

Human Rights Violation in North Korea

Tae Hwan Ok

Although scholars differ somewhat over the definition of human rights in accordance with various historical and social perspectives, it can be said to be the freedom and rights to be enjoyed by a person to live a humane life, and the rights one should be able to exercise as a member of a society.

Today the United Nations as the representative body of international society prescribes to member states an international norm on human rights through the UN Charter, the Universal Declaration of Human Rights, and the International Human Rights Covenant. This resulted from a global recognition of the importance of human rights as the world came to know the Nazi's brutal World-War-II massacre of six million Jews.

Demanding of all countries a guarantee of human rights, the UN has founded international organizations and pacts to conduct regular supervision on human rights in every state, inducing and actively campaigning for movements to guarantee human rights. Most states are taking an active part in implementing their international duty, and support the UN efforts to help realize peace and justice in global society.

Human rights exercise considerable influence on international relations especially now after the Cold War. This obliges a common response to human rights issues under the banner of international order and the maintenance of peace through protection of human rights. Most democratic nations that acknowl-

edge the universalism of human rights are taking bilateral or multilateral measures against states that violate the International Human Rights Covenant.

North Korea, however, has turned its back on this international human rights movement. Violations in North Korea have frequently been pointed out in the testimonies of defectors and by international human rights organizations such as Amnesty International, Asia Watch, Freedom House and the Minnesota Lawyers International Human Rights Committee. Not only is Pyongyang intentionally violating international human rights agreements to which it has agreed,¹ but it is also uncooperative in submitting materials and information demanded by international human rights organizations. Whenever these organizations raise the issue, Pyongyang emphasizes that "it is legitimate to sanction subversive and impure elements that try to destroy socialism." They say talk of human rights and liberty is nothing but South Korean anti-DPRK, "anti-socialist propaganda" to achieve unification by absorption through opening up the North's system and leading it to collapse.²

This article examines the North Korean system, the reality of human rights control in legal, institutional and social aspects, and the reality of political prisoner camps in order to analyze human rights violations in North Korea.

-
- 1 The International Human Rights Covenant of 16 December 1966 is appended by four separate covenants: (1) the International Covenant on Economic, Social and Cultural Rights, (2) the International Covenant on Civil and Political Rights, (3) the Optional Protocol to the International Covenant on Civil and Political Rights, and (4) the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty. North Korea ratified the first two of these, (1) and (2), in 1981.
 - 2 Jong Boo-rak, *Reality of Human Rights in North Korea*, Institute of Political Education for National Unification, 1992, p. 16; Kim Il Sung's address in the first session of the ninth Supreme People's Assembly held on 25 May 1990; refer also to the North Korean propaganda material of 17 October 1991.

Characteristics of North Korean System and Control over Human Rights

Governing System through Monolithic Ideology

North Korea indoctrinates its whole population with *juche* thought, that in order for the people to become the revolutionary subject, they have to unite under monolithic ideology and the corporate philosophy of a socio-political biological system comprising the *suryong* (great leader), the party, and the people, all in tight solidarity. The *juche* principle emphasizes group interest over individual liberty and legitimizes one-party dictatorship. Through such monolithic ideology North Korean society is exposed to high oppression and control.

Kim Il Sung succeeded in transplanting Marx-Leninist ideology at the very initial stage of the establishment of the DPRK. Later, he consolidated his leadership by purging not only the bourgeois class in the name of a Stalinist dictatorship of the proletariat, but also by eliminating his political opponents, one by one, denouncing them as factional elements. Contrary to his promises to construct a communist society in North Korea by means of *juche* thought, Kim Il Sung turned the country into an inhumane society of terror that upholds him as the sole leader. *Juche* became an ideological means to oppress the North Korean people.³

After the death of Kim Il Sung, Kim Jong-il is also taking advantage of *juche* to build his own personality cult, and he is gaining popular loyalty by setting forth what are called "virtuous politics" and "embracing politics." Even puny benefits meted out to the people are dressed in the name of Kim Jong-il's commendable political leadership.

3 Lee Jung-soo, "North Korean Politics," *Understanding North Korea*, Institute of Political Education for National Unification, 1995, pp. 29-35.

Class Differentiation of the People

In 1958, North Korea set forth as its main goal for construction of socialism converting the whole population to the proletariat, and began to differentiate people by class in accordance with their origins.

From 1959 to 1960, the Korean Workers' Party (KWP) picked out the so-called impure elements and either killed them or exiled them to desolate mountainous areas. It re-registered the population in 1966, classifying everyone in accordance with their orientation, and armed one million peasants and workers as the Ro-nong Jeok Wi Dae [Heavily Equipped Reserve Force]. From 1967 to 1970, all North Koreans were divided into nuclear, wavering and hostile classes and subclassified into 51 detailed categories.

While inter-Korean talks progressed in 1972, North Korea investigated everyone's activities and re-designated each person as either trustable, suspicious, or a betrayer. South Korean defectors, Japanese Koreans who had come to the North and others from foreign countries were divided into additional thirteen sub-classes; those likely to oppose the system under Kim Il Sung and Kim Jong-il and the KWP were isolated from the rest of society. North Korea reinforced its socio-political control by probing deeply into the ideological orientations of anti-party and anti-revolutionary people.

By categorizing the people into three classes and 64 sub-classes, North Korea is discriminating against those of questionable loyalty and ideology and interfering in the details of their daily lives—not to mention in their admittance to school and career.

The nuclear class that comprises about twenty-five percent of the population are the elite. Most of them are families of the party, military and government, officials of the General Association of Korean Residents in Japan, and bereaved families of those who fought against the Japanese colonial rule and in the

Korean War. They are endowed with privileges in entering schools and receiving rations, medical care and all sorts of social welfare programs.

The wavering class that constitutes around half the population comprises ordinary laborers, farmers and engineers, etc. Although their families can enter universities, they are limited in becoming party members, military officers, or high government officials. Among them, those who pay special loyalty to the Kim family are admitted to the nuclear class.

The betrayal class, another quarter of the population, are under constant supervision. They are the alienated of society, decedents of landowners, pro-Japanese or pro-Americans, religious people, families of defectors, certain Japanese Koreans who had been shipped to North Korea, and families of political prisoners. This group mostly serves at hard labor and its members are forbidden to enter school, the military or the KWP.

About two hundred thousand who are categorized as a very impure element are isolated in desolate mountainous areas in prison camps. They are deprived of the right even to marry or have children.⁴

Legal Aspects of the Human Rights Control

Limits of Basic Rights in the Constitution

North Korea legislated its constitution in 1948; it was revised in 1972 and 1992 in accordance with changes in both domestic and international circumstances. On its face the DPRK constitution resembles that of a liberal democracy so it is difficult to point out human rights violations in terms of legal documents; one has to know the characteristics of the North Korean system. In actuality

4 Kim Byoung-mook, *North Korean Human Rights: Reality and Falsehood*, 1995, pp. 65-85; Jong Boo-rak,, pp. 53-64.

the law is made by the party, for the purpose of the perpetuating the regime of Kim Il Sung and Kim Jong-il.⁵

The constitution delimits the object of basic rights. Chapter Four of the constitution comprises basic rights and duty of a citizen, but basic rights are limited by special definition of who is a citizen (political prisoners, for example, are not) and are denied to former landlords and bourgeoisie and groups deemed to be against the ruling Kim family. Article 49 defines the rights and duty of citizens as "one for the whole," and Article 68 stipulates that "citizens should uphold collectivism highly and set up the revolutionary morale by sacrificing themselves to the interest of the community and organization." This is to place priority on collective interest rather than individual human rights. Individualism and liberal ideologies are banned.⁶

Although freedom of press, publication, assembly and association are said to be guaranteed in Article 67, such rights are guaranteed only under party guidance and state control. The purpose of publications is to propagandize the political achievements of the two Kims and to mobilize people in assemblies in order to legitimize KWP policies.⁷

In the revised constitution of 1972, freedom of religion was actually denied by stipulating religious freedom together with the freedom to criticize religion. The 1992 constitution, however, permitted religious freedom in a formal sense by deleting the phrase "freedom to criticize religion." But Clause 2 of Article 68 reveals the limits to religious freedom by saying "religious

5 Chang Suk-eun, "North Korea's Administrative and Legal Institution," *Understanding North Korea*, Institute of Political Education for National Unification, pp. 70-2.

6 Jong Boo-rak, pp. 24-6.

7 Chon Hyun-Joon, *A Study on Realities of Human Rights in North Korea*, RINU, 1993, pp. 67-8.

freedom should not be exploited to bring in foreign powers or cause disorder to the society.”⁸

Clause 2 of Article 69 stipulates that petition should be submitted following the due procedure and time prescribed by law. Clause 2 of Article 78 forbids detention, arrest or search of residence of a citizen without a warrant. This gives one the impression that the constitution has legalistic aspects,⁹ but that is not the case. Generally anyone who raises petition is regarded as someone with grievances about the North Korean system; rather than investigating the case the authorities are likely to punish the person for complaining. Article 11 reads “The DPRK implements all activities under the guidance of the Korean Workers’ Party,” which implies that party statute or determination has priority over the constitution. The preamble of the party statutes states that “the Korean Workers’ Party adopts Kim Jong-il’s revolutionary thought and *juche* ideology as the unitary guiding principle.” Therefore North Korea regards the guidance of the Great Leader as the supreme norm. Then comes the statutes of the KWP, and then the constitution.¹⁰

The Characteristics of Penal Law and Its Application

North Korea’s laws differ from liberal democratic laws in that they do not guarantee division of power. Pyongyang’s penal law is written and utilized to eradicate all likely obstacles to regime maintenance by defining them as “anti-revolutionary crimes.” Those convicted are severely punished. With regard to the objective of penal law, Article 4 reads “protect the state president, support the revolutionary line and contribute to the historical achievements of revolutionary institutions and order of the society founded upon *juche* thought.” This is to underscore the

8 Kim Byoung-mook, pp. 43-4.

9 *Ibid.*, p. 44.

10 Chon Hyun-Joon, p. 66.

characteristics of system maintenance of the one-party dictatorship of the North Korean regime by means of penal law.¹¹

The DPRK penal law violates individual rights and fosters an atmosphere of terror to eradicate thoroughly all factors that might challenge its objective of maintaining the North Korean system.

It is a nondemocratic law that defies the concept of "rule by law" respected in democratic countries. First, it permits arbitrary interpretation of itself. Not only does Article 9 read quite abstractly: "Crime is any dangerous act, punishable for the purposeful or negligent violation of state sovereignty and legal order," but Article 10 permits arbitrary interpretation to punish criminals at any time necessary by stating that "if a crime is not defined in the penal law, it is penalized in accordance with similar crimes and the degree of danger." Moreover, there is no prescription of prosecution, and the law applies retroactivity.

Article 42 renders a criminal to be exposed to prosecution until his very death by stating "regarding anti-state crimes and deliberate murder, penal responsibility is applied without any given period."

Third, those convicted who had pleaded not guilty and criminals of attempt are punished just as those who plead guilty. Abettors are also applied the same degree of punishment as the criminals. This former is stated in Article 15 and the latter in Article 18.

Fourth, those who denounce or oppose the two Kims are penalized based on Articles 44 to 55, and Article 105. They are treated as anti-state criminals and sentenced to death or subjected to confiscation of all their property. It was revealed in Country Reports on Human Rights Practices for 1994 which was published by the US Department of State on 1 February 1995 that people who were seen sitting on a newspaper featuring Kim Il Sung's portrait and a child who damaged the portraits of the two

11 Jong Boo-rak, pp. 31-2.

Kims distributed house to house were found guilty of committing the above crimes.

Fifth, production of poor-quality goods due to fault in design, or accidentally setting a mountain brush fire, are punished in accordance with Articles 65, 78 and 86. Violation of public order is also severely punished based on Articles 80 to 94.¹²

As mentioned above, North Korea founded the legal and institutional arrangements to violate basic rights by failing to state in the constitution, or purposefully omitting from it clauses that guarantee basic rights to individuals.

Human Rights Control in Institutional Respects

Violation of Human Rights through Party Apparatus

In general, the oppressive apparatus of a dictatorship will transcend ideology and system. North Korea, however, has unprecedentedly the most effective tool of dictatorship, which suggests that violations of human rights are committed publicly.

North Korea supervises and controls the implementation of party policy through party cells. The party cell is organized in all phases of life, in the living quarters as well as the production units.

The party command flows from the center to organizations in provinces, cities and *kun*, down to the lowest cells. Article 11 of Chapter 2 of the KWP statutes commands unconditional implementation of any decision taken by the central party.

According to Article 45 of Chapter 6, party members are endowed with authority to supervise and control the people to see whether all tasks are accomplished in accordance with *juche* thought. The Department of Organization Guidance in the Party

12 *Is North Korea's Penal Law A Problem?*, Institute of North and South Korean Affairs, pp. 15-23; *White Paper on North Korea's Human Rights*, Institute for Peace Studies, 1991, pp. 22-31; Kim Byoung-mook, pp. 91-110; *Dong-A Ilbo*, 3 February 1995.

Secretariat supervises the party members to root out any corruption. The people and the party members themselves are thus under two- or threefold supervision and control in their private lives. The Department of Organization Guidance is directly under Kim Jong-il. He derives loyalty through supervision and control over the bureaucrats and deals directly with personnel matters. Competition of loyalty among the party officials, therefore, impairs everyone's life and further aggravates the human rights situation.¹³

Human Rights Violations through State Apparatus

Among the elements of North Korean state apparatus, the Ministry of State Security the Public Security Ministry play major roles in system maintenance and in the violation of human rights.

The Ministry of State Security takes a key part of the responsibility for searching out anti-party and anti-system forces, spies and subversive elements (and their arrest), supervision over all party officials as well as the general population, collection and analysis of information, and constant surveillance over political prisoners.

Even the KWP cannot interfere in the Ministry of State Security activities. the Public Security Ministry, which is in charge of public order, has to provide unconditional cooperation on matters pertaining to the Ministry of State Security. It is directly under Kim Jong-il's control, and many details about the organization is still not known. However, it is said that it controls a network throughout the cities, provinces and *kun* units. Its covert activities are most feared by the residents and render the people unable to express their grievances even in private life.

The Public Security Ministry plays a police role similar to that in democratic countries. However, the organ also supervises,

13 Chon Hyun-Joon, pp. 75-8; Kim Byoung-mook, pp. 125-7.

searches out and penalizes anti-revolutionaries, anti-system people and those who express grievances. They also transfer such people to the Ministry of State Security.¹⁴

In this way, as does the Ministry of State Security, the Public Security Ministry supervises and controls the people for the sole purpose of maintaining the Kim dictatorship. Through such activity of the state apparatus, human rights violations in North Korea are becoming more prominent.

Human Rights Control in Economic Respects

Deprivation of Property Rights

Article 20 of the DPRK constitution states that "only the state and cooperative organizations may possess productive means." Article 24 clarifies that "individual property is only for the purpose of individual consumption." As Article 21 reads that "there are no restrictions on the object of state property," the state can confiscate individual property at any time.

North Korea promulgated a land reform law in 1946 and confiscated all lands for redistribution. From 1954 it implemented agricultural collectivism and forcefully affiliated all farm households into cooperatives. The cooperative management system that was established in 1962 is still in operation.

Until the mid-1970s, an inherited farm house could be traded by its owner. Later such transactions were forbidden and now the North Korea residents are not allowed to own houses, so the people are subject at any time to become homeless.¹⁵

14 Kim Byoung-mook, pp. 127-30; Chon Hyun-Joon, pp. 78-81.

15 Kwon Oh-duk, *Realities of the North Korean Human Rights Situation*, Institute of Political Education for National Unification, pp. 46-8.

Deprivation of Freedom to Choose Career

Anyone should have the right to choose his or her job and demand fair working conditions.

Article 70 of the DPRK constitution states that "citizens who have labor capability have the right to be guaranteed of a job and favorable working condition according to their wishes and talents." In reality, however, everyone must work when and where dictated by the party and the State Administrative Council.

Jobs are allocated according to political propensities and loyalty to the party; only after that are education, qualification, career records and other capabilities considered.¹⁶ The wavering and hostile classes are deprived of career opportunities, and people are impelled to bribe officials to climb the ladder or get a good job.

Labor Rights

The North Korean labor law limits work time to eight hours per day, and Article 31 of the constitution bans child labor for anyone under sixteen years of age—but children under fifteen are indeed mobilized for sowing and harvest. After having worked hard all day long, adults too are frequently mobilized for education on *juche* thought and revolution ideology, or even for political rallies. "Enlightenment-through-labor camps" have also been established as a means of punishment.¹⁷

Legally, North Korean people are guaranteed of their freedom of career opportunity and rights to labor and repose, but in fact they suffer unending hard labor under the name of construction of the great socialism.

¹⁶ *Ibid.*, pp. 43–4.

¹⁷ Kim Byoung-mook, pp. 87–9; Kwon Oh-duk, pp. 46–8.

Human Rights Control in Social Aspects

Control through Food, Clothing and Shelter

Early in the 1950s North Korea began converting the population to become passive to the system through rationing food, clothing and shelter. Although the initial purpose of the rationing that began in March 1952 was to overcome food shortages and secure food for the military, later it was exploited to keep a grip on the people. Due to cuts in Chinese grain aid and unfavorable weather conditions, North Korea is today short 2.5 million tons of grain. Rations to the wavering class have been cut to two-thirds, and to the hostile class to less than half. The people are suffering from malnutrition and disease. As the regime has launched a two-meals-a-day campaign, children normally go to school without breakfast.

Diseases such as pellagra that generally can be found only in starving areas of Africa and India are rampant in North Korea. Soldiers, who previously had been given relatively generous rations, are now stealing grain from nearby households.¹⁸ Although the North Korean leadership is telling the people that they have to endure these tribulations until the liberation of the South Korean people who are starving to death under American imperialism, the people would seem to have reached their limits of endurance.

There is also discrimination in the distribution of clothing. The nuclear class can buy their clothes in special shops selling suits, wool and even fur clothes, but the wavering and hostile classes are not only given insufficient clothing but are limited in how much they can buy from shops. Those of the hostile class lack underwear, outer garments, socks and gloves. Most distributed clothing is of low quality, made with rayon and nylon.

18 *Dong-A Ilbo*, 4 June 1995.

Houses and apartments are distributed on lease. Shelters are generally constructed mainly for sleeping, so they lack space for leisure. Housing policy has been adopted so as to make it easy to supervise the people and standardize their orientation. The nuclear class enjoys a relatively comfortable living environment, but the wavering and hostile classes have to use common toilet facilities and live in very poor conditions.

In sum, North Korea adopted a rationing system that impels the people to become involved in the competition to gain recognition of their loyalty in order to secure better living conditions. This is the North Korean sense of equality, the North Korean way of socialism.¹⁹

Control of Travel

Free travel is banned, and there is no mention of freedom of travel in the North Korean constitution. Everyone needs a travel permit to visit somewhere, and those caught in the wrong place without one will serve forced labor for about thirty days.

Travel in North Korea is usually for the purpose of visiting shrines of Kim Il Sung's personality cult or for labor mobilization. Ordinary people who want to travel to visit relatives, get married or mourn must apply for their permit fourteen days before the journey. The workplace team leader must give permission to apply; then the document is examined by officials of administrations in cities and *kun* areas and should also pass through the the Public Security Ministry and the Ministry of State Security.

Ordinary people are not allowed to visit Pyongyang or its adjunct *kun* areas, the 38th parallel, sea coasts, territorial borders, or areas in which military industry is concentrated. Students in particular are restrained from travelling, so they rarely visit

19 Kim Jong-hyuk, *North Korean Human Rights Situation: Understanding North Korea*, pp. 173–8; Chon Hyun-Joon, pp. 108–29.

relatives who live away from school.²⁰ The people are forbidden to travel abroad under any conditions. Not only are foreign travel permits simply not issued for private business, but the people would not have money anyway.

This is one way the regime thoroughly controls the flow of information and precludes any organization of opposition forces.

Reality of Detention Camps for Political Prisoners

The Scope of Political Crimes and the Treatment of Political Prisoners

The political prisoners are those who suffer the most over human rights violations. Most of them are those who were found to oppose the personality cult or the father-to-son succession. Included are attempted defectors, former land owners and religious people, many Japanese Koreans, those who passed on foreign information they had acquired during a stay abroad as students or trainees, and abducted South Koreans who are no longer useful. Such people are arrested without legal procedures and sentenced arbitrarily by the Ministry of State Security and the Public Security Ministry. In some cases their families are also sent to labor camps. At present, the number of political prisoners detained in twelve camps is as many as two hundred thousand.²¹

Once a political prisoner enters a camp, he is deprived of citizenship and is not given any food or clothing ration, not to

20 Jong Boo-rak, pp. 70–6; Kwon Oh-duk, pp. 24–6; Kim Byoung-mook, pp. 119–20. With the grand plan to develop Pyongyang, Nampo and Kaeseong as international cities, North Korean authorities have moved the genetically handicapped people to mountainous areas and are limiting their travel elsewhere.

21 Kim Young-man, *North Korea's Detention Camps for Political Prisoners*, Institute of Inter-Korean Affairs, pp. 9–21; Kwon Oh-duk, pp. 60–1. On 26 April 1995 the North Korean Human Rights Research Association did allow an Amnesty International research team to visit the Sariwon camp. Their guide told them that there are fewer than 1,000 prisoners and among them 240 are political prisoners.

mention medical care. No one may marry and women are forbidden to give birth. The camps are under close surveillance by the Ministry of State Security guards. Those caught fleeing are shot to death before the eyes of their families.²²

Camp Facilities and Living Conditions

The detainees live in unsanitary basements or shelters made of mud and straw. They solve food, clothing and shelter problems strictly by themselves. Virtually no one ever comes out alive, and the camps are called the "terror zone of death."

The prisoners do hard labor from five o'clock A.M. to six o'clock P.M. Anyone who does not complete an allocated job must work until it is done. More than two inmates are not permitted to walk together.

The prisoners eat grass, bark, snakes, frogs or whatever they can scratch up. Some inmates suffer inflammation on their faces or die because they have eaten toxic plants. Most suffer from malnutrition, tuberculosis, hepatitis and pellagra. They are not given any medical care and are left to die of their diseases.²³

Conclusion

It is for the sole purpose of maintaining the Kim regime that North Korea has promulgated its laws and founded its institutions. The people are forced to pay loyalty to the so-called Great Leader. The DPRK has been brutally oppressing, supervising and controlling the people for over half a century. The extent of human rights violations in North Korea has reached unbelievable heights, but the people are unable to express their grievances because they live in a hermetically sealed society. To

22 Kim Byoung-mook, pp. 144-77.

23 Ibid., pp. 135-47; Kwon Oh-duk, pp. 63-70.

survive, they are accustomed to saying that they are quite content under the benevolence of the Great Leader.

For the people to speak the truth, North Korean society has to open up. The leadership, however, perceives reform and opening as the very path to system collapse. They will therefore try to adjust the speed of opening and minimize its side-effects.

There is zero possibility for a democratic movement like Prague Spring in 1968. North Korean people have never had the chance to enjoy a democratic way of life because the Kim Il Sung dictatorship replaced Japanese colonial rule immediately after the Second World War.

Therefore hopes for democratic movements or improvement of human rights in North Korea as happened in Eastern Europe is simply wishful thinking. Even so, North Korea will be unable to resist change. More than eighty percent of the North Korean population is composed of post-war generations, more free-thinking than their parents. This generation is in its own way paving a new life style. North Korean people had the chance, though limited, to meet foreigners in the Pyongyang celebration held this year; this surely would have had some impact.

There have also been inter-Korean exchanges since 1972. More than one hundred thousand Japanese Koreans, students studying abroad, technical trainees, mid-ranking officers and officials who visited the Soviet Union, diplomats, technocrats in the State Administrative Council have all seen the outside world. As time passes, they will induce changes.

Especially since the death of Kim Il Sung in July 1994, most of the first revolutionary generation are dying of old age or are retiring from major posts. This trend will accelerate and give way to a new leadership in North Korea. As Pyongyang approximates reform and opening, the human rights situation in North Korea will also improve proportionally.

The free world should also render incessant attention and more strongly demand an improvement. When such efforts change Pyongyang's perceptions, then shall we see progress.