmates locked up there for 3-year terms included Cho XX (Danchon), Kim XX (Eunduck), Choi XX (Hyesan), and Kang XX (Musan). The “Revolutionary district” of Yodok Prison was created in 1999 to house defectors and bore the signage “Military Unit No. 0000” (Interview with defector XXX in Seoul on Aug. 20, 2008).

⁷⁹ NKHR2009000023 2009-04-16.

penalties in the process of interrogation or to support their lives inside the labor-training camps. In a very rare case, a woman was able to persuade a security agent to accompany her to the border region, where she received financial help from her “live-in” husband in China who responded favorably to her telephone call. In some cases, the defector will bribe the law enforcement officers to fabricate the contents of their interrogation documents in order to avoid punishment.

The National Security Agency branch in the border area interrogates the deportees regarding information such as personal identification, address, time and place of border crossing, frequency of visits to, and activities in China concerning contacts they may have had with South Koreans or Christians; if the detainee planned to move to South Korea; whether they were involved in human trafficking; or whether they watched pornographic videos or South Korean videos of any kind. After these interrogations, the deportees are sent either to the Agency detention center or to the provincial collection center.

Under the North Korean Criminal Procedure Law, the “preliminary examination” is the stage where prosecutors establish the facts of any crime and indict or exonerate the suspect.⁸⁰ The purpose of a preliminary examination is to discover evidence, scientifically examine any proof of the commission of a crime, and charge the suspect for criminal responsibility. In illegal border crossing cases, the testimony of the suspect and other witnesses, along with the personal possessions of the suspect, serve as sources of criminal evidence. According to Article 114 of North Korea’s Criminal Pro-

⁸⁰The Korean Association of North Korean Studies, ed., *Compendium of North Korean Laws under Kim Jong-il* (Seoul: The Korean Association of North Korean Studies, 2005), p. 180.

cedure Law, in the process of investigating or searching for criminal evidence “two independent witnesses must be present, and a female witness must be present in the case of female suspects.” Investigators try to determine every detail concerning the suspect’s activities in China, and try to obtain relevant information from other witnesses. During this phase, investigators will use blackmail, beatings, as well as abusive language. They will also persuade other deportees to report on the suspect’s activities in China. The duration of a preliminary examination is two months, but can be extended two additional months for a total of four months. A new category of punishment called “labor training” was introduced in the revised Penal Code of 2004. The preliminary examination for the crimes subject to labor training punishment must be completed within 10 days. If the case is too complicated to finish investigation in 10 days, the detention period can be extended up to a month. The preliminary examination for crimes subject to labor training punishments can only be completed if there is sufficient evidence for the crime. Even if arrested and detained, young people are usually released without a criminal penalty, or turned over to the “515 Sangmu” (a sangmu is a temporary facility for street orphans).⁸¹

Pregnant suspects should not be detained within the period three months before to seven months after childbirth, according to Article 106 of the 1999 and 2004 Criminal Procedure Law. However, many defectors have testified to cases in which the detaining agents conducted interrogations of pregnant women within that period. National Security Agency branch officers in the border region did conduct investigations of women within 10 months of childbirth, and sometimes the guards forced these women to

⁸¹North Korean defector Jang XX, a minor deported from China, was released without serving his person term in 2006. NKHR2011000003 2010-03-16.

undergo abortions.⁸² In the face of mounting international criticism over the practice of forced abortions of North Korean women who became pregnant in China, as well as cases of willful neglect of newborn babies resulting in their death, North Korea has begun to allow the deported pregnant women to give birth to their child, but it would attempt to hand over the newborn to the Chinese father. In October 2003, there was a case in which a deported woman, at her own expense, invited a midwife into the Onsung Security Agency to assist with the delivery. Reports on forcibly induced abortions and abandonment of newborn babies to die, however, continued through the year of 2004.

A review of sentencing records shows that since 1999 most deportees received labor training sentences. This “labor training” punishment was not an option in 1999, but was introduced in the revised 2004 penal code. The labor training punishment before 2004 apparently was based on the Sentencing Guidelines and the Prosecution Supervision Law, which contains regulations concerning “labor training” and “unpaid labor.”

<Table V-13>—Human Rights Violations against Deported Pregnant Women

Source	Means	Time	Place	Punishment
NKHR2011000068 2011-03-15	Witnessed	2009	Onseong-gun Corrective Labor Camp	• Victim of forced abortion: One female (21 years old)
NKHR2010000097 2010-06-22	Witnessed	2009.01	Sinuju Provincial Collection Point	• Victim of forced abortion: One female (21 years old, from Hamheung) • Method: Operation in a hospital.

⁸² NKHR2009000010 2009-02-26; NKHR2009000048 2009-07-30; NKHR2009000078 2009-12-10.

Source	Means	Time	Place	Punishment
NKHR201000031 2010-11-19	Informed	2009.09	Onseong-gun National Security Agency Detention House	<ul style="list-style-type: none"> • Victim of forced infanticide: One female • Method: Baby was left unattended or suffocated
NKHR201100068 2011-03-15	Witnessed	2010	Cheongjin Collection Point	<ul style="list-style-type: none"> • Victim of forced abortion: One female (22 years old, from Yeonsa-gun) • Reason: Chinese mixed-race baby • Method: Operation in a hospital
NKHR2011000231 2011-11-08	Informed	2010.12	Heysan Collection Point	<ul style="list-style-type: none"> • Victim of forced abortion: One female
NKHR2011000253 2011-12-20	Witnessed	2010.12	Sinuju Collection Point	<ul style="list-style-type: none"> • Victim of forced abortion: One female (20 years old) • When: Before 24th week of pregnancy • Reason: Chinese mixed-race baby • Method: Operation in a hospital
NKHR2011000253 2011-12-20	Witnessed	2010.12	Sinuju Collection Point	<ul style="list-style-type: none"> • Victim of forced abortion: One female (22 years old) • When: Before 24th week of pregnancy • Reason: Chinese mixed-race baby • Method: Operation in a hospital

If the sentence is set during the “first-level” investigation, the convict serves out the term of “labor training” punishment in his or her local labor training camp. Because the camp is an implementing agency and not an investigative facility, the intensity of labor is very heavy and daily routines are very strict. Under the law the term of service is calculated from the date of detention. However, most deportees have testified that the term was usually calculated from the date of sentence. Many of them do not know exactly for what

they were being punished nor when the sentence would finish. Some deportees are detained in the Border Region Security Agency or its nearby labor-training camps without trials or court sentences. Apparently, these cases occur when the provincial collection center is crowded with inmates and when the “safety agent” from the deportee’s hometown is unduly delayed from taking the convict to the provincial center. The detention period at a provincial collection center will also vary depending on how quickly the hometown “convoy” agent arrives at the center. The detainees whose hometowns are located in the inner-regions, like Hwanghae or Kangwon Provinces, have to stay in the center longer than others, and are exposed to life-threatening situations due to the poor and unsanitary detention facilities, because disease and hunger constantly threaten one’s health.⁸³

One of the reasons the court will order the suspension of service is “if the inmate sentenced to correctional labor, labor training or non-paid labor fell gravely ill, or a female inmate is between three months before and seven months after childbirth (Art. 18, Sec. 3 of the Decision and Judgement Law).” Defectors testified that if the authorities determined death was imminent (due to tuberculosis, dehydration, infirmity) or if the inmate had contracted a contagious disease, the term would be suspended,⁸⁴ and the authorities would contact his/her hometown security agency to take over the case. The law also prescribes when cases are suspended or terminated. Article 18, Section 3 of the Sentencing Guidelines stipulates, “If an inmate serving the labor training or unpaid labor terms fell gravely ill or a woman was three months before or seven months after childbirth, the sentence shall be sus-

⁸³_NKHR2009000011 2009-03-03.

⁸⁴_NKHR2011000019 2011-01-18.

pended or terminated.”⁸⁵ Quite the contrary, camp guards assigned the detainee hard labor⁸⁶ or would beat her to induce abortion. In addition, the People’s Safety agents would also take measures to separate newborns from their mothers and let them die, or they would ask other inmates to take the measures with a promise of reduced penalty. Unlike cases where women were impregnated by Chinese men, the agents would not force abortions or kill the baby if the woman could prove that her pregnancy began before leaving North Korea, even if she was forcibly deported from China, or if her husband was working at a stable job.⁸⁷ In one very rare case, a pregnant woman who was deported was able to bribe her way out of the Hyesan collection point.⁸⁸

A defector has testified that if a North Korean woman was accompanied by a baby born in China, or if she gave birth to a baby in a Security Agency detention facility or provincial collection center, the North Korean authorities would try to contact the Chinese father’s family and turn the baby over to them.⁸⁹

If a different crime subject to a longer sentence is uncovered while a detainee is serving a labor training term, the inmate is transferred to the provincial collection center. The detainee goes through another investigation and is transferred to the Security

⁸⁵_Defector XXX testified that she was forcibly deported in Apr. 2004 while pregnant. She was released from the security agency after 6 days of interrogation. This was an exceptional case. At the time, Kim Jong-il’s instructions came down, so they did not confiscate any of her possessions except for the cash she carried (Interview with defector XXX in Seoul on July 9, 2008).

⁸⁶_NKHR2009000025 2009-03-30.

⁸⁷_Defector XXX testified that she was forcibly deported to North Korea on while 8 months pregnant. She was able to prove that she was pregnant before leaving North Korea, and she escaped a forced abortion. NKHR2008000003 2008-07-09; Apparently, if a woman is pregnant with a “North Korean baby,” she will not be forced to abort the child. NKHR2009000032 2009-05-19.

⁸⁸_NKHR2009000023 2009-04-16.

⁸⁹_Interview with defector XXX in Seoul on March 7, 2007.

Agency or Safety Agency in the area for additional punishment. Depending on the time and place, different sentences have been handed down for crimes involving border crossings. In some cases the perpetrators are detained in their respective local labor training camps or Social Safety Agency detention centers.

The North Korean authorities have relaxed the penalty on simple defectors. Recently though, they have been enforcing the penalties again.⁹⁰ Since 2004, heavier penalties have been imposed on those forcibly deported or arrested in the process of border-crossing. If a defecting family was captured as a group, the authorities would file “attempted defection to South Korea” charges against them. The punishment of defectors, however, varied considerably from region to region and from person to person according to reports since 2004.⁹¹ One defector and 15 “river-crossing guides” (2 men, 13 women) were publicly executed in Juwon District, Onsung County on February 20, 2008.⁹² In some cases defectors were forced to serve longer terms than those recorded as their official sentences.⁹³ On the other hand, there were many reported

⁹⁰ The sentences for captured or deported defectors have been raised by 5–7 years since March 1, 2007. Good Friends, “North Korea Today,” No. 114 (March 5, 2008).

⁹¹ If the families were able to pay bribes to the related agencies immediately after deportation, the sentences would be greatly reduced. In August 2006, Kim XX and four others were sentenced to 3-year correctional labor penalties because they were repeat offenders, and they were locked up in the No. 9 Correctional Center in Hamhung. NKHR2008000011 2008-08-12.

⁹² Good Friends, “North Korea Today,” No. 114 (March 5, 2008).

⁹³ Defector XXX testified that in Oct. 2003 he was sentenced to a 1-year labor-training penalty on charges of illegal border-crossing and was detained for 16 months in the Social Safety Agency (current People’ Security Agency), No. 11 (Jeungsan) Training Camp (Interview with defector XXX in Seoul on Aug. 13, 2008).; Defector XXX testified that he and his sister each received a one-year sentence on river-crossing charges at Uiju County, North Pyongan Province, and were sent to the No. 11 Correctional Center. They served for longer than a year, however (Interview with defector XXX in Seoul on June 15, 2008).

cases in which the level of punishment was raised from “labor-training” to “correctional labor,” but through bribery inmates could often get released on bail (for reasons of illness) or get released through general amnesties in the middle of their terms.⁹⁴ A recent trend is that heavier sentences are being imposed on defector families living near the border region as the number of defectors has increased, even though the sentences have been reduced during the deteriorating food crisis. In fact, a great number of families of defectors who used to live near the border regions have been banished to remote regions away from the borders.⁹⁵ Very rarely, the

⁹⁴ Defector XXX was arrested while trying to come to South Korea from Qingdao in 2005 because of a whistle-blower (a former defector, Korean), among a total of 13 defectors who were forcibly deported. He was sentenced to a 3-year correctional labor penalty. He was released on general amnesty after serving one and a half years at Jongori Correctional Center. (Interview with defector XXX in Seoul on Aug. 30, 2008.) Defector XXX defected with his wife in 2006. When his wife was arrested, however, he returned to North Korea voluntarily. He was, however, sentenced to two years of labor training on family defection charges. He served six months at Oro Training Camp and was released on general amnesty. His wife was sentenced to one-and-a-half years at Jeungsan Correctional Center, and was also released on general amnesty after serving five months. (Interview with defector XXX in Seoul on Sept. 6, 2008.) Defector XXX was arrested after returning to North Korea on charges of attempted flight to South Korea. When he learned his penalty would be about 6 years, he bribed the agent-in-charge into burning the essential investigation documents. Subsequently, he received a four-month labor-training penalty and served as a “tekgan,” or a “whip” who was responsible for ensuring every inmate at the center reported to work. (Interview with defector XXX in Seoul on July 26, 2008).

⁹⁵ In April 2004, the family of Kang XX living at Ontan-ku, Onsung County, was banished because Kang was caught crossing the border. The families of Han XX and Kim XX were also banished from Kerim-dong, Hweryong City in 2005 (Interview with defector XXX in Seoul on July 8, 2008). In Nov. 2007, Kim XX was sentenced to a correctional labor penalty and his family was banished from Onsung to Jangjin, South Hamkyung Province. (Interview with defector XXX in Seoul on July 2, 2008.) In 2004, 20-30 defector families were banished from Musan County to Kangwon Province. (Interview with defector XXX in Seoul on June 25, 2008.) In Aug. 2004, the family of Kim XX was banished from Sechon County, Hweryong City, North Hamkyung Province to a farm in South Hamkyung Province because Kim XX had crossed the river into China. NKHR2008000011 2008-08-12.

decision to banish a family at a public trial would be reversed as a result of petitions,⁹⁶ but in most cases the defector families had to move to the designated area and could only return after a certain period of time. If a person were to defect from an area, the official responsible for the area would be dismissed from his position.⁹⁷ For this reason, the defector family would bribe him in the early stages of the incident for a lenient disposition of the case. He would then discard the documents or make necessary changes in the documents to evade his responsibilities and profit from the case, as well.

<Table V-14> Punishments for Defections

Source	Means	Time	Place	Punishment	Details
NKHR2010000017 2010-10-05	Experienced	2009.02	Eup (Town) Corrective Labor Camp in Kim Hyung Jik-gun	Six months of disciplinary prison labor	-
NKHR2010000043 2010-11-02	Experienced	2009.02	Yanggang Province Gathering Facility for Suspects	Five months of disciplinary prison labor	Second deportation
NKHR2010000021 2010-10-12	Experienced	2009.07	Baekam-gun Corrective Labor Camp	Six months of disciplinary prison labor	Escaped while being detained (detained for 20 days)
NKHR2010000067 2010-04-27	Experienced	2009.08	Nongpo Gathering Facility for Suspect at Cheongjin	One month in the Provincial Gathering Facility for Suspects	Second deportation

⁹⁶ Defector XXX received a public trial in Sinuiju while attempting to defect in Jan. 2005. A decision was made to banish his family, but the decision was reversed as a result of petition. (Interview with defector XXX in Seoul on Oct. 21, 2008).

⁹⁷ NKHR2008000011 2008-08-12.

Source	Means	Time	Place	Punishment	Details
NKHR201000097 2010-06-15	Experienced	2009.08	Heysan Corrective Labor Camp	Two months of disciplinary prison labor	Second deportation
NKHR2011000018 2011-01-18	Experienced	2010.05	Sinuiju Gathering Facility or Suspects	One month and ten days of custody in the Provincial Gathering Facility for Suspects	Second deportation
Heo XX	-	2010.03	-	Released from custody early (bribe)	Sixth deportation
NKHR2011000144 2011-06-14	Informed	2011	Musan North Hamkyung Province	Summary Execution	A family of four defectors deported in 2011 to Musan-gun, North Hamkyung Province were shot on the spot without investigation at the National Security Agency.
NKHR2011000187 2011-08-16	Informed	2011	Hoeryeong, North Hamkyung Province	Political prison camp	• Kim XX (a 26-30 year old male from Hoeryeong) was deported in 2010 for illegally crossing the border to attempt defection to South Korea. He was detained in a political prison camp called No 22 in Hoeryeong, North Hamkyung Province.
NKHR2011000232 2011-11-08	Experienced	2011.01	Baekam-gun Corrective Labor Camp	Six months of disciplinary prison labor	The source was sentenced to six months of disciplinary prison labor for illegally crossing the border to enter South Korea.

Source	Means	Time	Place	Punishment	Details
NKHR2011000143 2011-06-14	Informed	2011.02	Heysan, Yanggang Province	Correctional prison labor	-
NKHR2011000244 2011-11-22	Experienced	2011.02	Sinuju National Security Agency Gathering Facility for Suspects	Detained in a detention house	The source was detained for illegally crossing the border but escaped while being detained.

<Table V-15> Punishments for Defector's Families

Source	Means	Time	Place	Punishment
NKHR2011000109 2011-05-11	Witnessed	2009	Hoeryeong North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Banished • Victim: One female (the source's mother)
NKHR2010000089 2010-06-08	Witnessed	2009.01	Heysan, Yanggang Province	<ul style="list-style-type: none"> • Punishment: Banished • Reason: Family of an illegal border crosser • Victims: One male, One female
NKHR2010000041 2010-10-26	Witnessed	2009.07	Musan North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Banished • Reason: Family of an illegal border crosser • Victim: One female
NKHR2010000101 2011-06-15	Witnessed	2009.07	Hoeryeong North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Banished • Victims: Two male, two females
NKHR2011000077 2011-03-22	Witnessed	2009.09	-	<ul style="list-style-type: none"> • Punishment: Kim Hyung Jik-gun Political Prison Camp • Victims: Two males, two females • Detained because a family member defected to South Korea.
NKHR2011000231 2011-11-08	Witnessed	2010.08	Heysan Yanggang Province	<ul style="list-style-type: none"> • Punishment: Banished • Reason: Family of defector • Victims: One male, four females

Source	Means	Time	Place	Punishment
NKHR2011000105 2011-05-03	Experienced	2010.10	Sakju, North Pyeongan Province	<ul style="list-style-type: none"> • Punishment: Banished • Reason: Family of defector • Victims: two males, one female • All family members were banished for the defection of a source's brother-in-law.
NKHR2011000209 2011-09-20	Experienced	2011	Pyongyang, Daedonggang District	<ul style="list-style-type: none"> • Punishment: "<i>Hwan-gyeong-je-dae</i>" • Reason: Family members of a defector who attempted to enter South Korea • *"<i>Hwan-gyeong-je-dae</i>" indicates being discharged from military service due to family problems.
NKHR2012000002 2012-01-10	Informed	2011.09	Heysan, Yanggang Province	<ul style="list-style-type: none"> • Punishment: Banishment • 30 households of defectors' families living in Heysan in September 2011.

E. Punishment for Human Trafficking in North Korea

As the international community expressed its concerns over human trafficking of North Korean women, North Korea launched a strong campaign to apprehend those engaged in such practices. Individuals who sold North Korean women in China have been publicly executed, and stern warnings have been issued against any and all human trafficking activity.

<Table V-16> Punishments for Human Trafficking

Testifier	Source	Time	Place	Punishment
NKHR2010000069 2010-10-26	Witnessed	2008.06	Hoeryeong, North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Public Execution • Execution site: City Stadium at Sanup-dong, Hoeryeong • Victims: Five males, three females

Testifier	Source	Time	Place	Punishment
NKHR201000011 2010-09-14	Informed	2009.01	Musan, North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Public execution • Execution Place: Gangbyeon Garbage Dump, Musan-gun • Victim: One male
NKHR2011000186 2011-08-16	Informed	2009.01	Musan, North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Public execution (shooting) • Victims: Two males, two females
NKHR2011000209 2011-09-20	Informed	2009.01	Heysan Yanggang Province	<ul style="list-style-type: none"> • Punishment: eight years of correctional prison labor • Victim: One person
NKHR2011000034 2011-01-04	Witnessed	2009.03	Musan, North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Six years of correctional prison labor • Victims: 11 persons
NKHR2011000231 2011-11-08	Informed	2009.07	Heysan Yanggang Province	<ul style="list-style-type: none"> • Punishment: Public execution (Shooting) • Victim: One male from Heysan
NKHR2011000155 2011-07-05	Informed	2009.09	Musan, North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: Public execution (Shooting) • Victims: Two males, two females (Kang XX, Choi XX) • Total people involved in human trafficking: About 55 • Out of 14 human traffickers, four were publicly executed at the Musan-gun Jang-ma-dang (market) in September 2009, four were given life sentences of correctional prison labor, and the other six were sentenced to 13~15 years of correctional prison labor.
NKHR2011000070 2011-03-15	Informed	2009.11	Heysan Yanggang Province	<ul style="list-style-type: none"> • Punishment: Public execution (shooting) • Victim: One female from Heysan
NKHR2011000129 2011-05-31	Witnessed	2010.03	–	<ul style="list-style-type: none"> • Punishment: 13 years of correctional prison labor • Victim: One male (Lee XX, 30 years old)

Testifier	Source	Time	Place	Punishment
NKHR2011000052 2011-02-15	Informed	2010.06	Heysan Yanggang Province	<ul style="list-style-type: none"> • Punishment: Public Execution (shooting) • Victim: One female
NKHR2011000183 2011-08-09	Experienced	2010.8	Onseong North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: 13 years of correctional prison labor (for human trafficking and illegal border crossing) • Victim: 36-year-old male from Onseong
NKHR2011000103 2011-05-03	Witnessed	2011.01	Kim Hyung Jik-gun Yanggang Province	<ul style="list-style-type: none"> • Punishment: Not known • Victim: one male (political officer of a squad), one male (soldier)
NKHR2011000191 2011-08-23	Informed	2011.01	Yeongsa, North Hamkyung Province	<ul style="list-style-type: none"> • Punishment: 15 years of correctional prison labor • Victim: One male (Lee XX)
NKHR2011000195 2011-08-23	Witnessed	2011.03	–	<ul style="list-style-type: none"> • Punishment: 15 years of correctional prison labor • Victim: One male (Chang XX, 45 years old, from Yeongsa-gun)

As <Table V-16> shows, North Korea has imposed extremely harsh punishment on human traffickers, but not on simple river crossing guides. Public executions have been carried out in certain cases of human trafficking, dealing in narcotics, or smuggling antiques along the border regions, and mostly in locations of frequent border crossings, such as near the cities of Musan, Hweryong, Chongjin, and Onsung. Clearly, the North Korean authorities, like the Chinese, have taken stern measures against human trafficking in response to the concerns of the international community. Since 1998, North Korea has increased the level of punishment for human trafficking. The fact that North Korea has publicly executed all human traffickers indicates that it has seriously attempted to

root out the sources of human trafficking, just as the Chinese have done. In 2007 and 2008, the Central authorities conducted extensive inspections concerning missing persons (defectors). Some family members (parents, siblings) of the defectors (missing persons) have been punished on “human trafficking” charges.⁹⁸ It is reported that as recently as 2010 a defector family was forcibly banished on charges of human trafficking. It has been reported that the collective banishment of defector families seems to have continued in 2011 as well.

F. North Korean Defectors in South Korea

Since 1994, the number of defectors coming into South Korea has rapidly increased. 312 defectors came to South Korea in 2000, 583 in 2001, 1,138 in 2002, 1,281 in 2003, and 1,894 in 2004. However, in 2005, only 1,383 defectors arrived in South Korea. The reasons for this decrease may be attributed to tighter control and surveillance in China and less involvement of individuals and NGOs who previously assisted defectors’ entry into South Korea. However, the increasing trend continued overall. A total of 2,018 defectors came into South Korea in 2006; 2,554 in 2007; 2,809 in 2008, and 2,927 in 2009. In 2010, the number of defectors coming into South Korea totaled 2,379, showing a slight decrease. In 2011, at a tentative estimate, 2,737 defectors entered Korea, making for a total of 23,100 North Korean defectors to date in

⁹⁸ A report released during the “Hyesan City Anti-Socialist Group” on Dec. 27, 2007, contained a list of names of missing persons and human traffickers. Defector XXX testified that he was banished to a coal mine region in Kapsan County, Yanggangdo Province on charges of “selling off (human trafficking)” his daughter, who had in fact fled to South Korea. NKHR2008000020 2008-09-17.

South Korea. Recently, the ratio of family defections has been steadily increasing. Some defectors come along with their families; others who were in North Korea or in China have come to South Korea with the help of family members already in the South.⁹⁹ Planned entry attempts through foreign missions or foreign facilities in China have decreased since 2004. Attempting to travel to South Korea through China would normally take as long as two years, so there have been increasing efforts to come to South Korea through Southeast Asian countries such as Thailand. The time required for a North Korean defector to reach South Korea has shortened; the proportion of those who arrived in the South within a year of defection increased from 30% in 2009 and 39% in 2010 to 52% in the first half of 2011.

<Table V-17> Statistics for Time Elapsed between Last Defection Date and Entering South Korea

Period between Last Defection and Entering South Korea			
Total Number	230 (100%)		
Response 219 (95%)	Period	Number	Percentage (%)
	Less than 1 month	1	0
	1~6 months	124	57
	6~12 months	16	7
	1~2 years	15	7
	2~3 years	9	4
	3~4 years	8	4
	4~5 years	14	6
	5~6 years	6	3
	6~7 years	5	2

⁹⁹ According to the Ministry of Unification, the ratio of families entering South Korea increased rapidly from 12% in 2010 to 39% in 2010, and 49% in the first half of 2011. The ratio of defectors who already have family resettled in South Korea also increased from 23% in 2009 to 33.4% in 2010 and 47% in the first half of 2011.

	Period	Number	Percentage (%)
Response 219 (95%)	7~8 years	2	1
	8~9 years	8	4
	9~10 years	1	0
	More than 10 years	10	5
	Subtotal	219	100
No response 11 (5%)		-	

As the number of North Korean defectors entering South Korea rapidly increased, South Korea became more aware of the changing motivations, defection types, ages, and occupations North Koreans have. An analysis of the types of defectors who came to South Korea in 2010 showed that a majority of them (75%) were women, in accordance with the continuing trend. 85% of these women came from North Hamkyung Province, and 95% had been low-level workers and farmers in the North. There have been cases of entry by sea (both the West and East Seas) in 2011 as well.

In the past, most were last resort cases under circumstances of extreme background discrimination and/or human rights violations. However, recently the reasons for increases in family defections include (a) increasing risks due to tightened Chinese surveillance, (b) increase in information about South Korean society, (c) economic assistance from defectors who had already entered South Korea, and (d) increasing activities of professional intermediaries and business-type agencies. North Korean defectors who have settled in South Korea are increasingly working as “entry-visa” brokers. A significant number of brokers engaged in making arrangements for entry into South Korea were former female defectors. Their fee in

2010 was about 3 million won in South Korean currency (US \$2,700). As the number of brokers has increased, competition among them is also becoming intense. Some of them even visit “Korean towns” in China where they believe many defectors are hiding in an effort to find and persuade them to relocate to South Korea for a fee.¹⁰⁰

As family unit defections increased, the average ages of North Korean defectors began to show a more even distribution. However, the 20-to-40 year old group still represents the highest ratio among all the defectors. There were also cases in which earlier defectors planned and assisted the defection of their families from the North. The cases of North Korean women bringing over children or parents they had left behind in the North are increasing. The occupations of defectors also vary widely. They range from high officials (such as Hwang Jang-yop), diplomats, and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants.

There has been a number of cases of North Korean defectors who, having received South Korean citizenship and resettlement funds, have moved on to third countries such as the United States or Great Britain where they have applied for political asylum or refugee status. A number of these individuals have been discovered as “disguised asylum seekers” and repatriated to South Korea.¹⁰¹ Other defectors re-enter North Korea, live with their family in

¹⁰⁰ In many cases, female defectors staying in “Korean towns” in remote areas of China do not have accurate information about relocating to South Korea. In those areas, there is invariably conflict between “relocation brokers” and church activists who are trying to protect female defectors in China. See Yoon XX, “Current Status and Prospects for Defectors in China,” (Seoul: KINU, unpublished consultative seminar, June 14, 2010).

¹⁰¹ *Yonhap News*, October 6, 2011.

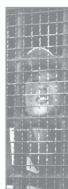
North Korea, re-defect from the North and re-enter the South, whereupon they are arrested and punished for violation of South Korea's National Security Act.

Meanwhile, the ground-breaking ceremony for the second Hanaweon Center (an institution to facilitate the rapid resettlement of defectors) was held in July 2011. Once it is completed in late 2012, the facility is expected to educate up to five thousand North Korean defectors a year, offering customized programs for highly educated professionals.

<Appendix> Public Executions in North Korea Since the Currency Reform (Total: 52)

Date	Target	# of people	Location	Charge
Dec. 2009	Platoon leader of border guard in Namyang, N. Hamkyung	1	Namyang, N. Hamkyung	Drug smuggling, leaking secrets, human trafficking
	Protesters (name & sex unknown)	2	Hamhung, N. Hamkyung	Protesting currency reform
	Protesters (name & sex unknown)	2	Chungjin, N. Hamkyung	Protesting currency reform
	General criminals (8 men, 2 women)	10	Vacant lot in Hyungjesan District, Pyongyang	Theft/rape/pickpocketing/prostitution, etc.
Jan.	Border guard in Yeonsa, N. Hamkyung	1	Yeonsa, N. Hamkyung	Helping a family of 6 to defect
	Hamhung munitions factory worker	1	Hamhung, N. Hamkyung	Leaking internal information via cell phone to a defector in South Korea
Feb.	Ethnic Chinese living in NK (name, sex unknown)	2	Chungjin, N. Hamkyung	Leaking internal information
March	Director of Planning and Finance Pak Nam Gi and Deputy Director Ri Tae Il	2	Kanggeon Military Academy, Pyongyang	Responsible for failure of currency reform; espionage linked with South Korea
	Ri Gi Woong (male, age 38), Oh Chung Il (male, 24)	2	Vacant lot in Nakrang District, Pyongyang	Forgery and circulation of 376,000 won in North Korean banknotes
	Yanggang Central Bank Branch Manager Kim Seung Pil (male)	1	Hyesan, Yanggang	Large-scale embezzlement; adulterous affairs with 6 women

Date	Target	# of people	Location	Charge
April	Platoon leader of border guard in Hweryong, N. Hamkyung	1	Shinam District firing range, Hweryong, N. Hamkyung	Human trafficking; ignoring defections; leaking state/military secrets
	Gang of pickpockets	17	Pyeongyang	Forming a pickpocketing gang; criticizing Kim Jong-il
May	Secret Christians in Pyeongseong (name, sex unknown)	3	Kuwol District, Pyeongseong, S. Pyeongan	Spreading Christianity
June	General criminals (name, sex unknown)	3	Onsung, N. Hamkyung	Murder (2), human trafficking (1)
July	Hweryong food shop worker (male, 25) and younger brother	2S	ports Stadium, Hweryong, N. Hamkyung	Phoning a younger sister who had defected; killing a State Security agent
	Chungjin residents (name, sex unknown)	2	Youth Park, Chungjin, N. Hamkyung	Parodying Kim Jong-il's image; distributing flyers criticizing the currency reform (3 accomplices given life sentences)



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