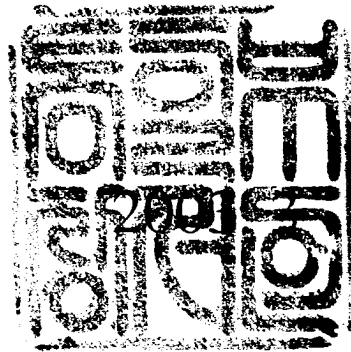


북한인권 자료-V

북한인권 보고서 편람



통 일 부

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인도지원국

목 차

I. UN인권위 북한인권문제 주요발언

1. 제56차 UN인권위(2000년도) · 1
 - 가. 한국대표 발언 · 1
 - 나. EU대표 발언 · 5
 - 다. 미국대표 발언 · 6
 - 라. 캐나다대표 발언 · 6
 - 마. 북한대표 발언 · 6
2. 제57차 UN인권위(2001년도) · 9
 - 가. 한국대표 발언 · 9
 - 나. 미국대표 발언 · 13
 - 다. 캐나다대표 발언 · 13
 - 라. 북한대표 발언 · 14
3. 제58차 UN인권위(2002년도) · 17
 - 가. 한국대표 발언 · 17
 - 나. 스페인대표 발언 · 20
 - 다. 미국대표 발언 · 21
 - 라. 캐나다대표 발언 · 21
 - 마. 북한대표 발언 · 22
 - 바. 북한측 답변권 행사 · 25

II. 미 국무부 보고서

1. 미 국무부 「1999 연례 인권보고서」 · 29
2. 미 국무부 「2000 연례 인권보고서」 · 57
3. 미 국무부 「2001 연례 인권보고서」 · 89
4. 미 국무부 「2001 국제종교자유실태보고서」 · 126
5. 미 국무부 「2002 국제종교자유실태보고서」 · 134

III. 미 국제종교자유위원회 보고서

1. 미 「국제종교자유위원회」 연례 종교자유보고서 2001 · 145
2. 미 「국제종교자유위원회」 연례종교자유보고서 2002 · 150
3. 미 「국제종교자유위원회」 '북한보고서' · 156
4. 미 「난민위원회」 '세계난민실태조사보고서' 2002 · 178

IV. 국제 인권단체 보고서

1. Freedom House, 1999-2000 '세계인권상황평가서' · 191
2. Freedom House, 2000-2001 '세계인권상황평가서' · 197
3. Freedom House, 2001-2002 '세계인권상황평가서' · 202
4. AI '2001년도 세계인권상황 연례보고서' · 209
5. AI '2002년도 세계인권상황 연례보고서' · 213
6. AI 특별보고서(2000) · 218
 - 북한 기아에 의한 박해 : 중국으로 탈출한 탈북자의 고난
7. Human Rights Watch 특별보고서(2002) · 238
 - 보이지 않는 탈출 : 중국의 북한 주민들

V. 북한측 제출 보고서 등

1. 북한 ICCPR(B규약) 제2차 정기보고서 · 310
 - 1-1 : 2차보고서 질문서(list of issue) · 370
 - 1-2 : 심사과정(summary record) · 377
 - 1-3 : 권고안(concluding observation) · 444
 - 1-4 : UN인권이사회 권고에 대한 북한측 회신문 · 457
2. 북한 ICESCR(A규약) 제2차 정기보고서 · 463
 - 2-1 : 2차보고서 질문서(list of issue) · 519
3. 북한 아동협약 제2차 정기보고서 · 525

I. UN인권위 북한인권문제 주요발언

I. UN인권위 북한인권문제 주요발언

1. 제56차 UN인권위(2000년)

가. 한국 대표 발언

Mr. Chairman,

First, I would like to congratulate you on your election as chairman of the Commission. I wish you and the other members of the bureau much success in the discharge of your demanding responsibilities.

Starting with the first step of the adoption of the Universal Declaration of Human Rights in 1948, the international community has taken giant strides in the promotion and protection of human rights with the adoption and implementation of the International Covenants on Human Rights and various kinds of human rights conventions.

Moreover, tribute must be paid to what has been achieved by this Commission in strengthening the international human rights mechanisms.

By way of the open discussion of human rights situations all over the world and the operations of the special rapporteurs and working groups, the Commission has greatly contributed to the implementation of the principles of the Universal Declaration of Human Rights.

Mr. Chairman,

The 20th century, however, has left us a heritage of unremitting challenges and problems. Notwithstanding the active efforts of the international community, serious human rights violations, such as torture, extra-judicial execution, and racial discrimination, still cast their shadow over our world. In many countries, human rights violations are being committed on a large scale. Moreover, the benefits of economic development and improvements in living standards are not felt in all parts of the world. Indeed, in many regions the problem of absolute poverty has intensified.

We are particularly concerned with the systematic violation of human rights occurring on a large scale in those areas embroiled in civil wars and conflicts.

It rests with the member of the international community to cooperate closely with each other and take effective steps to prevent such large-scale human rights violations. The construction of efficient early-warning systems and, most importantly, the implementation of measures to prevent conflict are called for. Moreover, efforts must be exerted to eradicate the culture of impunity around the world.

Mr. Chairman,

As the situation in Kosovo and East Timor illustrated, the causes of systematic and massive human rights violations are rooted in discrimination and prejudice against different races and religions. We believe that the lofty spirit and principles enshrined in the Universal Declaration of Human Rights can be materialized when a culture of tolerance prevails among different races, religions and cultures. It is our sincere hope that the World Conference against Racism scheduled for 2001 will provide a catalyst for fostering such a culture of tolerance.

It is deplorable that in some parts of the world, repressive regimes are still impervious to the global trend towards democracy and the promotion of human rights. These regimes persist in the flagrant violation of the human rights of their own people.

We are distressed to hear of the plight of fellow human beings in those countries where information and thoughts are controlled in self-imposed isolation from the outside world, freedom of movement is restricted and controlled economic systems continue to undermine the citizens' basic rights. Those regimes are called upon to come to terms with the fact that the primary responsibility for protecting the fundamental rights of their people lies with none other than the regimes themselves. And we, the international community,

have to continue to place our active interest in human rights situations in these countries.

Mr. Chairman,

My delegation expresses deep concern, in particular, at the systematic discrimination against women and the violation of the human rights of women in some parts of the world, despite continuous global efforts to eliminate discrimination against women during the last century.

In addition, we would like to stress the necessity of cooperation among countries for the eradication of the trafficking and sexual exploitation of women and girls. In this context, we congratulate the Fifty fourth Session of General Assembly on adopting the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women(CEDAW). We believe the special session of the General Assembly to be held in New York this June will provide an excellent opportunity for further enhancing women's rights.

In the midst of incessant human rights violations throughout the world, it is nevertheless encouraging that democracy has progressed and human rights have been enhanced through democratic elections in parts of Africa and Asia. We urge the international community and the Office of the United Nations High Commissioner for Human Rights to encourage and support these countries.

Mr. Chairman,

Globalization and economic development are important steps forward and yet even so the eradication of global inequality and poverty will be a long and difficult journey. As High Commissioner Mary Robinson rightly suggested, the guarantee of economic, social and cultural rights and the realization of the right to development has become an urgent task for us.

In many corners of the world, the right to life is seriously threatened by poverty, famine and disease. Beset by famine and ever worsening economic

We cannot afford to delay the settlement of this urgent humanitarian and human rights issue any longer. President Kim's Berlin Declaration aims, among others, at resolving this pressing issue. My delegation urges North Korea to respond positively to President Kim's initiative.

Mr. Chairman,

In conclusion, we believe the Commission continues to serve as the foremost mechanism of our united efforts in seeing human rights assume their rightful place as a priority for all countries around the world. My delegation assures you of its abiding commitment to human rights, and that the Republic of Korea will do its part to further the goals of the Commission on Human Rights.

Thank you.

나. EU 대표 발언

While a complete assessment of the human rights situation in the **Democratic People's Republic of Korea(DPRK)** is extremely difficult to obtain due to lack of transparency and openness, reports indicate widespread human rights violations. The EU condemns the denial of human rights and fundamental freedoms and underlines its concerns regarding the situation of political prisoners, the absence of the rule of law, attempts to disregard the obligations undertaken under the ICCPR and the grave humanitarian situation in general. The EU is equally concerned at persisting restrictions concerning freedom of movement, including the case of seven North Koreans who were repatriated to the DPRK last January, after the UNHCR had granted refugee status to them.

다. 미국 대표 발언

Similarly, in North Korea, the ill-advised policies of the government have left huge portions of the population facing malnutrition and even starvation.

라. 캐나다 대표 발언

The Democratic People's Republic of Korea continues to deny economic, social and cultural rights as well as civil and political rights to its people. Penalties for attempted defection and expression of variant political views are very severe. Constitutional provisions for an independent judiciary and fair trials are not implemented. There are many reports of extrajudicial killings and disappearances. We encourage the Government of the DPRK to work to implement the rule of law and act in accordance with universal human rights standards and to cooperate fully with UN and non-governmental agencies engaged in monitoring humanitarian aid distribution.

마. 북한 대표 발언

Mr. Chairman,

I would like to congratulate you on your election and assure you of my delegation's full cooperation for the successful outcome of the Session.

Mr. Chairman,

Even in the new millennium, the reconciliation and cooperation desired so much by the international community in the human rights field is far from being realized.

Now, a lot of gross human rights violations, that were once hidden behind the curtain of Cold War, such as unprecedented bloody situations and flow of refugees caused by armed interventions and conflicts and contemporary forms

of racism, racial discrimination and xenophobia are occurring almost daily.

Against this backdrop, the current 56th Session of the United Nations Commission on Human Rights is an important momentum as it has to explore further ways and means of enhancing its activities for the promotion and protection of human rights.

Mr. Chairman,

We believe that, in order to resolve human rights issues properly, an end should be put to the infringements of sovereignty caused by high-handedness and arbitrariness as a matter of priority.

Recently, in some parts of the world, many cases of infringements of sovereignty under the pretext of "humanitarian intervention" have been witnessed. Such acts of intervention are a breach of UN Charter and international laws without exception since they resulted in the infringements of sacrosanct sovereignty, civilian killings and indiscriminate destruction of huge networks of infrastructure with the mobilization of a large number of military forces in pursuit of covert political and strategic aims of certain countries.

Worse still, these acts are now being justified more and more by all sorts of unacceptable "arguments", giving rise to the concern of the international community.

Nowadays, certain forces openly insist on redefining the principle of respect for sovereignty, claiming that intervention beyond borders should be allowed to ensure the "universality" of human rights. This is motivated by dishonest political purposes to subordinate small and independent countries by means of force under the signboard of "human rights protection"

If this phenomenon continues to exist unchecked, the world will be turned into an anarchy full of large and small scale wars and conflicts and the weak nations as victims will only receive a volley of gunfire.

Sovereignty is the lifeline of every country and nation. Human rights is

inconceivable without sovereignty. People live in the territory of jurisdiction of a state and enjoy human rights guaranteed by legal and practical measures of the state. Therefore, we are of the view that the principle of respect for sovereignty should be further reinforced and consolidated rather than being redefined or weakened.

At the same time, we strongly reiterate our demand for an immediate abolition of the "National Security Law" of south Korea which defines fellow countrymen in the north as an "enemy" to be exterminated and criminalizes even minor contacts and exchange of communications between the people of north and south Korea including separated families.

Mr. Chairman,

The Government of the Democratic People's Republic of Korea considers human rights as independent rights of the people.

Since its inception, the Government of the Republic has been doing all it can to promote and protect human rights of the people based on the supreme principle of the state activity which regards people as the most precious ones and places everything at the service of the people.

The Government of the Republic considers human rights as inviolable and constantly pursues policy of human rights protection.

We respect human rights instruments and direct attention to genuine cooperation with UN bodies and international community in the field of human rights.

We will continue to respect international human rights instruments and cooperate with international human rights bodies on the principle of mutual trust and cooperation and fulfill its obligations faithfully.

Thank you.

2. 제57차 UN인권위(2001년)

가. 한국 대표 발언

Mr. Chairman,

As we look back, we are heartened by the remarkable strides the United Nations has made in the protection and promotion of human rights. In particular, this Commission has played a key role in giving substance to the spirit and principles enshrined in the Universal Declaration of Human Rights through the creation of various human rights instruments and mechanisms.

While the six core human rights treaties have been ratified or acceded to by the majority of UN Member States, we should continue down the path of their universal adherence.

Today, the UN has taken human rights beyond the realm of individual States' domestic concern to make it a shared cause of the international community and humanity as a whole. As reaffirmed in the Vienna Declaration and Programme of Action and many of this Commission's resolutions, the universality of human rights now stands firmly established.

Mr. Chairman,

Despite such progress, serious human rights violations such as torture, abduction, extra-judicial execution, and racial discrimination persist in many corners of the world. We are particularly concerned about large-scale systematic human rights violations in conflict-ridden regions. Acts that infringe upon human dignity cannot be justified on any grounds whether tribal, racial, cultural or religious.

The global trend towards the promotion of democracy and human rights around the world has yet to impact repressive regimes that defy the times. These regimes continue to commit flagrant human rights violations, making illegal arrests and detentions, denying their people the right to a fair trial, controlling information and thoughts, and restricting freedom of movement. Such gross human rights abuses call for the unflagging and determined efforts both by the governments concerned and the international community as a whole.

Mr. Chairman,

In this new millennium, the human rights of vulnerable groups such as women, children, the disabled, and refugees should receive our particular consideration and care.

In many parts of the world, women and girls are still subjected to violence, discrimination and other forms of systematic human rights violations. They continue to be victims of trafficking and sexual exploitation. In this respect, we welcome the General Assembly's adoption last year of the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Children, whose future and dreams we are entrusted with, are the most vulnerable of the vulnerable. A decade ago, world leaders convened and pledged to better the lives of children by adopting the World Declaration on the Survival, Protection and Development of Children and Plan of Action. Since then, the countries of the world have striven to live up to this pledge. The Special Session of the General Assembly, to be held in September of this year, will be a timely opportunity to review the progress made for children since the 1990 World Summit, and renew our commitment to action in the coming decades.

In their joint "Message for World Peace and Prosperity" pronounced in Seoul on March 12 of this year, President Kim Dae-jung of the Republic of Korea and former President of South Africa Nelson Mandela, urged all leaders of the world to take an active interest in the forthcoming Special Session.

The plight of refugees and displaced persons around the world also remains a serious concern. They face the added pain of persecution on the grounds of their ethnic, racial, religious or political identity. We applaud the endeavours of the UNHCR and members of the international community to uphold humanitarianism and implement the Convention relating to the Status of Refugees. The Korean Government will continue to partake in these efforts, and will fully support the activities of the UNHCR liaison office in Seoul, set to open in the very near future.

We also express our concern over the fate of those people who risk their lives as they flee from their homes to escape starvation and destitution. Their basic human rights should be protected in accordance with the international human rights instruments, and the international community should make greater efforts to address this issue.

Mr. Chairman,

We believe that genuine and lasting advances in human rights must be built on a balance between civil and political rights on the one hand, and economic, social and cultural rights on the other.

Humankind has made remarkable headway in the economic, social and cultural fields. But this has yet to affect many corners of the global village, and people continue to suffer in abject poverty.

If poverty is not eradicated, our efforts to promote human rights will not

stand on a solid foundation. Accordingly, ensuring economic, social and cultural rights and the right to development has become a priority for the international community.

The right to development cannot be fulfilled without democracy and good governance. The primary responsibility for fulfilling this right rests with each government. Nevertheless, international cooperation is essential to help States overcome the economic and social challenges at hand.

Mr. Chairman,

As is clearly stipulated in the International Covenant on Civil and Political Rights, family is the basic building block of society, entitled to protection by society and the State.

For the past five decades, many Korean families have lived with the pain of separation. My government, defining the plight of the 10 million members of separated families as a pressing human rights and humanitarian issue, has endeavoured to alleviate their suffering and reunite them.

Last June, the whole world was witness to the first ever inter-Korean summit talks. This historic meeting led to a series of exchange visits between South and North Korea's separated families, and the first mail exchange between some of these families recently took place.

However, many more families remain with the sorrow of not knowing what has become of their loved ones. We are doing our best to build on these reunion visits and mail exchanges, and to establish a permanent meeting center for separated families.

In this regard, my delegation continues to count on the support of the UN and the international community in our efforts to end this humanitarian

tragedy, and to alleviate the plight of refugees, displaced persons and separated families around the world.

Mr. Chairman,

Democracy and human rights are the cornerstone of human dignity and welfare. We applaud the UN Commission on Human Rights' accomplishments over the past half-century, and trust it will continue to provide leadership in further promoting democracy and human rights around the world.

My government will continue to join the international community in the noble endeavour to promote human rights worldwide. We will do our part to meet the challenges that lie ahead.

I thank you, Mr. Chairman.

나. 미국 대표 발언

North Korea remains another of the world's most serious human rights violators. The people have no right to change their government, voice their opinions, worship as they please, assemble freely, or enjoy due process. The government continues to perceive most international human rights norms as illegitimate, alien, and subversive. The Penal Code is draconian. It stipulates capital punishment and confiscation of all assets for a wide variety of so-called "crimes against the revolution," including writing "reactionary" letters, and possessing unauthorized printed matter. All forms of cultural and media activity are under the strict control of the party.

다. 캐나다 대표 발언

Canada continues to be concerned about the human rights record of the

Democratic People's Republic of Korea(DPRK). We welcome the DPRK's interest in dialogue through the strengthening of its international relations. Consequently, in February 2001, Canada and the DPRK established diplomatic relations which Canada believes will help better integrate the DPRK into the world community. Canada looks forward to opportunities to discuss human rights with the DPRK.

라. 북한 대표 발언

Mr. Chairman,

The tragedy of infringement of sovereignty and gross human rights violations of people continues to occur in many parts of the world.

Recently, all sorts of unacceptable "argument" to justify the interference in the internal affairs of others and the violation of sovereignty under the pretext of "humanitarian intervention" are appearing radically in some areas and, worse still, some are blindly following such "arguments".

Mr. Chairman,

The Commission on Human Rights, during the past half a century, has contributed a lot to the worldwide promotion and protection of human rights through its continued efforts, *inter alia*, establishing the standards and norms in the field of human rights.

However, in this Commission, unfavorable practices continue to exist giving rise to serious concern of mankind who are desirous of genuine promotion and protection of human rights.

Every year in this Commission, the United States is accusing many other

countries of "human rights problems" by pretending herself as a gifted "judge" and ignoring their own problems.

As already acknowledged, the most serious human rights desert in the world is none other than the United States which is claiming to play the role of "international mission for protection of human rights".

Under the democracy of US style characterized by money, the poor constituting the majority of whole population are denied their rights to participate freely in the political life. The United States continues to refuse acceding to the major human rights instruments.

The Sub-Commission, at its Fifty-first Session, adopted a resolution condemning, *inter alia*, the death penalty against juveniles in the United States. In the United States, gross violations such as deep-rooted racial discrimination, notorious killing, discrimination and violence against women, child abuse, acute healthcare and education problems, trafficking in person, abuse of drug and police brutality are taking place as usual practice. Human rights violations such as rape and murder committed by the US troops abroad and occupied territories are more serious concern. These violations prevailing under the "Liberty Statue" are an inevitable consequence of the anti-popular policy pursued by the successive Unites States administrations.

United States can not avoid being denounced as an international dictator because it has, since its inception on the graves of Indians, provoked more than 70 small and large wars against other countries, thus encroaching their sovereignty and jeopardizing human rights of the people there.

Clearly, there is a political motivation in the case of most of the countries criticized by the United States in this Commission. In other words, individual countries have been selected or not selected as a target of attack according to the policies they adopt and pursue, rather than the actual human rights

situations.

It is our common responsibility to put an end to such anachronistic and confrontational approach in dealing with human rights once and for all, and take a joint action to make the Commission a mechanism for dialogue and cooperation as well as genuine prevention on the principle of objectivity and impartiality.

Mr. Chairman,

The Government of the Democratic People's Republic of Korea has attached importance to the dialogue and cooperation in the international human rights field and fully displayed its faith to this end. We have already submitted the 2nd Periodic Report under the International Covenant on Civil and Political Rights in March last year and acceded to the Convention on the Elimination of all Forms of Discrimination against Women in February this year.

The cooperation we are looking for in the international human rights field, is a genuine cooperation and collaboration based on dialogue and reconciliation instead of the confrontation and antagonism.

My Government will continue to undertake international cooperation in the field of human rights on the principle of respect for sovereignty, mutual trust, equality and mutual benefit, and do its best to this end.

Thank you.

3. 제58차 UN 인권위원회(2002년)

가. 한국 대표 발언

Mr. Chairman,

The United Nations has always been at the forefront of the international community's endeavors to promote peace and human rights for mankind. In particular, the United Nations Commission on Human Rights, a pioneer and a guardian for the safeguarding of human rights, has played a pivotal role in realizing the lofty spirit and principles enshrined in the Universal Declaration of Human Rights.

A great number of countries have now ratified the key human rights conventions, including "International Covenant on Civil and Political Rights". Moreover, the principles of the universality, indivisibility and interdependence of human rights are widely acknowledged.

Such achievements, however, are not guarantees that all countries will abide by international human rights norms and standards. Human rights abuses such as torture, abductions, extra-judicial executions and racial discrimination continue to be a reality for millions.

Mr. Chairman,

In the face of continuing gross violations of human rights and crimes against humanity, the punishment still remains unsatisfactory. Putting an end to the culture of impunity will be an important first step in our efforts to eradicate these violations and crimes.

In this respect, the "International Criminal Tribunal for the Former Yugoslavia(ICTY)" which has already begun its work, and the "International Criminal Court" due to be established in the near future, constitute a great step towards ending impunity. The government of the Republic of Korea

signed the "Rome Statute of the International Criminal Court" in March 2000 and is currently proceeding with the domestic measures necessary for ratification of this important statute.

The terrorist attacks of Sept 11, which have generated fears about global peace and security, are an affront to human dignity and also constitute crimes against humanity. The collective measures taken by the international community to protect the lives and freedom of innocent individuals from terror are in fact measures to safeguard the most fundamental of human rights. At the same time, respect for fundamental human rights should be an integral part of our efforts to fight against terrorism.

Mr. Chairman,

While the spread of democracy and human rights has become a global trend, there are still a number of regimes which persist in committing serious violations of human rights. In these regimes, basic civil liberties are still being suppressed such as arbitrary execution, the repression of the freedom of thought, religion, and movement.

In some cases, the failure of closed economic structures has resulted in the deprivation of the basic means of life. Facing impoverishment and starvation, many people are forced to cross their borders in search of food, often risking their lives in the process.

The lives and fundamental human rights of such people must be duly protected, and I urge the international community to continue to accord this matter its full attention. In particular, those who fall under the refugee category should be provided the necessary protection in accordance with the conventions relating to refugees and humanitarian principles. We fully support the efforts of the UNHCR and the many countries concerned to protect the rights of refugees out of humanitarian concern.

Massive violations of human rights have deep origins and manifest themselves in various ways. Only by addressing underlying factors such as

discrimination and prejudice on the basis of racial, religious and cultural differences, and working to foster a culture of tolerance and respect we will be able to prevent such human rights violations.

In this context, my delegation attaches great importance to the full implementation of the Action Plan and the principles therein, adopted at the Durban Conference, for the eradication of intolerance and discrimination. We also have high expectations for the work of the 'anti-discrimination unit' to be established by the Office of the High Commissioner for Human Rights as well as for the 'five independent eminent experts' to be appointed by the UN Secretary-General as a follow-up measure to the Durban Conference.

Mr. Chairman,

Many flee from their homes to escape political oppression, economic and many other hardships. It is a pressing obligation of the international community to relieve the suffering of refugees, including displaced people, and ensure that they are not subjected to discrimination, unjust treatment, or human rights violations in any form.

On the Korean peninsula, almost ten million people have suffered the anguish and sorrow of not knowing the fate of their loved ones for more than half a century. Their pain is a tragic legacy of the Cold War on the Korean Peninsula, a humanitarian and human rights issue which urgently needs to be resolved. We consider the pain of separated families to be a fundamental human rights concern. As a result of the historic meeting between the two leaders of South and North Korea in June 2000, effort to ease their pain and suffering have been intensified, and three exchanges of visits have to date taken place.

In this regard, I am most pleased to inform the Commission that last Saturday the Authorities of both South and North Korea issued a Joint Press Release in which they reaffirmed their commitment to continued cooperation in the spirit of fraternity, humanitarianism and mutual respect, and agreed to resume exchanges of visits between separated families.

Mr. Chairman,

No country is free of human rights problems. All governments must acknowledge the human rights problems present in their own countries in a frank and forthcoming manner. Countries must strive to embrace universal human rights standards and demonstrate a willingness to act upon them. Only then will our efforts for the promotion and protection of human rights bear fruit.

Thank you.

나. 스페인 대표 발언

Mr. Chairman,

The European Union is deeply concerned about the deterioration of the human rights situation in some countries during the last year. We believe that such negative development frequently entails a risk of destabilization beyond the borders of the countries concerned.

The risk is particularly present in the case of **North Korea**, where very extensive, continued and serious violations of human rights take place. We have made these concerns known in our political dialogue with North Korea. We would welcome further discussions on the human rights situation in the country. At the same time we believe that North Korea needs to show a constructive attitude in these discussions which has so far not produced concrete results. In this context, we are deeply concerned about violations of civil and political rights and the lack of respect for the economic, social and cultural rights in North Korea. In this sense, we urge the authorities to further improve access and working conditions for humanitarian international organizations, including the ICRC, to carry out their work in the country. We urge the North Korean authorities to promptly resolve humanitarian issues, such as exchange visits of separated family members and relatives in accordance with the 15th June 2000

Summit South-North Joint Declaration. We urge the North Korean Government to fulfil the commitments resulting from its accession to the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of all Form of Discrimination Against Women, and to sign and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to ratify the Convention on the Elimination of All Forms of Racial Discrimination. We urge the North Korean authorities to co-operate with the UN mechanisms that monitor human rights and to provide the required information in this respect. It is also important that North Korea engages in a dialogue with the Office of the High Commissioner for Human Rights. The Union will continue to follow the evolution of the situation of human rights in the Democratic People's Republic of Korea very closely with a view to considering appropriate action in the relevant forums, including the next Commission on Human Rights.

다. 미국 대표 발언

The Democratic Peoples Republic of Korea continues to commit egregious human rights abuses and deny its citizens fundamental freedoms. North Korea devotes scarce resources to developing missiles and weapons of mass destruction even as its people face hunger and disease.

라. 캐나다 대표 발언

Canada's dialogue with the **Democratic People's Republic of Korea(DPRK)** on areas of mutual interest continues to evolve since establishing diplomatic relations in February 2001. Canada expressed its concern about the human rights record in the DPRK when the two countries held bilateral meetings in Ottawa in August 2001 and in the course of visits by Canadian officials to Pyongyang. Canada will continue to press human rights issues in ongoing exchanges with the DPRK

마. 북한 대표 발언

Mr. Chairman,

The promotion and protection of human rights and fundamental freedoms constitute an indispensable element for world peace and security.

In view of the diversified forms and manifestations of the human rights violations and their devastating repercussions, the Commission on Human Rights is urgently requested to enhance its responsibility and role in conformity with its mandates.

My delegation is of the view that, in the process of taking fair and effective measures for the promotion and protection of human rights throughout the world, priority should be given to the following issues.

Firstly, the infringement upon sovereignty and interference in the internal affairs of other countries under the pretext of "human rights protection" should not be allowed.

Sovereignty is the lifeline of each country and nation and serves as a cornerstone for the enjoyment of human rights.

However, in some areas of the world, attempts aimed at redefining the sacrosanct sovereignty and further justifying its infringement are rampant causing serious concern of the international community.

The infringements of sovereignty by military force and the resultant violations of the innocent people's right to life currently undertaken relentlessly under the pretext of "humanitarian intervention" and "anti-terrorist action" are typical examples in this context.

There are big and small nations and developed and developing nations in the world. But, in terms of sovereign equality, there can be no nation with a right to infringe upon others' sovereignty nor should there be any nation with only an obligation to be deprived of sovereignty.

The human being exercises and enjoys human rights within the jurisdiction of a sovereign state which provides for a legal and practical guarantees. Apart from the sovereignty of the state, the effective enjoyment of human rights is inconceivable and, therefore, the principle of respect for sovereignty should be further consolidated instead of being redefined or weakened.

Secondly, the principle of objectivity, impartiality and non-selectivity in dealing with human rights should be thoroughly observed.

Human rights should not be used as a means for political purposes under any circumstances. The selectivity which refers only to a specific country or situation should be eliminated. At the same time, an end should be put to the phenomenon of double-standards such as concentrating criticism only on countries at hostile relations, while ignoring severe human rights violations of one's own and those of allies.

Unfortunately, confrontation and distrust have now been prevailing over dialogue and cooperation in the field of human rights. This is largely attributable to the maneuvers on the part of some countries that have always been resorting to selectivity and double-standards pretending themselves to be gifted "human rights judges".

Most of the countries which have been traditionally criticized in the international human rights mechanisms such as this Commission during the past 10 years since the end of the Cold War had to be turned into victims of selectivity and double-standards for political reasons having nothing to do with human rights and, in particular, for no other reason than that they refused to accept Western "value" and "model".

Countries on our planet have different history, customs, level of socio-economic development and cultural diversity. Therefore, each country has the right to freely choose its own political and economic systems and pursue politics independently in keeping with the actual situation of the country and the aspirations of the people.

Universality does not in any way mean the ignorance of the political systems chosen by the will of the people as well as the social life, nor does it indicate any need to blindly apply a certain model. Moreover, Western model has never been nor can it be a unique model to be applied.

Any attempts to abuse universality for labeling others "human rights violators" simply because of their refusal to accept Western model are in contravention of the internationally recognized principles of the right to self-determination and freedom to choose.

In actual fact, those countries urging others to observe human rights have critical problems of human rights violations.

Money-dominated political scene, deep-rooted racial discrimination, large number of unemployed, acute problems of education and health, assassinations, violence and excessive use of force and brutality of the police are only an iceberg of many violations they have domestically. Externally, they have been repeating notorious records of infringing upon the sovereignty of others and killing innocent peoples through many wars and military invasions such as Korean War since the World War II. In this regard, my delegation wishes to draw special attention of the Commission to the fact that the High Commissioner for Human Rights, Amnesty International and many others expressed their concerns over human casualties in Afghanistan and the maltreatment of prisoners of war.

In spite of this, none of those countries has ever been honest enough to disclose and criticize their own problem. Besides, they are ignoring or even covering gross human rights violations occurring in the territories of their allies.

All these clearly show that the selectivity and double-standards are a great obstacle hampering fair solution of the human rights issue and overcoming this presents as a pressing task.

Mr. Chairman,

The Democratic People's Republic of Korea maintains a principle that places human being at the centre in political, economic, social, cultural and legal areas and ensure that everything in the society is at the service of the human being.

Our people are proud of the people-centred socialist system they have chosen and the Government of the Republic continues to take practical measures for the promotion and protection of human rights regarding the rights of the citizens as independent and inviolable rights.

The Government of the Democratic People's Republic of Korea will continue to fulfil its obligations under international human rights instruments and attach importance to cooperation in the area of human rights.

Thank you.

바. 북한측 답변권 행사

My delegation categorically rejects the allegation of the representative of the United States concerning the human rights situation in the DPRK.

The customary allegations based on unsubstantiated information are a part and parcel of the US policy of isolating and stifling the DPRK.

The United States which is pretending to be a human rights champion is indeed a real violator of our people's human rights.

Historically, the United States has been infringing upon our sovereignty and devastating the human rights of our people for more than 150 years now since their invasion against my country in 1866 on a military ship called "General Sherman". In particular, the United States divided Korean peninsular into two parts immediately after my country's

liberation and has been constantly violating our people's rights to life and subsistence through military threat and economic sanctions in pursuit of hostile policy.

The 3-year Korean war imposed by the United States in the early 1950s was a war of aggression and genocide against the Korean people and the crimes against humanity committed by the US soldiers far exceeded that of the Hitler and Tojo in World War II.

The massacre of more than 400 civilians in Rogun-ri, Yongdong Country, North Chungchong Province in July 1950 as well as barbarous killing of 35,000 people representing one quarter of the whole population in Sinchon Country, South Hwanghae Province from October to December are only an iceberg of many cases of genocide committed by the US army.

II. 미 국무부 보고서

1. 미 국무부 1999 연례 인권보고서

U.S. Department of State
Democratic People's Republic of Korea
Country Reports on Human Rights Practices-1999

Released by the Bureau of Democracy, Human Rights and Labor
February 23, 2000

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The Democratic People's Republic of Korea (DPRK) is a dictatorship under the absolute rule of the Korean Workers' Party (KWP). Kim Il Sung led the DPRK from its inception until his death in 1994. Since then his son Kim Jong Il appears to have had unchallenged authority. Kim Jong Il was named General Secretary of the KWP in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished leaving the late Kim Il Sung as the DPRK's only president. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime emphasizes "juche," a national ideology of self-reliance. The judiciary is not independent.

The Korean People's Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force. These organizations assist the Ministry of Public Security and cadres of the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directs all significant economic activity, and only government-controlled labor unions are permitted. The economy continued to function at low capacity, although it showed signs of halting its

contraction of recent years. This decline is due in part to the collapse of the Soviet bloc and the elimination of Soviet and Chinese concessional trade and aid. It also is due to distribution bottlenecks, an inefficient allocation of resources, a lack of access to international credit stemming from the DPRK's default on much of its foreign debt, and the diversion of an estimated quarter of the gross national product to military expenditures. Since 1995 agricultural production has fallen significantly short of minimum needs. Famine conditions have forced thousands of persons to flee their homes. The Government continued to seek international food aid as well as other forms

* The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would enable them to assess fully human rights conditions there. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the human rights situation in North Korea today of assistance. Food, clothing, and energy are rationed throughout the country.

The Government continues to deny its citizens human rights. Citizens do not have the right peacefully to change their government. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, especially individual rights, as illegitimate, alien social concepts subversive to the goals of the State and party. The Penal Code is draconian, stipulating capital punishment and confiscation of all assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies

of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. The Government prohibits freedom of speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea receive North Korean radio broadcasts only; radios obtained from abroad must be altered to work in a similar manner. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizens' movements, and worker rights. There were reports of trafficking in women and young girls.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Defectors report that the regime executes political prisoners, opponents of the regime, repatriated defectors, and others (reportedly including military officers suspected of espionage or of plotting against Kim Jong Il). Criminal law makes the death penalty mandatory for activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners are sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions also have been carried out before assembled inmates at places of detention. Border guards reportedly have orders to shoot-to-kill potential defectors (see Section 2.d.).

In August 1998, an unsubstantiated Reuters report stated that following a March coup attempt against Kim Jong Il, authorities arrested several thousand members of the armed forces. Reports indicated that the

Government executed numerous persons.

Many prisoners reportedly have died from disease, starvation, or exposure (see Section 1.c.).

According to unconfirmed Japanese and South Korean press reports in 1997, several senior party officials were publicly executed in September 1997. The Kyodo News Network reported that Seo Kwan Hui, Secretary of Agriculture for the KWP, and 17 other senior officials, including some from the army and from the Kim Il Sung Socialist Youth League, were executed for corruption and working for South Korea. In January 1998, Agence France-Presse (AFP) reported that among those executed were a four-star general who ran the Political Bureau of the Korean People's Army and Choe Hyon Tok, a member of the Foreign Affairs Committee of the Supreme People's Assembly. According to the AFP, seven persons in this group were executed by firing squad before thousands of spectators.

A South Korean newsmagazine reported that there were at least 20 public executions during 1997 for either economic offenses, including stealing cattle and electric wire, or for attempting to defect. Amnesty International (AI) reported in January 1997 that at least 23 people had been publicly executed between 1970 and 1992 for offenses that reportedly included "banditry" and "stealing rice from a train." Government officials reportedly told AI in 1995 that only one or two executions had taken place since 1985.

b. Disappearance

The Government is reportedly responsible for cases of disappearance. According to defector reports, individuals suspected of political crimes often are taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There also have been reports of DPRK involvement in the kidnaping abroad of South Koreans, Japanese, and other foreign nationals. In 1995 the Japanese press

estimated that, in the previous 3 decades, as many as 20 Japanese may have been kidnaped and detained in North Korea. According to Japanese government officials, these abductions took place between 1977 and 1983. In addition several cases of kidnaping, hostage-taking, and other acts of violence apparently intended to intimidate ethnic Koreans living in China and Russia have been reported. For example there is credible evidence that North Korea may have been involved in the July 1995 abduction of a South Korean citizen working in China as a missionary. This missionary subsequently appeared publicly in North Korea and was portrayed as a defector. The DPRK denies that it has been involved in kidnapings.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To island beach. According to those arrested, there have been several other kidnapings.

AI reports detail a number of cases of disappearances including that of Japanese citizen Shibata Kozo and his wife Shin Sung Suk, who left Japan in 1960 and resettled in North Korea. The authorities reportedly arrested Shibata in 1962 after he encouraged a demonstration by former Japanese residents protesting the poor treatment given them. In 1993 AI claimed that he was still in custody and in poor health, and that there had been no word about his wife and three children since 1965. In 1995 North Korean officials informed AI that Shibata Kozo, his wife, and children died in a train accident in early 1990, a few weeks after he was released from nearly 30 years in prison. However, AI reports that Shibata Kozo was still in custody at the time of the alleged accident.

North Korean officials informed AI in 1995 that Japanese citizens Cho Ho

Pyong, his ethnic Japanese wife Koike Hideko, and their three young children were killed in 1972 while attempting to leave the country. The authorities told AI that Cho escaped from a detention center where he was being held for spying, and killed a guard in the escape.

The cases of three ethnic Korean residents of Beijing, China (16, 18, and 20 years of age), reported by AI in 1995 to have been taken to North Korea against their will, remained unresolved. The three were taken in apparent retaliation for criticism of North Korean human rights violations made by their father, a former prisoner in North Korea, on Japanese television and in the Japanese press. The North Korean authorities deny this allegation, claiming that the three brothers were deported to North Korea for breaking Chinese law and that they are now living with relatives.

Numerous reports indicate that ordinary citizens are not allowed to mix with foreign nationals, and AI has reported that a number of North Koreans who maintained friendships with foreigners have disappeared. In at least one case, AI reported that a citizen who had disappeared was executed for maintaining a friendship with a Russian national.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While there is no information on recent practices, credible reports indicate that prisoners are mistreated and that many have died from disease, starvation, or exposure.

In February 1998, a Polish newspaper reported the experiences of a woman who spent 10 years in a North Korean concentration camp before fleeing first to China and then to South Korea. The approximately 1,800 inmates in this particular camp typically worked 16 to 17 hours a day. The woman reported severe beatings, torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and chemical and biological

warfare experiments allegedly conducted on inmates by the army. South Korean media reported that the DPRK State Security Agency manages the camps through use of forced labor, beatings, torture, and public executions.

Prison conditions are harsh. According to international nongovernmental organizations (NGO's) and defector sources, whole families, including children, are imprisoned together. "Reeducation through labor" is common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. A small number of persons who claimed to have escaped from detention camps reported that starvation and executions are common. In one prison, clothing was reportedly issued only once in 3 years. Former inmates have produced photographs of an inmate wearing specially designed leg irons that permit walking but make running impossible. AI reported the existence of "punishment cells," too low to allow standing upright and too small for lying down flat, where prisoners are kept for up to several weeks for breaking prison rules. Visitors to North Korea report observing prisoners being marched in leg irons, metal collars, or shackles.

In April credible witnesses reported on the treatment of persons held in prison camps through the early 1990's. Although their allegations could not be substantiated, the witnesses stated that prisoners held on the basis of their religious beliefs repeatedly were treated worse than other inmates were. One witness, a former prison guard, reported that those believing in God were regarded as insane, as the authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked hard and left lying for days because a guard overheard her praying for a child who was beaten.

The Government normally does not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

There are no restrictions on the ability of the Government to detain and

imprison people at will and to hold them incommunicado.

Little information is available on criminal justice procedures and practices, and outside observation of the legal system has been limited to "show trials" for traffic violations and other minor offenses.

Family members and other concerned persons find it virtually impossible to obtain information on charges against detained persons. Judicial review of detentions does not exist in law or in practice.

Defectors claim that North Korea detains between 150,000 to 200,000 persons for political reasons, sometimes along with their family members, in maximum security camps in remote areas. An October 1992 report by two former inmates made reference to severe living conditions in what they called "concentration camps." North Korean officials deny the existence of such prison camps but admit that there are "education centers" for persons who "commit crimes by mistake."

One credible report lists 12 such prison camps in the DPRK. It is believed that some former high officials are imprisoned in the camps. Visitors formerly were allowed, but currently any form of communication with detainees, including visitors, is said to be prohibited.

In mid-1999, an ethnic Korean with foreign citizenship was arrested for unauthorized contact with North Koreans. This person was detained for a month before being released.

In May 1998, a foreigner of Korean descent was detained and held incommunicado for nearly 3 months before he was finally released. In September 1998, another foreigner of Korean descent was held incommunicado for more than a month for an unspecified "violation of law" before being released and expelled from the country.

South Korean newspapers reported in 1997 that family members of North

Korean defector Hwang Chang Yop, former head of the Juche Research Institute, and a senior advisor to Kim Il Song and Kim Jong Il, who defected to South Korea in that year, were either under house arrest or incarcerated in political prisons. However, visiting foreigners, have seen some members of his family.

In 1991 a North Korean defector who had been a ranking official in the DPRK Ministry of Public Security said that there were two types of detention areas. One consists of closed camps where conditions are extremely harsh and from which prisoners never emerge. In the other, prisoners can be "rehabilitated."

In March North Korean officials in Thailand tried to detain a Bangkok-based North Korean diplomat, Hong Sun Gyong, and his family. Hong and his wife escaped from their abductors and then requested asylum. Their son was taken to Laos by North Korean officials but subsequently was allowed to rejoin his parents in Thailand. The North Korean Government requested Hong's extradition, claiming that he had conspired to embezzle state funds. As of October, Hong's asylum request and his extradition case both were pending.

The Government is not known to use forced exile. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. There are also reports that physically disabled persons and those judged to be politically unreliable have been sent to internal exile as well. Often those relocated are selected on the basis of family background. Nonetheless, there is some evidence that class background is less important than in the past because of the regime's emphasis on the solidarity of the "popular masses," and "united front" efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary and individual rights do not exist. The Public Security Ministry dispenses with trials in political cases and refers defendants to the Ministry of State Security for imposition of punishment.

The Constitution contains elaborate procedural protections, and it states that cases are heard in public, and that the accused has the right to a defense; hearings may be closed to the public as stipulated by law. When trials are held, lawyers are apparently assigned by the Government. Reports indicate that defense lawyers are not considered representatives of the accused; rather, they are expected to help the court by persuading the accused to confess guilt. Some reports note a distinction between those accused of political crimes and common criminals and state that the Government affords trials or lawyers only to the latter. The Government considers critics of the regime to be "political criminals."

Numerous reports suggest that political offenses have in the past included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or (in the case of a professor reportedly sentenced to work as a laborer) noting in class that Kim Il Sung had received little formal education. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kim's. Beginning in the 1970's, the "10 Great Principles of Unique Ideology" directed that anyone who tore or otherwise defaced a newspaper photo of either of the two Kim's was a political criminal and punished as such. Defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kim's. Families must display pictures of the two Kim's in their homes, and if local party officials found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.f.).

A foreigner hired to work on foreign broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He was then imprisoned for 6 more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust. While AI has listed 58 political prisoners by name, the total number of political prisoners being held is much larger. Several defectors and former inmates reported that the total figure is approximately 150,000, while South Korean authorities said the total figure is about 200,000.

The South Korean Ministry of National Unification reported to its National Assembly in October 1997 that North Korea held more than 200,000 political prisoners in camps where many had frozen or starved to death, and that famine may have worsened conditions. The report went on to describe the camps as having no electricity or heating facilities. The report claimed that those who attempted to escape were executed immediately. Most camps are located in remote mountain or mining areas. Some reports indicated an increase in the number of political prisoners as North Koreans had begun to complain more openly about the failure of the Government's economic policies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as alien social concepts subversive to the goals of the State and party. The Government relies upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to massive security checks. According to Kim Jong Il, North Korean society represents "a new way of thinking" that cannot be evaluated on the basis of "old yardsticks" of human rights imported from abroad. In this context, the

DPRK celebrates the closed nature of its society. The possession of "reactionary material" and listening to foreign broadcasts are both considered crimes that may subject the transgressor to harsh punishments. In some cases, entire families are punished for alleged political offenses committed by one member of the family. For example, defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kim's. Families must display pictures of the two Kim's in their homes, and must keep them clean. Local party officials have conducted unannounced inspections once a month, and if the inspectors found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.e.).

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration is submitted, the Ministries of State Security and Public Safety seek to identify the author through handwriting analysis. The suspected individual may be subjected to a thorough investigation and punishment.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the juche idea." The authorities emphasize that the core concept of juche is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, juche is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change and used by the regime as a "spiritual" underpinning for its rule.

As defined by Kim Il Sung, juche is a quasi-mystical concept in which the collective will of the people is distilled into a supreme leader whose every act exemplifies the State and society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime is thus in itself opposition to the national interest. The regime therefore claims a social interest in identifying and isolating all opposition.

Since the late 1950's the regime has divided society into three main classes: "Core," "wavering," and "hostile." These three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there are signs that this rigid system has been relaxed somewhat in recent years—for example, children of religious practitioners are no longer automatically barred from higher education—it remains a basic characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appear to be classified as part of the "hostile class" in the DPRK's elaborate loyalty system. This subcategory alone encompasses a significant percentage of the population. One defector estimated that the class of those considered potentially hostile may comprise 25 to 30 percent of the population; others place the figure at closer to 20 percent. Members of this class are still subject to discrimination, although a defector has claimed that their treatment has improved greatly in recent years.

The authorities subject citizens of all age groups and occupations to intensive political and ideological indoctrination. Even after Kim Il Sung's death, his cult of personality and the glorification of his family and the official *juche* ideology remained omnipresent. The cult approaches the level of a state religion.

The goal of indoctrination remains to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination is repeatedly stressed in the writings of Kim Jong Il, who attributes the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination is carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he has also called for the intensification of mandatory ideological study and discussion sessions for adult workers.

In 1997 the Nodong Shinmun newspaper announced that the class indoctrination program would be intensified after Kim Jong Il assumed the office of General Secretary of the KWP. The program was being administered by the KWP's basic-level organizations in all areas of the country. The program stressed two points: That the Kim Jong Il leadership blesses the people, and that the people must do their best for the economy.

Another aspect of the State's indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of people. In September 1998, celebrations of the 50th anniversary of the founding of the DPRK included hours of carefully choreographed demonstration of mass adulation of the leadership. In October 1997, similar celebrations of the 50th anniversary of the KWP reportedly involved virtually the entire population of Pyongyang and outlying communities. Foreign visitors have been told that nonparticipation by Pyongyang residents in this event was unthinkable.

The Government monitors correspondence and telephones. Telephones essentially are restricted to domestic operation although some international service is available on a very restricted basis.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Articles of the Constitution that require citizens to follow "Socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties. Although the Constitution provides for freedom of speech and the press, the Government prohibits the exercise of these rights in practice. The regime permits only activities that support its objectives.

The Government strictly curtails freedom of expression. The authorities may punish persons for criticizing the regime or its policies by imprisonment or "corrective labor." One defector reported in 1986 that a scientist, whose home was under surveillance through his radio set, was arrested and executed for statements made at home critical of Kim Il Sung. In another case, AI reports that a family formerly resident in Japan was sent to a "reeducation-through-labor" center because one member of the family allegedly made remarks disparaging the Government.

The Government attempts to control all information. It carefully manages the visits of Western journalists. In 1996 the Cable News Network was allowed to broadcast live, unedited coverage of the 2nd year memorial service for the death of Kim Il Sung. The regime recently allowed foreign journalists to report on the food situation. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997. Although more foreign journalists have been allowed into North Korea, the Government still maintains the strictest control over the movements of foreign visitors. Domestic media censorship is strictly enforced, and no deviation from the official government line is tolerated.

The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. Private telephone lines operate on an internal system that prevents making and receiving calls from outside the country. International phone lines are

available under very restricted circumstances. The Government set up an Internet web site, based in Tokyo, Japan, for propaganda purposes. There may be very limited Internet access in North Korea for government officials, according to recent reports.

Late in 1997, the Government published threats against South Korean media for criticizing the North Korean leadership. The first instance was in response to a South Korean newspaper editorial; the second in reaction to a television drama about life in North Korea.

The Government severely restricts academic freedom and controls artistic and academic works. Visitors report that one of the primary functions of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, the Government does not respect this provision in practice. The Government prohibits any public meetings without authorization.

Although the Constitution provides for freedom of association, the Government does not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

c. Freedom of Religion

The Constitution provides for the "freedom of religious belief," including "the right to build buildings for religious use." However, the same article adds that "no one can use religion as a means to drag in foreign powers" or to disrupt the social order. In practice the regime discourages all organized religious activity except that which serves the interests of the State.

In recent years, the regime has allowed the formation of several government-sponsored religious organizations. These serve as interlocutors with foreign church groups and international aid organizations. Some foreigners who have met with representatives of these organizations are convinced that they are sincere believers; others claim that they appeared to know little about religious dogma, liturgy, or teaching.

There are a few Buddhist temples where religious activity is permitted, and three Christian churches—two Protestant and one Catholic—have opened since 1988 in Pyongyang. Many visitors say that church activity appears staged. Foreign Christians who have attempted to attend services at these churches without making prior arrangements with the authorities report finding them locked and unattended, even on Easter Sunday. The authorities have told foreign visitors that one Protestant seminary exists, accepting six to nine pupils every 3 years.

The DPRK claims that there are 10,000 Christians who worship in 500 house churches, and the Chondogyo Young Friends Party, a government-sponsored group based on a native Korean religious movement, is still in existence.

Prison inmates who are imprisoned for their religious beliefs or who try to worship in prison reportedly are treated worse than other inmates (see Section 1.c.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In the past, the regime has strictly controlled internal travel, requiring a travel pass for any movement outside one's home village. These passes were granted only for official travel or attendance at a relative's wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent

years, it appears that the internal controls on travel have eased or broken down somewhat. There are reports of significant movement of people traveling across the country in search of food. Only members of a very small elite have vehicles for personal use. The regime tightly controls access to civilian aircraft, trains, buses, food, and fuel.

Reports, primarily from defectors, indicate that the Government routinely uses forced resettlement, particularly for those deemed politically unreliable. The Government strictly controls permission to reside in, or even enter, Pyongyang. This is a significant lever, since food, housing, health, and general living conditions are much better in Pyongyang than in the rest of the country.

AI has reported serious human rights abuses involving North Korean workers working in the Far Eastern portion of Russia and North Korean refugees living in Russia. There are about 6,000 DPRK workers in camps in the Russian Far East engaged in farming, mining, and construction. Conditions in these North Korean-run camps are harsh; food is scarce; and discipline is severe. In the past, there have been allegations that discipline includes physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions in these camps in the early 1990's.

North Korean refugees in Russia comprise two groups: Those who were selected to work in Russia but refused to return to the DPRK and those who have fled into Russia from the DPRK. Until 1993 under a "secret protocol," the DPRK Public Security Service reportedly was allowed to work inside Russia to track down workers who fled the camps. Since 1993 many North Korean refugees have been engaged in business in the Russian Far East.

Many North Korean refugees in Russia face severe hardships due to their lack of any identification. Workers arriving in Russia usually have their passport and other identification confiscated by North Korean border guards.

The DPRK Government reportedly tried to prevent defections in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that defectors with criminal records be returned to their country.

The regime limits foreign travel to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. In recent years, there are persistent reports of a steady increase in North Korean defectors arriving in China, Hong Kong, Vietnam, and other Asian countries. The regime reportedly retaliates harshly against the relatives of those who manage to escape. According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. Defectors have stated that DPRK border guards have received shoot-to-kill orders against potential defectors attempting to cross the border into China. Other defectors have reported that some defectors who have been involuntarily returned have been executed (see Section 1.a.). Following the collapse of European communism, the regime recalled several thousand students from overseas. It no longer allows students to study abroad except in China and a few other places.

According to South Korean media accounts, the DPRK increased controls over the population when Hwang Chang Yop defected in 1997 (see Section 1.d.).

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637

Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. Many have not been heard from, and their relatives and friends in Japan have been unsuccessful in their efforts to gain information about their condition and whereabouts.

The DPRK and the Japanese Government held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK agreed to allow some Japanese wives resident in North Korea to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for a week in January and February. In June the DPRK authorities cancelled a visit by Japanese-born women to Japan. In announcing the cancellation, the state-controlled media cited "artificial hurdles and inhuman acts on the Japanese side."

Although the DPRK has permitted an increasing number of overseas Korean residents of North America, Japan, China, and other countries to visit their relatives in North Korea over the past decade, most requests for such visits are still denied. Many foreign visitors to the 1995 International Pyongyang Sports Festival reported that they were denied permission to visit or otherwise contact their relatives, even those who lived only a few miles from Pyongyang.

Although the DPRK is a member of the United Nations, it does not participate in international refugee forums, and it is not in contact with the U.N. High Commissioner for Refugees. There is no known policy or provision for first asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right or mechanisms to change their leadership or

government. The political system is completely dominated by the KWP, with Kim Il Sung's heir Kim Jong Il in full control. Very little reliable information is available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days a year, serves only to rubber-stamp resolutions presented to it by the party leadership. In October 1997, Kim Jong Il acceded to the position of General Secretary of the Korean Worker's Party. In September the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position the "highest office of State." The presidency was abolished, leaving the late Kim Il Sung as the DPRK's only President.

In an effort to give the appearance of democracy, the DPRK has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the Supreme People's Assembly. Their primary purpose appears to be promoting government objectives abroad as touring parliamentarians. Free elections do not exist, and Kim Jong Il has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay.

Elections to the Supreme People's Assembly and to provincial, city, and county assemblies are held irregularly. In July SPA elections were held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections have produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members (in a population of 23 million) work to implement decrees formulated by the Party's small elite.

Few women have reached high levels of the Party or the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. Although a North Korean Human Rights Committee was established in 1992, it denies the existence of any human rights violations in North Korea and is merely a propaganda arm of the regime. However, by offering international human rights organizations an identifiable official interlocutor, the Committee helped increase their ability to enter into two-way communication with the regime.

In April 1998, during the 54th meeting of the U.N. Commission on Human Rights, the North Korean delegation accused the international community of slandering the DPRK's human rights record, adding that the DPRK Government would not tolerate "any attempt to hurt the sovereignty and dignity of the country under the pretext of human rights."

In 1996 a delegation from AI visited the DPRK and discussed legal reforms and prisoner cases with senior government officials. The Government has ignored requests for visits by other international human rights organizations.

In August 1997, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the DPRK for its human rights practices. The DPRK subsequently announced that it would withdraw from the International Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. For more than a decade, the DPRK had failed to report on its implementation of the ICCPR to the U.N. Human Rights Committee. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt by North Korea to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant. In August 1998, the Human Rights Committee readopted a resolution urging the DPRK to improve its human rights record.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, in practice the Government denies its citizens most fundamental human rights. There was pervasive discrimination on the basis of social status.

Women

There is no information available on violence against women.

The Constitution states that "women hold equal social status and rights with men." However, although women are represented proportionally in the labor force, few women have reached high levels of the party or the Government. In many small factories, the work force is predominantly female. Like men, working-age women must work. They are thus required to leave their preschool children in the care of elderly relatives or in state nurseries. However, according to the Constitution, women with large families are to work shorter hours. There were reports that women were trafficked to China (see Section 6.f.).

Children

Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. Some children are denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of their parents (see Section 1.f.).

Like others in society, children are the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources report that children from an early age are subjected to several hours a week of mandatory military

training and indoctrination at their schools. School children are sometimes sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

In practice children do not enjoy any more civil liberties than adults. In June the U.N. Committee on the Rights of the Child (UNCRC) released its concluding observations on a February 1996 report submitted by the DPRK, detailing its adherence to the International Convention on the Rights of the Child. The UNCRC found that the DPRK "strategy, policies, and programs for children do not fully reflect the rights-based approach enshrined in the convention." The UNCRC also expressed concern over "de facto discrimination against children with disabilities and at the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and social services, and to facilitate their full integration into society."

According to the World Food Program, the international community is feeding nearly every child under the age of 7 years. In some remote provinces, many persons over the age of 6 years reportedly appear to be suffering from long-term malnutrition. In August 1997, a senior U.N. Children's Fund (UNICEF) official said that about 80,000 children in North Korea were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree. In the fall of 1998, the NGO's Doctors Without Borders (DWB) and Doctors of the World closed their offices in the DPRK because the Government denied them access to a large population of sick and malnourished children. DWB officials said that they had evidence that orphaned and homeless children had been gathered into so-called "9-27 camps." These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to "normalize" the country. North Korean refugees who have escaped from the 9-27 camps into China have reported inhuman conditions.

Information about societal or familial abuse of children is unavailable. There were reports that young girls were trafficked to China (see Section 6.f.).

People with Disabilities

Traditional social norms condone discrimination against the physically disabled. Disabled persons almost never are seen within the city limits of Pyongyang, and several defectors and other former residents report that disabled persons are assigned to the rural areas routinely. According to one report, authorities check every 2 to 3 years in the capital for persons with deformities and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility to buildings or government services for the disabled. In a statement in April, the U.N. Committee on the Rights of the Child criticized "de facto discrimination" in the DPRK against children with disabilities.

Section 6 Worker Rights

a. The Right of Association

Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions function on the classic "Stalinist model," with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities. Unions do not have the right to strike.

North Korea is not a member of, but has observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigns all jobs. Ideological purity is as important as professional competence in deciding who receives a particular

job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions.

c. Prohibition of Forced or Compulsory Labor

There is no prohibition on the use of forced or compulsory labor, and the Government frequently mobilizes the population for construction projects. Military conscripts routinely are used for this purpose as well. "Reformatory labor" and "reeducation through labor" are common punishments for political offenses. AI reports that forced labor, such as logging and tending crops, is common among prisoners. School children are assigned to factories or farms for short periods to help meet production goals (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment

According to the Constitution, the State prohibits work by children under the age of 16 years. As education is universal and mandatory until the age of 15, it is believed that this regulation is enforced. There is no prohibition on forced labor by children, and school children are assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

e. Acceptable Conditions of Work

No data is available on the minimum wage in state-owned industries. Until the increasing food shortages of recent years, wages and rations appeared to be adequate to support workers and their families at a subsistence level. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, while only token rent is charged. The minimum wage for workers in North Korea's free economic and trade zone (FETZ) is approximately \$80 per month; in foreign-owned and joint venture enterprises outside the FETZ the minimum wage is

reportedly close to \$110 per month. It is not known what proportion of the foreign-paid wages go to the worker and what proportion remains with the State. The Korean Peninsula Energy Development Organization (KEDO, the international organization charged with implementation of a light-water reactor and other projects) has concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who are to work on KEDO projects. Unskilled laborers receive about \$110 per month while skilled laborers are paid slightly more depending on the nature of the work performed.

The Constitution states that all working-age citizens must work and "strictly observe labor discipline and working hours." The Penal Code states that anyone who hampers the nation's industry, commerce, or transportation by intentionally failing to carry out a specific assignment "while pretending to be functioning normally" is subject to the death penalty; it also states that anyone who "shoddily carries out" an assigned duty is subject to no less than 5 years' imprisonment.

Even persistent tardiness may be defined as "anti-Socialist wrecking" under these articles, although as a result of food shortages absenteeism reportedly has become widespread as more time must be spent finding food. A DPRK official described the labor force to an audience of foreign business executives by noting that "there are no riots, no strikes, and no differences of opinion" with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources report that most laborers work from 12 to 16 hours daily. Some of this additional time may include mandatory study of the writings of Kim Il

Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Many worksites are hazardous, and the rate of industrial accidents is high.

f. Trafficking in Persons

There are no known laws specifically addressing the problem of trafficking in persons.

There were reports early in the year that women and young girls were sold by their families as wives to men in China. A network of smugglers reportedly facilitates this trafficking.

2. 미 국무부 2000 연례 인권보고서

U.S Department of State

Democratic People's Republic of Korea

Country Reports on Human Rights Practices-2000

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The Democratic People's Republic of Korea (DPRK) is a dictatorship under the absolute rule of the Korean Workers' Party (KWP). Kim Il Sung led the DPRK from its inception until his death in 1994. Since then his son Kim Jong Il has exercised unchallenged authority. Kim Jong Il was named General Secretary of the KWP in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished leaving the late Kim Il Sung as the DPRK's only president. The titular Head of State is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime emphasizes "juche," a national ideology of self-reliance. The judiciary is not independent.

The Korean People's Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force. These organizations assist the Ministry of Public Security and cadres of the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directs all significant economic activity, and only government-controlled labor unions are permitted. Industry continued to operate at much-reduced capacity that reflects antiquated plant and equipment and a severe shortage of inputs. This decline is due in part to

the collapse of the former Soviet Union and East European Communist governments and the consequent sharp decline in trade and aid. Efforts at recovery have been hampered by heavy military spending-which amounted to perhaps a quarter of gross domestic product before the economy went into decline and is probably now a larger share of national output. It also is held back by a lack of access to commercial lending stemming from the DPRK's default on its foreign debt and its inability to obtain loans from international financial institutions. Never food self-sufficient, the country relies on trade to supplement domestic production, which has been hobbled by disastrous agricultural policies. Since 1995 nearly annual droughts and floods have destroyed crops and ruined agricultural land, and hunger and malnutrition have been widespread. Famine has caused internal dislocation, widespread malnutrition, and approximately a million deaths from starvation and related diseases. Economic and political conditions have caused thousands of persons to flee their homes. The Government continued to seek international food aid, produce "alternative foods," and take steps to boost production. It has supported the spread of farmers' markets to make up for the contraction of food supplied through the public distribution system. Food, clothing, and energy are rationed throughout the country. The U.N.'s World Food Program provides assistance to the elderly, children and mothers, and persons employed in flood damage recovery efforts.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government peacefully. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The leadership perceives most international norms of human rights, especially individual rights, as illegitimate, alien, and subversive to the goals of the State and party. The Penal Code is draconian, stipulating capital punishment and confiscation of all assets for a wide variety of "crimes against the

revolution," including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. The Government prohibits freedom of speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea receive North Korean radio broadcasts only; radios obtained abroad by the general public must be altered to work r r. Cable News Network (CNN) television is available in one Pyongyang hotel frequented by foreigners. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizens' movements, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Defectors and refugees report that the regime executes political prisoners, opponents of the regime, repatriated defectors, and others (reportedly including military officers suspected of espionage or of plotting against Kim Jong Il). Criminal law makes the death penalty mandatory for activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners are sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions also have been carried out before assembled inmates at places of detention. Border guards reportedly have orders to shoot-to-kill potential defectors (see Section 2.d.).

Religious and human rights groups outside the country report that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

In August 1998, a Reuters report stated that, following a March 1998 coup attempt, authorities arrested several thousand members of the armed forces and executed many of them. Many prisoners reportedly have died from disease, starvation, or exposure (see Section 1.c.).

According to unconfirmed press reports from Japan and the Republic of Korea in 1997, several senior party officials were executed publicly in September 1997. The Kyodo News Network reported that Seo Kwan Hui, Secretary of Agriculture for the KWP, and 17 other senior officials, including some from the army and from the Kim Il Sung Socialist Youth League, were executed for corruption and working for South Korea. In 1998 Agence France-Presse (AFP) reported that among those executed were a four-star general who ran the Political Bureau of the Korean People's Army and Choe Hyon Tok, a member of the Foreign Affairs Committee of the Supreme People's Assembly. According to the AFP, seven persons in this group were executed by firing squad before thousands of spectators.

In December a South Korean newsmagazine quoted a defector as stating that in 1999 in the city of Hyesan, on the border with China, the military had publicly executed 19 residents, secretly killed over 20 persons, and imprisoned 600. The targets of the purge were frequent travelers to China and opium addicts.

Another South Korean newsmagazine reported that there were at least 20 public executions during 1997 either for economic offenses, including stealing cattle and electric wire, or for attempting to defect. Amnesty International (AI) reported in January 1997 that at least 23 persons had been executed publicly between 1970 and 1992 for offenses that reportedly

included "banditry" and "stealing rice from a train." Government officials reportedly told AI in 1995 that only one or two executions had taken place since 1985.

North Korean officials informed AI in 1995 that Japanese citizens Cho Ho Pyong, his ethnic Japanese wife Koike Hideko, and their three young children were killed by the authorities in 1972 while attempting to leave the country. The authorities told AI that Cho escaped from a detention center where he was being held for spying and killed a guard in the escape.

b. Disappearance

The Government reportedly is responsible for cases of disappearance. According to defector reports, individuals suspected of political crimes often are taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There also have been reports of past DPRK involvement in the kidnaping abroad of South Koreans, Japanese, and other foreigners. In 1995 the Japanese press estimated that as many as 20 Japanese may have been kidnaped and detained in North Korea. According to Japanese government officials, these abductions took place between 1977 and 1983. In addition several suspected cases of kidnaping, hostage-taking, and other acts of violence apparently intended to intimidate ethnic Koreans living in China and Russia have been reported. There were unconfirmed reports that North Korean agents kidnaped a South Korean citizen, Reverend Dongshik Kim, in China and took him to North Korea in January. There is credible evidence that the DPRK Government may have been involved in the July 1995 abduction of a South Korean citizen working in China as a missionary. This missionary subsequently appeared publicly in North Korea and was portrayed as a defector. The DPRK denies that it has been involved in kidnapings.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean

Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To island beach. According to those arrested, there were several other kidnappings in the late 1970's and early 1980's.

AI reports detail a number of cases of disappearances including that of Japanese citizen Shibata Kozo and his wife Shin Sung Suk, who left Japan in 1960 and resettled in North Korea. The authorities reportedly arrested Shibata in 1962 after he encouraged a demonstration by former Japanese residents protesting the poor treatment given them. In 1993 AI claimed that he was still in custody and in poor health and that there had been no word about his wife and three children since 1965. In 1995 North Korean officials informed AI that Shibata Kozo, his wife, and children died in a train accident in early 1990, a few weeks after he was released from nearly 30 years in prison. However, AI reports that Shibata Kozo was still in custody at the time of the alleged accident.

The cases of three ethnic Korean residents of Beijing, China (16, 18, and 20 years of age), reported by AI in 1995 to have been taken to North Korea against their will, remained unresolved. The three were taken in apparent retaliation for criticism in the Japanese media of North Korean human rights violations made by their father, a former prisoner in North Korea. The North Korean authorities deny this allegation, claiming that the three brothers were deported to North Korea for breaking Chinese law and that they are now living with relatives.

Numerous reports indicate that ordinary citizens are not allowed to mix with foreigners, and AI has reported that a number of North Koreans who maintained friendships with foreigners have disappeared. In at least one case, AI reported that a citizen who had disappeared was executed for maintaining a friendship with a Russian national.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While there is no information on recent practices, credible reports indicate that prisoners are mistreated and that many have died from disease, starvation, or exposure.

In 1998 a Polish newspaper reported the experiences of a woman who spent 10 years in a North Korean concentration camp before fleeing first to China and then to South Korea. The approximately 1,800 inmates in this particular camp typically worked 16 to 17 hours per day. The woman reported severe beatings, torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and chemical and biological warfare experiments allegedly conducted on inmates by the army. South Korean media reported that the DPRK State Security Agency manages the camps through use of forced labor, beatings, torture, and public executions.

Prison conditions are harsh. International nongovernmental organizations (NGO's) and defector sources report that whole families, including children, are imprisoned together. "Reeducation through labor" is common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. A small number of persons who claimed to have escaped from detention camps reported that starvation and executions are common. In one prison, clothing reportedly was issued only once in 3 years. AI reported the existence of "punishment cells," too low to allow standing upright and too small for lying down flat, where prisoners are kept for up to several weeks for breaking prison rules. Visitors to North Korea reported that they observed prisoners being marched in leg irons, metal collars, or shackles.

A former prison camp inmate who later defected to South Korea told the South Korean press that conditions in prison camps became more difficult as the food crisis worsened in the mid-1990's. With the food ration

reduced to 23/4 ounces daily in 1996, 20 percent of the inmates in one camp died. Prisoners who tried to escape were publicly executed as a warning to others. Inmates were forced to find shelter in nearby mountains when authorities destroyed the camp's housing area in 1996 in anticipation of a visit by an international human rights group. The majority of prisoners in the camps were those who had contacted South Koreans, attempted to go to South Korea via China, those who studied abroad, and members of antigovernment groups.

In 1999 credible witnesses reported that prisoners held on the basis of their religious beliefs were treated worse than other inmates were. One witness, a former prison guard, reported that those believing in God were regarded as insane, as the authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked hard and left lying for days because a guard overheard her praying for a child who was beaten.

The Government normally does not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado. Little information is available on criminal justice procedures and practices, and outside observation of the legal system has been limited to "show trials" for traffic violations and other minor offenses.

Family members and other concerned persons find it virtually impossible to obtain information on charges against detained persons. Judicial review of detentions does not exist in law or in practice.

Defectors claim that North Korea detains between 150,000 and 200,000 persons for political reasons, sometimes along with their family members,

in maximum security camps in remote areas. An October 1992 report by two former inmates made reference to severe living conditions in what they called "concentration camps." North Korean officials deny the existence of such prison camps but admit that there are "education centers" for persons who "commit crimes by mistake." In 1991 a North Korean defector who had been a ranking official in the DPRK Ministry of Public Security said that there were two types of detention areas. One consists of closed camps where conditions are extremely harsh and from which prisoners never emerge. In the other, prisoners can be "rehabilitated."

One credible report lists a dozen political prisoner camps and approximately 30 forced labor and labor education camps in the DPRK. It is believed that some former high officials are imprisoned in the camps. Visitors formerly were allowed, but currently any form of communication with detainees, including visitors, is said to be prohibited.

In mid-1999, an ethnic Korean with foreign citizenship was arrested for unauthorized contact with North Koreans. This person was detained for a month before being released.

In May 1998, a foreigner of Korean descent was detained and held incommunicado for nearly 3 months before he was finally released. In September 1998, another foreigner of Korean descent was held incommunicado for more than a month for an unspecified "violation of law" before being released and expelled from the country.

South Korean newspapers reported in 1997 that family members of North Korean defector Hwang Chang Yop, former head of the Juche Research Institute, and a senior advisor to Kim Il Sung and Kim Jong Il, who defected to South Korea in that year, either were under house arrest or incarcerated in political prisons. However, visiting foreigners have seen some members of his family.

In March 1999, North Korean officials in Thailand tried to detain a

Bangkok-based North Korean diplomat, Hong Sun Gyong, and his family. Hong and his wife escaped from their abductors and then requested asylum. Their son was taken to Laos by North Korean officials but subsequently was allowed to rejoin his parents in Thailand.

The Government is not reported to use forced exile. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. Although disabled veterans are treated extremely well, there are also reports that other physically disabled persons and those judged to be politically unreliable have been sent to internal exile. Often those relocated are selected on the basis of family background. Nonetheless, there is some evidence that class background is less important than in the past because of the regime's emphasis on the solidarity of the "popular masses" and united front efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary and individual rights do not exist. The Public Security Ministry dispenses with trials in political cases and refers defendants to the Ministry of State Security for imposition of punishment.

The Constitution contains elaborate procedural protections, and it states that cases are heard in public, and that the accused has the right to a defense; hearings may be closed to the public as stipulated by law. When trials are held, lawyers are apparently assigned by the Government. Reports indicate that defense lawyers are not considered representatives of the accused; rather, they are expected to help the court by persuading the accused to confess guilt. Some reports note a distinction between those accused of political crimes and common criminals and state that the Government

affords trials or lawyers only to the latter. The Government considers critics of the regime to be "political criminals."

Numerous reports suggest that past political offenses have included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or (in the case of a professor reportedly sentenced to work as a laborer) noting in class that Kim Il Sung had received little formal education. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kims. Beginning in the 1970's, the 10 Great Principles of Unique Ideology directed that anyone who tore or otherwise defaced a newspaper photo of either of the two Kims was a political criminal and punished as such. Defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kim's. Families must display pictures of the two Kim's in their homes, and if local party officials found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.f.).

A foreigner hired to work on foreign broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He then was imprisoned for 6 more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust. While AI has listed 58 political prisoners by name, the total number of political prisoners being held is much larger. Several defectors and former inmates reported that the total figure is approximately 150,000, while South Korean authorities said the total figure is about 200,000.

The South Korean Ministry of National Unification reported to its National Assembly in October 1997 that North Korea held more than 200,000 political prisoners in camps where many had frozen or starved to death, and that famine may have worsened conditions. The report went on to describe the camps as having no electricity or heating facilities. The report

claimed that those who attempted to escape were executed immediately. Most camps are located in remote mountain or mining areas. Some reports indicated an increase in the number of political prisoners as North Koreans had begun to complain more openly about the failure of the Government's economic policies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as alien social concepts subversive to the goals of the State and party. The Government relies upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to massive security checks. The possession of "reactionary material" and listening to foreign broadcasts are both considered crimes that may subject the transgressor to harsh punishments. In some cases, entire families are punished for alleged political offenses committed by one member of the family. For example, defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families must display pictures of the two Kims in their homes, and must keep them clean. Local party officials have conducted unannounced inspections once a month, and if the inspectors found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.e.).

The Government monitors correspondence and telephones. Telephones essentially are restricted to domestic operation, although some international service is available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration is submitted,

the Ministries of State Security and Public Safety seek to identify the author through handwriting analysis. The suspected individual may be subjected to a thorough investigation and punishment.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the juche idea." The authorities emphasize that the core concept of juche is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, juche is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change and used by the regime as a "spiritual" underpinning for its rule.

As defined by Kim Il Sung, juche is a quasi-mystical concept in which the collective will of the people is distilled into a supreme leader whose every act exemplifies the State and society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime is thus in itself opposition to the national interest. The regime therefore claims a social interest in identifying and isolating all opposition.

Since the late 1950's, the regime has divided society into three main classes: "Core," "wavering," and "hostile." These three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there are signs that this rigid system has been relaxed somewhat in recent years—for example, children of religious practitioners are no longer automatically barred from higher education—it remains a basic characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appear to be classified as part of the "hostile class" in the DPRK's elaborate loyalty system. This subcategory alone encompasses a significant percentage of the population. One defector estimated that the class of those considered potentially hostile may comprise 25 to 30 percent of the population; others place the figure at closer to 20 percent. Members of this class are still subject to discrimination, although defectors report that their treatment has improved greatly in recent years.

The authorities subject citizens of all age groups and occupations to intensive political and ideological indoctrination. Even after Kim Il Sung's death, his cult of personality and the glorification of his family and the official *juche* ideology remained omnipresent. The cult approaches the level of a state religion.

The goal of indoctrination remains to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination repeatedly is stressed in the writings of Kim Jong Il, who attributes the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination is carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he has also called for the intensification of mandatory ideological study and discussion sessions for adult workers.

Another aspect of the State's indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of people. In September 1998, celebrations of the 50th anniversary of the founding of the DPRK included hours of carefully choreographed demonstration of mass adulation of the leadership. In

October similar celebrations of the 55th anniversary of the KWP reportedly involved upwards of 1 million persons.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and the press, the Government prohibits the exercise of these rights in practice. The regime only permits activities that support its objectives. Articles of the Constitution that require citizens to follow "Socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties.

The Government strictly curtails freedom of expression. The authorities may punish persons for criticizing the regime or its policies by imprisonment or "corrective labor." One defector reported in 1986 that a scientist, whose home was under surveillance through his radio set, was arrested and executed for statements that he made at home critical of Kim Il Sung. In another case, AI reports that a family formerly resident in Japan was sent to a "reeducation-through-labor" center because one member of the family allegedly made remarks disparaging the Government.

The Government attempts to control all information. It carefully manages the visits of Western journalists. In 1996 the Cable News Network was allowed to broadcast live, unedited coverage of the 2nd year memorial service for the death of Kim Il Sung. The regime recently allowed foreign journalists to report on the food situation. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997. During the June 13 to 15 inter-Korean summit, and during the October visit of U.S. Secretary of State Albright, groups of foreign journalists were permitted to accompany official delegations and to file reports, although under strict state monitoring. Also, the presidents of 46 South Korean

newspaper and broadcast organizations, led by the South Korean Minister of Culture and Tourism, traveled to the country in August and met with Kim Jong Il. Although more foreign journalists have been allowed into North Korea, the Government still maintains strict control over the movements of foreign visitors. For example, journalists accompanying a foreign minister from another country were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay. Domestic media censorship is strictly enforced, and no deviation from the official government line is tolerated.

The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. CNN television broadcasts are available in a Pyongyang hotel frequented by foreigners. Private telephone lines operate on an internal system that prevents making and receiving calls from outside the country. International phone lines are available under very restricted circumstances. There may be very limited Internet access in North Korea for government officials, according to recent reports.

During the year, the DPRK defended threats and reiterated criticisms first made in late 1997 of the South Korean media for criticizing the North Korean leadership. The first instance was in response to a South Korean newspaper editorial, the second in reaction to a television drama about life in North Korea.

The Government severely restricts academic freedom and controls artistic and academic works. Visitors report that one of the primary functions of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, the Government does not respect this provision in practice. The Government prohibits any public meetings without authorization.

Although the Constitution provides for freedom of association, the Government does not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

c. Freedom of Religion

The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity except that supervised by officially recognized groups. Genuine religious freedom does not exist. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security."

Although in the past the Government has branded religiously active persons as "counterrevolutionaries" and killed or imprisoned them, in more recent times, it has allowed the formation of several government-sponsored religious organizations. These serve as interlocutors with foreign church groups and international aid organizations. Foreigners who have met with representatives of these organizations believe that some are genuinely religious but note that others appear to know little about religious dogma, liturgy, or teaching. A constitutional change in 1992 deleted the clause about freedom of antireligious propaganda, authorized religious gatherings, and provided for "the right to build buildings for religious use." The number of religious believers is unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. There are also an undetermined number of persons belonging to underground Christian churches. In addition the Chondogyo

Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, still is in existence. There are 300 Buddhist temples. Most of the temples are regarded as cultural relics, but in some of them religious activity is permitted. Two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have been opened since 1988 in Pyongyang. Several schools for religious education exist. There are 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector.

There has been a limited revival of Buddhism with the translation and publication of Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at an historic temple. It is not known whether any Catholic priests, whose role is a fundamental element for the practice of the Catholic faith, remain in the country. Seoul Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted in July as stating that while there were 50 priests in the country in the 1940's, it is not known if they are still alive. In November a delegation from the Vatican visited the country. Although some foreigners who have visited the DPRK over the years say that church activity appears staged, others believe that church services are genuine, although sermons contain both religious and political content supportive of the regime. The Government claims, and visitors confirm, that there are more than 500 authorized "house churches."

Persons engaging in religious proselytizing may be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appears to have cracked down on unauthorized religious groups in recent years, especially persons who proselytize or who have ties to overseas evangelical groups operating across the border with China, as the Government appears concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with the People's Republic of China becoming entwined with more political

goals, including overthrow of the regime. The food crisis apparently has heightened government concern about antiregime activity. An article in the Korean Workers Party newspaper in 1999 criticized "imperialists and reactionaries" for trying to use ideological and cultural infiltration, including religion, to destroy socialism from within. South Korean law requires all parties, including religious groups, travelling to North Korea or contacting North Koreans to request permission from the South Korean security agency. This requirement increases suspicions among North Korean officials about the intentions of such groups.

There is no reliable information on the number of religious detainees or prisoners, but there have been unconfirmed reports that some of those detained in the country are detained because of their religion.

Religious and human rights groups outside the country have provided numerous, unconfirmed reports that members of underground churches have been beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that a dozen Christians have been executed since January 1999. According to another unconfirmed report, 23 Christians were executed between October 1999 and April; some reportedly were executed under falsified criminal charges, and some reportedly were tortured prior to their executions. A religious nongovernmental organization quoted an unnamed South Korean pastor's claims that 400 Christians were executed in 1999. These reports could not be confirmed or disproved because of the effectiveness of the Government in barring outside observers. Nonetheless, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports. The regime deals harshly with its critics and views religious believers belonging to underground congregations or with ties to evangelical groups in North China as opponents. Reports of executions, torture, and imprisonment of religious persons in the country continue to emerge.

Little is known about the actual life of religious persons in the DPRK. Members of government-recognized religious groups do not appear to

suffer discrimination; in fact some reports claim they have been mobilized by the regime. Persons whose parents were believers but who themselves are nonpracticing are able to rise to at least the midlevels of the bureaucracy. Such individuals, as a category, suffered broad discrimination in the past. Members of underground churches connected to border missionary activity appear to be regarded as subversive elements.

The Government deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. In April 1999, witnesses testified before the U.S. Congress on the treatment of persons held in prison camps through the early 1990's. The witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates. One witness, a former prison guard, testified that those believing in God were regarded as insane, as the authorities taught that "all religions are opium." He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten. Because of the effectiveness of the Government in barring outside observers, such allegations could not be substantiated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In the past, the regime has controlled internal travel strictly, requiring a travel pass for any movement outside one's home village. These passes were granted only for official travel or attendance at a relative's wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent years, it appears that the internal controls on travel have eased significantly. There are reports of the large-scale movement of people across the country in search of food. Only members of a very small elite have vehicles for personal use. The regime tightly controls access to civilian aircraft, trains, buses, food, and fuel.

The regime limits foreign travel to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. In recent years, there have been numerous reports of a steady increase in North Korean migrants arriving in China, Hong Kong, Vietnam, and other Asian countries. The regime reportedly retaliates against the relatives of some of those who manage to escape. According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. Refugees have stated that DPRK border guards have received orders to shoot-to-kill persons attempting to cross the border into China, although some border crossings for family visits and trade are permitted. Others have reported that some would-be refugees who have been involuntarily returned have been executed (see Section 1.a.). Following the collapse of European communism, the regime recalled several thousand students from overseas but in recent years again has allowed small numbers of students to study abroad. Nonetheless, in recent years substantial numbers of persons have fled to neighboring countries in search of food. Many return after securing food.

The Chinese Government states that there are only a few hundred North Koreans in China; others estimate that there are tens of thousands. Most have crossed the border clandestinely in small groups to seek food, shelter, and work. In January China returned to the DPRK seven persons who had been granted refugee status by the U.N. High Commissioner for Refugees in Russia in December 1999 but were forced back into China. How the DPRK authorities dealt with the seven is unknown.

The Government strictly controls permission to reside in, or even enter, Pyongyang. This is a significant lever, since food, housing, health, and general living conditions are much better in Pyongyang than in the rest of the country.

AI has reported serious human rights abuses involving North Korean workers and refugees living in Russia. There are about 6,000 DPRK

workers in North Korean-run camps in the Russian Far East engaged in farming, mining, and construction. Conditions in these camps are harsh; food is scarce; and discipline is severe. In the past, there have been allegations that discipline includes physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions in these camps in the early 1990's.

North Koreans in Russia comprise two groups: Those who were selected to work in Russia but refused to return to the DPRK and those who have fled into Russia from the DPRK. Until 1993 under a secret protocol, the DPRK Public Security Service reportedly was allowed to work inside Russia to track down workers who fled the camps. Since 1993 many North Koreans have been engaged in business in the Russian Far East.

Many North Koreans in Russia face severe hardships due to their lack of any identification. Workers arriving in Russia usually have their passport and other identification confiscated by North Korean border guards.

The DPRK Government reportedly tried to prevent persons from staying in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that persons with criminal records be returned to their country.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. However, many have not been heard from, and their relatives and friends in Japan have been unsuccessful in their

efforts to gain information about their condition and whereabouts.

The DPRK and the Japanese Government held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK agreed to allow some Japanese wives resident in North Korea to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for a week in January and February 1998. However, in June 1999 the DPRK cancelled a visit by Japanese wives to Japan, citing "artificial hurdles and inhuman acts on the Japanese side." The visits resumed after the Japanese Government and the DPRK restarted normalization talks in April. A group of 16 Japanese wives visited Japan from September 12 to 16.

Although the DPRK has permitted an increasing number of overseas Koreans to visit their relatives in North Korea over the past decade, most requests for such visits are still denied. From August 15-18, the DPRK and the Republic of Korea sent delegations of 100 members of separated families to each other's capitals for family reunion meetings. However, the meetings generally were of limited duration and certain topics were not allowed to be discussed. From November 30 to December 2, a second such reunion took place, and further reunions were scheduled for 2001. Many foreign visitors to the 1995 International Pyongyang Sports Festival reported that they were denied permission to visit or otherwise contact their relatives, even those who lived only a few miles from Pyongyang.

Although more foreign journalists have been allowed into North Korea, the Government still maintains the strictest control over the movements of foreign visitors. For example, journalists accompanying a foreign minister from another country were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay.

Reports, primarily from refugees, indicate that the Government routinely

uses forced resettlement, particularly for those deemed politically unreliable.

Although the DPRK is a member of the United Nations, it does not participate in international refugee forums, and it is not in contact with the U.N. High Commissioner for Refugees. There is no known policy or provision for first asylum.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right or mechanisms to change their leadership or government. The political system is completely dominated by the KWP, with Kim Il Sung's heir Kim Jong Il in full control. Very little reliable information is available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days a year, serves only to rubber-stamp resolutions presented to it by the party leadership. In October 1997, Kim Jong Il acceded to the position of General Secretary of the Korean Worker's Party. In September 1998, the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position the "highest office of State." The presidency was abolished, leaving the late Kim Il Sung as the DPRK's only President. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly.

In an effort to give the appearance of democracy, the DPRK has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the Supreme People's Assembly. Their primary purpose appears to be promoting government objectives abroad as touring parliamentarians. Free elections do not exist, and the regime has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay.

Elections to the Supreme People's Assembly and to provincial, city, and county assemblies are held irregularly. In July 1998, SPA elections were

held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections have produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members (in a population of 23 million) work to implement decrees formulated by the Party's small elite.

Few women have reached high levels of the Party or the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. Although a North Korean Human Rights Committee was established in 1992, it denies the existence of any human rights violations in North Korea. However, by offering international human rights organizations an identifiable official interlocutor, the Committee helped increase the ability of international human rights organizations to enter into two-way communication with the regime.

Although the World Food Program has been given access to most counties in North Korea, it has been excluded from several dozen. Foreign aid workers and aid workers from international organizations, who provide substantial food aid, frequently are denied access to sites where this food is distributed, and thus are unable consistently to verify that the aid reaches its intended recipients. Many foreign NGO's report being charged large fees by Government officials to get visas for foreign staff, to set up offices, and to establish programs. There have been reports of abduction of ethnic Korean aid workers by government officials; some victims were required to pay a large fine to obtain their release.

In April 1998, during the 54th meeting of the U.N. Commission on Human Rights, the North Korean delegation accused the international community of

slandering the DPRK's human rights record, adding that the DPRK Government would not tolerate "any attempt to hurt the sovereignty and dignity of the country under the pretext of human rights."

In 1996 a delegation from AI visited the DPRK and discussed legal reforms and prisoner cases with senior government officials. The Government has ignored requests for visits by other international human rights organizations, and none are known to have visited.

In August 1997, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the DPRK for its human rights practices. The DPRK subsequently announced that it would withdraw from the International Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt by North Korea to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant. In August 1998, the Human Rights Committee readopted a resolution urging the DPRK to improve its human rights record. In July for the first time in 16 years, the regime submitted a report on human rights to the U.N. Human Rights Committee.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, in practice the Government denies its citizens most fundamental human rights. There was pervasive discrimination on the basis of social status.

Women

There is no information available on violence against women.

The Constitution states that "women hold equal social status and rights

with men." However, although women are represented proportionally in the labor force, few women have reached high levels of the party or the Government. In many small factories, the work force is predominantly female. Like men, working-age women must work. They are thus required to leave their preschool children in the care of elderly relatives or in state nurseries. However, according to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Sections 6.c. and 6.f.).

Children

Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. Some children are denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of their parents (see Section 1.f.).

According to the World Food Program, the international community is feeding nearly every child under the age of 7 years. In some remote provinces, many persons over the age of 6 years reportedly appear to be suffering from long-term malnutrition. A nutrition survey carried out by UNICEF and the World Food Program in the aftermath of flood disasters found that 16 percent of children under 7 years of age suffered from acute malnutrition and that 62 percent suffered from stunted growth. In August 1997, a senior UNICEF official said that about 80,000 children were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree. Like others in society, children are the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition foreign visitors and academic sources report that children from an early age are subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes are sent to work in factories or

in the fields for short periods to assist in completing special projects or in meeting production goals.

In practice children do not enjoy any more civil liberties than adults. In June 1998, the U.N. Committee on the Rights of the Child (UNCRC) released its concluding observations on a February 1996 report submitted by the DPRK, detailing its adherence to the International Convention on the Rights of the Child. The UNCRC found that the DPRK strategy, policies, and programs for children do not fully reflect the rights-based approach enshrined in the convention. The UNCRC also expressed concern over de facto discrimination against children with disabilities and at the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and social services, and to facilitate their full integration into society.

In the fall of 1998, the NGO's Doctors Without Borders (DWB) and Doctors of the World closed their offices in the country because the Government reportedly denied them access to a large population of sick and malnourished children. DWB officials said that they had evidence that orphaned and homeless children had been gathered into so-called "9-27 camps." These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to "normalize" the country. North Korean refugees who have escaped from the 9-27 camps into China have reported inhuman conditions.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among North Koreans crossing the border into China (see Sections 6.c. and 6.f.).

People with Disabilities

Traditional social norms condone discrimination against the physically disabled. Apart from disabled veterans, disabled persons almost never are seen within the city limits of Pyongyang, and several defectors and other

former residents report that disabled persons are assigned to the rural areas routinely. According to one report, authorities check every 2 to 3 years in the capital for persons with deformities and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility to buildings or government services for the disabled. In an April 1998 statement, the U.N. Committee on the Rights of the Child criticized "de facto discrimination" in the country against children with disabilities.

Section 6 Worker Rights

a. The Right of Association

Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions function on the classic "Stalinist model," with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities. Unions do not have the right to strike.

North Korea is not a member of, but has observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigns all jobs. Ideological purity is as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions.

There is one free economic and trade zone (FETZ). The Korean Peninsula Energy Development Organization (KEDO) negotiated a separate protocol and service contracts for workers at the site of its light water reactor project. The government agency, which supplied the labor to KEDO, bargained effectively on the workers behalf (see Section 6.e.).

c. Prohibition of Forced or Compulsory Labor

In its report to the U.N. Human Rights Committee, the regime stated that its laws prohibit forced or compulsory labor. The Government frequently mobilizes the population for construction projects. Military conscripts routinely are used for this purpose as well. "Reformatory labor" and "reeducation through labor" are common punishments for political offenses. AI reports that forced labor, such as logging and tending crops, is common among prisoners. School children are assigned to factories or farms for short periods to help meet production goals (see Section 5).

There are reports of the trafficking of North Korean women and young girls among North Koreans crossing the border into China. Many become brides, but some work in the sex industry. Many reportedly are held as virtual prisoners (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

According to the Constitution, the State prohibits work by children under the age of 16 years. As education is universal and mandatory until the age of 15, it is believed that this regulation is enforced. There is no prohibition on forced labor by children, and school children are assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

There are reports of trafficking in young girls among North Koreans crossing into China, some to become brides and others forced to work in the sex industry (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work

No data is available on the minimum wage in state-owned industries. Until the recent food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, while only token rent is charged. The minimum wage for workers in North Korea's FETZ is approximately \$80 per month; in foreign-owned and joint venture enterprises outside the FETZ the minimum wage is reportedly close to \$110 per month. It is not known what proportion of the foreign-paid wages go to the worker and what proportion remains with the State. KEDO, the international organization charged with implementation of a light-water reactor and other projects, has concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who are to work on KEDO projects. Unskilled laborers receive about \$110 per month while skilled laborers are paid slightly more depending on the nature of the work performed (see Section 6.b.).

The Constitution states that all working-age citizens must work and "strictly observe labor discipline and working hours." The Penal Code states that anyone who hampers the nation's industry, commerce, or transportation by intentionally failing to carry out a specific assignment "while pretending to be functioning normally" is subject to the death penalty; it also states that anyone who "shoddily carries out" an assigned duty is subject to no less than 5 years' imprisonment.

Even persistent tardiness may be defined as "anti-Socialist wrecking" under these articles, although as a result of food shortages absenteeism reportedly has become widespread as more time must be spent finding food. A DPRK official described the labor force to an audience of foreign business executives by noting that "there are no riots, no strikes, and no differences of opinion" with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources report that most laborers work from 12 to 16 hours daily when factories are operating. Some of this additional time may include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Many worksites are hazardous, and the rate of industrial accidents is high. It is believed that workers do not have the right to remove themselves from hazardous working conditions without jeopardizing their employment.

f. Trafficking in Persons

There are no known laws specifically addressing the problem of trafficking in persons.

There have been reports of trafficking in women and young girls among North Koreans crossing the border into China. Some were sold by their families as wives to men in China. A network of smugglers reportedly facilitates this trafficking. Many such women, unable to speak Chinese, are held as virtual prisoners. Many end up working as prostitutes (see Sections 5 and 6.c.).

3. 미 국무부 2001 연례 인권보고서

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Democratic People's Republic of Korea

Country Reports on Human Rights Practices-2001

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DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The Democratic People's Republic of Korea (DPRK) is a dictatorship under the absolute rule of the Korean Workers' Party (KWP). Kim Il Sung led the DPRK from its inception until his death in 1994. Since then his son Kim Jong Il has exercised unchallenged authority. Kim Jong Il was named General Secretary of the KWP in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished leaving the late Kim Il Sung as the DPRK's only president. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime emphasizes "juche," a national ideology of self-reliance. The judiciary is not independent.

The Korean People's Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force. These organizations assist the Ministry of Public Security and the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directs all significant economic activity, and only government-controlled labor unions are permitted in this country of 22 million persons. Industry continued to operate at significantly reduced capacity, reflecting antiquated plant and equipment and severe shortages of inputs. This decline is due in part to the collapse of the former Soviet Union and East European communist governments and the subsequent sharp decline in trade and aid. Efforts at recovery have been hampered by heavy military spending--which amounted to perhaps one-quarter of gross domestic product before the economy went into decline and is probably now larger as a share of national output. The economy also has been held back by a lack of access to commercial lending stemming from the DPRK's default on its foreign debt, and its inability to obtain loans from international financial institutions. Never food self-sufficient, the country relies on international aid and trade to supplement domestic production, which has been hobbled by disastrous agricultural policies. This is true even when crop production is relatively good, as it was during the year. Since 1995, nearly annual droughts and floods have destroyed crops and ruined agricultural land, and hunger and malnutrition have been widespread. Famine has caused internal dislocation and widespread malnutrition, and an estimated several hundreds of thousands to two million persons died from starvation and related diseases. Economic and political conditions have caused thousands of persons to flee their homes. The Government continued to seek international food aid, produce "alternative foods," and take other steps to boost production. It has permitted the spread of farmers' markets to make up for the contraction of food supplied through the public distribution system. Food, clothing, and energy are rationed throughout the country. The U.N.'s World Food Program provides assistance to children and mothers, the elderly, and persons employed in flood damage recovery efforts. The gross national product (GNP) may have grown slightly in 2000 due largely to international aid and limited South Korean investment, but this followed nearly a decade of steady decline in which GNP is estimated to have

shrunk by half since 1993. Most foreign observers note improved food and other economic conditions over the last year.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right peacefully to change their government. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The leadership perceives most international norms of human rights, especially individual rights, as illegitimate, alien, and subversive to the goals of the State and party. During the year, the Government entered into a human rights dialogue with the European Union; two meetings were held, but no significant results were reported. The Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter. The Government prohibits freedom of speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea receive North Korean radio broadcasts only; radios obtained abroad by the general public must be altered to work in a similar manner. Cable News Network (CNN) television is available in one Pyongyang hotel frequented by foreigners. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizens' movements, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

Defectors and refugees report that the regime executes political prisoners, opponents of the regime, some repatriated defectors, and others (reportedly including military officers suspected of espionage or of plotting against Kim Jong Il). Criminal law makes the death penalty mandatory for activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners are sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions also have been carried out before assembled inmates at places of detention. Border guards reportedly have orders to shoot-to-kill potential defectors (see Section 2.d.).

Religious and human rights groups outside the country report that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

Many prisoners reportedly have died from disease, starvation, or exposure (see Section 1.c.).

A South Korean news magazine in December 2000 quoted a defector as stating that the military publicly had executed 19 residents, secretly killed more than 20 persons, and imprisoned 600 more in 1999 in the city of Hyesan, on the border with China. The main targets of the purge were frequent travelers to China and persons addicted to opium.

In August 1998, there were unconfirmed reports that following a March 1998 coup attempt, authorities arrested several thousand members of the armed forces and executed many of them.

In 1998 Agence France-Presse (AFP) reported that among those executed in 1997 were a four-star general who ran the Political Bureau of the Korean People's Army and Choe Hyon Tok, a member of the Foreign Affairs Committee of the Supreme People's Assembly. According to the AFP, seven persons in this group were executed by firing squad before thousands of spectators.

The Government does not provide accurate information about the number of executions. For example, government officials told Amnesty International in 1995 that only one or two executions had taken place since 1985. This number is not credible.

b. Disappearance

The Government reportedly is responsible for cases of disappearance. According to defector reports, individuals suspected of political crimes often are taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There also have been reports of past government involvement in the kidnaping abroad of South Koreans, Japanese, and other foreign nationals. As many as 20 Japanese may have been kidnapped and detained in North Korea. According to Japanese government officials, these abductions took place between 1977 and 1983. Following a December 1999 meeting between officials from the Red Cross societies of North Korea and Japan, the Government agreed to conduct an investigation into the fate of the missing Japanese nationals. However, on December 17, the Government announced it was suspending the investigation. In addition several suspected cases of kidnaping, hostage-taking, and other acts of violence apparently intended to

intimidate ethnic Koreans living in China and Russia have been reported. There were unconfirmed reports that North Korean agents kidnaped a South Korean citizen, Reverend Dongshik Kim, in China and took him to North Korea in January 2000. There is credible evidence that North Korea may have been involved in the July 1995 abduction of a South Korean citizen working in China as a missionary. This missionary subsequently appeared publicly in North Korea and was portrayed as a defector. The DPRK denies that it has been involved in kidnappings.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To island beach. According to those arrested, there were several other kidnappings in the late 1970's and early 1980's.

The cases of three ethnic Korean residents of Beijing, China (16, 18, and 20 years of age), reported by Amnesty International in 1995 to have been taken to North Korea against their will, remained unresolved. The three were taken in apparent retaliation for criticism of North Korean human rights violations made by their father, a former prisoner in North Korea, in the Japanese media. The North Korean authorities deny this allegation, claiming that the three brothers were deported to North Korea for breaking Chinese law and that they are living with relatives.

Numerous reports indicate that ordinary citizens are not allowed to mix with foreign nationals, and Amnesty International has reported that a number of North Koreans who maintained friendships with foreigners have disappeared. In at least one case, Amnesty International reported that a

citizen who had disappeared was executed for maintaining a friendship with a Russian national.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While information on recent practices is sparse, credible reports indicate that prisoners are mistreated and that many have died from disease, starvation, or exposure.

The nongovernmental organization (NGO) Human Rights without Frontiers reported refugee accounts that beginning in 2000 prison authorities ordered that newborn babies be put to death, and that a number of babies were killed over the past 2 years. A former North Korean prison guard at a camp reported that guards abused female prisoners sexually.

In 1998 a Polish newspaper reported the experiences of a woman who spent 10 years in a North Korean concentration camp before fleeing first to China and then to South Korea. The approximately 1,800 inmates in this particular camp typically worked 16 to 17 hours a day. The woman reported severe beatings, torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and chemical and biological warfare experiments allegedly conducted on inmates by the army. South Korean media reported that the DPRK State Security Agency manages the camps through use of forced labor, beatings, torture, and public executions.

Prison conditions are harsh. International NGO's and defector sources contend that whole families, including children, are imprisoned together. "Reeducation through labor" is common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. A small number of persons who claimed to have escaped from detention camps

reported that starvation and executions are common. In one prison, clothing reportedly was issued only once in 3 years. Amnesty International has reported the existence of "punishment cells," too low to allow standing upright and too small for lying down flat, where prisoners are kept for up to several weeks for breaking prison rules. Visitors to North Korea report observing prisoners being marched in leg irons, metal collars, or shackles. Amnesty International also has received reports that in some places of detention, prisoners are given little or no food and, when they contract illnesses, are denied medical care. Amnesty International believes that many die of starvation and disease.

A former prison camp inmate who later defected to South Korea told the South Korean press that conditions in prison camps became more difficult as the food crisis worsened in the mid-1990s. With the food ration reduced to 2.6 ounces daily in 1996, 20 percent of the inmates in one camp died. Inmates were forced to find shelter in nearby mountains when authorities destroyed the camp's housing area in 1996 in anticipation of a visit by an international human rights group. The majority of prisoners in the camps were those who had contacted South Koreans, attempted to go to South Korea after defecting to China, those who studied abroad, and members of antigovernment groups.

In 1999 credible witnesses reported that prisoners held on the basis of their religious beliefs repeatedly were treated worse than other inmates were. One witness, a former prison guard, reported that those believing in God were regarded as insane, and the authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked severely and left lying on the ground for days, because a guard overheard her praying for a child who was beaten.

The Government normally does not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Little information is available on criminal justice procedures and practices, and outside observation of the legal system has been limited to "show trials" for traffic violations and other minor offenses.

According to an NGO, family members and other concerned persons find it virtually impossible to obtain information on charges against or the length of sentences of detained persons. Judicial review of detentions does not exist in law or in practice.

Defectors claim that the Government detains between 150,000 to 200,000 persons for political reasons, sometimes along with their family members, in maximum security camps in remote areas. The Government denies the existence of such prison camps but admits that there are "education centers" for persons who "commit crimes by mistake."

A defector who had been a ranking official in the Ministry of Public Security stated that there were two types of detention areas. One consists of closed camps where conditions are extremely harsh and from which prisoners never emerge. In the other, prisoners can be "rehabilitated."

One credible report lists 1 dozen political prisoner camps and approximately 30 forced labor and labor education camps in the country. It is believed that some former high officials are imprisoned in the camps. Visitors formerly were allowed, but currently any form of communication with detainees is said to be prohibited.

In mid-1999, an ethnic Korean with foreign citizenship was arrested for unauthorized contact with North Koreans. This person was detained for 1 month before being released.

In May 1998, a foreigner of Korean descent was detained and held incommunicado for nearly 3 months before he finally was released. In September 1998, another foreigner of Korean descent was held incommunicado for more than 1 month for an unspecified "violation of law" before being released and expelled from the country.

In March 1999, North Korean officials in Thailand tried to detain a Bangkok-based North Korean diplomat, Hong Sun Gyong, and his family. Hong and his wife escaped from their abductors and then requested asylum. Their son was taken to Laos by North Korean officials but subsequently was allowed to rejoin his parents in Thailand.

South Korean newspapers reported in 1997 that family members of North Korean defector Hwang Chang Yop, former head of the Juche Research Institute, and a senior advisor to Kim Il Sung and Kim Jong Il, who defected to South Korea that year, were either under house arrest or incarcerated in political prisons. However, visiting foreigners have seen some members of his family.

The Government is not known to use forced exile. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. Although disabled veterans are treated extremely well, there also are reports that other persons with physical disabilities and those judged to be politically unreliable have been sent to internal exile. Often those relocated are selected on the basis of family background. Nonetheless, there is some evidence that class background is less important than in the past because of the regime's emphasis on the solidarity of the "popular masses," and

united front efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary and individual rights do not exist. The Public Security Ministry dispenses with trials in political cases and refers prisoners to the Ministry of State Security for punishment.

The Constitution contains elaborate procedural protections, and it states that cases should be heard in public and that the accused has the right to a defense; under some circumstances hearings may be closed to the public as stipulated by law. When trials are held, the Government apparently assigns lawyers. Reports indicate that defense lawyers are not considered representatives of the accused; rather, they are expected to help the court by persuading the accused to confess guilt. Some reports note a distinction between those accused of political crimes and common criminals and state that the Government affords trials or lawyers only to the latter. The Government considers critics of the regime to be "political criminals."

Numerous reports suggest that political offenses have in the past included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or (in the case of a professor reportedly sentenced to work as a laborer) noting in class that Kim Il Sung had received little formal education. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kims. Beginning in the 1970's, the 10 Great Principles of Unique Ideology directed that anyone who tore or otherwise defaced a newspaper photo of either of the two Kims was a

political criminal and punished as such. Defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families must display pictures of the two Kims in their homes, and if local party officials find the family has neglected its photos, the punishment is to write self-criticism throughout an entire year (see Section 1.f.).

A foreigner hired to work on foreign broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He was then imprisoned for 6 more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust. While Amnesty International has listed 58 political prisoners by name, the total number of political prisoners being held is much larger. Several defectors and former inmates reported that the total figure is approximately 150,000, while South Korean authorities stated the total figure is about 200,000.

The South Korean Ministry of National Unification reported to its National Assembly in October 1997 that North Korea held more than 200,000 political prisoners in camps where many had frozen or starved to death, and that famine may have worsened conditions. The report went on to describe the camps as having no electricity or heating facilities. The report claimed that those who attempted to escape were executed immediately. Most camps are located in remote mountain or mining areas. Some reports indicated an increase in the number of political prisoners as more persons had begun to complain more openly about the failure of the Government's economic policies.

According to press reports, in late December the Government announced its intention, effective January 1, 2002, to amnesty a number of persons sentenced to labor or reeducation for committing crimes against the state. The amnesty, the country's first in more than 20 years, reportedly is to

mark the birthday of Kim Il Sung. It was not specified how many persons were to be amnestied or what crimes were covered by the amnesty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as alien social concepts subversive to the goals of the State and party. The Government relies upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to massive security checks. The possession of "reactionary material" and listening to foreign broadcasts are both considered crimes that may subject the transgressor to harsh punishments. In some cases, entire families are punished for alleged political offenses committed by one member of the family. For example, defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kims. Families must display pictures of the two Kims in their homes, and must keep them clean. Local party officials have conducted unannounced inspections once per month, and if the inspectors find a family has neglected its photos, the punishment is to write self-criticism throughout an entire year (see Section 1.e.).

The Government monitors correspondence and telephones. Telephones essentially are restricted to domestic operation although some international service is available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration is submitted, the Ministries of State Security and Public Safety seek to identify the

author through handwriting analysis. The suspected individual may be subjected to a thorough investigation and punishment.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the juche idea." The authorities emphasize that the core concept of juche is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, juche is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change and is used by the regime as a "spiritual" underpinning for its rule.

As defined by Kim Il Sung, juche is a quasi-mystical concept in which the collective will of the people is distilled into a supreme leader whose every act exemplifies the State and society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime is thus in itself opposition to the national interest. The regime, therefore, claims a social interest in identifying and isolating all opposition.

Since the late 1950's the regime has divided society into three main classes: "core," "wavering," and "hostile." These three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there are signs that this rigid system has been relaxed somewhat in recent years--for example, children of religious practitioners are no longer automatically barred from higher education--it remains a basic characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appear to be classified as part of the "hostile class" in the Government's elaborate loyalty system. This subcategory alone encompasses a significant percentage of the population. One defector estimated that the class of those considered potentially hostile may comprise 25 to 30 percent of the population; others place the figure at closer to 20 percent. Members of this class still are subject to discrimination, although defectors report that their treatment has improved greatly in recent years.

The authorities subject citizens of all age groups and occupations to intensive political and ideological indoctrination. Even after Kim Il Sung's death, his cult of personality and the glorification of his family and the official *juche* ideology remained omnipresent. The cult approaches the level of a state religion.

The goal of indoctrination remains to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination repeatedly is stressed in the writings of Kim Jong Il, who attributes the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination is carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he also has called for the intensification of mandatory ideological study and discussion sessions for adult workers.

Another aspect of the State's indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of

thousands of persons. In September 1998, celebrations of the 50th anniversary of the founding of the DPRK included hours of carefully choreographed demonstration of mass adulation of the leadership. In October 2000, similar celebrations of the 55th anniversary of the KWP reportedly involved upwards of 1 million persons. According to news reports, hundreds of thousands of citizens were mobilized to greet and perform for China's President, Jiang Zemin, when he visited North Korea in September.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and the press, the Government prohibits the exercise of these rights in practice. Articles of the Constitution that require citizens to follow "socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties. The regime only permits activities that support its objectives.

The Government strictly curtails freedom of speech. The authorities may punish persons for criticizing the regime or its policies by imprisonment or "corrective labor." There have been reports that persons have been placed under surveillance through their radio sets, and imprisoned and executed for statements made at home that were critical of the regime. Amnesty International reports that a family formerly resident in Japan was sent to a "reeducation-through-labor" center because one member of the family allegedly made remarks disparaging the Government.

The Government attempts to control all information. Claiming that the country is under continuing threat of armed aggression, the Government carefully manages the visits of foreign journalists. On occasion, when it serves its agenda, the Government allows foreign media to cover some

events. A Russian news agency interviewed Kim Jong Il in July, and a large international press group accompanied a European Union (EU) delegation that visited in May. Members of the press group reportedly were allowed to visit a school and to talk to some ordinary persons. During the June 2000 inter-Korean summit, and during the October 2000 visit of the U.S. Secretary of State, groups of foreign journalists were permitted to accompany official delegations and to file reports, although under strict state monitoring. Also, the presidents of 46 South Korean newspaper and broadcast organizations, led by the South Korean Minister of Culture and Tourism, traveled to the country in August 2000 and met with Kim Jong Il. The regime has allowed foreign journalists to report on the food situation. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997. Although more foreign journalists have been allowed into the country, the Government still maintains strict control over the movements of foreign visitors. For example, journalists accompanying the U.S. Secretary of State were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay (see Section 2.d.). Domestic media censorship is enforced strictly, and no deviation from the official government line is tolerated.

The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. CNN television broadcasts are available in a Pyongyang hotel frequented by foreigners. Private telephone lines operate on an internal system that prevents making and receiving calls from outside the country. International phone lines are available under very restricted circumstances. According to a press report, there may be very limited Internet access in the country for

government officials; an Internet service provider based in China has begun e-mail service that may link to an Intranet used by senior officials.

Late in 1997, the Government published threats against the South Korean media for criticizing the North Korean leadership. The first instance was in response to a South Korean newspaper editorial; the second in reaction to a television drama about life in North Korea. The DPRK defended having made the threat and reiterated its criticism of the newspaper during the summer of 2000.

The Government severely restricts academic freedom and controls artistic and academic works. Visitors report that one of the primary functions of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il. The Government reportedly has reached an agreement with a foreign NGO to allow the establishment of a university to be run jointly by the Government and the NGO. The university would be the first semiprivate educational institution in the country.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, the Government does not respect this provision in practice. The Government prohibits any public meetings without authorization.

Although the Constitution provides for freedom of association, the Government does not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

c. Freedom of Religion

The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity except that which is supervised by officially recognized groups. Genuine religious freedom does not exist. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security."

Although in the past the Government has branded religiously active persons as "counterrevolutionaries" and killed or imprisoned them, in more recent times, it has allowed the formation of several government-sponsored religious organizations. These serve as interlocutors with foreign church groups and international aid organizations. Foreigners who have met with representatives of these organizations believe that some are genuinely religious but note that others appear to know little about religious dogma, liturgy, or teaching. A constitutional change in 1992 deleted the clause about freedom of antireligious propaganda, authorized religious gatherings, and provided for "the right to build buildings for religious use."

The number of religious believers is unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. There also are an undetermined number of persons belonging to underground Christian churches. In addition, the Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, still is in existence. There are 300 Buddhist temples. Most of the temples are regarded as cultural relics, but in some of them religious activity is permitted. Two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have been opened since 1988 in Pyongyang. Several schools for religious education exist. There are 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the

foreign trade sector.

There has been a limited revival of Buddhism with the translation and publication of Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at an historic temple. It is not known whether any Catholic priests, whose role is a fundamental element for the practice of the Catholic faith, remain in the country. Seoul Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted in July 2000 as stating that while there were 50 priests in the country in the 1940's, it is not known if they are still alive today. Hundreds of religious figures have visited the country in recent years, including papal representatives and religious delegations from South Korea, the U.S., and other countries. Overseas religious relief organizations have been active in responding to the country's food crisis. Although some foreigners who have visited the country over the years state that church activity appears staged, others believe that church services are genuine, although sermons contain both religious and political content supportive of the regime. The Government claims that there are more than 500 authorized "house churches."

Persons engaging in religious proselytizing may be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appears to have cracked down on unauthorized religious groups in recent years, especially persons who proselytize or who have ties to overseas evangelical groups operating across the border with China. The Government appears concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with China becoming entwined with more political goals, including overthrow of the regime. The food crisis apparently has heightened government concern about antiregime activity. An article in the KWP newspaper in 1999 criticized "imperialists and reactionaries" for trying to use ideological and cultural infiltration, including religion, to destroy socialism from within.

South Korean law requires all parties, including religious groups, traveling to North Korea or contacting North Koreans to request permission from the South Korean security agency. This requirement increases suspicions among North Korean officials about the intentions of such groups.

There is no reliable information on the number of religious detainees or prisoners, but there have been unconfirmed reports that some of those detained in the country are detained because of their religion.

Religious and human rights groups outside the country have provided numerous, unconfirmed reports that members of underground churches have been beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that a dozen Christians have been executed since January 1999. According to another unconfirmed report, 23 Christians were executed between October 1999 and April 2000; some reportedly were executed under falsified criminal charges, and some reportedly were tortured prior to their executions. Seven Christian men, ranging in age from 15 to 58 years, were killed in April 2000, according to an unconfirmed report. A religious NGO quoted an unnamed South Korean pastor's claims that 400 Christians were executed in 1999. These reports could not be confirmed or disproved because of the effectiveness of the Government in barring outside observers. Nonetheless, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports. The regime deals harshly with its critics and views religious believers belonging to underground congregations or with ties to evangelical groups in North China as opponents. Reports of executions, torture, and imprisonment of religious persons in the country continue to emerge.

Little is known about the actual life of religious persons in the country. Members of government-recognized religious groups do not appear to suffer discrimination; in fact, some reports claim they have been mobilized

by the regime. Persons whose parents were believers but who themselves are nonpracticing are able to rise to at least the midlevels of the bureaucracy. Such individuals, as a category, suffered broad discrimination in the past. Members of underground churches connected to border missionary activity appear to be regarded as subversive elements.

The Government deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. In April 1999, witnesses testified before the U.S. Congress on the treatment of persons held in prison camps through the early 1990's. The witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates were. One witness, a former prison guard, testified that those believing in God were regarded as insane, as the authorities taught that "all religions are opiates"(see Section 1.c.). He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten. Because of the effectiveness of the Government in barring outside observers, such allegations could not be substantiated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the Constitution provides for the "freedom to reside in or travel to any place," the Government does not respect these rights in practice. In the past, the regime has controlled strictly internal travel, requiring a travel pass for any movement outside one's home village. These passes were granted only for official travel or attendance at a relative's wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent years, it appears that the internal controls on travel have eased significantly. Due to the worsening food conditions in the country, the

Government at times has taken a benign approach to those who violate internal travel rules, allowing citizens to leave their villages to search for food, and there are reports of large-scale movement of persons across the country in search of food. Only members of a very small elite have vehicles for personal use. The regime tightly controls access to civilian aircraft, trains, buses, food, and fuel.

The Government strictly controls permission to reside in, or even enter, Pyongyang. This is a significant lever, since food, housing, health, and general living conditions are much better in Pyongyang than in the rest of the country.

The regime issues exit visas for foreign travel only to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. Following the collapse of European communism, the regime recalled several thousand students from overseas, but recently has again allowed small numbers of students to study abroad. In recent years, there have been numerous reports of a steady increase in North Korean migrants arriving in China, Hong Kong, Vietnam, and other Asian countries. The regime reportedly retaliates against the relatives of some of those who manage to escape. According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. Nonetheless, in recent years substantial numbers of persons have fled to neighboring countries in search of food. Many return after securing food. However, there have been unconfirmed reports that some would-be refugees who have been involuntarily returned have been executed (see Section 1.a). Reports of increased deportations of North Koreans from China may have resulted from China's recent "Strike-Hard" anti-crime campaign. Some migrants have stated that DPRK border guards have received orders to shoot-to-kill persons attempting to cross the border into China, although some border crossings for family visits and trade are permitted.

The Chinese Government states that there are only a few hundred North Koreans in China, others estimate that there are at least tens of thousands and perhaps hundreds of thousands. Most have crossed the border clandestinely in small groups to seek food, shelter, and work. In June a family of seven North Koreans that sought refuge in the U.N. High Commissioner for Refugees' (UNHCR) Beijing office were subsequently permitted to leave China for South Korea; according to Amnesty International, the whereabouts of five North Koreans who arrived in China with the family but were forcibly returned to North Korea are unknown. In January 2000, China returned to the DPRK seven persons who had been granted refugee status by the UNHCR in Russia in December 1999 but were forced back into China. How the DPRK authorities dealt with the seven is unknown.

Amnesty International has reported serious human rights abuses involving North Korean workers and refugees living in Russia. There are about 6,000 DPRK workers in North Korean-run camps in the Russian Far East engaged in farming, mining, and construction; these workers were selected by the Government to work in Russia. Conditions in these camps are harsh; food is scarce; and discipline is severe. In the past, there have been allegations that discipline includes physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions in these camps in the early 1990's.

Other North Koreans in Russia include those who were selected to work in Russia but refused to return to the DPRK and those who have fled into Russia from the DPRK. Until 1993 under a secret protocol, the DPRK Public Security Service reportedly was allowed to work inside Russia to

track down workers who fled the camps. Since 1993 many North Koreans have been engaged in business in the Russian Far East.

Many North Koreans in Russia face severe hardship due to their lack of any identification. Workers arriving in Russia usually have their passport and other identification confiscated by North Korean border guards.

The DPRK Government reportedly tried to prevent persons from staying in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that persons with criminal records be returned to their country.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. Many, however, have not been heard from, and their relatives and friends in Japan have been unsuccessful in their efforts to gain information about their condition and whereabouts.

The DPRK and the Japanese Governments held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK Government agreed to allow some Japanese wives resident in the DPRK to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for 1 week in January and February 1998. However, in June 1999 the DPRK Government cancelled a visit by Japanese wives to Japan, citing "artificial hurdles and inhuman acts on the Japanese side." The visits resumed after the Japanese Government and the DPRK Government

restarted normalization talks in April 2000. A group of 16 Japanese wives visited Japan from September 12 to 16, 2000; however, no visits took place during the year.

Although the Government has permitted an increasing number of overseas Koreans to visit their relatives in North Korea over the past decade, most requests for such visits are still denied. In August and December 2000, and in February 2001, the DPRK and the Republic of Korea sent delegations of members of separated families to each other's capitals for family reunion meetings. However, the meetings generally were of limited duration and certain topics were not allowed to be discussed. A fourth reunion was scheduled for October; however, the Government cancelled the meetings citing South Korea's nation-wide security alert issued following the September 11 terrorism attacks in the U.S.. Many foreign visitors to the 1995 International Pyongyang Sports Festival reported that they were denied permission to visit or otherwise contact their relatives, even those who lived only a few miles from Pyongyang.

Although more foreign journalists, diplomats, and representatives of humanitarian organizations have been allowed into the country, the Government still maintains the strictest control over the movements of foreign visitors. For example, journalists accompanying the U.S. Secretary of State in 2000 were not allowed to visit a department store or a train station; they were not allowed to talk to officials or to persons on the street. Those who arrived with cellular or satellite phones had them confiscated for the duration of their stay (see Section 2.a.). In August the Government allowed over 300 South Korean citizens to visit the country to participate in Liberation Day festivities; this was reportedly the largest South Korean delegation ever to visit the country.

Reports, primarily from refugees, indicate that the Government routinely uses forced resettlement, particularly for those deemed politically unreliable.

Although a member of the United Nations, the country does not participate in international refugee forums, and it is not in contact with the UNHCR. There is no known policy or provision for refugees, asylees, or first asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right or mechanisms to change their leadership or government peacefully. The political system is dominated completely by the KWP, with Kim Il Sung's heir Kim Jong Il in full control. Very little reliable information is available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days per year, serves only to rubber-stamp resolutions presented to it by the party leadership. In 1997 Kim Jong Il acceded to the position of General Secretary of the KWP. In 1998 the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position the "highest office of State." The presidency was abolished, leaving the late Kim Il Sung as the country's only President. The titular head of state is Kim Yong Nam, the President of the Presidium of the SPA.

In an effort to give the appearance of democracy, the Government has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the SPA. Their primary purpose appears to be promoting government objectives abroad as touring parliamentarians. Free elections do not exist, and the regime has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay.

Elections to the SPA and to provincial, city, and county assemblies are

held irregularly. In 1998 SPA elections were held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections have produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members work to implement decrees formulated by the Party's small elite.

The percentage of women in government and politics does not correspond to their percentage of the population. Women reportedly make up 20 percent of the membership of the SPA, but only about 4 percent of the membership of the Central Committee of the KWP.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. Although a North Korean Human Rights Committee was established in 1992, it denied the existence of any human rights violations in the country. However, by offering international human rights organizations an identifiable official interlocutor, the Committee helped increase the ability of international human rights organizations to enter into two-way communication with the regime.

Although the World Food Program (WFP) has been given access to most counties in North Korea, it has been excluded from several dozen. The Government has allowed the WFP slightly more access than in the past to visit institutions receiving food aid and has permitted the agency to conduct additional surveys. In September the Government permitted Japanese officials to observe the distribution of Japanese-donated rice for a few days. Foreign aid workers and aid workers from international organizations, who provide substantial food aid, frequently are denied

access to sites where this food is distributed, and thus are unable consistently to verify that the aid reaches its intended recipients. Many foreign NGO's report being charged large fees by Government officials to get visas for foreign staff, to set up offices, and to establish programs. There have been reports of abduction of ethnic Korean aid workers by government officials; some victims were required to pay a large fine to obtain their release.

In April 1998, during the 54th meeting of the U.N. Commission on Human Rights, the North Korean delegation accused the international community of slandering the Government's human rights record, adding that the DPRK Government would not tolerate "any attempt to hurt the sovereignty and dignity of the country under the pretext of human rights." In July a North Korean delegate reporting to the U.N. Human Rights Committee dismissed reports of human rights violations in the country as the propaganda of "egoistic" and "hostile forces" seeking to undermine the sovereignty of the country.

In 1996 a delegation from Amnesty International visited the country and discussed legal reforms and prisoner cases with senior government officials. The Government has ignored requests for visits by other international human rights organizations, and none are known to have visited. The Government has reestablished diplomatic ties with a number of countries that have sought to engage it on human rights. Following a high-level EU delegation visit to Pyongyang in May, government officials discussed human rights with EU representatives in June; no significant progress resulted. The DPRK participants in the talks told the EU that the Government had ratified all U.N. human rights instruments except those on torture and racial discrimination, which were "being examined."

In August 1997, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the

Government for its human rights practices. The DPRK Government subsequently announced that it would withdraw from the International Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant. In August 1998, the Human Rights Committee readopted a resolution urging the DPRK Government to improve its human rights record. In 2000 and during the year, the Government submitted reports on human rights to the U.N. Human Rights Committee after failing to submit such reports for 16 years.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, in practice the Government denies its citizens most fundamental human rights. There was pervasive discrimination on the basis of social status.

Women

There is no information available on violence against women.

The Constitution states that "women hold equal social status and rights with men." However, although women are represented proportionally in the labor force, few women have reached high levels of the party or the Government. In many small factories, the work force is predominantly female. Like men, working-age women must work. They are thus required to leave their preschool children in the care of elderly relatives or in state nurseries. However, according to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into

China (see Sections 6.c. and 6.f.).

Children

Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. However, some children are denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of their parents (see Section 1.f.).

Like others in society, children are the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources report that children from an early age are subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes are sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

According to the WFP, the international community is feeding nearly every child under the age of 7 years. In some remote provinces, many persons over the age of 6 years reportedly appear to be suffering from long-term malnutrition. A nutrition survey carried out by UNICEF and the WFP in the aftermath of flood disasters found that 16 percent of children under 7 years of age suffered from acute malnutrition and that 62 percent suffered from stunted growth. In 1997 a senior UNICEF official said that approximately 80,000 children in North Korea were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree.

In practice children do not enjoy any more civil liberties than adults. In June 1998, the U.N. Committee on the Rights of the Child (UNCRC)

released its concluding observations on a February 1996 report submitted by the Government, detailing its adherence to the International Convention on the Rights of the Child. The UNCRC found that the Government's strategy, policies, and programs for children do not fully reflect the rights-based approach enshrined in the convention. The UNCRC also expressed concern over de facto discrimination against children with disabilities and at the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and social services, and to facilitate their full integration into society.

In the fall of 1998, the NGO's Doctors Without Borders (DWB) and Doctors of the World closed their offices in the country because the Government reportedly denied them access to a large population of sick and malnourished children. DWB officials stated that they had evidence that orphaned and homeless children had been gathered into so-called "9-27 camps." These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to "normalize" the country. Refugees who have escaped from the 9-27 camps into China have reported inhuman conditions.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among persons crossing the border into China (see Sections 6.c. and 6.f.).

Persons with Disabilities

Traditional social norms condone discrimination against persons with physical disabilities. Apart from veterans with disabilities, persons with disabilities almost never are seen within the city limits of Pyongyang, and several defectors and other former residents report that persons with disabilities are assigned to the rural areas routinely. According to one report, authorities check every 2 to 3 years in the capital for persons with

deformities and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility to buildings or government services for persons with disabilities. In a 1998 statement, the UNCRC criticized "de facto discrimination" in the country against children with disabilities.

Section 6 Worker Rights

a. The Right of Association

Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions function on the classic "Stalinist model," with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities. Unions do not have the right to strike.

The country is not a member of, but has observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigns all jobs. Ideological purity is as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions.

There is one free enterprise zone (FEZ) in the Rajin-Songbon area. However, there are no reports of special hiring and other labor practices in the FEZ, and it is believed that workers in the FEZ are carefully screened and selected. The Korean Peninsula Energy Development Organization negotiated a separate protocol and service contracts for workers at the site of its light water reactor project. The government agency, which supplied the labor to KEDO, bargained effectively on the workers behalf (see Section 6.e.).

c. Prohibition of Forced or Compulsory Labor

In its 2000 and 2001 reports to the U.N. Human Rights Committee, the Government claimed that its laws prohibit forced or compulsory labor. However, the Government frequently mobilizes the population for construction projects. Military conscripts routinely are used for this purpose as well. "Reformatory labor" and "reeducation through labor" are common punishments for political offenses. Amnesty International reports that forced labor, such as logging and tending crops, is common among prisoners. School children are assigned to factories or farms for short periods to help meet production goals (see Section 5).

The Constitution requires that all citizens of working age must work in full compliance with working discipline and working hours. The Penal Code provides for the death penalty for any individual who hinders the nation's industry, trade, or the transport system by purposely failing to fulfill a specific duty. It also states that anyone failing to carry out an assigned task properly is subject to at least 5 years in prison (see Section 6.e.).

There are reports of the trafficking of women and young girls among citizens crossing the border into China. Many become brides, but some work in the sex industry. Many reportedly are held as virtual prisoners

(see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

According to the Constitution, the State prohibits work by children under the age of 16 years. There is no prohibition on forced labor by children, and school children are assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

There are reports of trafficking in young girls among citizens crossing into China, some to become brides and others forced to work in the sex industry (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work

No data is available on the minimum wage in state-owned industries. Until the recent food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, while only token rent is charged. The minimum wage for workers in the FEZ is approximately \$80 per month; in foreign-owned and joint venture enterprises outside the FEZ the minimum wage is reportedly close to \$110 per month. It is not known what proportion of the foreign-paid wages go to the worker and what proportion remains with the State. KEDO, the international organization charged with implementation of a light-water reactor and other projects, has concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who are to work on KEDO projects. Unskilled laborers receive about \$110 per month while skilled laborers are paid slightly more depending on the nature of the work performed (see Section 6.b.).

The Constitution states that all working-age citizens must work and "strictly observe labor discipline and working hours." The Penal Code states that anyone who hampers the nation's industry, commerce, or transportation by intentionally failing to carry out a specific assignment "while pretending to be functioning normally" is subject to the death penalty; it also states that anyone who "shoddily carries out" an assigned duty is subject to no less than 5 years' imprisonment (see Section 6.c.).

Even persistent tardiness may be defined as "anti-Socialist wrecking" under these articles, although as a result of food shortages absenteeism reportedly has become widespread as more time must be spent finding food. A government official described the labor force to an audience of foreign business executives by noting that "there are no riots, no strikes, and no differences of opinion" with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources report that most laborers work from 12 to 16 hours daily when factories are operating. Some of this additional time may include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Many worksites are hazardous, and the rate of industrial accidents is high. It is believed that workers do not have the right to remove themselves from hazardous working conditions without jeopardizing their employment.

f. Trafficking in Persons

There are no known laws specifically addressing the problem of trafficking in persons. There have been reports of trafficking in women and young girls among citizens crossing the border into China. Some were sold by their families as wives to men in China. A network of smugglers reportedly facilitates this trafficking. Many such women, unable to speak Chinese, are held as virtual prisoners. Many end up working as prostitutes (see Sections 5 and 6.c.).

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

*The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions there. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the human rights situation in North Korea today.

4. 미 국무부 2001 국제종교자유실태보고서

International Religious Freedom Report

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The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity, except that which is supervised by officially recognized groups. Genuine religious freedom does not exist.

There was no change in the status of respect for religious freedom during the period covered by this report. The regime appears to have cracked down on unauthorized religious groups in recent years, and there have been unconfirmed reports of the killing of members of underground Christian churches. In addition religious persons who proselytize or who have ties to overseas evangelical groups operating across the border with China appear to have been arrested and subjected to harsh penalties, according to several unconfirmed reports. In the late 1980's, there was some easing of religious discrimination policies when the Government initiated a campaign highlighting President Kim Jong Il's "benevolent policies." Government sponsored religious groups that were established at that time continue to operate, and foreign religious leaders visited the country during the period covered by this report. The inter-Korean summit in mid-2000 led to an increase in contacts with the Republic of Korea; its impact on the religious freedom situation remains unclear. There was no information available on societal attitudes toward religious freedom. The U.S. Government does not have diplomatic relations with the Democratic People's Republic of Korea (DPRK), and information about the situation for religious freedom in the country is limited. The Government maintains tight and effective control on information on conditions in the country.

North Korea does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would

enable them to assess human rights conditions fully there. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the religious freedom situation in North Korea today.

Section I. Religious Demography

The country has a total land area of approximately 47,000 square miles, and the population is approximately 21 million. The number of religious believers is unknown but has been estimated at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. In addition the Chondogyo Young Friends Party, a government-sponsored group based on a traditional religious movement, is still in existence. There has been a limited revival of Buddhism with the translation and publication of Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at an historic temple. In the late 1980's, the Government sent two Roman Catholic men to study religion in Rome. However, the two returned before being ordained priests, and it still is not known whether any Catholic priests, whose role is a fundamental element for the practice of the Catholic faith, remain in the country. Seoul Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted in July 2000 as stating that while there were 50 priests in the country in the 1940's, it was not known if they still were alive in July 2000.

Two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have been opened since 1988 in Pyongyang. One of the Protestant churches is dedicated to the memory of North Korean former leader Kim Il Sung's mother, Kang Pan Sok, who was a Presbyterian deacon. Several foreigners resident in Pyongyang attend Korean services at these churches on a regular basis. Although some foreigners who have visited the country over the years stated that church activity appears staged, others believe that church services are genuine, although sermons contain both religious and political content supportive of

the regime. The Government claims, and visitors confirm, that there are more than 500 authorized "house churches." Hundreds of religious figures have visited the country in recent years, including papal representatives, the Reverend Billy Graham, and religious delegations from the Republic of Korea, the United States, and other countries. A Vatican delegation, including Archbishop Celestino Migliore, Vatican undersecretary for relations with states, visited the country in November 2000. The delegation reported a meeting with the Catholic community in Pyongyang, and a meeting with the leader of the Association of North Korean Catholics. Overseas religious relief organizations also have been active in responding to the country's food crisis. An overseas Buddhist group has been operating a factory in the Najin-Sonbong Free Trade Zone since 1998 to produce food for preschool children.

There are 300 Buddhist temples. Most of the temples are regarded as cultural relics, but in some of them religious activity is permitted.

There have been unconfirmed reports of members of underground Christian churches.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity, except that which is supervised by officially recognized groups. Genuine religious freedom does not exist. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security."

During and immediately after the Korean War of 1950-53, large numbers of religiously active persons were identified by the Government as "counterrevolutionaries," and many of them were killed or imprisoned in

concentration camps. The peak of this oppression was in the early 1970's when a constitutional revision added a clause regarding "freedom of antireligious activity." The Government began to moderate its religious discrimination policies in the late 1980's, when it launched a campaign highlighting Kim Jong Il's "benevolent politics." As part of this campaign, the regime eased the system that it had instituted after a period of factional strife in the 1950's of classifying the population into dozens of rigidly defined categories according to family background and loyalty to the regime, and allowed the formation of several government-sponsored religious organizations. These organizations serve as interlocutors with foreign church groups and international aid organizations. Foreigners who have met with representatives of these organizations believe that some members are genuinely religious but note that others appear to know little about religious dogma or teaching. Although the organizations continue to operate and visits by foreign religious figures have increased, the Government appears to have suppressed unauthorized religious groups in recent years. In particular, religious persons who proselytize or who have ties to overseas evangelical groups operating across the border with China appear to have been arrested and subjected to harsh penalties, according to several unconfirmed reports. The inter-Korean summit in mid-June 2000 led to an increase in contacts with persons in the Republic of Korea; its impact on religious freedom in North Korea remains unclear.

A constitutional change in 1992 deleted the clause about freedom of antireligious propaganda, authorized religious gatherings, and provided for "the right to build buildings for religious use."

Several schools for religious education exist. There are 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector. A Protestant seminary was reopened in 2000 with assistance from foreign missionary groups; however, critics, which included at least one church official providing assistance, stated that the Government opened the seminary only

to train personnel to facilitate reception of assistance funds from foreign faith-based nongovernmental organizations (NGO's).

Restrictions on Religious Freedom

Persons engaging in religious proselytizing may be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The Government appears concerned that religiously based South Korean relief and refugee assistance efforts along the northeast border with the People's Republic of China may become entwined with more political goals, including overthrow of the regime. The food crisis apparently has heightened government concern about antiregime activity. An article in the Korean Workers Party newspaper in 1999 criticized "imperialists and reactionaries" for trying to use ideological and cultural infiltration, including religion, to destroy socialism from within. South Korean law requires all parties, including religious groups, traveling to North Korea or contacting North Koreans to request permission from the South Korean security agency. This requirement increases suspicions among North Korean officials about the intentions of such groups.

Little is known about the actual life of religious persons in the country. Members of government-recognized religious groups do not appear to suffer discrimination; in fact, some reports claim that they have been mobilized by the regime. Persons whose parents were believers but who themselves are nonpracticing are able to rise to at least the middle levels of the bureaucracy, despite their family background. Such individuals, as a category, suffered broad discrimination in the past. Members of underground churches connected to border missionary activity appear to be regarded as subversive elements.

Abuses of Religious Freedom

The Government deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. In April 1999, witnesses testified on the treatment of persons held in prison camps

through the early 1990's. The witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates were. One witness, a former prison guard, testified that because the authorities taught that "all religions are opium," those believing in God were regarded as insane. He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten. Because the country is a closed society, such allegations could not be substantiated.

Religious and human rights groups outside the country have provided numerous, unconfirmed reports that members of underground churches have been beaten, arrested, or killed because of their religious beliefs. One unconfirmed report stated that 1 dozen Christians were killed by government authorities between October 1999 and April 2000. According to another unconfirmed report, 7 Christian men, ranging in age from 15 to 58 years, had been killed in April 2000. According to another unconfirmed report, 23 Christians were killed between October 1999 and April 2000; some reportedly were killed under falsified criminal charges, and some reportedly were tortured prior to their deaths. A religious NGO quoted an unnamed South Korean pastor's claims that 400 Christians were killed in 1999. These reports could not be confirmed or disproved because of the effectiveness of the Government in barring outside observers.

Nonetheless, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports. The regime deals harshly with its critics, and views religious believers belonging to underground congregations or with ties to evangelical groups in North China as opponents. Reports of executions, torture, and imprisonment of religious persons in the country continue to emerge.

The regime appears to have cracked down on unauthorized religious groups in recent years, especially persons who proselytize or who have ties to overseas evangelical groups operating across the border with China. There were several unconfirmed reports of killings of such persons during

the year covered by the report. News reports indicated that the Government had taken steps to tighten control and increased punishments at the Chinese border, increasing the award for information on any person doing missionary work. One South Korean missionary asserted that the Government was conducting "education sessions" as a means for identifying Christian leaders so that they could be apprehended. There is no reliable information on the number of religious detainees or prisoners, but there have been unconfirmed reports that some of those detained in the country are detained because of their religion.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

There was no information available on societal attitudes toward religious freedom. The regime does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess religious freedom in the country fully. The Unification Church, which has business ventures in the country, is constructing an interfaith religious facility in Pyongyang.

Section IV. U.S. Government Policy

The United States does not have diplomatic relations with the Democratic People's Republic of Korea and has no official presence there. The country is a closed society and is extremely averse and resistant to outside influences. U.S. policy allows U.S. citizens to travel to the country, and a number of churches and religious groups have organized efforts to alleviate suffering caused by shortages of food and medicine.

* The United States does not have an embassy in North Korea. This report draws heavily on non-U.S. Government sources.

5. 미 국무부 2002 국제종교자유실태보고서

Korea, Democratic People's Republic of

International Religious Freedom Report 2002

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity, except that which is supervised tightly by officially recognized groups linked to the Government. Genuine religious freedom does not exist.

There was no change in the extremely poor level of respect for religious freedom during the period covered by this report. The regime appears to have cracked down on unauthorized religious groups in recent years, and there have been unconfirmed reports of the killing of members of underground Christian churches. In addition religious persons who proselytize or who have ties to overseas evangelical groups operating across the border with the People's Republic of China (PRC) appear to have been arrested and subjected to harsh penalties, according to several unconfirmed reports. In the late 1980's, there was some easing of religious discrimination policies when the Government initiated a campaign highlighting the "benevolent politics" of the country's leader at that time, Kim Il Sung. Government-sponsored religious groups that were established at that time continue to operate. The Government allowed some foreign religious leaders to visit the country during the period covered by this report. The inter-Korean summit in mid-2000 led to an increase in contacts with the Republic of Korea; the impact of these contacts on the religious freedom situation remains unclear.

There was no information available on societal attitudes toward religious freedom.

The U.S. Government does not have diplomatic relations with the Democratic People's Republic of Korea (DPRK), and information about the situation for religious freedom in the country is limited. The Government maintains tight and effective control on information on conditions in the country. In October 2001, the Secretary of State designated the DPRK as a "Country of Particular Concern" for particularly severe violations of religious freedom.

The Government does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would enable them to assess fully human rights conditions in the country. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the religious freedom situation in the country today.

Section I. Religious Demography

The country has a total area of approximately 47,000 square miles, and its population is approximately 21 million. The number of religious believers is unknown but has been estimated by the Government at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. Estimates by South Korean church-related groups are considerably higher. In addition the Chondogyo Young Friends Party, a government-approved group based on a traditional religious movement, still exists. According to the Government, the number of practitioners of the Chondogyo religion is approximately 40,000. There has been a limited revival of Buddhism with the translation and publication of Buddhist scriptures that had been carved on 80,000 wooden blocks and kept at the Haeinsa temple in the South. In the late 1980's, the Government sent two Roman Catholic men to study for ordination in Rome. However, the two returned before being ordained priests, and it still is not known whether any Catholic priests, whose role is a fundamental element for the practice of the Catholic faith, remain in the country. Seoul

Archbishop Nicholas Jin-Suk Cheong, appointed by the Pope as Apostolic Administrator of Pyongyang, was quoted in July 2000 as stating that while there were 50 priests in the country in the 1940's, it was not known if they still were alive in July 2000. In 2002, according to a South Korean press report, the chairman of the Association of North Korean Catholics stated that the Catholic community in the North has no priest, but that weekly prayer services are held at the Changchung Catholic Church in Pyongyang.

Two Protestant churches under lay leadership--the Pongsu and Chilgok churches--and a Roman Catholic church (without a priest) have been open since 1988 in Pyongyang. One of the Protestant churches is dedicated to the memory of former North Korean leader Kim Il Sung's mother, Kang Pan Sok, who was a Presbyterian deacon. Several foreigners resident in Pyongyang attend Korean services at these churches on a regular basis. Although some foreigners who have visited the country over the years stated that church activity appears staged, others believe that church services are genuine, although sermons contain both religious and political content supportive of the regime. The Government claims, and some visitors agree, that there are more than 500 authorized "house churches." Hundreds of religious figures have visited the country in recent years, including papal representatives, the Reverend Billy Graham, and religious delegations from the Republic of Korea, the United States, and other countries. Vatican representatives, including Archbishop Celestino Migliore, Vatican Undersecretary for Relations with States, visited the country in November 2000 and in May 2002. On each occasion, the delegation reported meeting with the Catholic community in Pyongyang, and with officials of the Association of North Korean Catholics. During the 2002 visit, the delegation celebrated the Feast of the Ascension with the local and international Catholic community at the Changchung Church in Pyongyang. In July 2001, a delegation from the Seoul Archdiocese of the Catholic Church visited the country and met with officials of the Association of North Korean Catholics. Overseas religious relief organizations also have been active in responding to the country's food

crisis. An overseas Buddhist group has been operating a factory in the Najin-Sonbong Free Trade Zone since 1998 to produce food for preschool children. A noodle factory established by contributions from Catholics from the Seoul Archdiocese opened in 2001. The Unification Church, which has business ventures in the country, is constructing an interfaith religious facility in Pyongyang.

There are an estimated 300 Buddhist temples in the country. Most of the temples are regarded as cultural relics, but religious activity is permitted in some of them. On June 4, 2002, Kim Jong Il visited the Ryangchon Buddhist temple in South Hamgyong Province. Although his comments during the visit centered on preserving the country's cultural relics, his appearance at any religious site is noteworthy.

There have been unconfirmed reports of members of underground Christian churches. Some older citizens who were religious believers before 1953 reportedly have maintained their faith in secret over the years.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for "freedom of religious belief;" however, in practice the Government discourages organized religious activity, except that which is supervised by officially recognized groups. Genuine religious freedom does not exist. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security."

"Juche," or self-reliance, the Government's cult of personality and state ideology, has become a kind of civil religion used by the Government as a "spiritual" underpinning for its rule. As defined by Kim Il Sung, juche is a quasi-mystical concept in which the collective will of the populace is distilled into a supreme leader. Refusal on religious or other grounds to

accept the leader as the supreme authority exemplifying the State and society's needs thus is regarded as opposition to the national interest.

Until the 1940's, Pyongyang was a major center of Christianity on the Korean Peninsula. However, many Christians in the North fled to the South between 1945 and 1953. During and immediately after the Korean War of 1950-53, large numbers of religiously active persons were identified by the Government as "counterrevolutionaries," and many of them were killed or imprisoned in concentration camps. The peak of this oppression was in the early 1970's when a constitutional revision added a clause regarding "freedom of antireligious activity." The Government began to moderate its religious discrimination policies in the late 1980's, when it launched a campaign highlighting Kim Il Sung's "benevolent politics." As part of this campaign, the regime eased the system that it had instituted after a period of factional strife in the 1950's of classifying the population into dozens of rigidly defined categories according to family background and loyalty to the regime, and allowed the formation of several government-sponsored religious organizations. These organizations serve as interlocutors with foreign church groups and international aid organizations. Foreigners who have met with representatives of these organizations believe that some members genuinely are religious but note that others appear to know little about religious dogma or teaching. Although the organizations continue to operate and visits by foreign religious figures have increased, the Government appears to have suppressed unauthorized religious groups in recent years. In particular, religious persons who proselytize or who have ties to overseas evangelical groups operating across the border with China appear to have been arrested and subjected to harsh penalties, according to several unconfirmed reports. A constitutional change in 1992 deleted the clause regarding freedom of antireligious propaganda, authorized religious gatherings, and provided for "the right to build buildings for religious use."

The inter-Korean summit in mid-June 2000 led to an increase in contacts with persons in the Republic of Korea. Civic groups in the South,

including religious organizations, have been active in efforts to promote inter-Korean reconciliation, including participation in North-South activities such as Liberation Day celebrations. Discussions between these groups and their Northern counterparts generally have been limited to promoting social and cultural exchanges. The impact of these contacts on religious freedom in North Korea remains unclear.

Several schools for religious education exist. There are 3-year colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector. A Protestant seminary was reopened in 2000 with assistance from foreign missionary groups; however, critics, which included at least one church official providing assistance, stated that the Government opened the seminary only to train personnel to facilitate reception of assistance funds from foreign faith-based nongovernmental organizations (NGO).

Restrictions on Religious Freedom

Persons engaging in religious proselytizing may be arrested and subjected to harsh penalties, including imprisonment and prolonged detention without charge. The Government appears concerned that religiously based South Korean relief and refugee assistance efforts along the northeast border with the PRC may become entwined with more political goals, including overthrow of the regime. The food crisis apparently has heightened government concern about antiregime activity. An article in the Korean Workers Party newspaper in 1999 criticized "imperialists and reactionaries" for trying to use ideological and cultural infiltration, including religion, to destroy socialism from within.

Little is known about the day-to-day life of religious persons in the country. Members of government-recognized religious groups do not appear to suffer discrimination; in fact, some reports claim that they have been mobilized by the regime. Persons whose parents were believers but who

themselves do not practice religion are able to rise to at least the middle levels of the bureaucracy, despite their family background. In the past, such individuals suffered broad discrimination. Members of underground churches connected to border missionary activity appear to be regarded as subversive elements.

In July 2001, the U.N. Human Rights Committee noted "with regret" that the Government was unable to provide up-to-date information about religious freedom in the country. The Committee also noted, "in the light of information available to the Committee that religious practice is repressed or strongly discouraged" in the country, its concern regarding the authorities' practice with respect to religious freedom. The Committee requested that the Government provide the Committee with up-to-date information regarding the number of citizens belonging to religious communities and the number of places of worship, as well as "practical measures taken by the authorities to guarantee freedom of exercise of religious practice" by the religious communities in the country.

In June 2001, a North Korean delegation visited Brussels to discuss human rights issues with the European Union (EU), and in October 2001, the Director General of the External Relations Department of the EU stated that the North Korean responses to his queries on the reported persecution of Christians in the country and on other human rights issues were "inconclusive" and "tentative."

Abuses of Religious Freedom

The Government deals harshly with all opponents, including those engaging in religious practices deemed unacceptable to the regime. Religious and human rights groups outside of the country have provided numerous, unconfirmed reports that members of underground churches have been beaten, arrested, or killed because of their religious beliefs. According to an unconfirmed report, 7 Christian men, ranging in age from 15 to 58 years, were killed in April 2000. According to another

unconfirmed report, 23 Christians were killed between October 1999 and April 2000; some reportedly were killed under falsified criminal charges, and some reportedly were tortured prior to their deaths. Defectors interviewed by a former humanitarian aid worker claimed that Christians were imprisoned and tortured for reading the Bible and talking about God, and that some Christians were subjected to biological warfare experiments. These reports, and reports of even higher numbers of killings, could not be confirmed or disproved because of the effectiveness of the Government in barring outside observers.

In April 1999 and in May and June 2002, witnesses testified on the treatment of persons held in prison camps through the early 1990's. The witnesses stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates. One witness, a former prison guard, testified that because the authorities taught that "all religions are opium," those believing in God were regarded as insane. He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten. Another individual testified that in 1990, while serving a sentence in a prison that had a cast-iron factory, she witnessed the killing of several elderly Christians by security officers who poured molten iron on them after they refused to renounce their religion and accept the state ideology of juche. Because the country is a closed society, such allegations could not be substantiated.

Nonetheless, the collective weight of anecdotal evidence over the years of harsh treatment of unauthorized religious activity lends credence to such reports. The regime deals harshly with its critics, and views religious believers belonging to underground congregations or with ties to evangelical groups in North China as opponents. Reports of executions, torture, and imprisonment of religious persons in the country continue to emerge.

The regime appears to have cracked down on unauthorized religious

groups in recent years, especially persons who proselytize or who have ties to overseas evangelical groups operating across the border with China. There were several unconfirmed reports of killings of such persons during the period covered by this report. There were unconfirmed reports that repatriated North Korean defectors who were found to have contacted Christian missionaries outside the North were punished severely, and in some cases were executed. News reports indicated that the Government had taken steps to tighten control and increase punishments at the Chinese border, increasing the award for information on any person doing missionary work. One South Korean missionary asserted that the Government was conducting "education sessions" as a means for identifying Christian leaders so that they could be apprehended.

There is no reliable information on the number of religious detainees or prisoners, but there have been unconfirmed reports that some of those detained in the country are detained because of their religion. According to a 2001 press report, 6,000 Christians were being held in Prison Number 15 in the northern part of the country. In 2000, a religious publication reported an unnamed South Korean pastor's claim that there were approximately 100,000 Christians among those imprisoned in labor camps. These reports could not be confirmed.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

There was no information available on societal attitudes toward religious freedom. The regime does not allow representatives of foreign governments, journalists, or other visitors the freedom of movement that would enable them to assess religious freedom in the country fully.

Section IV. U.S. Government Policy

The United States does not have diplomatic relations with the DPRK and has no official presence there. The country is a closed society and is extremely averse and resistant to outside influences. U.S. policy allows U.S. citizens to travel to the country, and a number of churches and religious groups have organized efforts to alleviate suffering caused by shortages of food and medicine. In October 2001, the Secretary of State designated the DPRK as a "Country of Particular Concern" for particularly severe violations of religious freedom.

**III. 미 국제종교자유위원회 보고서
미 난민위원회 보고서**

1. 미 국제종교자유위원회 연례 종교자유보고서 2001

2001 - Analysis and Recommendations with Respect to Korea (North)
(People's Republic)

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

A. Background

Notwithstanding the difficulty of obtaining reliable information on conditions in the Democratic People's Republic of Korea (DPRK or North Korea), it is apparent that religious freedom is non-existent in that country. As the State Department concludes: "Genuine religious freedom does not exist."¹ The government has imprisoned religious believers and apparently suppresses all organized religious activity except that which serves the interests of the state. Since July 1999, there have been reports of torture and execution of religious believers, including between 12 and 23 Christians on account of their religion.²

There have been significant developments in U.S.-DPRK relations in the last year, including a visit to Washington by the first vice chairman of the DPRK National Defense Commission, then-Secretary of State Madeleine K. Albright's historic visit to North Korea, and the announcement that certain sanctions against the country would be lifted. In March 2001, Republic of Korea (South Korea) President Kim Dae-Jung visited the United States, and President Bush expressed U.S. support for the South Korean efforts to engage North Korea. However, President Bush also indicated that the United States would not resume missile talks with the DPRK soon and that North Korea remains a threat to U.S. security.

B. Commission Recommendations

U.S. policy toward North Korea has focused on concerns with the proliferation of weapons of mass destruction and missile technology, and peace on the Korean Peninsula. Nevertheless, in light of recent developments and the grievous religious-freedom situation there, the Commission believes that the United States must place significant emphasis on the protection of religious freedom in the DPRK. Therefore, the Commission makes the following recommendations:

1. In the course of further discussions with the North Korean government, the U.S. government should strongly urge the DPRK to reaffirm publicly its commitments under the International Covenant on Civil and Political Rights (ICCPR).

The DPRK acceded to the ICCPR in 1981. In August 1997, however, the North Korean government indicated its intention to withdraw from the treaty in protest against a resolution of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities that criticized the government's human rights performance. Although the North Korean government apparently stated in August 1999 that it was ready to honor its obligations under the ICCPR, it has yet to submit the required reports. The Commission recommends that the United States urge the North Korean government to reaffirm publicly its commitments under the ICCPR.

2. The U.S. government should press the DPRK to immediately establish conditions whereby the status of religious freedom can be assessed and progress be monitored.

As a result of extensive government control, very little reliable information on the status of religious freedom has emerged from North Korea, as is

true with regard to information on conditions in the country generally. The State Department notes that the North Korean government "does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would enable them to fully assess human rights conditions there."³ The DPRK government has not responded to a request by the UN Special Rapporteur on Religious Intolerance for an official invitation to visit the country. As an indication of the importance of religious freedom and other human rights to the process of normalization of bilateral relations, the U.S. government should insist that the DPRK immediately establish conditions whereby the status of religious freedom can be assessed and progress be monitored. Immediate actions that the North Korean government should take to address this issue include an invitation to the U.N. Special Rapporteur on Religious Intolerance; an invitation to the Ambassador-at-Large for International Religious Freedom and the Commission; and granting entrance to and sufficient freedom of movement by U.S. and foreign officials, journalists, as well as humanitarian and other appropriate non-governmental organizations.

3. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War include provisions on religious freedom and non-discrimination in the treatment of religious minorities.

The 1953 Armistice Agreement is an interim cease-fire agreement signed by the military commanders of the North Korean People's Army, the Chinese People's Volunteers, and the United Nations Command, which was represented by the commander-in-chief of the U.S. forces. The so-called "Four-Party Talks" (comprising the United States, the People's Republic of China, the DPRK, and the Republic of Korea (South Korea)) have as one of its goals the conclusion of a "permanent peace treaty" that would formally end the Korean War. The U.S. government should strongly advocate the inclusion in any permanent peace treaty of provisions safeguarding religious freedom and non-discrimination in the treatment of religious

minorities. Such provisions are included, for example, in various peace treaties concluded at the end of the First and Second World Wars.

4. The U.S. government should communicate to the government of the DPRK that substantial improvements in religious freedom and other human rights in North Korea is a prerequisite for the normalization of relations with and the complete relaxation of sanctions by the United States.

5. The U.S. government should communicate to the DPRK government that when any U.S. diplomatic presence is opened in North Korea, diplomatic personnel should have reasonable access within the country to assess the state of religious freedom and to monitor developments, and that a religious-freedom dialogue should begin and take place at the highest policymaking levels.

6. U.S. government officials should raise the issue of religious freedom - and the point that improvement of religious freedom is a central component of the improvement of U.S.-DPRK relations - in all high-level diplomatic exchanges with the DPRK.

Disputes over security concerns and weapons proliferation have dominated the bilateral dialogue between the United States and the DPRK. Also of great concern is the humanitarian situation in the DPRK and the massive suffering that the North Korean people have apparently endured there. Despite the grave human rights situation, it does not appear that concern with human rights, including religious freedom, has yet played a role in the U.S. government's policy toward North Korea. The Commission therefore recommends that substantial improvements in religious freedom and other human rights in the DPRK be made a prerequisite for the normalization of relations between the United States and North Korea. The United States should insist that a U.S. diplomatic presence in the DPRK must include the ability of U.S. personnel to monitor religious-freedom

conditions. Moreover, as part of increased ties with the DPRK, the United States should insist that a regular religious-freedom dialogue take place at the highest policymaking levels. Finally, the issue of religious freedom should be raised in all high-level diplomatic exchanges with the DPRK, as former Secretary of State Albright did during her visit in October 2000.

7. The U.S. government should urge the Republic of Korea and Japan, as part of trilateral coordination among the United States and those two countries, to press human rights and religious freedom in their talks with the DPRK as well.

The Trilateral Coordination and Oversight Group was created in April 1999 to facilitate greater policy coordination between the United States, Japan, and South Korea. After the Trilateral Foreign Minister's Meeting that followed her visit to Pyongyang in October, former Secretary Albright remarked that it is essential that the three countries carry on the discussions with North Korea "in parallel, and that we reinforce each other in terms of making sure that each country's special concerns are met." One special concern with respect to North Korea for the trilateral group is the "abductee" issue (i.e. Japanese claims that between the late 1970s and early 1980s, North Korean agents abducted as many as 20 civilians from Japan). Former Secretary Albright stated that she raised this issue with DPRK officials during her visit. Likewise, the United States should urge the Republic of Korea and Japan, as part of trilateral coordination among the United States and these two countries, to press human rights and religious freedom in their talks with the DPRK.

2. 미 국제종교자유위원회 연례 종교자유보고서 2002

ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

May 1, 2002

Democratic People's Republic of Korea

The Commission continued to examine the situation in North Korea, where religious freedom is non-existent. In October 2001 the Commission had a private briefing from three prominent experts on U.S.-North Korea relations and the potential for U.S. policy to promote religious freedom there. For the second consecutive year, the Commission recommended the designation of North Korea as a CPC in its letter to the Secretary of State in August; the Secretary made the designation in October 2001. In November 2001 Commissioner Young traveled to South Korea and met with refugees from North Korea and representatives of non-governmental and religious organizations who assist such refugees. A Commission staff member participated in an early February international conference in Tokyo on human rights and refugee issues in North Korea. In January 2002 the Commission held a hearing on religious freedom in that country. Witnesses included North Korean refugees and other eyewitnesses as well as policy experts, who described in detail conditions in North Korea and proposed recommendations for U.S. policy. Commissioners also discussed their concerns regarding officials. In addition, Commissioner Young testified in April 2002 at a Congressional Human Rights Caucus briefing on human rights and religious freedom in North Korea, at which the Commission announced its policy recommendations. Those recommendations are contained in this report.

Korea, Democratic People' s Republic of

The people of Democratic People' s Republic of Korea (North Korea or DPRK) are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. Religious freedom does not exist, and what little religious activity that is permitted by the government is apparently staged for foreign visitors.

North Korea is also a humanitarian disaster of unimaginable proportion. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

The following recommendation are the result of the Commission' s extensive attention to the situation in North Korea, including through the holding of a public hearing in January 2002. The recommendations grouped together according to three essential areas of focus. The first group of recommendations looks to initiatives on the part of various branches of the U.S. government to develop and/or support American and international efforts against human rights violation in North Korea. The second groups addresses the issue of North Korean refugees, particularly those who have fled to china. Finally, the third group of recommendations focuses on the ways in which human rights in North Korea can be advanced through official contacts between the U.S. and North Korean governments.

Recommendations

I . International Initiative Against Human Rights Abuses in North Korea

1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.
2. The state Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.
3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.
4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea .
5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.
6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing
 - broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia ; and
 - channels of people-to-people exchange and other forms of contact with North Koreans.
7. The U.S. government should use multilateral diplomacy to advance the

protection of human rights in North Korea. This should include :

- 7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in North Korea and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.
- 7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK
- 7.c. urging the European Union to include religious freedom concerns as part of its human rights discussions with the North Korean government.

II. Protecting North Korean Refugees and Advancing Human Rights

- 8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.
- 9. The U.S. government should urge Chinese government to allow South Korean and international non-governmental organizations greater access to northern China and greater capacity to serve the needs of North Korean refugees

III. Advancing human Right Through Official Contacts

- 10. Although the U.S. government has very limited contacts with the

North Korean government at the present time, it should use what contacts it does have to advance an agenda that includes the provision of humanitarian assistance, the protection of human right, including the freedom of religion and belief, and the reuniting of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK

10.a. In any discussions regarding humanitarian assistance, the U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of providers, which should include non-governmental organizations.

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is adequately monitored. Monitors should be able to read, speak, and understand the Korean language. The U.S. should ensure that delivery of U.S. and other foreign aid is not misrepresented by the North Korean government through false claims that the aid is being provided by that government

11. The U.S. government should work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

12. The U.S. government should work with the international community to urge the North Korean government to address the concerns and implement the recommendations of the UN Human Rights Committee as a result of the Committee' s recent review of North Korea' s compliance with the International Covenant on Civil and Political Rights.

13. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War includes provisions on religious freedom and non-discrimination in the treatment of religious minorities.

3. 미 국제종교자유위원회 북한보고서 (2002)

US Commission on International Religious Freedom

Report on the Democratic People's Republic of Korea

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Executive Summary

The people of the Democratic People's Republic of Korea (North Korea or DPRK) are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. Religious freedom does not exist, and what little religious activity that is permitted by the government is apparently staged for foreign visitors.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

The following recommendations are the result of the Commission's extensive attention to the situation in North Korea, including through the holding of a public hearing in January 2002. The recommendations are grouped together according to three essential areas of focus. The first group of recommendations looks to initiatives on the part of various branches of the U.S. government to develop and/or support American and international efforts against human rights violations in North Korea. The second group addresses the issue of North Korean refugees, particularly those who have fled to China. Finally, the third group of recommendations focuses on the ways in which human rights in North Korea can be advanced through official contacts between the U.S. and North Korean governments.

Recommendations

I. International Initiative Against Human Rights Abuses in North Korea

- 1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.**
- 2. The State Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.**
- 3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.**
- 4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea.**

5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.

6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing:

-- broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and

-- channels of people-to-people exchange and other forms of contact with North Koreans.

7. The U.S. government should use multilateral diplomacy to advance the protection of human rights in North Korea. This should include:

7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in North Korea and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.

7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK.

7.c. urging the European Union to include religious-freedom concerns as part of its human rights discussions with the North Korean government.

II. Protecting North Korean Refugees and Advancing Human Rights

8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.

9. The U.S. government should urge the Chinese government to allow South Korean and international non-governmental organizations (NGOs) greater access to northern China and greater capacity to serve the needs of North Korean refugees.

III. Advancing Human Rights Through Official Contacts

10. Although the U.S. government has very limited contacts with the North Korean government at the present time, it should use what contacts it does

have to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK.

10.a. In any discussions regarding humanitarian assistance, the U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of providers, which should include nongovernmental organizations.

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is adequately monitored. Monitors should be able to read, speak, and understand the Korean language. The U.S. should ensure that delivery of U.S. and other foreign aid is not misrepresented by the North Korean government through false claims that the aid is being provided by that government.

11. The U.S. government should work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

12. The U.S. government should work with the international community to urge the North Korean government to address the concerns and implement the recommendations of the UN Human Rights Committee as a result of the Committee's recent review of North Korea's compliance with the International Covenant on Civil and Political Rights (ICCPR).

13. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War includes provisions on religious freedom and non-discrimination in the treatment of religious minorities.

A. Introduction

The people of the Democratic People's Republic of Korea (North Korea or DPRK) are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. Religious freedom does not exist, and what little religious activity that is permitted by the government is apparently staged for foreign visitors.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

Notwithstanding the efforts of many who are devoted to helping North Koreans, the international community, including the United States, has paid insufficient attention to the plight of the North Korean people. This lack of attention has effectively given a "pass" to the ruling regime as it flagrantly violates human rights and brutalizes its population. U.S. interests with respect to North Korea extend beyond the human rights and humanitarian situation, and include concerns about the development of nuclear capability and weapons of mass destruction, proliferation of missile technology, and the large DPRK military. Because relations with North Korea are so limited at the moment, there are very few channels for discussion of any of these issues with the North Korean government. Nevertheless, the U.S. government should not wait for discussions to resume before it takes actions to address the terrible conditions facing the North Korean people. It should do all it can now to bring international awareness to conditions inside North Korea and to try to alleviate the plight of North Koreans, including refugees. At such time when dialogue with North Korea resumes, the United States should press for improvements in the delivery and monitoring of humanitarian aid, as well as for monitoring human rights abuses.

The Commission has focused considerable attention on the situation in North Korea. In January 2002, the Commission held a public hearing in Washington and heard testimony on the situation in North Korea and U.S. policy from witnesses of the human rights conditions in the DPRK, experts on the general state of affairs in North Korea, and advocates for human rights in that country. The Commission has also had extensive consultations with experts on U.S. policy, including former senior U.S. officials. The Commission's Chair and staff have traveled to both South Korea and Japan and interviewed those with first-hand knowledge of conditions inside North Korea, including North Korean refugees. The Commission made several policy recommendations to President Clinton in December 2000, and this report updates and expands on those recommendations in light of the significant changes in U.S.-North Korean relations that have taken place since that time.

B. Human Rights Conditions

Reports by refugees and foreigners who have visited North Korea have described the DPRK as having perhaps the most repressive regime in the world. Its totalitarian nature requires citizens to conform to comprehensive government dictates. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. As stated by one human rights advocate: "For over 40 years the people of the Democratic People's Republic of Korea have been denied even the most basic of their human rights.... Human rights violations and abuses affect a large majority of the 23 million North Korean people."¹

The Korean Workers' Party (KWP), under the leadership of Kim Jong Il, continues to exercise absolute rule over the DPRK. This is in accordance with Article 11 of North Korea's revised 1998 Constitution, which states: "The DPRK shall conduct all activities under the leadership of the Workers' Party of Korea."² The North Korean Constitution also requires citizens to recognize and accept the notion that the collective good of society should take precedence over individual political or civil liberties.³ Citizens of all age groups and occupations are subject to intensive political and ideological indoctrination, and the cult of personality surrounding the deceased former North Korean leader Kim Il Sung and his son Kim Jong Il, as well as the glorification of the official *Juché* ideology (see below), remains omnipresent.⁴ The government prohibits any public meetings without authorization and, according to the State Department, there are no known organizations other than those created by the government.⁵ Not surprisingly, as the UN Human Rights Committee notes, there is no domestic organization that monitors human rights conditions in the country.⁶

The government attempts to control all dissemination of information. Domestic media censorship is strictly enforced; only the political elite is permitted access to foreign media broadcasts.⁷ Government control of access to outside information is so extensive that even private telephone lines operate on an internal system that prevents one from making and receiving calls from outside the country and Internet access in the country is limited to government officials.⁸ Visits by foreign journalists are carefully managed and, as the State Department reports: "North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions there."⁹

Similarly, the State Department also reports that foreign aid workers are frequently denied access to sites where international food aid is distributed, "and thus are unable to verify consistently that the aid reaches its intended recipients."¹⁰ However, many South Korean and some U.S. humanitarian assistance groups contend that the level of access allowed by the North Korean authorities has improved over the years.¹¹

It is clear that the government does not tolerate dissent. Individuals have reportedly been imprisoned and executed for making statements (even in the "privacy" of their homes) that were critical of the regime.¹² The State Department reports that between 150,000 and 200,000 persons are detained by the DPRK regime for political reasons and on many occasions, their family members are forcibly detained or imprisoned with them in maximum-security camps in remote areas.¹³ The North Korean criminal code also provides that a citizen who returns (forcibly or voluntarily) after defecting "to a foreign country or to the enemy in betrayal of the country and

the people” shall be “committed to a reform institution for not less than seven years.”¹⁴ In some cases, the death penalty is applied. Family members of defectors and refugees have also reportedly been subject to official retaliation. According to Human Rights Without Frontiers, a Belgian human rights monitoring organization, even babies born to repatriated women imprisoned in the camps have been put to death because their mothers were deemed enemies of the North Korean state.¹⁵ In addition, according to North Korean refugees, prison officials subject detainees and prisoners to egregious abuses, as government officials manage the prison camps through the use of forced labor, beatings, torture, and even public executions. Many other prisoners have reportedly died from disease, starvation, or exposure while in prison.

The government’s practice of arbitrary arrest and detention of persons has sometimes extended even to South Korean and other foreign citizens operating outside North Korea, particularly in the Chinese territories bordering the DPRK. According to the State Department, North Korean agents reportedly abducted Rev. Dongshik Kim, a South Korean citizen, in China and took him to North Korea in January 2000.¹⁶ Rev. Seung-woon An, a South Korean missionary, was apparently also abducted by North Korean agents in China in 1995.¹⁷

C. Humanitarian Situation and Refugees in China

In addition to the deplorable human rights conditions in the DPRK, the economic crisis in the country has shown little sign of abating. It is estimated that between several hundred thousand and 2 million people have died from starvation and related diseases since 1995. The economic and political conditions have caused thousands of North Koreans to flee their homes.¹⁸ Most of these people have fled to China, leaving as many as 300,000 North Korean refugees along the Chinese border.

The refugees experience numerous difficulties after arriving in China, particularly from that government’s current crackdown on their presence. The Chinese government’s reaction has forced the refugees to remain in hiding and many have been exploited and abused as a result. For example, many North Korean refugees employed in local Chinese factories are reportedly paid only a fraction of the salary of ordinary Chinese workers, while others are compensated only with accommodation and food.¹⁹ Young North Korean female refugees are often the victims of human trafficking, forced prostitution, and rape.²⁰ Many North Korean children who fled to China unaccompanied by adults have reportedly been wandering in the three Chinese provinces adjacent to North Korea (Jilin, Heilongjiang, and Liaoning) without shelter and vulnerable to disease and physical violence.²¹

The current Chinese crackdown on North Korean refugees began in June 2001 as part of the latest round of the nationwide anti-crime “Strike Hard” campaign. Some also suspect that the crackdown is associated with the increased international media coverage about the plight of the North Korean refugees in China.²² According to a researcher who has conducted surveys of North Korean refugees along the Chinese border, those who are found to have assisted North Korean refugees are fined by Chinese officials, while those who turn in refugees receive monetary rewards. In January 2002, a group of North Korean refugees who were able to reach the China-Vietnam border reportedly paid \$10,000 to Chinese border guards so that they could enter Vietnam.²³

As mentioned above, North Korean refugees who are either forcibly repatriated or captured after having voluntarily returned to the DPRK are accused of treason or the abandonment of their country and countrymen in the midst of hardship.²⁴ Some reports indicate that North Korean officials routinely question (forcibly and voluntarily) repatriated North Koreans whether they had contact with either South Koreans or Christian missionaries while outside the country. Those who are found to have had such contacts are subjected to severe punishment, including the death penalty.²⁵ According to the U.S. Committee for Refugees, 6,000 North Korean refugees were forcibly repatriated from China to the DPRK in 2000.²⁶

D. Religious-Freedom Conditions

Buddhism was introduced to Korea around the fourth century, A.D. However, for several centuries thereafter, the state adopted Confucianism as its official ideology and religion.²⁷ As a result, religions and beliefs that came into conflict with Confucianism encountered official opposition and their followers experienced persecution. The first Christian missionary, a Roman Catholic, arrived in Korea in the late 18th century. The Korean government prohibited the propagation of the Christian religion, however, and in the mid-19th century, harshly persecuted Christians until the country was opened to the western world in the 1880s.²⁸ Arriving in Korea at this time were American Protestant missionaries who generally experienced less persecution, as the U.S. government had established diplomatic relations with Korea before their arrival.²⁹ By 1948, one-sixth of the 300,000 Koreans in Pyongyang were Christian, a remarkably large percentage for an Asian country at that time, particularly one that had not been colonized by a western power. Pyongyang was the center of Christianity on the Korean Peninsula. The rituals of ancestor veneration linked to Confucianism remained a very important form of religious life.³⁰

Between 1945, when what is now North Korea was occupied by Soviet forces, and 1953, the year of the Armistice ending the Korean War, many Christians fled to South Korea to escape the anti-religious policies of the North Korean government. After the war, religious practice as such was harshly repressed by the North Korean government, and large numbers of religiously active persons were killed or sent to concentration camps.³¹ Buddhism, which had weakened over the centuries, was co-opted by the government and some of its temples maintained as “national treasures.”³² At the same time that the government suppressed religions, it instituted the state ideology of *Juché* in the 1950s. Playing a paramount role in North Korean political life, the *Juché* ideology emphasizes, among other things, an extreme form of self-reliance of the North Korean people – bordering on isolationist – and the worship of Kim Il-Sung, the country’s founder.³³ Another of its central tenets is a stridently hostile view of the outside world.

In recent years, the North Korean state has formed several religious organizations that it uses to restrict severely religious activities, although the government contends that they are proof of religious freedom in the country. For example, the Korean Buddhist Federation prohibits Buddhist monks from worshiping at North Korean temples, and the Korean Christian Federation restricts Christian activities. The native Korean religion or philosophy of *Chondogyo* is represented in the DPRK as an “independent” political party that is loyal to the state.³⁴ The DPRK government continues to view Christianity as a foreign religion and is extremely concerned about the growing Christian community in North Korea. There are no currently ordained Catholic priests in the country. In addition, Buddhists have no functioning clergy and their buildings are now deemed to be “cultural relics.”

The North Korean government has a policy of actively discriminating against religious adherents. Since the late 1950s, the regime has divided the North Korean people into three main categories, which are further divided into 51 subcategories based on perceived loyalty to the ruling party and the leadership.³⁵ Security “ratings” are assigned to each individual and these ratings determine a person’s access to employment, higher education, a place of residence, medical facilities, and certain stores. Religious adherents are by definition relegated to a lower security category, and as a result receive fewer privileges and opportunities than others. For example, there are reports that persons in lower categories have been denied international food aid.

Since the founding of the DPRK, 2,000 churches have reportedly been confiscated by the government. Of the 1,500 churches not formally confiscated, it is not clear whether any of them actually house religious activities.³⁶ Most outside observers agree that the two Protestant churches and the one Catholic Church currently in Pyongyang were built as showpieces to foreign visitors, although some North Koreans who attend services at these churches might be genuine believers. The DPRK government also claims that there are 500 “authorized house churches” in the country.³⁷ Moreover, though the State Department reports that there are 300 Buddhist temples throughout North Korea, other reports indicate that only 60 temples remain standing, as most have been destroyed since the Korean War. At the same time, the state has confiscated many temples and converted them for secular use.

The North Korean state severely represses public and private religious activities, including arresting and imprisoning – and in some cases torturing and executing – persons engaged in such activities.³⁸ The Commission has also received reports that North Koreans who engage in religious proselytizing or other unauthorized religious activities have been arrested and imprisoned, despite the DPRK government’s claims that its citizens have the right to “have or refuse to have religious ceremonies individually or collectively in an open or closed way” and “to teach religion.”³⁹ In addition, the State Department reports that in recent years, the regime has paid particular attention in its crackdown to those religious persons with ties to overseas evangelical groups operating across the border in China.⁴⁰

According to a press report, an estimated 6,000 Christians are incarcerated in “Prison No. 15” located in the northern part of the country.⁴¹ The State Department, as well as eyewitnesses who have testified before Congress and the Commission, report that prisoners held because of their religious beliefs are treated worse than other inmates.⁴² For example, religious prisoners, especially Christians, are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith.⁴³ When they refuse, these religious prisoners are often beaten and sometimes tortured to death.

In spite of these conditions, some observers indicate that religious adherence not only continues among the North Korean people but is expanding, especially adherence to Christianity.⁴⁴ The number of religious believers is unknown; the State Department reports the official government figures that out of a population of 21 million, there are approximately 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics in the DPRK.⁴⁵ However, some South Korean church leaders claim that there may be as many as 300,000 Christians in North Korea, many of whom became Christians after interacting directly with Christian representatives of non-

governmental organizations (NGOs) along the Chinese border or through interactions with those who have been to the border.⁴⁶ There are also confirmed reports that some older North Koreans who were religious believers prior to the division of the Korean Peninsula have retained their faith in secrecy over the years.⁴⁷ In addition, there is also apparently a functioning underground church network in North Korea.⁴⁸ The actual number of active Buddhists or followers of Confucianism is not known.

E. Commission Recommendations

In recent years, an increasing number of foreign government officials, journalists, and representatives of NGOs have visited the DPRK and presented their observations about conditions in that country. At the same time, thousands of North Korean refugees have left the country and carried with them valuable personal accounts. However, the highly totalitarian state in North Korea still maintains such tight control over all aspects of state and society that garnering verifiable information about conditions in that country, as well as how the regime operates, remains very difficult. This problem greatly complicates the process of determining specific problem areas and, consequently, the kind of well-calibrated solutions that are needed.

In light of the current situation, the U.S. government should employ all possible means to obtain verifiable information about conditions in North Korea and make that information publicly known. In addition, everything possible should be done to establish contact with the North Korean people and to provide them with access to information about the outside world.

Unfortunately, the current state of U.S.-North Korean relations provides few opportunities for influence. Moreover, the DPRK government's state ideology (which emphasizes self-reliance), its entrenched methods of repression, and the official willingness to let their people suffer also leave the international community with little leverage to encourage necessary changes by the regime. Thus, any opening at all to the outside world by the North Korean government might help to bring about some improvement.

The U.S. should also make every effort to encourage the DPRK government to maintain its currently limited contacts with the outside world and to open the country to individuals, organizations, and governments concerned about the plight of the North Korean people and who want to help. At the same time, the U.S. government should, in its dialogue with the DPRK on any issues of concern, also press the North Korean government to allow foreign human rights monitors and humanitarian agencies access to all parts of the country.

I. International Initiative Against Human Rights Abuses in North Korea

The U.S. government should launch a major international initiative to expose and raise awareness of human rights abuses and humanitarian conditions in North Korea. The U.S. government can and should do more to bring to the attention of the international community the conditions of human rights in North Korea. Although the North Korean government tries to maintain absolute control over information about conditions in that country, over time, a picture of repression has begun to emerge such that it is unconscionable to remain silent. The U.S. government should take every opportunity to engage the world community on the state of human

rights and humanitarian conditions in North Korea. Such an initiative should include the following:

1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.

Though still limited, an increasing amount of information about conditions in North Korea has become available in recent years. Today, there are numerous foreign governments, NGOs, and individual researchers conducting research on the political, economic, and social conditions in that country. Yet, there has not been an effort to consolidate these findings and present them in a comprehensive form. While some governments, including the U.S. and South Korean governments, have produced annual reports on the human rights conditions in North Korea, these studies, due in part to their statutory mandates and established guidelines, are either not sufficiently comprehensive to address the fundamental problems underlying the human rights conditions or are hampered in their objectivity by the political considerations of the respective authors. The Commission is fully aware of these difficulties, as it too has made extensive efforts to obtain information on conditions for religious freedom in North Korea.

In light of reports about the deteriorating human rights and humanitarian conditions in the DPRK, it is vital that a comprehensive study of human rights conditions in North Korea be conducted now. The potential scale of the study would require adequate funding and the U.S. Congress should take the lead in this effort. To ensure the objective nature of the study, an individual or a team of researchers not affiliated with any government but with expertise in North Korean affairs and international human rights standards should be commissioned to undertake the project. Such a study should make extensive use of, among others, interviews with North Korean refugees as important sources of information.

2. The State Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.

In addition to the non-governmental study recommended above, the State Department should expand its capability to collect information and monitor conditions on human rights in North Korea. Moreover, the Department should undertake a systematic effort to review a wide variety of sources of information on North Korea, including North Koreans who have fled their country and are now residing either in the border region in China or elsewhere. The State Department should also explore other potential sources of information, including officials from countries that have a diplomatic presence in North Korea as well as organizations or individuals who either possess first-hand knowledge or are working on the Chinese side of the Sino-DPRK border but are reluctant to speak out publicly about what they have observed.

The Commission is aware of the difficulties in gathering and especially verifying information on North Korea. However, a concentrated effort, including on the part of the U.S. government, can overcome at least some of these difficulties. As a critical part of the endeavor to collect such information, the U.S. government should expand its effort to verify information from sources with questionable political motives. After having gathered, analyzed, and verified the information, the U.S. government should ensure that its findings are made known to the international community. It should also make a special effort to raise international awareness of

the plight of the North Korean people through such international events as the Soccer World Cup in South Korea and Japan in June 2002.

3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.

The President has spoken out on the situation in North Korea, and his remarks have attracted public attention and led to greater awareness about conditions in that country. The President should continue to raise the matter and take the lead on behalf of the U.S. government in raising public awareness and focusing international attention on the conditions under which North Koreans live. As the head of the U.S. government, the President is in a unique position to speak out forcefully about this issue. Moreover, the media attention that his statements bring can continue to keep North Korea under public scrutiny, bolstering U.S. and international efforts to address the appalling conditions in that country. In any remarks made about North Korea, the President should be sure to mention the humanitarian and human rights situation there. He should also use every available opportunity to raise the subject, including, for example, in his address to the UN General Assembly.

4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea.

The serious nature of the human rights conditions in the DPRK warrants more consistent scrutiny and attention. The formation of a congressional caucus focusing on North Korean human rights would be a major step toward fulfilling this objective. The caucus should be modeled after existing congressional caucuses, such as the Congressional Bangladesh Caucus and the Congressional Caucus on Nigeria. However, the caucus on North Korea should also be connected with like-minded parliamentarians around the world, such as the existing multinational parliamentary network on human rights in Burma under the auspices of the Inter-Parliamentary Union.⁴⁹

Efforts to raise public awareness of human rights conditions in North Korea are critically needed. Congressional public hearings and legislation play a significant role in educating the public, highlighting problems, and holding government leaders accountable. However, the establishment of a congressional caucus focused on North Korea would expand existing congressional endeavors. The caucus could coordinate congressional efforts, spearheading initiatives to effect important changes in North Korea. For example, the caucus could:

1. hold hearings spotlighting the conditions in North Korea (this commission has benefited in its study of North Korea from witnesses who have first-hand knowledge such as Dr. Norbert Vollertsen and Mrs. Soon-Ok Lee⁵⁰);

2. examine regularly U.S. policy options to promote human rights in the DPRK;

3. monitor congressional legislation on North Korea and propose additional legislation to advance human rights in the DPRK, including by pressing the North Korean government to undertake substantial improvements in protecting human rights;

4. explore how the U.S. can cooperate with other governments in advancing the protection of human rights in the DPRK; and

5. work with the Commission in formulating and executing policies to promote human rights in North Korea, including support for much-needed comprehensive studies on such human rights-related issues in North Korea as the DPRK legal system, the North Korean prison system, and the DPRK government's control over religious belief and practice.

5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.

The U.S. Congress should seek opportunities to expand its support for appropriate organizations promoting human rights in North Korea, as well as activities that raise international awareness and provide opportunities for consultation and coordination among those who are concerned about the issue. For example, the U.S. government – through the National Endowment for Democracy (NED) – has for the last several years provided funding to NGOs in South Korea attempting to document human rights abuses in North Korea. The NED has also sponsored annual international conferences on human rights in North Korea and on the problems for North Korean refugees.

As noted above, collecting and verifying information on human rights abuses in North Korea is difficult, and resources need to be devoted to developing ways to accomplish this. The involvement of NGOs is important to raising awareness in international human rights fora, among their governments, and among civil society groups in the region and internationally. Given the importance of maintaining the independence of these organizations, groups should be carefully selected and U.S. government support should be carried out in a way that ensures that these groups are not tied to any government, particularly intelligence services.

6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing:

-- broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and

-- channels of people-to-people exchange and other forms of contact with North Koreans.

Getting objective information to the North Korean people is very difficult and requires both ingenuity and a sustained investment of time and resources. The results, at least in the short term, may be uncertain. Nevertheless, probably no people on earth have been left more in the dark by their government. The U.S. government should increase its efforts to get information to North Koreans about the outside world, including about the United States, democracy, and human rights. Getting information into the country is critical to helping North Koreans see themselves and the regime that controls their lives in the context of the wider world, which will help increase awareness of the existence and importance of religious freedom and other human rights. How many North Koreans, for instance, know that their government has undertaken

international obligations to protect and ensure basic human rights under the International Covenant on Civil and Political Rights, or what the nature and scope of those rights are and how they are protected in other countries?

One concrete way to do this is to increase broadcasting to North Koreans by the Voice of America (VOA) and Radio Free Asia (RFA) and make technical efforts to overcome the jamming of those broadcasts. The U.S. government should expand broadcasts to North Koreans, focusing on programs that would provide information on the political, economic, and social conditions in the U.S. and North Korea, including on religious liberty and other human rights issues.⁵¹

Moreover, the U.S. government should, wherever possible, encourage or develop channels of exchange and contact with North Koreans. Although opportunities for official exchange programs for North Koreans might be limited by the current state of U.S.-North Korean relations, the U.S. government should seek opportunities to encourage exchanges and other forms of contact by the private sector, or through programs by other countries that do currently have diplomatic relations with North Korea. In accordance with provisions in the International Religious Freedom Act of 1998, government officials who are “responsible for or directly carried out” particularly severe violations of religious freedom should not be eligible to participate in these exchange programs.⁵²

7. The U.S. government should use multilateral diplomacy to advance the protection of human rights in North Korea. This should include:

7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious-freedom and other related human rights violations in North Korea, and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.

Given the lack of substantive official interactions between the U.S. and North Korean governments reflecting the state of their bilateral relationship, it is important for the U.S. government to coordinate its efforts with other countries to advance the protection of human rights in North Korea. In conjunction with the use of multilateral diplomacy, the U.S. government should also raise human rights violations in the DPRK in international fora such as the United Nations. There have been no UN Security Council resolutions on the DPRK in the last 10 years. The U.S. government should sponsor a resolution at the United Nations censuring the North Korean government for violating religious freedom and other related human rights. The same resolution should also provide for the appointment of a special rapporteur to investigate conditions of human rights in North Korea.

7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK.

The Trilateral Coordination and Oversight Group (TCOG) was created in April 1999 to facilitate greater policy coordination between the United States, Japan, and South Korea on North Korea policy. After the Trilateral Foreign Ministers' Meeting that followed her visit to Pyongyang in October 2000, former Secretary of State Madeleine Albright remarked that it was essential that the three countries carry on the discussions with North Korea "in parallel, and that we reinforce each other in terms of making sure that each country's special concerns are met."⁵³ Regular TCOG meetings have continued under the Bush administration, although direct dialogue with North Korea has been very limited. One special concern with respect to North Korea for the trilateral group is the "abductee" issue (i.e. Japanese claims that between the late 1970s and early 1980s, North Korean agents abducted as many as 20 civilians from Japan). Former Secretary Albright stated that she raised this issue with DPRK officials during her October 2000 visit. Likewise, the United States should urge the Republic of Korea and Japan, as part of their trilateral coordination, to raise concerns about religious freedom and other human rights and to press for improvements in these areas as part of their talks with the DPRK.

7.c. urging the European Union (EU) to include religious freedom concerns as part of its human rights discussions with the North Korean government.

Several European countries have normalized relations and established a diplomatic presence in Pyongyang since June 2000. Since 1998, the EU has held four rounds of political dialogue with the DPRK at the level of senior officials. EU officials have said that they raised human rights issues with the North Koreans in these talks. The EU is also discussing the establishment of a specific human rights dialogue, although little progress appears to have been made so far. The U.S. government should provide information on the conditions of religious freedom and other human rights in North Korea to the Europeans and should urge them to raise religious-freedom concerns as part of their human rights discussions with the DPRK.

II. Protecting North Korean Refugees and Advancing Human Rights

8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.

China is a party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to that convention. Under these treaties, China has agreed not to expel or return refugees to a country where their life or freedom would be threatened on account of their religion or other status. The 1967 Protocol calls on China to cooperate with the UN High Commissioner for Refugees (UNHCR).

Between 30,000 and 300,000 North Koreans are now in China. Most have fled to escape the dire economic and political conditions in North Korea, including the denial of religious freedom and all other basic human rights in that country. Since 2000, however, many North Koreans who fled to China have been forcibly repatriated by the Chinese government.⁵⁴ As mentioned above, there are several reports indicating that those who returned to North Korea, voluntarily or otherwise, have been subjected to harsh and sometimes lethal treatment upon capture by North Korean authorities. Even those who fled for economic reasons are reportedly subject to serious punishment for political crimes upon their return. The Chinese government

does not grant refugee status to fleeing North Koreans, even though most, if not all, meet the international criteria for that status.

In addition, the Chinese government does not allow the UNHCR to operate in the border region between China and North Korea, thereby preventing that organization from interviewing those crossing the border and assessing their status as refugees. However, in the last three years, the UNHCR was able to conduct at least some interviews and found that many of these border-crossers met the criteria as refugees under international conventions.⁵⁵ If a refugee makes it to their office, he or she can be helped (which does happen on occasion). The UNHCR is also trying to work with the NGOs operating in the border region. In March 2002, after 25 North Korean refugees entered the Spanish Embassy seeking asylum, a UNHCR spokesman stated, "Under no circumstances should these people be sent back."⁵⁶ The South Korean government, as an indication of its willingness to assist DPRK refugees, has also announced officially that it would accept all North Koreans who wish to settle in South Korea.⁵⁷

Some North Korean refugees have also made their way into Russia. Like China, Russia is also a party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol also. However, there are disturbing reports that Russian authorities have forcibly repatriated North Korean refugees. For example, in 1999, seven North Korean refugees entered Russia from China in an apparent attempt to seek eventual resettlement in South Korea. They had apparently left China because they were concerned about their safety if they remained there. However, despite the fact that the refugees had indicated that they were North Koreans and expressed profound fear of retaliation if they were repatriated, Russian authorities handed the refugees over to Chinese authorities, who subsequently repatriated them to North Korea. The whereabouts of at least one of these refugees remains unknown.⁵⁸

Some observers contend that if the Chinese are pushed too hard on the issue of North Korean refugees, they may close their border altogether and/or expel all North Koreans. Nonetheless, the current situation is unconscionable. The U.S. government should urge the Chinese and Russian governments, in accordance with their international commitments, to recognize as refugees those North Koreans who have fled the DPRK. The United States should also urge these governments not to continue their policy of forcibly repatriating North Korean refugees. In addition, the U.S. government should strongly urge the Chinese government to cooperate fully with the UNHCR.

9. The U.S. government should urge the Chinese government to allow South Korean and international NGOs greater access to northern China and greater capacity to serve the needs of North Korean refugees.

The Commission has met with the representatives of many South Korean and international NGOs that have a presence in northeastern China along the Sino-DPRK border. Many of these NGOs are providing much-needed humanitarian assistance to North Koreans who have fled the DPRK and have chosen to reside secretly in China under the constant fear of repatriation. These NGOs are providing important services to the refugees, many of whom are unfamiliar with the Chinese language and customs. The U.S. government, in concert with other governments, should urge the Chinese government to allow international NGOs, especially

South Korean groups, greater access to this part of China and more capacity to serve the acute needs of the refugees there.

III. Advancing Human Rights Through Official Contacts

The United States currently has no diplomatic relations with the DPRK. Moreover, there is no official dialogue between the United States and North Korea (though at the beginning of April 2002, the North Korean government indicated a desire to resume discussions on its nuclear program⁵⁹). This severely limits the ability of the U.S. government to engage the North Korean government on concerns about protecting human rights, including religious freedom.

10. Although the U.S. government has very limited contacts with the North Korean government at the present time, it should use what contacts it does have to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK.

10.a. In any discussions regarding humanitarian assistance, the U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of providers, which should include non-governmental organizations.

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is adequately monitored. Monitors should be able to read, speak, and understand the Korean language. The United States should ensure that delivery of U.S. and other foreign aid is not misrepresented by the North Korean government through false claims that the aid is being provided by that government.

According to the State Department, between 1996 and 2001 the U.S. government contributed an estimated \$500 million in humanitarian food assistance to North Korea, making it the largest recipient of U.S. aid in Asia. During his February 2002 visit to South Korea, President Bush stated that the U.S. government, on an annual basis, has provided an average of 300,000 tons of food aid to the DPRK. Much of that aid has been channeled through the United Nations World Food Program (WFP).

The Commission has received many troubling reports that the aid has not reached its intended recipients and has been diverted for use by North Korean elites and the military. In addition, the WFP has apparently agreed to conditions of delivery that prevent monitoring by people who understand the Korean language. Although many NGO representatives maintain that a great majority of the aid has reached the intended recipients and that the WFP has done an adequate job of monitoring the distribution, the Commission urges the U.S. government to ensure that the continued delivery of food aid is conditioned upon adequate monitoring and that

the source of the aid be allowed to be accurately identified. Moreover, there should be no discrimination in the provision of aid (with regard either to the recipients or the deliverers of aid).

11. The U.S. government should work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

As discussed above, the North Korean government maintains extensive control over the flow of information out of North Korea. The State Department notes that the DPRK government “does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would enable them to fully assess human rights conditions there.”⁶⁰ Moreover, the government has not responded to a request by the UN Special Rapporteur on Religious Intolerance for an official invitation to visit the country. The U.S. government should press North Korea to permit visits by relevant UN rapporteurs (for example, those on torture, arbitrary detentions, disappearances, extrajudicial executions, the right to food, and the right to education) and to grant freedom of movement to foreign diplomats and independent journalists. The United States should also encourage the North Korean government to invite the Ambassador-at-Large for International Religious Freedom and the Commission to conduct fact-finding missions, and to allow entrance and sufficient freedom of movement by humanitarian and other appropriate NGOs.

12. The U.S. government should work with the international community to urge the North Korean government to address the concerns and implement the recommendations of the UN Human Rights Committee as a result of the Committee’s recent review of North Korea’s compliance with the International Covenant on Civil and Political Rights (ICCPR).

The DPRK acceded to the ICCPR in 1981. In August 1997, however, the North Korean government indicated its intention to withdraw from the treaty in protest against a resolution of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities that criticized the government’s human rights performance. Despite this threat, North Korea submitted its report to the Human Rights Committee – the UN treaty body that monitors compliance with the ICCPR – in 2000 and participated in the Committee’s review of that report in June 2001. The Human Rights Committee, in its concluding observations to the second periodic report, expressed its concerns on a number of issues pertaining to the human rights conditions in North Korea, including the questionable independence of the judiciary, the lack of access to that country by international human rights organizations, the broadly-defined political offenses that carry the death penalty, and the reported human rights violations by prison officials, as well as the deplorable conditions in reform institutions, prisons, and prison camps.⁶¹ On religious freedom, the committee requested that the North Korean government provide updated information about the number of North Korean people who belong to religious communities as well as the number of places of worship in the country. Moreover, the committee requested information on “practical measures” that the North Korean government has taken to guarantee religious freedom.⁶²

The government of North Korea should be strongly urged to address and implement these concerns and recommendations of this UN body.

13. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War includes provisions on religious freedom and non-discrimination in the treatment of religious minorities.

The 1953 Armistice Agreement is an interim cease-fire agreement signed by the military commanders of the North Korean People's Army, the Chinese People's Volunteers, and the United Nations Command, which was represented by the commander-in-chief of the U.S. forces. The so-called "Four-Party Talks" (comprising the United States, China, the DPRK, and South Korea) have as one of its goals the conclusion of a "permanent peace treaty" that would formally end the Korean War.

There has been no significant movement on a peace treaty in the last year. The U.S. government should strongly advocate the inclusion of provisions safeguarding religious freedom and non-discrimination in the treatment of religious minorities in any permanent peace treaty. Such provisions are included, for example, in various peace treaties concluded at the end of the First and Second World Wars.

¹ Jack Rendler, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002.

² Socialist Constitution of the Democratic People's Republic of Korea, Article 11, September 1998 (<http://www.korea-np.co.jp/pk/>, accessed January 7, 2002).

³ DPRK Constitution, Article 63.

⁴ U.S. Department of State, *Country Reports on Human Rights Practices 2001*, "Korea, Democratic People's Republic of" (<http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8330.htm>, accessed April 2, 2002).

⁵ Ibid.

⁶ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Democratic People's Republic of Korea*, UN Doc. CCPR/CO/72/PRK, August 27, 2001.

⁷ *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ According to Mr. Thomas Shortley, U.S. Congressional Liaison Officer and Resources Officer

at the World Food Program.

¹² *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

¹³ *Ibid.*

¹⁴ *The Criminal Law of the Democratic People’s Republic of Korea*, Foreign Languages Publishing House, Pyongyang, Korea (1992) Article 47.

¹⁵ Willy Fautré, “Baby-killings, a Standard Practice in North Korean Concentration Camps,” *Third International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 –10, 2002.

¹⁶ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

¹⁷ Sang-young An, *Third International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002. Commission staff interview with Sang-young An, Tokyo, Japan, February 10, 2002.

¹⁸ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

¹⁹ Seung-yong Lee, “Working Towards the Resolution for North Korean Refugees in China,” *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002.

²⁰ Young-hwa Lee, “Stepped Up Oppression on North Korean Refugees,” *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002.

²¹ *Ibid.*

²² In June 2001, a North Korean family requested political asylum at the Beijing office of the UNHCR. According to the UNHCR, the family sought asylum after a book that criticized the North Korean regime, which was written by a family member, was published in South Korea in 2000. The family was eventually resettled in South Korea. See Editorial, “Escape from a Prison-State,” *Washington Post*, July 3, 2001. On March 14, 2002, a group of 25 North Korean refugees “stormed” through the gates of the Spanish Embassy in Beijing and demanded asylum. In addition, they reportedly threatened to commit suicide if they were repatriated to North Korea. On March 15, the Chinese government permitted the group to leave China for Manila, the Philippines. The 25 refugees were eventually resettled in South Korea. Elizabeth Rosenthal, “North Korean Storm Embassy Seeking Refuge,” *New York Times*, March 14, 2002. John Pomfret, “North Koreans End Protest at Embassy,” *Washington Post*, March 15, 2002.

²³ February 8, 2002 interview with a South Korean academic who is also affiliated with an NGO that works with North Korean refugees. He asked that his name not be disclosed.

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- ²⁴ Interview with Mr. Seung-yong Lee, Director for Research of the Good Friends, February 6, 2002, Seoul, Republic of Korea.
- ²⁵ "China Urged to Grant Refugee Status to DPRK Defectors," *Korea Herald*, May 9, 2001. Interview with Mr. Sang-Chul Kim, November 2001, Seoul, Republic of Korea.
- ²⁶ U.S. Committee for Refugees, "Country Report: North Korea," Worldwide Refugees Information (http://www.refugees.org/world/countryrpt/easia_pacific/north_korea.htm, accessed April 1, 2002).
- ²⁷ Stephen Linton, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002.
- ²⁸ Library of Congress, "The Role of Religion," *Country Studies: North Korea* ([http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+kp0049](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+kp0049), accessed April 4, 2002).
- ²⁹ USCIRF, *Hearing on North Korea* (Linton written testimony).
- ³⁰ Library of Congress, "The Role of Religion," *Country Studies: North Korea* (Internet).
- ³¹ U.S. Department of State, *Annual Report on International Religious Freedom 2001*, "Democratic People's Republic of Korea," 168.
- ³² Library of Congress, "The Role of Religion," *Country Studies: North Korea* (Internet).
- ³³ USCIRF, *Hearing on Promoting Religious Freedom in North Korea* (Linton written testimony). See also Thomas J. Belke, *Juche: A Christian Study of North Korea's State Religion* (1999).
- ³⁴ According to the Library of Congress study on North Korea, *Chondogyo* is a "syncretic religion...that contains elements of shamanism, Buddhism, Daoism, Confucianism, and Catholicism." Library of Congress, "The Role of Religion," *Country Studies: North Korea* (Internet).
- ³⁵ *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet). Jaejean Suh, Euichul Choi, et. al., eds. *White Paper on Human Rights in North Korea*, Korea Institute for National Unification, (Seoul, Korea: 2001).
- ³⁶ According to a reliable South Korean source, 3,500 churches existed before the division of the Korean Peninsula. Commission interview with South Korean Protestant church leader who asked that his name not be disclosed, February 9, 2002, Tokyo, Japan.
- ³⁷ *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

³⁸ Sang-Chul Kim, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002. See also *2001 Report on International Religious Freedom*, 169.

³⁹ UN Human Rights Committee, *Second Periodic Report of the Democratic People's Republic of Korea on its Implementation of the International Covenant on Civil and Political Rights*, UN Doc. CCPR/C/PRK/2000/2, May 4, 2000, ¶111.

⁴⁰ *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

⁴¹ Doug Struck, "Keeping the Faith, Underground," *Washington Post*, April 10, 2001.

⁴² *2001 Report on International Religious Freedom*, 169; Soon-Ok Lee, Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee, *Hearing on Human Rights in North Korea*, April 19, 1999.

⁴³ Soon-Ok Lee, U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002, 27.

⁴⁴ USCIRF, *Hearing on North Korea* (Lee testimony) 34-36.

⁴⁵ *2001 Report on International Religious Freedom*, 168.

⁴⁶ USCIRF, *Hearing on North Korea* (Kim testimony) 22; Commission staff interviews with South Korean Protestant church leaders, February, 2002.

⁴⁷ Interview with South Korean academic (see note 23).

⁴⁸ *2001 Report on International Religious Freedom*, 169. According to the Executive Secretary of the Christian Council of Korea, Dr. Young-Ryul Park, who was interviewed by Commission staff in Seoul in February 2002, the existence of the underground church network is denied by the North Korean government.

⁴⁹ National Coalition Government of the Union of Burma, "Declaration of Members of Parliaments Throughout the World in Solidarity with the Democratically Elected Members of the Parliament of Burma," December 2001 (<http://www.ncgub.net/campaign/International%20MP%20Declaration.htm>, accessed March 13, 2002).

⁵⁰ Norbert Vollertsen is a doctor who worked with the German medical group Cap Anamur in North Korea; Soon-Ok Lee is a former North Korean official who fled the country.

⁵¹ VOA currently broadcasts one and a half hours each day in both short wave and AM for a North Korean audience, focusing on world and U.S. news. RFA broadcasts two hours each day in short wave, also focusing on news. According to RFA officials, the broadcasting company would like to expand its broadcasts to four hours each day, and believes that switching

broadcasts from short wave to AM frequency could reach more North Koreans.

⁵² The International Religious Freedom Act of 1998 (IRFA) requires the identification of parties responsible for particularly severe violations of religious freedom in countries of particular concern. (IRFA, § 402(b)(2) (22 U.S.C. 6442(b)(2)). Section 604 of IRFA provides that government officials who are “responsible for or directly carried out” particularly severe violations of religious freedom are ineligible for visas or entry to the United States (including spouses and children of the said officials).

⁵³ Renee Montagne and Eric Weiner, “Madeleine Albright Briefs South Korean and Japanese Officials on Her Visit to North Korea,” *National Public Radio*, October 25, 2000.

⁵⁴ Amnesty International, “China: Hundreds of North Koreans Forced Back Across Border,” August 14, 2001.

⁵⁵ Elizabeth Rosenthal, “U.N Group Backs North Korean Asylum Seekers in China,” *New York Times*, March 15, 2002.

⁵⁶ *Ibid.*

⁵⁷ Paul Shin, “25 North Korean asylum seekers arrive in Seoul,” *Associated Press*, March 18, 2002. Shin Yong-bae, “Foreign minister promises gov’t will accept N.K. defectors in China,” *Korea Herald*, January 19, 2000. The South Korean government’s position on the refugees is also based on Article 2 of the South Korean Constitution, which implies that all North Koreans are citizens of the Republic of Korea. Article 2 states: “The territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands.” (<http://www.assembly.go.kr/english/laws/constitution/index.html>, accessed April 2, 2002).

⁵⁸ Video presentation, *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 –10, 2002.

⁵⁹ Howard W. French, “North Korea: Public Enemy No. 1,” *New York Times*, April 5, 2002.

⁶⁰ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

⁶¹ UN Human Rights Committee, *Concluding Observations*, August 27, 2001.

⁶² *Ibid.*

4. 미 난민위원회 세계난민실태조사보고서 2002

World Refugee Survey 2002

- 2002. 6. 6 USCR(미국 난민위원회)발표 -

China (Including Tibet)

China hosted more than 345,000 refugees and asylum seekers at the end of 2001. The vast majority (295,000, of whom 1,000 were in Hong Kong) were from Vietnam (mostly ethnic Chinese), while at least 50,000 were from North Korea. An unknown number perhaps hundreds of thousands of Kachin refugees from Burma were in China's Yunnan Province.

China is a signatory to the UN Refugee Convention but has no domestic law on refugee protection. The government generally allows the UN High Commissioner for Refugees (UNHCR) to conduct refugee status determinations for the relatively few asylum seekers who approach UNHCR's office in the capital of Beijing. China considers the residence of UNHCR-approved refugees to be temporary and does not permit them to work.

Approximately 50 UNHCR-approved refugees from countries such as Somalia, Burundi, and Iraq resided in urban areas of mainland China at year's end. No asylum seekers with cases pending before UNHCR were in mainland China, although some 400 persons with pending claims were in Hong Kong. UNHCR reported an increase in asylum seekers to Hong Kong in recent months.

Refugees from Vietnam An estimated 294,000 refugees from Vietnam the great majority of them ethnic Chinese remained in China. They resided in the six southern provinces of Guangxi, Guangdong, Yunnan, Hainan,

Fujian, and Jiangxi. Most arrived in 1979, at the time of the China-Vietnam border war. UNHCR recognized all those who arrived before 1989 as prima facie refugees. According to UNHCR, China has allowed the refugees most of the same rights as nationals, including access to employment, education, housing, and health care. However, China still has not granted the refugees citizenship, and Chinese officials occasionally discussed repatriating some. UNHCR still considered all 294,000 to be refugees. Although the agency regarded most of the refugees as self-sufficient, UNHCR continued to provide limited assistance in the form of micro-credits to about ten percent, who fell below the provincial poverty line.

In 2000, Hong Kong closed the last remaining camp for Vietnamese refugees and approved permanent integration for the approximately 1,000 Vietnamese (both ethnic Chinese and ethnic Vietnamese) who UNHCR still considered to be refugees, as well as for a few hundred non-refugees. After applying for Hong Kong identification cards, the Vietnamese are eligible for full citizenship after seven years. In 2001, 54 Vietnamese applied for and received the cards. UNHCR and the U.S. Committee for Refugees (USCR) consider their status as non permanent, and therefore still consider them to be refugees, for the seven-year period.

North Koreans Defecting from North Korea is a capital offense. North Korean officials reportedly beat many returnees, place them in labor camps or orphanages, or execute them. Because the right to leave one's country is an internationally guaranteed human right, and because of the likelihood that returnees will be persecuted for having left North Korea without permission, USCR considers upwards of 50,000 North Koreans in China based on the estimate of a nongovernmental organization (NGO) with knowledge of the region to be refugees.

The actual number of North Koreans in China in 2001 remained unknown.

Estimates ranged from 10,000 to 500,000, though most NGOs gave 300,000 as the upper estimate. Medecins Sans Frontieres (MSF) estimated 200,000.

Although a signatory to the UN Refugee Convention, China has had a treaty with North Korea since 1986 in which China pledges to return "defectors." China's Jilin Province also has a law that requires the return of North Koreans who enter illegally. For several years, China informally tolerated the presence of North Koreans, and even provided them assistance. The situation changed in 1999, when China began returning large numbers of North Koreans, claiming they were not refugees but "food migrants." The practice accelerated in 2000 and again in the spring of 2001, when China launched its "Strike Hard" campaign which one news report called China's "fiercest campaign in years" against North Korean refugees.

Chinese security authorities posing as census takers went house to house, looking for "illegal" North Koreans. Other steps included random questioning on street corners, arrests of local aid workers, inspections of churches and factories, and searches in remote villages and farms. In addition, while the search for North Koreans was previously limited to China's three northeastern provinces, authorities in 2001 initiated road checks throughout the country. China imposed fines on citizens who harbored North Koreans, and financially rewarded those who turned them in.

According to NGOs working in the border area, China arrested some 6,000 North Koreans in June and July alone. MSF sought permission from local Chinese authorities to aid the North Korean refugees, but authorities said the assistance was not needed because the number of North Korean refugees was small.

The Chinese government has not allowed UNHCR any involvement with

the North Koreans since 1999, when UNHCR conducted a mission to the border and determined that some North Koreans were refugees. China reprimanded UNHCR for this action and has since denied them permission to travel to the border area.

According to London's Daily Telegraph, foreign NGOs have established an "underground railroad" of guides and safe houses to help move North Koreans from China to South Korea through countries such as Burma, Vietnam, Thailand and, more recently, Mongolia. NGOs and individuals have also established secret feeding stations and orphanages for the North Koreans, and have tried to help them find work.

China forcibly repatriated an unknown number possibly thousands of North Koreans during the year. One aid worker said that following the initiation of the "Strike Hard" campaign, forced returns from one particular border town increased from 20 a week to 50 every two days. Upon apprehending the North Koreans, Chinese authorities place them in jail before handing them over to North Korean border guards. In some cases, Chinese police allow North Korean authorities to enter China and seize refugees.

In June, in an incident that received international attention, seven members of a North Korean family, the Jungs, entered the UNHCR office in Beijing and asked for sanctuary. Although this was the first time that North Koreans had come to UNHCR's Beijing office to request asylum, a UNHCR spokesperson said the family represented "the tip of an iceberg." The family included a teenage artist whose drawings of life in North Korea published in South Korea could "subject the family to punishment" if returned, UNHCR officials said.

After three days of tense negotiations, the Chinese government permitted the Jungs to fly to South Korea by way of Singapore and the Philippines.

The Jung case prompted the Washington Post to editorialize that UNHCR "has done little to help one of the world's biggest communities of refugees" and that the United States should begin "a serious campaign to give the UNHCR access to the thousands of families left behind."

Refugees from Tibet

The Chinese government continued its human rights abuses in Tibet in 2001, including crackdowns on religious activity and harsh treatment of political dissidents. The government's actions led 1,381 Tibetans to flee into Nepal in 2001. UNHCR helped the refugees to continue on to India, where a majority of Tibetan refugees live. Viewing Chinese occupation of Tibet as a "liberation," the Chinese government denies that Tibetans flee as refugees, and in 2001 continued its practice of settling ethnic Chinese in Tibet.

Asylum Seekers from China

In recent years, an unknown number of Chinese asylum seekers, mostly from coastal Fujian Province, have fled by boat to various countries, including Canada, Australia, Japan, and the United States. Many of the asylum seekers have paid organized smugglers to transport them, often aboard unseaworthy boats. Although many receiving countries generally view them as economic migrants, most of the asylum seekers have claimed persecution based on "coercive population control" (China's one-child policy) or, more recently, on membership in the banned Falun Gong spiritual group.

During fiscal year 2001, the U.S. Immigration and Naturalization Service (INS) granted asylum to 4,092 Chinese (cases, not individuals) and denied or referred to immigration judges 2,307 cases, an approval rate of 64 percent.

U.S. immigration judges granted asylum in 2,624 Chinese cases and denied

3,339, an approval rate of 43.5 percent.

During the year, the Chinese government's increased crackdown on Uighurs Muslims from the western province of Xingiang led an unknown number of Uighurs to flee to Kyrgyzstan and Kazakhstan, both of which reportedly returned some of the refugees to China. Following the September 11 terrorist attacks in the United States, China publicly labeled the Uighur independence movement a terrorist threat.

North Korea

An estimated 50,000 North Korean refugees were in China at the end of 2001. As many as 100,000 North Koreans were displaced inside North Korea. An unknown number of North Koreans who might be refugees were in Russia and elsewhere, while 583 North Korean refugees fled to South Korea during the year.

The North Korean famine that began in the mid-1990s continued during 2001. In November, the World Food Program (WFP) reported that North Korea desperately needed more international food aid, despite the best harvest in 10 years. WFP officials urged immediate food shipments to help North Koreans survive the winter. Up to 2 million North Koreans, or nearly 10 percent of the population, have died from hunger or famine-related disease since 1994. Some mortality estimates range as high as 3.5 million.

Several major international nongovernmental organizations (NGOs) have suspended operations in North Korea in recent years, citing the government's failure to provide a transparent food distribution system and to grant access to the country's most vulnerable people. Aid groups say the government categorizes its population based on perceived loyalty and usefulness to the regime, and channels food aid accordingly. The

government has also reportedly blocked aid to parts of the country such as the northeastern coastal provinces that have seen anti-government rebellions and protests in recent years.

In June, North Korea and the UN High Commissioner for Refugees (UNHCR) agreed in an exchange of letters that UNHCR would provide a small amount of material assistance to hospitals and other health facilities in South Pyongan Province, to aid victims of typhoons and floods.

North Korean Refugees

The food crisis compounded by political turmoil, repression, and mismanagement led an unknown number of North Koreans to make the dangerous trek across the border to China in 2001, with hundreds to thousands entering monthly.

The number of North Koreans living in China at the end of the year remained unknown. Estimates range from 10,000 to 500,000, though most NGOs give 300,000 as the upper estimate. Medecins Sans Frontieres believes the figure is about 200,000.

North Korea subjects citizens who are caught and forcibly repatriated to brutal treatment, including torture, placement in work camps, and even execution. The North Korean criminal code lists defection or attempted defection as a capital crime, stating that a defector who is returned to North Korea "shall be committed to a reform institution for not less than seven years. In cases where the person commits an extremely grave concern, he or she shall be given the death penalty." According to press reports, North Korean authorities are particularly concerned with defectors who, while in China, had contact with South Koreans, Christians, or foreigners.

Although little is known about persecution that North Korean "defectors"

may suffer prior to fleeing, the U.S. Committee for Refugees (USCR) believes that North Koreans who flee their country without government permission have prime facie claims to refugee status, based on the likelihood of being persecuted for having exercised the right to leave their country. Based on the conservative estimate of an NGO with knowledge of the region, USCR estimates that at least 50,000 North Koreans were refugees in China at the end of 2001.

The number of forcible repatriations by Chinese border guards has reportedly increased since 1999, although no comprehensive figures are available. In the spring of 2001, China once again intensified its crackdown on North Korean asylum seekers. According to NGOs working in the border area, China arrested some 6,000 North Koreans in June and July alone. China forcibly returned an unknown number possibly thousands of North Koreans during 2001.

According to London's Daily Telegraph, foreign NGOs have formed an "underground railroad" of guides and safe houses to help move North Koreans from China to South Korea via countries such as Mongolia, Burma, Vietnam, and Thailand. Some North Koreans also agree to work as laborers in Russia's harsh logging camps (a system by which North Korea repays its loans to Russia), in the hope of escaping to South Korea.

In June, in an incident that received international attention, seven members of a North Korean family entered the UNHCR office in the Chinese capital of Beijing and demanded sanctuary. After three days of tense negotiations and international pressure, the Chinese government permitted the family to fly to South Korea.

The following month, in a response to a questionnaire from the UN Human Rights Committee, North Korea revealed the names and locations of six of seven North Koreans apprehended by Russian border guards in

late 1999. Although the UNHCR office in Russia granted the North Koreans refugee status, Russia returned them to China, and China returned them to North Korea in early 2000. North Korean authorities told the UN committee that two of the returnees were serving nine-and five-year terms at a rehabilitation center, while the other four had returned to their normal lives. Although North Korea did not discuss the whereabouts of the seventh "defector" (insisting that only six had been returned, despite verification of the seven by China and UNHCR), the seventh had reportedly fled again and had arrived in South Korea. He claimed that he had been severely tortured following his forced return from China.

Internal Displacement

The number of internally displaced North Koreans was unknown, although one NGO estimated 100,000.

Because of the difficulty in gaining information from inside North Korea, most information on internal displacement came from interviews with North Koreans in China. They reported that the displaced were generally mobile, moving from one place to another despite the government's policy of strictly controlling internal migration.

The North Korean government also forcibly relocates people for political reasons. The U.S. State Department reported that an estimated 150,000 to 200,000 North Koreans were political prisoners in maximum-security camps in remote areas in 2001.

South Korea

South Korea hosted approximately 650 refugees and asylum seekers at the end of 2001. The majority (583) were North Koreans who entered South Korea during the year. The remainder included 64 asylum seekers from various countries whose claims were pending with the South Korean

government at year's end, three refugees recognized under the mandate of the UN High Commissioner for Refugees (UNHCR), and one refugee (from Ethiopia) recognized by South Korea the first government-recognized refugee since the country became a party to the UN Refugee Convention in 1992.

According to media reports, the "defections" (as South Korea termed them) of 583 North Koreans to South Korea was almost double the number of defections in 2000. Under South Korean law, North Korean defectors are automatically entitled to South Korean citizenship.

Because the border separating the two Koreas still technically at war with each other, despite a recent thaw in relations remained tightly sealed, many North Koreans transited through China, and then through other countries such as Thailand or Burma (or, more recently, Mongolia), before traveling to South Korea.

In May, South Korean lawmakers and activists submitted a petition to the UN calling for international protection of North Korean refugees in China. Some 11.8 million people, about one-third of South Korea's adult population, signed the petition.

In June, in an incident that received international attention, seven members of a North Korean family, the Jungs, entered the UNHCR office in the Chinese capital of Beijing and demanded sanctuary. South Korea asked China not to return the family to North Korea and said the issue should be settled on humanitarian grounds. After three days of tense negotiations, the Chinese government permitted the Jungs to fly to South Korea via Singapore and the Philippines. A South Korean diplomat noted that while South Korean embassies elsewhere in the world could help North Korean refugees directly, such assistance was not possible in China.

That same month, UNHCR opened a liaison office in South Korea (having previously handled South Korean issues through its Japan office). The South Korean government said it hoped to strengthen ties with UNHCR on such issues as assistance to North Koreans.

Despite its laws and official statements of welcome, the reality of South Korea's treatment of North Koreans is often different. The government harshly interrogates North Koreans it suspects of spying, and turns away many asylum seekers who can provide no valuable intelligence information. In recent years, South Korea's burgeoning relations with North Korea have caused it to be even less inclined towards a generous asylum policy.

Near the end of 2001, South Korea's national assembly adopted a resolution calling on the government to increase diplomatic efforts on behalf of North Korean defectors and to promote a new concept of "refugee" that would include North Koreans. The resolution urged "those countries to which [the North Koreans] have fled, to shelter them as refugees under the terms of that wider definition" and called on UNHCR to redouble its efforts with respect to the refugees.

South Korea is even more ambivalent toward asylum seekers from other parts of the world. The government received 29 new asylum applications during 2001. It rejected four and approved one, with 64 cases pending at year's end. (The government does not require North Koreans to apply for asylum.)

In its first-ever grant of refugee status, the government provided an Ethiopian with a one-year residency permit that includes work authorization, as well as a travel document. However, the refugee receives no health or welfare benefits and no employment assistance.

During the year, South Korea amended its deadline for applying for

asylum from 60 days after arrival in South Korea to one year. The law will become effective in 2002.

In the weeks following the September 11 terrorist attacks in the United States, South Korean officials questioned all asylum seekers of Arab or Central Asian origin. The government detained those who were in even minor violation of immigration laws, and, according to UNHCR, forcibly returned two persons with active asylum claims. One was returned before UNHCR was aware of his detention, and the other was returned on the day UNHCR was meeting with immigration officials to discuss the fate of the detained asylum seekers. One of the two was returned to Iran, the other to an undisclosed Central Asian country. The government eventually released the other detainees (some after nearly two months), but only after receiving guarantees from Korean sponsors.

South Korea's detention policies for asylum seekers were vague and at times arbitrary, UNHCR reported. Asylum seekers did not have access to competent or independent interpreters. While the government allowed detainees to contact UNHCR and to receive visitors, the asylum seekers often lived in facilities that lacked heating or other necessities. Detention conditions were not subject to independent review by either judicial or administrative bodies a minimum requirement of UNHCR Executive Committee conclusions.

According to UNHCR, South Korea continued to rank lowest among industrialized member states (members of the Organization for Economic Cooperation and Development that are also parties to the UN Refugee Convention) in overall performance toward refugees recognition rate (low), amount of social assistance for refugees and asylum seekers (none), and integrity of the adjudication process (limited).

IV. 국제 인권단체 보고서

1. Freedom House 1999-2000 세계인권상황평가서

Korea, North

Polity: Communist one-party

Economy: Statist

Population: 21,400,000

PPP: \$4,058

Life Expectancy: 66

Ethnic Groups: Korean

Capital: Pyongyang

Political Rights: 7

Civil Liberties: 7

Status: Not Free

Overview

Despite famine and economic hardship throughout the country, Kim Jong-Il appeared to have consolidated his power as supreme leader of North Korea. The North Korean economy shrank by 1.1 percent in gross domestic product (GDP) in 1999, the ninth straight year of economic contraction, and North Korean trade dropped to only \$80 million in the first half of the year. Although starvation-related deaths appeared to have declined, food production remains dismal and continuing international aid is needed. Since 1994, some 2.4 million North Koreans, or ten percent of the population, are estimated to have died from hunger. However, the government still bars international relief agencies from working in many famine-stricken counties for “security reasons.” There were also reports that food aid was diverted to the military and government officials. The food shortage is the result of a combination of floods and droughts in recent years, a legacy of agricultural mismanagement and the end of food subsidies from former

Communist states.

On June 15, 1999, North Korea patrol boats clashed with South Korean warships in a disputed zone in the Yellow Sea. North Korean vessels fired at South Korean warships, which were pushing them out of the maritime boundary. One North Korean boat sank and five others were damaged. This was the most serious clash between the two countries since the armistice agreement was signed in 1953.

This incident was also a blow to Kim Jong-II' s plans to use South Korean tourism as a quick way to bring in foreign exchange. Pyongyang and Hyundai, South Korea' s largest conglomerate, agreed in 1998 to develop a tourist facility in the Diamond Mountains in North Korea and to organize tours for South Koreans. For this, Hyundai agreed to pay North Korea \$906 million over the next six years. The first group of South Koreans visited the North in November 1998 under heavily restricted conditions.

There were also signs that Pyongyang would experiment with more free economic zones, in addition to the existing Rajin-Sonbong area and the Nampo-Wonson area south of the capital. The government has come to view such zones as a means to revive the economy without undertaking serious reform. The number of North Koreans crossing borders to trade in China has been increasing, and there are few signs that the government is stopping this.

Pyongyang continued its high-risk game of missile and nuclear threats to extract aid from the United States and Japan. On August 31, 1998, North Korea launched a three-stage missile, which flew over the northern Japanese island of Hokkaido and crashed into the Pacific Ocean. Pyongyang claimed that the launch was part of an effort to put a satellite into space. Both the United States and Japan reacted with tightened sanctions against North Korea. On September 12, 1999, North Korea and the United States reached agreement during talks in Berlin. North Korea agreed to suspend long-range missile testing in exchange for easing of comprehensive sanctions imposed by the United States. The next day,

North Korea made an unusual call for inter-Korean dialogues at all levels of government and society. In December, Japan decided to lift the remaining sanctions: a freeze on talks to normalize bilateral relations and suspension of food aid.

International concern over North Korea's ambitions to develop nuclear weapons also mounted in 1998. The United States asked to inspect a site north of Pyongyang, where weapons construction was suspected. North Korea counter-demanded \$300 million in cash and food aid for inspection rights. Pyongyang's demand was rejected, and the deteriorating situation threatened to undermine the 1994 Framework Agreement, under which North Korea agreed to abandon its nuclear program in exchange for light-water reactors, which could not easily be used to make weapons. A breakthrough occurred on March 16, 1999, when Pyongyang agreed to open the facility in question to a U.S. team in May 1999, May 2000, and thereafter in exchange for a U.S. pledge to launch an agriculture project in North Korea and to provide 100,000 tons of food aid. The U.S. sent its first shipment of food and seeds to North Korea in May. This coincided with the fifth round of four-party talks by the two Koreas, China, and the U.S. in Geneva to reduce tensions on the Korean peninsula. In December 1999, agreement to build two of the light-water reactors was signed.

In August, CNN made the first broadcast of live reports from North Korea. Pyongyang also used its satellite to make international broadcasts of North Korean movies, news, and history programs, as well as shows on Kim Jong-Il and his father and predecessor, Kim Il-Sung..

The Democratic Republic of Korea (DPRK) was established on September 9, 1948, following the end of World War II and the partition of the Korean peninsula by the Soviet-led Communist forces and U.S.-led Western democracies. With assistance from Moscow, Kim Il-Sung, a former Soviet army officer, became head of the North Korean government. In June 1950, Kim, with Soviet military support, invaded South Korea in an attempt to reunify the peninsula under Communist rule. The three-year

Korean War ended in a truce after intervention by U.S. and Chinese troops, and left the two Koreas bitterly divided.

Throughout the Cold War, Kim Il-Sung solidified his power base in the north through an extensive personality cult and the development of Juche (self-reliance), a home-grown ideology said to be an application of Marxism-Leninism specific to North Korea. In practice, it became an ideological justification for Communist leadership under Kim's rule and for the pervasive Stalinist control of the economy and all aspects of public and private life.

By the 1990s, the North Korean economy was in negative growth annually. The disintegration of the Soviet Union in 1991 meant the loss of Pyongyang's Cold War patrons in Moscow and increasing isolation for North Korea. Kim Il-Sung died suddenly of a heart attack in 1994, and his son and appointed successor, Kim Jong-Il, assumed power. This marked the first known Communist dynastic succession. While the younger Kim was regarded as the ruler of North Korea after his father's death, he delayed formally assuming positions of power for several years, not becoming general secretary of the Korean Workers' Party until 1997.

In 1998, elections were held for representatives of the Supreme People's Assembly (SPA), North Korea's rubber stamp legislature. This tenth SPA was regarded as the opening of the Kim Jong-Il era. The SPA revised the socialist constitution by renaming it the "Kim Jong-Il Constitution" and abolishing the post of president, which Kim was expected to assume. Kim was reelected chairman of the National Defense Commission, the nation's highest military supervisory body. With the post of president abolished, the NDC became the highest organ of power in the North Korean government and its chairman became the de facto head of state. Kim also holds the country's two other power offices: head of the ruling party and supreme military commander.

In April 1998, the two Koreas met in Beijing for direct government-to-government talks for the first time in four years. The talks were part of a continuing series of negotiations aimed at bringing a formal end to the Korean War, which was ended by a truce but without a formal treaty, leaving the two Koreas technically in a state of war. The border between the two Koreas is among the world's most heavily armed, with some two million troops deployed on both sides.

Political Rights and Civil Liberties

North Korea is arguably the most tightly controlled country in the world. Its citizens cannot change their government democratically. Elections are held regularly, but all candidates are state-sponsored and belong either to the ruling Workers' Party or smaller, state-organized parties. The SPA, nominally the highest organized state power, provides little more than a veneer of legitimacy to government decisions. Opposition parties are illegal, and there appears to be little organized dissent as a result of the regime's repression, widespread internal surveillance, and isolationist policies. Even the most basic elements of a civil society do not exist in North Korea.

The judicial system consists of the Central Court, under which there are various municipal courts. The SPA has the power to elect and recall the president of the Central Court. The criminal law subjects citizens to arbitrary arrest, detention, and execution for "counterrevolutionary crimes" and other broadly defined political offenses. In practice, these can include nonviolent acts such as attempted defection, criticism of the leadership, and listening to foreign broadcasts. Defense lawyers persuade defendants to plead guilty rather than advocate for them. The rule of law is nonexistent.

Prison conditions are characterized by severe mistreatment of prisoners and, by some accounts, frequent summary executions. The regime operates "reeducation through labor" camps that reportedly hold tens of

thousands of political prisoners and their families. Defectors say some political prisoners are “reeducated” and released after a few years, while others are held indefinitely.

Authorities implement arbitrary checks of residences, use electronic surveillance, and maintain a network of informants to monitor the population. At school, children are encouraged to report on their parents. The government assigns a security rating to each individual that, to a somewhat lesser extent than in the past, still determines access to education, employment, and health services. North Koreans face a steady onslaught of propaganda from radios and televisions that are pre-tuned to government stations.

Travel within the country generally requires a permit, which is normally granted only for state business, weddings, or funerals, although some reports suggest that internal travel restrictions have been slightly eased. Travel into the capital is heavily restricted, with permission usually granted only for government business. The government reportedly forcibly resettles politically suspect citizens. Chinese authorities return some refugees and defectors at the border, many of whom are reportedly summarily executed. Chinese sources say many North Koreans are, in fact, captured by North Korean agents operating across the border. Only a handful of foreign journalists are accredited in North Korea and entry for foreign visitors is highly restricted.

The General Federation of Trade Unions is the sole legal trade union federation, and its affiliates are used to monitor workers. The regime does not permit strikes, collective bargaining, or other core labor activity. Religious practice is restricted to state-sponsored Buddhist and Christian services. Private property ownership is prohibited.

2. Freedom House 2000-2001 세계인권상황평가서

Korea, North

Polity: One party Political Rights: 7

Civil Liberties: 7

Status: Not Free

Economy: Statist

Population: 21,700,000

PPP: na

Life Expectancy: 70

Ethnic Groups: Korean

Capital: Pyongyang

Overview

North Korea undertook a string of surprising diplomatic initiatives. The most important was the historic three-day summit between the leaders of North and South Korea on June 13 in Pyongyang. The two sides agreed to promote economic cooperation and work towards reconciliation and reunification, with some kind of confederation, or “one country, two systems,” as the preferred outcome. In early 2001, Kim is expected to make a reciprocal visit to Seoul in early 2001.

However, these diplomatic moves by Pyongyang were not matched by positive changes domestically. In fact, there were no improvements in political rights and civil liberties. Mass starvation is also never far away. The regime spends on arms, buying weapons from Russia and other countries and building missiles, using the lives of its people and its military arsenal as bargaining chips in international negotiations. A food crisis is expected in 2001. Some 2.4 million North Koreans are believed to have died from starvation in recent years. United Nations agencies are appealing for nearly \$400 million in food aid, more than three times their

request for 2000.

The Democratic Republic of Korea (DPRK) was established on September 9, 1948, following the end of World War II and the partition of the Korean peninsula by the Soviet-led Communist forces and U.S.-led Western democracies. With assistance from Moscow, Kim Il-Sung, a former Soviet army officer, became head of the North Korean government. In June 1950, Kim, with Soviet military support, invaded South Korea in an attempt to reunify the peninsula under Communist rule. The three-year Korean War ended in a truce after intervention by U.S. and Chinese troops, and left the two Koreas bitterly divided.

Throughout the cold war, Kim Il-Sung solidified his power base in the north through an extensive personality cult and the development of Juche (self-reliance), a home-grown ideology said to be an application of Marxism-Leninism specific to North Korea. In practice, it became an ideological justification for Communist leadership under Kim's rule and for the pervasive Stalinist control of the economy and all aspects of public and private life.

By the 1990s, the North Korean economy was in negative growth annually. Disintegration of the Soviet Union in 1991 meant the loss of Pyongyang's cold war patrons in Moscow, and increasing isolation for North Korea. Kim Il-Sung died suddenly of a heart attack in 1994. His son and appointed successor Kim Jong-Il assumed power. This was the first known Communist dynastic succession. The young Kim delayed formally assuming positions of power, becoming general secretary of the Korean Workers' Party only in 1997. In 1998, the Korean legislature revised the socialist constitution and renamed it as the "Kim Jong-Il Constitution," thus marking the beginning of the Kim Jong-Il era. The legislature also abolished the post of president. This made the National Defense Commission (NDC) the highest organ of power in the North Korean

government, and its chairman the de facto head of state. Kim was elected to head the NDC. He also heads the ruling party and is the supreme military commander.

Government mismanagement, natural disasters, and the end of food subsidies from former Communist allies have brought massive famine in recent years. The government accepts food aid from overseas, but reports allege that food aid is often diverted to military and government officials. Since Kim Jong-Il consolidated power in 1998, North Korea has tried to bring in foreign investment, while simultaneously asserting its independence and power in regional affairs. Hyundai, a top conglomerate in South Korea, agreed to transfer \$906 million over six years to develop a tourist facility in the North and to organize tours for South Koreans. The first group of South Koreans visited Diamond Mountain in the North in November 1998 under heavily restricted conditions. Pyongyang has also opened free-economic zones, such as in Rajin-Sonbong and the Nampo-Wonson area south of the capital, as a way to revive the economy without undertaking serious reform. North Korean border crossings to trade in China have increased, and Pyongyang has not curbed these exchanges.

In recent years, Pyongyang has played a high-risk game of missile and nuclear threats to extract aid from the United States and Japan. In August 1998, North Korea launched a missile which flew over the northern Japanese island of Hokkaido and crashed into the Pacific Ocean. Pyongyang claimed that the launch was part of an effort to put a satellite into space. Both the United States and Japan reacted with tightened sanctions against North Korea. In September 1999, North Korea and the United States agreed in Berlin that North Korea would suspend long-range missile testing in exchange for easing of comprehensive sanctions imposed by the United States. The next day, North Korea made an unusual call for inter-Korean dialogues at all levels of government and society. In December 1999, Japan lifted the remaining sanctions: a freeze on talks to normalize

bilateral relations and suspension of food aid.

North Korea is also suspected of building nuclear weapons. Pyongyang sought \$300 million in cash and food aid from the United States in exchange for rights to inspect a site north of Pyongyang. U.S. rejection of this demand threatened to undermine the 1994 Framework Agreement under which North Korea agreed to give up its nuclear program in exchange for light-water reactors, which could not easily be used to make weapons. A breakthrough occurred on March 16, 1999, when Pyongyang agreed to open the facility in question to a U.S. team in May 1999, May 2000, and thereafter, in exchange for a U.S. pledge to launch an agriculture project in North Korea and to provide 100,000 tons of food aid. In December 1999, an agreement to build two of the light-water reactors was signed.

The series of diplomatic surprises in 2000 began with the opening of relations with Italy. Following the summit in June, Foreign Minister Paek Nam Sun attended the Association of Southeast Asian Nations (ASEAN) Regional Forum in Bangkok, in July, to use the opportunity to improve bilateral ties with the United States, China, Australia, Russia, Japan and Canada. In the same month, the two Koreas agreed to reopen border liaison offices at Panmunjom and to reconnect a rail link between the two sides. The first family reunions, which brought together 100 families from each side, was held in August. About 7.6 million South Koreans are believed to have relatives in the North.

In September, the two Koreas marched under one banner at the Summer Olympic Games in Australia. In the same month, defense chiefs from the two sides discussed plans to clear mines in the demarcation area to aid the reopening of land transport links. In October, senior North Korea military commander and vice chairman of the National Defense Commission (NDC), Jo Myong Rok, met U.S. president Bill Clinton in

Washington, D.C. U.S. secretary of state Madeline Albright visited Pyongyang on October 22 for talks with Kim Jong-Il to clarify North Korea's position on its missile program and its view on the future of U.S. troops in South Korea. Kim Jong-Il was reported to favor the continued presence of U.S. forces to check Russian, Chinese and Japanese influence, and was reported to consider giving up North Korea's missile program, which earns the country about \$500 million in overseas sales, in exchange for international assistance to launch civilian satellites. Albright was the highest level U.S. official to visit North Korea. In November, Pyongyang accepted a United Nations proposal to build a railway linking the two Koreas. A second round of North-South government talks followed in December. The North wanted economic aid but the South was eager to expand joint humanitarian projects.

Whether it is brinkmanship politics or diplomacy, it is clear that North Korea and its leadership need outside help to survive. And Pyongyang has been very successful. In food aid alone, North Korea obtained 200,000 tons of fertilizers valued at \$60 million from South Korea before the summit, and another 100,000 tons after the meeting. In October, Seoul sent 500,000 tons of food aid. Since 1994, the share of North Korea's food imports obtained on concession terms has grown from zero to more than 80 percent.

3. Freedom House 2001-2002 세계인권상황평가서

Korea, North

Polity: One-party Political Rights: 7

Civil Liberties: 7

Status: Not Free

Economy: Statist

Population: 22,000,000

PPP: na

Life Expectancy: 70

Ethnic Groups: Korean

Capital: Pyongyang

Overview

Despite the severe food shortages plaguing his impoverished nation, North Korean strongman Kim Jong-il made few efforts in 2001 to free up the country's command economy or gain increased aid by improving relations with South Korea and the United States. Thanks to international food-aid programs, the country no longer seems to be in danger of a repeat of the 1990s famine that killed hundreds of thousands of people. The outlook seemed bleak, however, for any real improvements in the lives of ordinary North Koreans.

The Democratic People's Republic of Korea was established in the northern part of the Korea Peninsula in September 1948, three years after the United States occupied the south of the peninsula -- and Soviet forces, the north -- following Japan's defeat in World War II. At independence, North Korea's uncontested ruler was Kim Il-sung, a former Soviet army officer who claimed to be a guerrilla hero in the struggle against Japanese colonial rule that began in 1910. North Korea invaded South Korea in 1950 in an

attempt to reunify the peninsula under Communist rule. Drawing in the United States and China, the ensuing three-year conflict killed up to two million people on both sides and ended with a ceasefire rather than a peace treaty. Since then, the two Koreas have been on a continuous war footing.

Kim solidified his power base during the Cold War, purging rivals, throwing thousands of political prisoners into gulags, and promoting a Stalinist-style personality cult emphasizing absolute fealty to himself as North Korea's "Dear Leader." The end of the Cold War brought North Korea's command economy to the brink of collapse, as Pyongyang lost crucial Soviet and East Bloc subsidies and preferential trade deals. North Korea's economy shrank an estimated 30 percent between 1991 and 1996, according to the United Nations.

With the regime's survival already in doubt, Kim's death in 1994 ushered in even more uncertainty. Many observers questioned whether his son and appointed successor, Kim Jong-il, would have the stature to command the loyalty of other senior officials and the 1.1 million-strong armed forces. The reclusive Kim Jong-il, 59, has done little to dispel these doubts. Meanwhile, his tolerance of small farmers' markets and sporadic efforts to improve relations with the United States, Japan, and South Korea are widely viewed as desperate acts meant to save the country from economic implosion.

Still reeling from the loss of Soviet support and crippled by its own economic mismanagement, North Korea has also suffered since the mid-1990s from droughts and floods that have contributed to chronic food shortages. Famine has killed "approximately a million" people since 1995, according to the U.S. State Department's February 2001 report on North Korea's human rights record in 2000.

North Koreans have more to eat now than during the worst shortages, in

1997, largely because of international aid. The UN and private groups help feed 8 million of North Korea's 20 million people. Critics, however, say the regime misappropriates humanitarian aid. The Paris-based *Medicins Sans Frontieres* relief group quit working in North Korea in 1998, accusing Pyongyang of diverting food aid to government officials. Similarly, the UN Human Rights Committee accused Pyongyang in July 2001 of failing to take adequate measures to tackle the country's food problems.

On top of the food shortages, North Korea is facing an acute health care crisis. Foreign press reports suggest that the state-run health system has all but collapsed, hospitals lack adequate medicine and equipment, and clean water is in short supply because of electricity and chlorine shortages. Some 63 percent of North Korean children are stunted because of chronic undernourishment, according to a 1998 Unicef survey.

The government has tried to stave off economic collapse by bringing to the cities small farmers' markets, which have existed in the countryside for several years. It has also allowed foreign investors to set up factories in a free trade and special economic zone in the Rajin-Sonbong area.

Moreover, South Korean intelligence reported that technocrats in their 40s and 50s took up key posts in September in government agencies dealing with the economy, the Hong Kong-based *Far Eastern Economic Review* reported in December. It is not yet clear, however, whether the reshuffle will lead to tangible economic reforms. In any case, the regime appears to be wary of carrying out broad reforms that could undermine its tight control of the country.

North Korea has also used its long-range missile and suspected nuclear weapons programs as bargaining chips to win aid and other concessions from the United States and Japan. Pyongyang pledged in 1999 to suspend ballistic missile tests and open to American inspection a suspected nuclear

weapons facility north of the capital. In return, Washington agreed to ease sanctions and provide 100,000 tons of food aid. The negotiating progress came a year after North Korea launched a long-range missile that flew over northern Japan. Earlier concerns over North Korea's suspected nuclear weapons program led to 1994 agreement under which a U.S.-led, multi-nation consortium is currently supplying North Korea with light-water nuclear reactors, which cannot be used to make atomic weapons. Pyongyang in return is scrapping existing nuclear reactors capable of producing weapons-grade plutonium.

North Korea largely rebuffed efforts by Seoul in 2001 to improve bilateral relations in the wake of a landmark June 2000 summit in Pyongyang between Kim Jong-il and his South Korean counterpart, Kim Dae-jung. The lack of progress largely ended the few social exchanges and business deals that followed the summit.

Political Rights and Civil Liberties

North Korea is one of the most tightly controlled countries in the world. The regime denies North Koreans even the most basic rights, holds tens of thousands of political prisoners, and controls nearly all political, social, and economic groups and activities.

Kim Jong-il, the North Korean leader, and a small group of elites from the Korean Worker's Party (KWP) rule by decree, although little is known about the regime's inner workings. Kim formally is general secretary of the KWP, supreme military commander, and chairman of the National Defense Commission. The latter post is the "highest office of state," following the 1998 abolition of the presidency. Vice Marshall Jo Myong Rok, first vice chairman of the National Defense Commission, is believed to be Kim's second-in-command.

The Supreme People's Assembly (SPA), or parliament, has little independent power. It meets only a few days each year to rubber-stamp the ruling elite's decisions. In an effort to provide a veneer of democracy, the government occasionally holds show elections for the SPA and provincial, city, and county bodies. All of the candidates belong to the KWP or to one of several small, pro-government "minority parties." The last SPA elections were in 1998.

Defectors and refugees have in recent years reported that the regime regularly executes political prisoners, repatriated defectors, military officers accused of espionage or other antigovernment acts, and other suspected dissidents, according to the U.S. State Department report. The regime has also executed prisoners for "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes," the report added. The UN Human Rights Committee commended North Korea in July for cutting the number of offenses carrying the death penalty to 5 from 33. The committee noted, however, that four of the remaining offenses are largely political.

The UN human rights body also severely criticized the regime's harsh treatment of prisoners. It called on Pyongyang to allow international human rights groups into the country to verify the "many allegations of cruel, inhuman and degrading treatment and conditions and of inadequate medical care in reform institutions, prisons, and prison camps." Defectors say the regime holds some 150,000 political prisoners, while the South Korean government puts the figure at 200,000, the U.S. State Department report said. The number of ordinary prisoners is not known.

Foreign humanitarian groups estimate that up to 300,000 North Koreans have fled to China since 1995 to escape food shortages. Chinese authorities have returned many refugees to North Korea, where some have been executed, according to the U.S. State Department report. The government has also forcibly relocated "many tens of thousands" of North Koreans to

the countryside from Pyongyang, particularly people considered politically unreliable, the U.S. State Department report said. In addition, authorities continue to restrict travel into Pyongyang, normally granting permission only for government business. At the same time, the government has in recent years eased internal controls that had required North Koreans to obtain passes to travel outside of their home villages.

Authorities rely on an extensive network of informers to expose dissidents and routinely carry out surprise security checks on homes and even entire communities, according to the U.S. State Department report. Pyongyang assigns to each North Korean a security rating that partly determines access to education, employment, and health services as well as place of residence. By some foreign estimates nearly half the population is considered either "wavering" or "hostile," the U.S. State Department report said, with the rest rated "core."

The government severely punishes North Koreans for worshipping in underground churches and requires all prayer and religious study to be supervised by state-controlled bodies, according to the U.S. State Department report. Foreign religious and human rights groups say that authorities have killed, beaten, arrested, and detained in prison camps members of underground churches.

North Korean authorities control all trade unions, which they use to monitor workers, mobilize them to meet production targets, and provide them with health care, schooling, and welfare services. The regime does not permit strikes, collective bargaining, or other basic organized labor activities. Many work sites are dangerous, and the rate of industrial accidents reportedly is high, the U.S. State Department report said.

Authorities subject North Koreans to intensive political and ideological indoctrination through the mass media, schools, and work and

neighborhood associations. They face a steady onslaught of propaganda from radios and televisions that are pretuned to receive only government stations. Foreign visitors and academics say that children receive mandatory military training and indoctrination at their schools. The regime also routinely orchestrates mass marches, rallies, and performances involving thousands of people that glorify the two Kims and the state.

The government uses a vague guiding philosophy of *juche*, or "I myself," to justify its dictatorship and rabid efforts to root out dissent. Credited to former President Kim Il-sung, *juche* emphasizes national self-reliance and stresses that the collective will of the people is embodied in a supreme leader. Opposing the leader means opposing the national interest. Taking this to the extreme, authorities have punished people for offenses as trivial as accidentally defacing photographs of Kim Il-sung or Kim Jong-il, according to the U.S. State Department report.

Few women have reached the higher ranks of the ruling KWP or government. Little is known about how problems such as domestic violence or workplace discrimination may affect North Korean women.

The government prohibits private property and directs and controls nearly all economic activity. Authorities have in recent years, however, allowed families to keep small private gardens and farmers to sell produce at small daily markets. Prior to the economic collapse that began in the early 1990s, the government provided all North Koreans with free food, housing, clothing, and medical care. Today, it barely provides these essentials.

4. Amnesty International 2001 세계인권상황 연례보고서

Amnesty International Annual Report 2001

KOREA

(DEMOCRATIC PEOPLE'S REPUBLIC OF)

Democratic People's Republic of Korea

Head of state : Kim Jong Il

Head of government : Hong Song Nam

Capital : Pyongyang

Population : 23.3 million

Official language : Korean

Death penalty : retentionist

The government of the Democratic People's Republic of Korea (North Korea) stepped up its diplomatic and trade initiatives with the outside world. Although the food crisis was reported to have eased slightly, North Korea remained dependent on massive humanitarian aid. Lack of access and government restrictions on the flow of information continued to hamper independent research, giving rise to concern that patterns of serious human rights violations remained hidden.

Intensified diplomatic and trade links

The North Korean government's diplomatic efforts were intensified in 2000, as the country became more engaged in regional and international affairs. In January, Italy became the first of the Group of Seven (G7) nations to establish full diplomatic ties with North Korea. Diplomatic links were also established with Australia and with the Philippines. The government showed interest in improving ties with the USA, Japan, Canada and several European countries. In July, North Korea joined the Association of South-East Asian Nations (ASEAN).

North Korea and Japan resumed talks to normalize relations in April. However, the two countries remained far apart on most key issues, including Japanese compensation for its occupation of the Korean peninsula between 1910 and 1945, and the 10 missing Japanese nationals who Japan believes were abducted by North Korean agents in the 1970s and 1980s.

Contacts between North Korea and the USA accelerated. Foreign Ministers from both countries held a meeting during the ASEAN Regional Forum in Bangkok in July. In October North Korea's Vice-Chairman of the National Defence Commission met President Bill Clinton. The two countries later issued a joint communique on improving relations. In October, US Secretary of State Madeleine Albright visited North Korea and held talks with Kim Jong Il and other high-ranking officials. The USA again eased sanctions against North Korea, allowing reciprocal commercial activity, and announced in June that it would donate more food aid through the World Food Program. In response, North Korea returned the remains of 26 US servicemen lost in action during the Korean war and promised to freeze its missile-testing program.

In May, Kim Jong Il made an unprecedented state visit to China; his first official trip abroad since he came to power in 1994.

Inter-Korean summit

In a ground-breaking political move, the North Korean leader held a summit in mid-June in Pyongyang with the South Korean President, Kim Dae-jung. The outcome of the summit was a declaration seeking eventual reunification. A series of meetings between North and South Korean officials followed and both sides agreed to ease military tension and guarantee peace on the Korean peninsula. Three channels of dialogue were established between the two Koreas, on economic, military and family reunion issues. In August, 100 separated families from both countries were briefly reunited in Seoul. A second reunion was held at the end of November in Seoul and Pyongyang.

Humanitarian crisis

Although some slight improvement in the humanitarian situation was reported, the food crisis remained severe, with the country facing grave food shortages for the sixth consecutive year. Uncertainty still prevailed as to the distribution of food aid and the monitoring of needs. In March, the French aid agency Action contre la faim, Action against Hunger, pulled out of North Korea on the grounds that "free and direct access to famine victims is denied".

Restrictions on information

Reports suggested the existence of serious and hidden patterns of human rights violations, including public executions, torture, detention of political prisoners and inhumane prison conditions. However, information and access to the country remained tightly restricted, and AI was unable to verify these reports.

Refugees

The food crisis led hundreds, possibly thousands, of people to cross the border into China where their situation was very precarious. Some were reported to have been apprehended by Chinese and North Korean security forces and forcibly returned to North Korea. Little was known about what happened to the returnees but a number of sources reported that they often faced long interrogation sessions and torture. Some returnees were sent to prison or labour camps where conditions were reported to be extremely harsh.

- In January, seven North Korean refugees, including a 13-year-old boy, were forcibly returned from China. The seven refugees left North Korea for Russia via China and were recognized as refugees by the UN High Commissioner for Refugees (UNHCR). However, the Russian authorities forcibly returned them to China, which sent them back to North Korea. In June, it was reported that six of the seven refugees were serving "short-term prison sentences" and that

the 13-year-old-boy had been released, although AI was not able to verify this information.

Intergovernmental organization

In 1997, North Korea had announced its "withdrawal" from the International Covenant on Civil and Political Rights (ICCPR). However, in March, the government submitted its second periodic report on its implementation of the ICCPR to the UN Human Rights Committee. Its first report was submitted in 1984.

AI country report

Democratic People's Republic of Korea : Persecuting the starving - the plight of North Koreans fleeing to China (AI Index: ASA 24/003/2000)

5. Amnesty International 2002 세계인권상황 연례보고서

Amnesty International Annual Report 2002

KOREA

(DEMOCRATIC PEOPLE'S REPUBLIC OF)

Democratic People's Republic of Korea

Head of state : Kim Jong Il

Head of government : Hong Song Nam

Capital : Pyongyang

Population : 22.4 million

Official language : Korean

Death penalty : retentionist

2001 treaty ratifications/signatures : UN Women's Convention

The government of the Democratic People's Republic of Korea (North Korea) continued to refuse access to independent human rights observers. North Korea remained heavily dependent on humanitarian aid as the food crisis deepened following severe flooding. Reports of public executions continued to be received. Freedom of religion was severely restricted. The UN Human Rights Committee made a number of recommendations in response to the submission by the government under its obligations as a party to the International Covenant on Civil and Political Rights. This was the first submission by the North Korean government in 16 years.

Background

Visits to the People's Republic of China and the Russian Federation by Chairman Kim Jong Il signalled the continuing efforts by the government to consolidate relations with both countries. Chinese President Jiang Zemin visited North Korea in September, the first Chinese Head of State to do so since China's normalization of relations with the Republic of Korea (South

Korea) in 1992.

Relations between North and South Korea improved in September. However, ministerial talks in November failed to reach any significant agreements. The government expressed anger at the decision by the government of South Korea to put its military and police on alert following the attacks in the USA on 11 September. As North Korea accused South Korea of introducing more armoured vehicles into the demilitarized zone, established in 1953 at the end of the Korean War, there were reports in late November of an exchange of gunfire in the area.

Contacts between North Korea and the European Union (EU) continued with a visit in May by the Prime Minister of Sweden, European Commissioner Chris Patten and EU High Representative Javier Solana. In June, a North Korean delegation visited Brussels to discuss human rights issues with the EU.

Humanitarian crisis

The need for sustained humanitarian aid to North Korea became increasingly urgent as chronic food shortages continued. The crisis was exacerbated by severe flooding in the eastern provinces in October which left many people dead and some 60,000 homeless; continuing problems surrounding the distribution of food aid were highlighted by reports that between July and September none was distributed. In July the head of the Supreme People's Assembly, Kim Yong-nam, visited Viet Nam to discuss food aid. The Third International NGO Conference on Humanitarian Assistance to North Korea, held in South Korea in June, discussed practical obstacles to the crisis, such as the lack of fertilizers and other materials, insufficient energy supplies and inadequate transport.

Refugees

The number of North Koreans forcibly repatriated by the Chinese authorities increased sharply; many went into hiding in China to avoid being sent back. Information reaching AI suggested that almost three quarters of the North Korean refugees in China were women. There were reports that many were targeted by organized gangs, repeatedly raped and forced into prostitution.

Reports were also received of a crack-down on North Koreans who crossed the border into China. Chinese police were said to have increased checks on people's homes and to have offered rewards of up to 2,000 yuan (US\$240) to Chinese citizens who gave information about North Korean refugees. At the end of July there were reports that some 50 North Koreans were being forcibly returned every two days from the border town of Lonjing (Jilin province) and that several hundred were detained awaiting repatriation in the border cities of Tumen (Jilin province) and Dandong (Liaoning province) in China. There were concerns that they had been tortured and imprisoned on their return to North Korea.

The crack-down on North Koreans was reported to have intensified after a widely publicized incident in June when North Korean refugee Jang Gil-suh and his family sought asylum in the Beijing office of the UN High Commissioner for Refugees. The Chinese authorities allowed the family of seven to leave China for a third country on humanitarian grounds, and they were granted asylum in South Korea at the end of June 2001. They were part of a group of 17 who arrived in China in March 2000. Jang Gil-suh's mother, Jang Son-mi, was feared to have been arrested in China and forcibly returned to North Korea in March 2000 and there were fears for her safety.

Death penalty

North Koreans fleeing to China reported that public executions were being carried out. In July, North Korea reported to the UN Human Rights Committee that a 30-year-old man, Chu Su-man, had been publicly executed in Hamhung City in 1992 after "unanimous requests" by local people. The North Korean government had initially acknowledged the execution in a letter to AI in 1993, but denied it two years later, saying that there had been a mistake in translation.

In its report to the Committee, North Korea said that it had cut the number of capital offences from more than 30 to five: conspiracy against state power, high treason, terrorism, anti-national treachery and intentional murder. The Committee expressed serious concern that, apart from the crime of intentional murder, these were essentially political offences, and so vaguely worded that the death penalty could be applied to a wide range of peaceful political activities.

Recommendations by the UN Human Rights Committee

In its conclusions to the second periodic report submitted by North Korea in July, the Committee made a number of recommendations, including that the government take appropriate measures to ensure that constitutional and legislative provisions are amended to ensure the impartiality and independence of the judiciary; that amendments be made to relevant clauses of the criminal code concerning offences where the death penalty may be applied; that executions be suspended while the government takes steps to abolish the death penalty; that regular access be permitted to international human rights organizations; that every case of torture and ill-treatment be investigated by an independent body; and that conditions in places of detention be improved and that they be opened to independent, international bodies.

Religious persecution

Reports continued to be received that people attempting to practise their religion, especially Christians, were severely impeded by the authorities. In its recommendations in July, the UN Human Rights Committee expressed serious concern about the restrictions, and requested that the authorities take practical measures "to guarantee freedom of exercise of religion by the community".

It was feared that several thousand Christians were being held in labour camps where they reportedly faced torture, starvation and death. In October, the Director General of the External Relations Department of the EU stated that the North Korean response to his queries on the reported persecution of Christians and on human rights issues was "inconclusive" and "tentative".

6. Amnesty International 특별보고서 (2000)
북한기아에 의한 박해 : 중국으로 탈출한 탈북자의 고난

Ai-index : ASA 24/003/2000 15/12/2000

**DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA
PERSECUTING THE STARVING:
The Plight of North Koreans Fleeing to China**

Thousands of North Koreans have been fleeing their country of origin as a result of severe food shortages that have hit the country since 1994. Their government, however, criminalizes the act of leaving the country without permission. But North Koreans continue to flee in desperation. The vast majority of those who leave without permission go to China where they face human rights violations and an uncertain future. Although China is a State Party to the 1951 Refugee Convention, it is not meeting its international obligations to protect these North Koreans.

I. BACKGROUND

1. A TRAGIC FOOD SITUATION

"The children are in their teens but look barely ten" is how an ethnic Korean residing in the People's Republic of China (China) recently described North Korean children who continue to flee the famine in their country in search of food in China. Similar reports and images of starving North Korean adults and children have come to light over the past few years. They highlight the plight of possibly millions of North Koreans who have fallen victims of a famine that has led to the death from malnutrition and related diseases of an estimated two million people (almost 10 percent of the population) according to aid experts from the USA.

Since 1994, a series of natural disasters and years of state-run economic

mismanagement compounded by the loss of preferential trade with the former Soviet Union and China in the early 1990s⁽¹⁾ have unleashed acute food shortages leading to famine. By the end of 1992, the economic situation in the Democratic People's Republic of Korea (North Korea) had become so serious that the North Korean government reportedly had to impose strict limits on food consumption, limiting individual intake to one-fourth of basic requirements.⁽²⁾ From 1993 to 1995, the food situation grew worse with agricultural output reduced significantly by cold weather in 1994 and floods in 1995. The loss of over one-third of the country's GDP since 1991 and growing food shortages led large numbers of North Koreans to flee the country in an attempt to survive. In December 1998, the Asia Regional Director of the World Food Program (WFP) described the situation in North Korea as a "famine in slow motion" in which the whole country seems to be underfed. Although the North Korean government has been reluctant to release information, in May 1999, a North Korean official said that mortality rates had risen from 6.8 per 1000 in 1995 to 9.3 per 1000 in 1998.

Following a joint mission to North Korea at the end of June 2000 by the UN Food and Agriculture Organisation (FAO) and WFP, the agencies reported that the country is facing grave food shortages again this year. The report stated "approaching its sixth year of food shortages, therefore, the country still requires large-scale food assistance to ensure adequate nutritional standards, especially for children, pregnant women and the elderly." These concerns were reiterated by the North Korean delegation in Geneva during a June meeting with the United Nations Development Program (UNDP) and 22 donor countries. The North Korean delegation asked for new international aid at the same time as it reported being hit by its worst drought in half a century. By the end of September, the official Korea Central News Agency (KCNA) sent out a new famine alert disclosing that more than 1.4 million tonnes of grain had been lost because of severe drought and typhoons this year.

Although North Korea has received large quantities of humanitarian aid

from the international community, there are consistent reports that government policies have hampered the distribution of aid and the monitoring of needs. There is mounting concern that military officials, members of the Workers' Party of Korea (WPK) and those working in strategic industries are receiving more aid than ordinary citizens. Humanitarian and aid agencies working in North Korea or in the border areas with China have reported that food has been distributed in a way that discriminates against some of the most vulnerable groups of society such as the unemployed, the elderly, the homeless, children in orphanages and prisoners.⁽³⁾ In March 2000, the Head of Mission of Action contre la faim (Action against Hunger) was quoted saying that several North Korean officials told her clearly that "there is one "useful" population and one "useless" population."⁽⁴⁾ Some sources have also reported that relief food is being traded in the black market through the military and the WPK. These conditions have led some humanitarian agencies such as Médecins Sans Frontières (MSF) to pull out of North Korea on the grounds that restrictions on access had made it impossible to deliver aid in a "principled and effective" manner.⁽⁵⁾ MSF called on donor agencies to review their aid policies towards North Korea, to exact greater accountability and to ensure that agencies were able to impartially assess needs and have direct access to the population. In March 2000 another aid agency, Action contre la faim, withdrew from North Korea stating that "all humanitarian assistance is channelled through the authorities and does not reach the most vulnerable sectors of society. Free and direct access to famine victims is denied".⁽⁶⁾ Other international aid agencies such as the WFP and the UNDP, which continue to operate in the country, have also reported that inadequate access to data and the inability to travel to monitor relief distribution continue to hamper international aid work.

2. INCREASED POLITICAL AND TRADE LINKS

North Korea has remained in almost total isolation since the end of the 1950-53 Korean war and its closed border with South Korea is the last 'Cold War' frontier. But from the second half of 1999, it began to come

out of its diplomatic isolation and sought to normalise relations with several countries including Japan, the United States and some European nations including more recently the United Kingdom and Germany. It forged full diplomatic ties with Italy in January this year, with Australia in May and with the Philippines in July.⁽⁷⁾ One clear outcome of these diplomatic initiatives has been the lifting, at the end of last year, of some of the sanctions imposed on North Korea by countries like the USA and Japan. Until recently, most aid to North Korea has been in the form of food supply and fertilizer to help the farm sector recover from a series of natural disasters. But increasingly donor governments have been discussing other forms of aid with the North Korean government including direct assistance to the industrial sector.

Perhaps the most groundbreaking political move North Korea made this year was holding a summit in its capital Pyongyang with South Korea between 13 and 15 June 2000. The summit produced a declaration to seek eventual reunification. North and South Korean officials have held a series of meetings since the historic summit and have subsequently agreed to make joint efforts to ease military tension and guarantee peace on the Korean peninsula. The two Koreas now have three separate channels of dialogue on economic, military and family reunion issues. In September, the two governments also agreed to establish a joint consultative committee to push forward economic cooperation and trade. Major projects between the two countries include the construction of a railway and an expressway across the heavily fortified border. In November, economic officials from both sides initiated new economic agreements including a single currency for trade, the "Korean euro", for use for future inter-Korean trade. Also in September, the two sides agreed on the need to ease military tension and eliminate the danger of war.⁽⁸⁾ Efforts were also made to grant permission to people from each country to reunite with their relatives. One hundred people from each side were allowed to exchange short visits in August 2000 to see long lost relatives. On 30 November, two more groups of one hundred people from North and South Korea visited each other's capital for the second round of family reunions.

The long term results of these intensive diplomatic activities by the North Korean government are difficult to measure. Currently, there appears to be no concrete plans for fundamental reforms which would signal the government's willingness for greater openness, accountability and transparency in human rights. There are no signs that the authorities are easing their restrictions on the flow of information and little is known about government and society. Soon after the inter-Korean Summit, it was reported that the North Korean leader Kim Jong Il told South Korean President Kim Dae-jung that he would revise the charter of the Workers' Party of Korea at its seventh convention.⁽⁹⁾ It has also been reported that during a visit to Pyongyang in March this year, the Italian Foreign Minister Lamberto Dini indicated that the North Korean authorities plan to sign "some" agreements "for the protection of human rights".⁽¹⁰⁾

II. ESCAPING THE FOOD CRISIS

Despite recent moves to open up to the international community, hardly anything is known about the North Korean government structure, the legal system and the activities of the ruling WPK. Run on an ideology of "self-reliance" or Juche, hence independence from the rest of the world, North Korea's political system does not allow any opposition, imposes sharp restrictions on travel in and out of the country and has total control over the dissemination of information.

North Korea remains completely closed to all independent research into human rights issues inside the country. In a country which denies its citizens some of the most basic human rights, the full scale of the food disaster is hidden from view. North Koreans are trapped in a situation which they have no power to influence and against which they cannot protest. They are prevented from exercising their right to freedom of expression and association and their right to leave the country. In recent years, increasing reports by aid workers and foreign journalists who interviewed North Koreans in China have described serious human rights

violations in North Korea. These include summary public trials and executions by shooting or hanging, regular use of torture, the imprisonment of thousands of political prisoners, and harsh conditions in prisons and other detention centres where many inmates are reported to have died of hunger and disease.

North Koreans who flee their country are usually considered by their government to be traitors and/or criminals if they leave North Korea without official permission. Article 47 of the 1987 North Korean Criminal Code states that:

"A citizen of the Republic who defects to a foreign country or to the enemy in betrayal of the country and the people...shall be committed to a reform institution for not less than seven years. In cases where the person commits an extremely grave concern, he or she shall be given the death penalty..."

Article 117 states :

"A person who crosses a frontier of the Republic without permission shall be committed to a reform institution for up to three years."

To survive, thousands of starving North Koreans have left their country 'illegally', often through the 1,300 km-long land border with China. Some two to three million ethnic Koreans known as "Chosun Jok" are believed to live around the Chinese towns of Tumen, Ji'an, Yanji, Dandong and others in Jilin and Liaoning provinces. Tumen and Yanji are located in the Korean Autonomous Prefecture of Yanbian in Jilin Province which shares 520 km of its borders with North Korea. The area around the city of Yanji, some 20 km from the border with North Korea, is thought to have the largest concentration of ethnic Koreans. North Koreans speak the same language as the 75% of the people in the Yanbian Prefecture who are ethnic Koreans.⁽¹¹⁾

The majority of North Koreans fleeing to China are reported to cross the Tumen river which is often narrow enough to wade or swim across. The Tumen river also freezes in the winter making the crossing relatively easy. Because of lack of access to the border areas, neither Amnesty International nor any other independent organization have been able to ascertain the exact number of North Korean asylum-seekers and "illegal immigrants" currently in China. The problem of arriving at an accurate estimate of their numbers is further complicated by the fact that in many instances North Koreans go back and forth searching for food for themselves and the families they left behind. But estimates of the number of those who remain in China range from 50,000 to 300,000.

III. RISKING INTIMIDATION, FEAR AND FORCED REPATRIATION

Some of the North Koreans who have been crossing the border into China's northeastern provinces of Jilin and Liaoning have risked their lives by leaving their country 'illegally' and face an uncertain future when they reach their destination. Over the past several years, as the economic situation in North Korea gradually worsened, there has been a distinct change in the type of people who cross to China. Some reports point out that around 1995, the North Korean population in China comprised relatively healthy and well-nourished men in search of better economic opportunities. At that time, China does not seem to have perceived them as a major problem and did little to stem the tide. However, in 1998 when the famine was believed to have reached its peak, more and more under-nourished women, the elderly and children too began to cross into China looking for food to survive.⁽¹²⁾ Some non-governmental organisations (NGOs), aid workers, and journalists who work in or have visited the border areas have reported in some detail the conditions under which these so-called "illegal immigrants" live in China and the fate they may face if forcibly returned to North Korea.

North Koreans who seek refuge in China are in a very precarious situation. Some find shelter in villages and farms where they are supported

by China's ethnic Korean community and ethnic Chinese people, but others are forced into begging and stealing. Others still are reported to resort to eating grass and roots in order to survive. Women and girls are particularly vulnerable as a number of reports received by Amnesty International have noted a trend in using women as 'sex slaves' sold by their parents or placing themselves in the hands of professional bride traffickers. Once married to a Chinese man and registered as a resident of China, a North Korean woman's chances of being apprehended and forcibly returned to her country are believed to decrease considerably. Information received by Amnesty International also states the growing trend of women forced to turn to prostitution to feed themselves and their hungry families. The organization also received reports about an increase in the number of North Korean women being sold to Chinese bride traffickers who in turn sell these women to ethnic Korean farmers established in China who are believed to have difficulty finding wives as more and more young local women are drawn to the cities to work. Whatever their circumstances, all North Koreans who enter China 'illegally' face the risk of being pursued and apprehended by Chinese security officials and the North Korean Public Security Service (PSS) who are reported to sometimes pose as Christian missionaries.

Thousands of North Koreans are reported to have entered China during 1998, a year considered by some as the worst of the famine. However, by early 1999, the Chinese authorities started clamping down on the influx of North Koreans by taking "appropriate measures". These measures are reported to have involved forcibly returning hundreds of North Koreans back across the border and increasing tenfold the fine imposed on people harbouring or helping North Koreans from 500 to 5,000 yuan (about US\$60 to US\$600); 5,000 yuan believed to be approximately the equivalent of a year's income. In 1999 the number of North Koreans being forcibly repatriated reached over 7,000 according to some accounts received by Amnesty International.

Since March 2000, there have been consistent accounts of another and still

harsher crackdown on North Koreans and those who help them in China. This latest crackdown is believed to have been initiated largely due to security concerns in relation to the three-day unofficial visit of the North Korean leader Kim Jong Il to China at the end of May 2000.

Amnesty International received reports claiming that about 5,000 North Koreans were forcibly returned across the Tumen Bridge (Jilin Province) in March 2000 alone, with similar numbers being returned via other crossings along the northeastern Chinese province of Liaoning. A number of these reports have stated that there is a general atmosphere of fear and intimidation as Chinese security forces and North Korean agents are active targeting not only North Korean men (as they did in the past) but also women and children. Those suspected of helping North Koreans are now believed to be fined up to 30,000 yuan (about US\$3,600) making it much more dangerous for anyone wishing to assist North Koreans to do so. Other sources have noted that substantial rewards are given to Chinese citizens who turn in these "illegal immigrants". With the factories and farms in China which, in the past, offered them work and shelter now under heavy scrutiny, few North Koreans are reported to take the risk of leaving their homes except when absolutely necessary.⁽¹³⁾ Some are reported to hide in secret tunnels or caves in mountainous areas. Some of those who get caught are said to be led back across the border like cattle with wire cables through their noses or hands.⁽¹⁴⁾

THE EVENTS OF 18 APRIL 2000

Serious disturbances are reported to have taken place at Tumen Detention Centre in the northeastern province of Jilin in China in April 2000. The Centre, believed to be used to detain North Koreans who have entered China "illegally", was apparently the scene of protests by the detainees against poor treatment and forcible return to North Korea. Some sources reported that amongst the inmates, there were three North Korean ex-soldiers who strongly demanded not to be returned to North Korea for fear of being killed by the North Korean authorities. According to reports,

some 80 inmates (seventy women and ten men including a four-year-old child) were involved in the disturbances which were brought to a swift end by prison guards. Some 60 inmates were subsequently forcibly returned to North Korea. One report quoted one man whose job it is to drive such people to the border say: " Yes, the girls cry; of course they cry. I heard that if they have to send a girl back, she might be tortured. Some of them are so frightened that it is as though they are in shock. All the way to the border, 60 kilometres, they stare ahead saying nothing."⁽¹⁵⁾

Amnesty International appealed to both the Chinese and North Korean governments to disclose the whereabouts and legal status of the people who were forcibly returned but the organization has received no reply from either side.

THE CASE OF SEVEN REFUGEES

In January this year, seven North Korean refugees (aged between 13 and 30), Lee Dong Myung (m), Ho Young Il (m), Bang Young Shil (f), Chang Ho Won (m), Kim Woon Chul (m), Kim Kwang Ho (m) and 13-year-old Kim Sung Il (m), were forcibly returned to North Korea by China. In November 1999, the seven refugees left their home country for China and from there moved on to Russia. While in the Russian town of Pervomaiskoe, they were discovered and arrested by the Russian Border Patrol. During an interview with Russian television, the refugees said they feared execution if returned to North Korea and they wished to go to the Republic of Korea (South Korea) or a third country. In December 1999, the UNHCR recognised them as Convention refugees. Although the UNHCR informed the Chinese and the Russian governments about its decision to recognise them as Convention refugees, Russia forcibly returned them to China on 31 December 1999. China in turn forcibly returned them to North Korea on 12 January 2000.

The UNHCR's warnings to the Chinese government that the refugees would face "grave consequences" were to no avail. In May 2000 Chinese

diplomats told the UN Committee against Torture that "after careful investigation and screening" the relevant Chinese authorities determined that the group were economic illegal migrants so handled them according to bilateral agreements.⁽¹⁶⁾ They insisted that "through its handling of the case, China has not violated in a slightest way the principle of non-repatriation of refugees and the alleged violation of the Convention on the Status of Refugees is out of the question".

Amnesty International wrote to all three governments concerned requesting assurances that none of the returnees were at risk of human rights violations. Amnesty International welcomes the fact of all the three governments the organization wrote to, the Russian Federation replied in March 2000. In their reply, the Russian authorities noted that their decision to forcibly return the seven refugees was based on the fact that China, not Russia, was the country of first refuge. They added that it was, therefore, the prerogative of the Chinese government to take a decision concerning their situation, including their deportation to North Korea. Amnesty International finds this reply unsatisfactory. The Russian Federation cannot transfer their obligations under the principle of non-refoulement by sending refugees to another country where there are no guarantees that they will be granted effective and durable protection against forcible return.

On 8 May, a Chinese Foreign Ministry spokesman, Zhu Bangzao, on a visit to South Korea was quoted saying to reporters in Seoul that the seven refugees were "safe". On 22 June, the South Korean news agency Yonhap cited the South Korean Minister of Foreign Affairs and Trade as stating that six of the seven refugees were serving "short-term prison sentences" and that the remaining 13-year-old boy had been released. However, Amnesty International was not able to verify this information.

IV. SERIOUS HUMAN RIGHTS VIOLATIONS OF RETURNEES

Information on the fate of those forcibly returned is difficult to obtain because of the North Korean authorities' tight restrictions on the flow of

information and on any international monitoring of the human rights situation. However, a number of reports received by Amnesty International provide consistent accounts of severe human rights violations.

Individuals who were caught and subsequently escaped or were freed have reported being beaten by Chinese and North Korean border police and security officials. Various reports received by Amnesty International indicate that some of those sent back face long interrogation sessions and torture by North Korean police. Some are sent to prison or labour camps. The conditions of detention are reported to be extremely harsh, with inmates being subjected to torture and ill-treatment, receiving meagre food rations, contracting illnesses and being denied access to medical care. Members of families of those who manage to flee North Korea are also reported to be punished for their relatives' 'crime'. A 60-year-old North Korean woman who was interviewed by a journalist in the city of Tumen (Jilin Province) said: "My relatives, including a son and a daughter, were jailed after it was known that I escaped the first time. Now that I've escaped again, it's hard to even imagine what became of them."⁽¹⁷⁾ Another North Korean woman who has been in China since 1999 reiterated similar concerns to a foreign journalist. She said she was forcibly returned to her country in 1998 and was immediately put in prison where she was forced to live on thin gruel, surrounded by dying inmates. She was also reported saying that she would not survive if she were caught again and sent back to North Korea. "There would be no reason at all to live. If I am caught, I have resolved to kill myself and I carry a cyanide tablet at all times."⁽¹⁸⁾ Other testimonies collected by journalists and aid agencies provide some disturbing corroboration.

In one case, a 20-year-old farmer talked about how over that past few years, he crossed the North Korea-China regularly looking for food. When he was caught by North Korean security forces in August 2000, he recalled, the interrogations he had to endure amounted to torture. He was sent to four detention centres where he was questioned for days at a time, hung upside down between interrogations before being incarcerated in a

tiny cell just one metre high and with a strong light bulb hanging from the ceiling. He said he could not stand and the light was so strong and hot that he was unable to sleep. He alleged he was fed three meagre portions of low-grade wheat porridge a day for four months. The diet made him so sick that the prison authorities, who do not want to have inmates dying in their cells, decided to release him.⁽¹⁹⁾

Another North Korean, a 21-year-old man, also interviewed by the same journalist, talked about his experiences in a labour camp where he spent six months after being caught on his return from China where he had gone to get some food. He claimed to have been subjected to torture. He was quoted saying: "The guards hit our legs until we couldn't walk. If we couldn't work, then we were deprived of sleep by being forced to stand up and down all through the night."⁽²⁰⁾

In another case, a North Korean woman claimed that she was beaten and put in jail after her forced return from China. While in a security office, she said she had to undergo a violent interrogation during which she was punched and asked why she had left the country and where she had lived in China. The process, she alleged, was repeated a second time in a different security office. She was then sent to prison where she reported the conditions were very poor with inmates sleeping on the floor and food rations were meagre. Inmates' families were expected to bring in food but many had none to give. As conditions inside the prison worsened, she added, officials started releasing prisoners because they did not want to be held responsible if some of the inmates died.⁽²¹⁾

North Korean government officials, suspected political opponents or those who attempt to seek political asylum outside the country are particularly at risk of harsh punishments if forcibly returned. Little is known about their fate but given the provisions of the North Korea Criminal Code and the numerous reports of executions, it is not unlikely that some of them may have been executed. In 1997, Amnesty International gathered detailed eyewitness accounts from independent and unconnected sources of at least

23 people, including one woman, who were publicly executed in several locations in North Korea between 1970 and 1992. The organization reported that the death penalty is handed down to those convicted of a wide ranges of crimes, from theft, to assault and rape, and murder.⁽²²⁾

Testimonies collected by journalists from North Koreans who fled to China tell of a pattern of public and secret executions. According to some of these North Koreans, secret executions are carried out when people are accused of 'political' crimes such as being critical of officials or the Workers Party. People who are accused of crimes such as theft and those who repeatedly cross the border into China are reported to be executed publicly.⁽²³⁾

During research for its 1996 report on human rights violations against North Koreans who were forcibly returned to their country by the Russian authorities, Amnesty International received numerous allegations that returned North Korean refugees are executed by the North Korean authorities.⁽²⁴⁾ These included a report in June 1996 by a Russian official that a North Korean who was forcibly returned to North Korea by the Russian authorities was shot on the spot by North Korean officials at the border in the presence of Russian border troops.

Although China is party to the 1951 UN Convention relating to the Status of Refugees, NGOs and others attempting to help North Koreans who flee to China say it is virtually impossible for asylum-seekers to access refugee determination procedures in China. The UNHCR undertook regular monitoring missions to the China-North Korea border from October 1997 to June 1999. However, this access was denied after that date by the Chinese authorities. According to several reports received by Amnesty International, China regularly sends North Koreans back to their country without seeking assurances regarding their safety and without giving asylum-seekers an opportunity to lodge a claim for asylum. To Amnesty International's knowledge, no North Koreans have been recognised as Convention refugees in China.

V. CONCLUSION AND RECOMMENDATIONS

The situation of North Koreans who reach China is better documented than human rights violations suffered by North Koreans who stay in their country. But the provision of better protection for North Koreans who cross into China is hampered by the lack of access to the border areas for the UNHCR and independent human rights monitors. As more attention turns to the thousands of North Koreans who are forcibly returned to their country and to the many more who remain stranded in precarious conditions along the China/North Korea borders and in constant fear of being sent back, Amnesty International reiterates its opposition to the forcible return of any asylum-seeker who may be at risk of human rights violations on return.

Amnesty International recognises the influx of large numbers of North Koreans may be seen as posing problems for the Chinese authorities but it urges the Chinese government to deal with these issues in a manner which does not violate internationally recognised human rights and refugee law standards. As a State Party to the 1951 Convention relating to the Status of Refugees, China has the obligation to respect the fundamental principle of non-refoulement as outlined in Article 33 of the Convention. China has also indicated its commitment to international refugee law and human rights standards through its membership of the UNHCR Executive Committee of the High Commissioner's Programme (EXCOM).⁽²⁵⁾

Amnesty International calls on the North Korean authorities to:

- immediately amend the provisions of the Criminal Code concerning "defection" and any other relevant legislation to bring them into line with international obligations under Article 12(2) of the International Covenant on Civil and Political Rights which stipulates that "Everyone shall be free to leave any country, including his own" and to allow North Korean citizens exit and entry to North Korea;

- ensure that no one is subjected to human rights violations including arbitrary detention, torture and ill-treatment, or executed; in particular, individuals leaving North Korea or attempting to do so without official permission should not be at risk of such violations;
- make public information concerning the whereabouts and legal status of North Koreans who were forcibly returned to North Korea;
- respect the right of other states to grant asylum;
- immediately stop all operations aimed at apprehending and intimidating North Korean refugees and asylum-seekers and those who are helping them in China or any other country;
- ensure greater openness and accountability on human rights by allowing independent access to international human rights monitors;
- abolish the death penalty in law for all offences and commute all death sentences;
- accede to and ratify the 1984 Convention against Torture and Other Cruel, Inhuman and Degrading Punishment or Treatment.

Amnesty International reminds China that the granting of asylum is a peaceful and humanitarian act. In particular, the organization calls on the Chinese government to:

- respect the fundamental principle of non-refoulement, as set out in the UN Refugee Convention, to which China is a State Party, and other human rights treaties, and generally recognised as part of customary international law, which provides that no one shall be returned to a country where his or her life or freedom would be threatened or he or she might be at risk of serious human rights violations, including torture, imprisonment and extrajudicial execution;

- fully implement the provisions of the UN Refugee Convention, in particular ensure that the rights of all refugees and asylum-seekers in China are respected and that all asylum-seekers have access to a fair and satisfactory asylum procedure and are not subjected to refoulement;
- lift restrictions on access to the border areas with North Korea for the UNHCR, independent human rights monitors and other independent observers, agencies and organizations;
- ensure that North Koreans enjoy full protection of their human rights and refugee rights in China. This should particularly include taking all appropriate measures to stop immediately all operations by Chinese security forces and the North Korean Public Security Service aimed at apprehending and intimidating North Korean refugees and asylum-seekers and those who are helping them in China. Those who are suspected of violating the rights of North Korean refugees and asylum-seekers should be suspended from duty, pending investigations, and those who against whom there is a case should be brought to justice in proceedings which meet international standards for fairness;
- immediately end all bilateral re-admission agreements [with North Korea] which deny asylum-seekers and refugees access to a fair and satisfactory asylum-procedure and effective and durable protection from refoulement.

Amnesty International calls on the UNHCR to:

- remind the Chinese authorities to fulfill their obligations under the UN Refugee Convention, including affording North Korean refugees and asylum-seekers effective and durable protection against refoulement and access to a fair and satisfactory asylum procedure;

- continue to seek access to all areas of China hosting refugees and asylum-seekers in order to ensure that all refugees and asylum-seekers receive effective and durable protection against refoulement and receive access to a fair and satisfactory asylum procedure;
- take all measures to investigate the fate of all forcibly returned North Korean refugees and asylum-seekers in North Korea.

Amnesty International urges the international community to undertake the following steps:

- urge the North Korean authorities to take measures to ensure that no one, including returnees who had fled North Korea, is subjected to human rights violations, including arbitrary detention and ill-treatment, or the death penalty;
- urge the Chinese government to fulfill their obligations to refugees and asylum-seekers, including granting the UNHCR and other agencies and organizations unrestricted access to such people in all areas of China;
- commit adequate resources to the UNHCR and its activities for the protection of North Korean asylum-seekers and refugees in China under the principle of responsibility sharing;
- immediately end all multilateral or bilateral agreements that allow North Korean asylum-seekers or refugees to be sent back to North Korea or another country where he or she would be at risk of direct or indirect refoulement or serious human rights violations;

(1) North Korea's economic decline was precipitated after its major trade partner, the former Soviet Union, demanded that North Korea pay world

prices for Soviet imports, make purchases in hard currency and begin to repay its large debts. In 1992 China too put trade with North Korea on a hard currency basis.

(2) John Merrill, "North Korea in 1992: steering away from the shoals". Asian Survey 33 (1), January 1993.

(3) The Moscow Times 23 May 2000. "La Cor?e communiste est devenue l'enfer de la faim"; M?decins Sans Fronti?es 30 September 1998

(4) Lib?ation; 10 March 2000

(5) M?decins du monde, another French international humanitarian NGO, also pulled out of North Korea in 1998 after spending six months there and being denied direct access to the people who needed their help most.

(6) Action contre la faim: Dossier de presse. Action contre la faim d?ide de se retirer de Cor?e du nord. March 2000

(7) Italy became the first of the Group of Seven (G7) nations to establish diplomatic links with North Korea. The Philippines was the last member of the Association of South East Asian Nations (ASEAN) to establish relations with North Korea, paving the way for North Korea to join a key regional security forum, the ASEAN Regional Forum (ARF), later that month in Thailand.

(8) No peace treaty has ever been signed between the two countries since the end of 1950-53 war which ended with a truce.

(9) The activities of the ruling WPK remain shrouded in secrecy as there is no information about the way decisions are made and implemented. Although the WPK is in theory supposed to meet on a 'regular' basis, there has been no party congress since the Sixth Congress, held in 1980.

(10) North Korea has not acceded to the majority of international human rights treaties. In 1997, it announced that it had "withdrawn" from the International Covenant on Civil and Political Rights (ICCPR). The decision to withdraw was made after it criticised the human rights debate at the UN as being 'political'. However, in March 2000, North Korea submitted its second periodic report on its implementation of the ICCPR to the UN Human Rights Committee. It submitted its first report in 1984.

(11) This part of China, formerly known as Manchuria, used to be populated by descendants of people who came from Korea at the

beginning of the 17th century. There was another influx in the 19th century especially after the Korean famine of 1869.

(12) China Rights Forum, Summer/Fall 2000

(13) South China Morning Post 12 May 2000. Reuters 9 June 2000

(14) Reuters 9 June 2000

(15) South China Morning Post 26 May 2000

(16) China and North Korea are believed to have signed a bilateral agreement on the return of illegal migrants between the two countries.

(17) Reuters 9 June 2000

(18) Reuters 11 June 2000

(19) Asiaweek 12 May 2000

(20) *ibid*

(21) The New York Times 31 May 2000. See also China Rights Forum, Summer/Fall 2000

(22) See Amnesty International report DPRK; Public Executions: Converging Testimonies (AI Index ASA 24/01/97, 1997)

(23) International Herald Tribune 24 February 1999

(24) See Amnesty International DPRK/Russian Federation: Pursuit, intimidation and abuse of North Korean refugees and workers (AI Index ASA 24/06/96, September 1996)

(25) EXCOM conclusions on refugee protection, adopted by consensus, are not legally binding as treaties, but represent the views of the international community and carry persuasive authority.

7. Human Rights Watch 특별보고서(2002)

THE INVISIBLE EXODUS: NORTH KOREANS IN THE PEOPLE'S REPUBLIC OF CHINA

November 2002

I. SUMMARY AND RECOMMENDATIONS

Overview

There are anywhere from 10,000 to 300,000 North Koreans living in hiding in China, mainly in the province of Jilin, along the border region with North Korea, mixed among Chinese citizens of Korean ethnicity. To reach China, they have defied their government's criminal prohibition on illegal exit and China's rigorous border controls. They are inaccessible except to a handful of intrepid journalists and activists, and barely acknowledged by China, whose policy is immediate expulsion in an effort to maintain good relations with neighboring North Korea and deter further migration. Occasionally, a handful of this largely invisible crowd erupts into world view when a family makes its way into a foreign embassy or office in Beijing, publicly seeking asylum. While China has allowed these diplomatic embarrassments to be resolved by the family's departure to third countries, it has also followed each incident with a renewed border crackdown, repatriating hundreds to deter the thousands waiting to cross.

This invisible exodus from the Democratic People's Republic of Korea (North Korea) entails human rights violations at almost every step. Some, though not most, migrants, leave because of political oppression or a desire for political freedom denied them in North Korea. Once in China, all migrants are vulnerable to abuse and unable to call on the Chinese government for protection. Problems range in severity from extortion to rape and trafficking in women to torture in Chinese prisons. Migrants who are caught crossing repeatedly, who stay for a prolonged period, or have

any contact with South Koreans or other non-Chinese foreigners, including missionaries and humanitarian workers who enter this area, are liable to severe punishments, even including death, if discovered and returned to North Korea. China is party to the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol (the "Refugee Convention"),¹⁾ but refuses to protect North Koreans, regardless of their reason for leaving, and regardless of the factors that may make them subject to persecution on return. Other countries of the region have varying practices with regard to North Korean refugees who transit through China, with some providing them asylum and access to the United Nations High Commissioner for Refugees (UNHCR) and others returning them to China, and often to peril.

This report presents a comprehensive overview of this human rights disaster, grounded in first-hand accounts of North Koreans who escaped to the South, and humanitarian workers who aided them and many less fortunate. It examines the complex and harrowing decision of migrants to leave, an illegal act often deemed tantamount to treason; the months and even years of hiding in China; the desperate circumstances that lead women to sell themselves as sexual companions; and the vulnerability these migrants have that open them to every and any abuse. Their fear of return is based on the well-known system of penal camps and labor colonies, consignment to whose horrific conditions was described to us repeatedly as a fate "worse than death." We conclude with a review of the national policies of key players in this crisis, and propose a coordinated international effort 1) to get North Korea to cease punishing returnees and allow access to monitors and humanitarian agencies, 2) to persuade China to grant humanitarian status to all such migrants in the meantime, and 3) to provide China with material assistance for such migrants and

1) *Convention Relating to the Status of Refugees*, 189 UNTS 150, 1951, entered into force April 22, 1954. In 1967 a Protocol was adopted to extend the Convention temporally and geographically. *Protocol Relating to the Status of Refugees*, 19 UST 6223, 606 UNTS 267, 1967, entered into force October 4, 1967. China became a part of the 1951 Refugee Convention and its Protocol in 1982.

third-country options for their resettlement.

No one can gauge the present dimensions of this exodus because the migrants remain hidden for fear of discovery, repatriation, and harsh punishment in North Korea. China additionally limits access to this area by international agencies, such as the UNHCR, and humanitarian organizations. Estimates by governments and private assistance or religious groups vary enormously, from the low official estimate of 10,000 long-term migrants resident in China by the Ministry of Unification in the Republic of Korea (South Korea), to as many as 300,000 estimated by non-governmental groups who extrapolated results from large-scale surveys of villages in the border region.

There is general agreement that the collapse of the North Korean economy in the 1990s, and particularly agricultural disasters that led to severe famine beginning around 1994-1995, provoked the greatest outpouring-starvation and despair prompting hundreds of thousands to seek help across the border. It is estimated that hundreds of thousands-or even millions-of North Koreans died in their homeland of sickness and hunger during the most acute phase of the food crisis, which is far from over.²⁾ The acute crisis led to some deterioration of the system of tight social controls in place. Workplaces ceased to give out food distributions;

2) According to the World Food Program, annual production of rice and maize in North Korea fell from eight million metric tons in the 1980s to 2.9 million in 2000. It also estimates that approximately 57% of the population is malnourished, including 45% of children under five. As of April 30, 2002, less than 10% of the U.S.\$258 million called for by U.N. agencies for humanitarian aid had been pledged by the international community. WFP Press Release, April 20, 2002, "Democratic People's Republic of Korea's 'Already Severe Humanitarian Crisis' will Dramatically Worsen without Immediate Aid say U.N. Heads. Available at the Korea-DPR page of http://www.wfp.org/country_brief/index. See also John Powell, Regional Director, Asia Region WFP, "Testimony before the Subcommittee on East Asia and the Pacific House International Relations Committee," May 2, 2002.

control over internal movement as well as cross-border movement loosened; an underground economy emerged as people scrambled for any way to survive.

In the year 2001, it appeared that despite periodic crackdowns on Korean migration by China and slightly improved food conditions in North Korea, migration continued steadily. The taboo on leaving North Korea, once breached, was difficult to re-establish once routes and prices on the "underground railroad" became known. While many migrants of the food crisis years waited three or five years to make it to South Korea, we also heard of migrants in 2001 transiting in a matter of weeks or even days. The invisible exodus appeared to have gone from crisis proportions to a chronic state.

This situation may have changed once again, as the year 2002 brought an unprecedented number of North Korean asylum seekers rushing into diplomatic missions in Beijing and elsewhere in China.³⁾ China responded with tightened security around diplomatic compounds, demands that embassies and consulates hand over North Koreans, much-heightened security measures at the border, and arrests and prosecutions of those who were helping North Koreans escape. North Korea also appears to be tightening its border controls in cooperation with China, and there are initial reports that suggest more punitive measures against returnees are in force. As of mid-year, humanitarian workers reported the impression that migration had fallen off sharply, although it is likely to increase once the Tumen river freezes over and food conditions worsen, later in the year.

3) From March-September 2002, a total of 121 North Koreans reportedly gained asylum in South Korea. Among them were twenty-five North Koreans who got into the Spanish embassy in Beijing in March then later flew to Seoul via Manila; in September, two groups arrived in Seoul: twenty one who had trickled into the South Korean consulate in Beijing since June, and a group of sixteen who had jumped a wall into a German school. "North Korean Asylum Cases Since 1996," Reuters, September 12, 2002.

The desperate conditions that provoke this migration are the symptoms of a profound human rights disaster. The famine, while due in some part to environmental factors, is deepened and perpetuated by the North's social, economic, and political policies, and its unwillingness to allow the monitoring of distribution of international humanitarian aid.⁴⁾ Draconian

4) An excellent discussion of the development of the famine is Andrew Natsios, *The Politics of Famine in North Korea*, A USIP Special Report (Washington, D.C.: U.S. Institute for Peace, August 2, 1999) available electronically at <http://www.usip.org/oc/sr/sr990802/sr990802.html>.

North Korea's self-enforced isolation, authoritarian repression of speech, religion and political pluralism, and horrendous penal practices have often been noted by political defectors, but now are being articulated by more ordinary migrants and even the expert bodies that consider human rights compliance in the U.N. system. For example, North Korea, a party to the International Covenant on Civil and Political Rights, submitted its second periodic report under the Covenant to the Human Rights Committee, the party which reviews compliance of states parties. In 2001, the Committee flagged the limited access of internal and international monitors to the country, the many consistent and substantial allegations of torture; cruel, inhuman and degrading treatment; forced labor; and lack of judicial independence; as well as severe restrictions on leaving and entering the country as continuing violations. (Concluding Observations of the Human Rights Committee: Democratic People's Republic of Korea, August 27, 2001, CCPR/CO/72/PRK [Concluding Observations/Comments]. See also, Concluding Observations of the Committee on the Rights of the Child: Democratic People's Republic of Korea, June 5, 1998 [Concluding Observations/Comments] [expressing concern at the increase in the child mortality rate during the famine and the government's failure to allocate resources to children's humanitarian needs to the maximum extent available and within the framework of international assistance].) The U.N. Sub-Commission on Human Rights has also issued general

policies of discrimination and punishment based on a family's political background have marginalized many of those who try to flee to sustain their lives. North Koreans who are expelled from China are under North Korean law liable to punishment in horrific labor camps, some for prolonged periods of time, or even to the death penalty if their "crime" of leaving is interpreted as treason.

China's policies towards North Koreans compound these human rights violations and show a particular disregard for international law. North Koreans flee for a number of reasons, including fear of political persecution or discrimination that amounts to persecution. A well-founded fear of persecution is the hallmark of refugee, entitled to protection and asylum under international law. But once abroad, even those motivated by other reasons such as simple hunger may face imprisonment upon return, including harsh terms if it is suspected they had contact with South Korea and the West, usually through encounters with missionaries or aid workers. This transforms many North Korean migrants into *refugees sur place*, or persons who, while abroad, become entitled to protection as refugees because of the risk of political persecution should they return. The injunction to never return refugees to territories where their life or freedom is threatened, also known as the norm against *refoulement*, is articulated in Article 33 of the Refugee Convention and has become recognized as a rule of customary international law, binding on all states regardless of whether they have signed that treaty. China is not only a party to the Refugee Convention, it is also a member of the Executive Committee of the United

resolutions that were designed in part with North Korea in mind, stressing the importance of *non-refoulement* and cooperation with the UNHCR. (International protection for refugees and displaced persons, United Nations High Commissioner for Human Rights, Sub-Commission on Human Rights resolution 2001/16, 16 August 2001, and Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, Fifty-fourth session, Agenda item 6 E/CN.4/Sub.2/2002/L.19, 9 August 2002.)

Nations High Commissioner⁵⁾, and as such has supported a wide array of rules that strengthen and elaborate refugee protection, many of which it has flouted in the case of North Koreans.⁶⁾

All of the states involved in the crisis fear that a worsening of the already dire economic and social conditions in North Korea could easily turn the current migration of thousands into millions. Yet there is little serious effort by North Korea and the international community to address the underlying humanitarian and human rights problems in a way that produces effective policy.

The discourse on North Korean refugees has been enmeshed in politics, both domestic and international. Historically, incidents of "defection" have been used in South Korea as a measure of "victories" over the North, in the context of the goal of the collapse of the North's government and eventual unification. Invoking the desperation of the asylum seekers has thus been used as a cudgel against President Kim Dae-Jung's "sunshine" policy of rapprochement with the North. Yet the Kim Dae-Jung government has actually taken the most generous position on accepting and supporting North Korean asylum seekers of any previous government in the South.

5) The Executive Committee (ExCom) is the governing body of the United Nations High Commissioner for Refugees. Since 1975, the ExCom has adopted a series of "Conclusions" at its annual meetings, which are intended to guide states in their treatment of refugees and asylum seekers and in their interpretation of existing international refugee law. ExCom Conclusions are not legally binding on states, but they are widely recognized as representing the view of the international community and carry persuasive authority as they are adopted by consensus by ExCom members states.

6) For example, ExCom Conclusion No. 22 addresses the need to fully protect refugees who arrive in a host country as part of a large-scale influx, as does No. 85; No. 81 reiterates the importance of UNHCR's protection mandate and the primary responsibility of states in protecting refugees within their territories; and No. 91 emphasizes the importance of refugee registration.

The small but swelling numbers of asylum seekers that are making it to the South have in turn caused anxiety, even among proponents of the sunshine policy, as to the South's ability to absorb these Koreans from a radically different society and sustain the high resettlement subsidies it provides.

Human Rights Watch believes that addressing North Korea's political and economic isolation, and the human rights violations that such isolation has hidden from view, is key to both staunching the flow of migrants out of the country and eliminating persecution and abuse of these persons in the long run. In the immediate term, it is essential that China cease deporting North Koreans without providing them the opportunity to have their claims to asylum fairly considered in accordance with international law.

To this end, China should immediately grant access to the United Nations High Commissioner for Refugees (UNHCR) to the border region and give the UNHCR a role in refugee status determination. UNHCR'S role has thus far been extremely limited, and UNHCR is not present on the border.⁷⁾

It is incumbent on the international community, including countries in the region and the major aid and trade partners to China and North Korea, to collectively press for a comprehensive policy on North Korean migrants that will protect refugees and the rights of migrants. A key step in this direction will be for North Korea to repeal all laws, decrees, rules, and practices of punishing residents who exercise their fundamental right to

7) In a handful of cases involving refugee seekers in Beijing, for example when North Koreans entered the Spanish embassy this past March, UNHCR was able to conduct screening and determine refugee status. In June 2001, a family of seven North Koreans entered the UNHCR office in Beijing to request asylum. Another seven made it to Russia and were determined to be refugees by UNHCR in 2000, but they were ultimately sent back to North Korea. UNHCR strongly protested the move, but had no information on their fate once back in North Korea. UNHCR press statement, Geneva, June 26, 2001.

leave their own country,⁸⁾ and to allow international verification that returnees are no longer subjected to punishment.

As an interim measure, the international community should urge China to grant all North Koreans an indefinite humanitarian status that would allow them to remain in China without facing the risk of detention and *refoulement* until a durable solution is devised that fully protects their internationally recognized rights. This should not be seen as a substitute for a mechanism for asylum seekers to apply for legal status and recognition, or a way for China to escape its international responsibilities under the U.N. Refugee Convention. But such an interim measure would at least provide some relief from the immediate threat of deportation and other abuses Human Rights Watch has documented in this report.

China should also be urged to end the harassment and arrest of either Chinese or foreign aid workers assisting migrants, and should allow humanitarian aid groups access to the border area for the purpose of providing them with food, medical aid, and other humanitarian assistance. A formal or informal agreement to allow aid groups space to operate is especially important in advance of winter.

Recommendations on the Refugee Crisis

Human Rights Watch's specific recommendations on developing a comprehensive approach to the North Korean refugee crisis are as follows:

To North Korea:

- North Korea should immediately cease its practice of punishing persons who leave its territory, and repeal all laws, decrees, rules and orders that authorize imprisonment, detention, forced labor, restricted residence, official discrimination, or any other sanction on

8) This right is enshrined in the Universal Declaration of Human Rights, article 13(2): "Everyone has the rights to leave any country, including his own, and to return to his country."

this account. It should allow for international verification that this practice has ceased. All persons detained on this basis should be immediately released;

- North Korea should cease the practice of collective punishments generally, and in particular should cease the practice of punishing family members of persons who leave North Korea for China or for third countries;
- North Korea should release any non-residents it has detained in connection with activities aimed at assisting migrants and refugees from North Korea.

To China:

- China should immediately halt any efforts to forcibly return North Koreans that are in violation of its international human rights and refugee protection obligations;
- China should begin a high level dialogue with the U.N. High Commissioner for Refugees on the establishment of refugee screening for North Korean asylum seekers, conducted with the assistance of the UNHCR, including a presence on the border;
- As an interim step, China should grant all North Koreans in China an indefinite humanitarian status that would protect them from harassment, threats of extortion of arrest or forcible repatriation to North Korea, until a durable solution is devised that fully protects their internationally recognized rights;
- The Chinese government should allow international humanitarian aid groups, including non governmental and private agencies, access to border areas to provide assistance and should not subject aid workers to harassment, arrest, or intimidation;

- China should cease any efforts to forcibly enter diplomatic compounds in Beijing to detain North Koreans, and should allow UNHCR access to North Koreans on diplomatic territory or elsewhere who may seek screening and protection.

To the International Community:

- All governments engaged in bilateral human rights dialogues with China, including the U.S., Japan, the European Union, Canada, and Australia, should ensure that the specific recommendations outlined above regarding North Korean migrants and asylum seekers are prominent on the agenda for all dialogue meetings, and also meetings between foreign ministers and heads of state and senior Chinese officials. The results should be shared with UNHCR, and an informal working group of concerned governments should be established with the goal of increasing assistance for North Koreans in China;
- Members of parliament should also be active. In August 2002, Japanese members of parliament established in Tokyo an "International Parliamentary Members' Forum on the North Korea Refugees and Humanitarian Issues," and planned joint initiatives with South Korean MPs, members of the U.S. Congress and the European Parliament such as joint parliamentary delegations to assess humanitarian needs on the Chinese border. Resolutions adopted by parliaments are also helpful to increase the pressure on China to comply with its international refugee obligations;⁹⁾
- Countries affected by North Korean migrant flows, including Russia, Mongolia, Vietnam, Burma, Cambodia, and Thailand,

9) The U.S. House of Representatives passed a resolution on June 11, 2002, and the U.S. Senate Committee on Foreign Relations enacted a similar measure on June 13, 2002, urging China to halt repatriations of North Koreans to allow the UNHCR access to "all North Korean asylum seekers and refugees residing in China."

should grant asylum. They should also ensure that North Korean migrants are not prevented from seeking permanent asylum in third countries;

- North Korea's neighbors should refuse any requests by North Korea to arrest asylum seekers or forcibly return them to North Korea where they would be at serious risk of torture, ill-treatment, arbitrary detention, or execution;
- Countries with embassies, consulates, or other institutions in China to which North Koreans have fled seeking asylum should request the services of the UNHCR in determining their status, and take steps to prevent their forced return to North Korea if there is any risk thereby of persecution.

General Human Rights Recommendations

Beyond the refugee crisis, the ongoing human rights and humanitarian crisis within North Korea that produces the outflow must also be addressed by the international community.

- As it seeks to widen relations with its neighbors and with Western governments, North Korea must be vigorously pressed to fully comply with its obligations as a state party to both the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights.

In May 2000, North Korea submitted its first report to the U.N. on compliance with the ICCPR in 16 years; it was due in 1987. North Korea ratified the covenant in 1981. Its detailed, rather legalistic thirty-nine-page submission claimed that torture was prohibited by North Korean law, that remedies were in place for those whose civil rights have been violated, that forced labor "is never used as a means of political coercion or of social and religious punishment," and that North Korea's Criminal

Procedures Act strictly limits detentions and arrests.¹⁰⁾ Years of defector testimony have contradicted this picture, and indeed, the interviews on which this report is based produce a portrait of a society organized on the basis of political, birth, and social discrimination, where forced labor is widespread, and where arbitrary arrest and detention and torture and other mistreatment is endemic. These severe abuses too often form a backdrop to the outflow of North Koreans, who have either suffered some of these abuses directly, or fear they will be subjected to them if returned.

- As minimal first steps, North Korea should be urged to grant access to the U.N. human rights special rapporteurs and working groups on arbitrary detention, torture and other ill-treatment, religious freedom, violence against women, and freedom of expression to visit North Korea to assess compliance with its U.N. human rights treaty obligations. The U.N. should seek to visit reeducation camps and prisons to assess conditions generally, and to determine the fate of North Koreans forcibly returned from other countries.

All discussions of economic, trade or political relations with North Korea by high level foreign government delegations-especially those aimed to expanding or opening relations with North Korea-should make reference to this key demand.

- A resolution on human rights in North Korea should be introduced and adopted at the 2003 session of the U.N. Commission on Human Rights in Geneva, condemning North Korea's severe human rights violations and calling on North Korea to grant the U.N. human rights mechanisms complete access, without restrictions or limitations of any kind.

Notes on Methodology and Terminology

10) U.N. Human Rights Committee, CCPR/C/PRK/2000/2, May 4, 2000.

This report is based primarily on intensive interviews conducted by Human Rights Watch researchers in July 2001 with fifteen North Korean refugees in Seoul, as well as with humanitarian and human rights activists, scholars, and government officials in various countries. We chose to begin our research in South Korea because of the relative security of asylum seekers there. While some surveillance by the South Korean government is normal for such refugees, privacy for the interview can be arranged. In contrast, migrants in China live in hiding, dependent on local protectors and extremely vulnerable to extortion, discovery by Chinese security officials, and severe punishment should they be repatriated and the fact of contact with human rights workers become known.

It is important to be clear about the limitations of this preliminary research. Our small base of interviews with North Koreans requires us to be cautious when extrapolating from their experiences. All of the North Koreans we spoke with had been interviewed multiple times: by South Korea's intelligence service, some also by UNHCR, some also by missionaries, and some also by journalists. Many had first left North Korea around 1997, when the food crisis in that country was most acute, although others had left more recently. North Koreans are resettled into the South after a series of security interviews and a three-month "quarantine" in a camp named Hanawon that is operated by the South Korean Ministry of Unification to prepare them for integration into the South Korean economy and society. Human Rights Watch requested access to Hanawon to interview recent arrivals but was declined on the basis of unspecified security reasons. The South Korean government, in addition to its concern with security and potential espionage, has been sensitive to the political and diplomatic tensions caused by North Koreans who have publicly denounced the Democratic People's Republic of Korea. Many of those we interviewed had been given a general warning by the government not to speak publicly about their experiences in North Korea, and many were subject to periodic checks by internal security agents. However, the South Korean government was cooperative in allowing us to interview freely and privately, and in a few cases referring persons to us

for interview.¹¹⁾ Rather than interviewing a random sample of refugees, because of limitations of time and the difficulty in locating refugees once they were released from the Hanawon facility, we sought to focus on persons who had the experience of multiple escapes from North Korea. Our interviews, therefore, are not a representative cross sample of experiences, and we have drawn on the observations of humanitarian workers and government officials for balance.

Within these limitations, we found our subjects willing to tell their stories, yet frank about their concerns with both security in South Korea and the security of relatives remaining in the North. Many had adopted pseudonyms in South Korea, or requested that we refer to them by pseudonym. The interviews relied on here were conducted between the refugee and the Human Rights Watch team without any third parties present. Relatives were interviewed individually. Although we were introduced to refugees by both governmental and non-governmental sources, we made clear that the refugee had the option not to talk to us, or to forbid us to share any or all of what was said, either with the general public or any third party.

For the most part, we found our informants credible, and quite forthright in criticizing not only the North Korean government but often the South Korean government as well. Although we were not able to verify certain details of their particular stories of escape and flight, we found that the broad outlines of their experiences tended to match, and reflected previously published studies of North Korean migrants from information gathered in both South Korea and China. Much greater and more systematic research is required to present an authoritative account, yet the material we gathered merited publication as a sketch of the contours of the problem, and potential solutions.

11) We did not find the few persons referred to us by the government to have characteristics or experiences substantially different than those we identified through private channels.

In this report, we use both the term "migrant" and the term "refugee," the former denoting persons who leave their country for economic or other reasons, and the latter denoting those migrants who are entitled to protection from repatriation because they have a well-founded fear of persecution in their homeland. We have termed North Koreans who were attempting to seek asylum in South Korea "refugees" because of the policy of the North Korean government to persecute those who attempt to move to the South as traitors, regardless of their motive in seeking to migrate. We have also used the term "asylum seeker" to denote migrants who do not intend to return to their country; some of this subset of migrants may also be refugees under the terms of international law. Persons who have succeeded in migrating to the South are also often referred to as "defectors," regardless of whether they had a political motivation in doing so, as they are considered by both sides to have made a change in political allegiance by migration. Those who "defect" from the North to the South thereby put their family members remaining in North Korea at risk of punishment. The Republic of Korea is referred to as "South Korea" and the Democratic People's Republic of Korea as "North Korea" throughout. Chinese or Korean names and place names in this report were transliterated into English according to the common usage in the region; for both languages, surnames occur first, given names follow.

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II. THE MIGRANT'S STORY: CONTOURS OF HUMAN RIGHTS ABUSE

The Decision to Flee

Over the years, the predominant motivation for North Koreans deciding to cross the border into China has fluctuated somewhat. A political reason, or often a severe personal crisis that may have had a political dimension, has long been common, given that leaving North Korea is considered tantamount to treason. Desperate hunger and extreme poverty became a prime motivation at the height of the food shortages of the mid- to late 1990's. In more recent years, as the routes and costs of leaving became more widely known, the decision to leave may have become more calculated, though still grounded in a complex mix of personal, economic and political factors. The experiences of North Koreans we interviewed reflect this mix.

One member of a military division decided in 1995 that if he could flee to South Korea, he would have the opportunity to clear his name of plotting to implicate his superiors in a theft.¹²⁾ Two men we interviewed had fled directly from different administrative detention camps in 1998 where they had been held because they were related to people considered to be serious criminals.¹³⁾

On the other hand, getting food was the simple motivation of a young man who left in 1997 after he had overheard people discussing the

12) Human Rights Watch interview with Mr. Kim Sung-Min, Seoul, July 9, 2001.

13) Human Rights Watch interview with Mr. Kim Yong, Seoul, July 23, 2001, and with Mr. Lee M., Seoul, July 13, 2001.

situation in China.¹⁴⁾ A young woman decided to go to China with her uncle in 1998 in order to aid her father, who had fallen into serious debt after taking a loan to buy medicine for her dying mother.¹⁵⁾

Often, economic motivations were intertwined with a background of political discrimination. Two different women fled to China to survive the famine, both in 1998, after each of their families had been expelled from Pyongyang for political reasons.¹⁶⁾ One young man and his family left in 1999 because he could not enter medical school or a teaching college because of family background. This young man's family had relatives abroad, who they expected to help and who did help expedite their transit to South Korea.¹⁷⁾ An older man, who left in 1998, sought economic help from his relatives in China. But his troubles began in 1977, when his family was exiled from Pyongyang and sent to live in an administrative camp for five years because of his father's perceived disloyalty.¹⁸⁾

Whatever the initial reasons, most of those we interviewed described the decision as a moment of acute crisis, as they were aware of the tremendous risks to themselves and their families the political act of leaving the country entailed. Despite the many hardships and abuses refugees had suffered, their description of the act of crossing the Tumen River was often the most emotionally fraught point of our interviews. Many found it a terrifying, near-death experience, and to all it represented a decisive moment of separation when they crossed not only a national border, but the border between being a citizen and a criminal, or even a traitor. A man whose family transited to South Korea in a matter of

14) Human Rights Watch interview with Mr. Yeo, Seoul, July 21, 2001.

15) Human Rights Watch interview with Mrs. Ryo, Seoul, July 2001.

16) Human Rights Watch interview with Choi Jin-Yi, Seoul, July 11, 2001 and Human Rights Watch interview with H. You, Seoul, July 12, 2001. Even during the food shortage, food was far more available in Pyongyang than in most other parts of the country.

17) Human Rights Watch interview with Kim J., Seoul, July 12, 2001.

18) Human Rights Watch interview with Mr. Lee H., Seoul, July 16, 2001.

months via a well-worn route prepared by heavy bribes was one of the few to describe the experience calmly. "The river was frozen, so it was easy. Everyone knows you can cross if you pay."¹⁹⁾ Those who crossed without assistance, however, found it traumatic. "It was very dangerous...because the water was running high. I thought I was going to die on my way to China."²⁰⁾ "The river was not frozen, even in winter, because of wastewater from a Chinese factory. The water was chest-high. If I crossed the river, I would reach China, so I endured the coldness, even though it was as painful as cutting my flesh with a knife."²¹⁾

North Korea and China share two rivers as their border: the Yalu River, which originates from Mt. Paektu and flows southwest between cities in both North Korea and China until it reaches the Yellow Sea, and the Tumen River, which begins at the same mountain and flows towards the northeast, finally reaching the East Sea or Sea of Japan (see map, Appendix A).

The psychological and political border that the Tumen River represented came across graphically in certain testimonies. One woman, returning to North Korea from China, where she had become a Christian, to bring her daughter back with her, broke down several times as she related the ordeal:

I knew that after leaving North Korea and living in China, every step was dangerous. I was almost captured several times while staying at the hotel, being assisted by the church. I came to realize that God or some divine power existed after experiencing life [in China], even though it was not a very long period. So without that belief, I could not have gone back. When I crossed, the water came up to my neck!... I

19) Human Rights Watch interview with Mr. Lee K., Seoul, July 13, 2001.

20) Human Rights Watch interview with Ms. Choi Jin-Yi, Seoul, July 11, 2001.

21) Human Rights Watch interview with Mrs. Ryo, Seoul, July 2001.

don't swim very well, and I was scared-the water was black from flooding. Miraculously, someone came up in front of me and helped me across.²²⁾

One young man, whose family had served time in a labor camp in North Korea, escaped to Musan and stayed there four months, trying to contact relatives across the border in China. When word finally came from them, he set out.

I had seen almost four hundred North Koreans repatriated from China during my stay in Musan...It was so dangerous to cross the border, but I decided to cross it anyway. Since I was acquainted with people in Namyang, they taught me the direction to cross the river. It was a day after a heavy rain, and the water was flowing wild. I just wagered my life and went forward without knowing where the hidden checkpoint lay. I came across a checkpoint on my way to the river, but two of the guards were asleep, snoring.

Whenever I think of that moment, I sweat. What would have happened if I were caught at that moment? [Because of my family background] the [North Korean] National Security Agency would regard me as a spy or a traitor, and might kill me by gunshot, or imprison me for life without any court procedure. I might have been sent to an administrative labor camp, or a secret mine, or perhaps my body would be used as an object for chemical experimentation. Anyhow, I would have wound up like a dead body, though I might be breathing.²³⁾

At the Mercy of Strangers

22) Human Rights Watch interview with Ms. You H., Seoul, July 12, 2001.

23) Human Rights Watch interview with Mr. Lee H, Seoul, July 16, 2001.

Once across the river, refugees are extremely vulnerable to forced return to North Korea. The Chinese government, pursuant to an agreement with North Korea on repatriation of migrants, arrests and deports North Koreans, and allows North Korean government agents to pursue migrants on Chinese territory. According to the South Korean Unification Ministry, a secret agreement was signed between China and North Korea in the early 1960s; in 1986, another bilateral agreement was signed calling for the return of North Koreans and laying out a protocol for security in the border area.²⁴⁾ It also strives to control migration by posting fines for Chinese residents who shelter North Koreans, and rewards for reporting such migrants to the authorities. North Koreans have no defense against exploitation by either officials or private citizens in China, and most of those we interviewed related to us a life in hiding, characterized by violation of their rights to physical integrity, freedom of movement, access to medical care, and recourse to the legal system.

Few refugees speak Chinese, and most rely on the assistance of ethnic Korean residents of China. There has been a Korean population in the Yanbian border region for centuries, supplemented at various points in more recent history such as the Japanese occupation of the Korean peninsula and the Korean War, and many North Koreans have relatives

24) *Unification White Paper*, published by the National Unification Research Institute in 1998, says the "Illegal Immigrants Repatriation Agreement was secretly signed in the early 1960s: "Those who escaped to China can easily be reported by cho-gyos (North Koreans living in China) and arrested by either special security agents from North Korea or Chinese police officials. If arrested, they are forcibly extradited according to the PRC-DPRK Escaped Criminals Reciprocal Extradition Treaty that was secretly concluded in early 1960." A letter to HRW from Hee-Young Cho, political counselor at the South Korean embassy in Washington, D.C., on August 1, 2002, confirmed that a later agreement was reached in 1986, but the contents have never been made public. The White Paper also refers to the 1986 protocol, referred to as the "Border Area Affairs Agreement."

across the border. At the outset of the mass exodus of the 1990s, many Korean-Chinese were very sympathetic to North Korean escapees, recalling that North Korea had sheltered Korean Chinese during the famine brought on by the Great Leap Forward (1958-61). But sympathies have been tempered by the increasingly stringent sanctions enforced by the Chinese government to stem the flow.

Mr. Kim J. explained that it took two weeks just to get to the Tumen border area from his home in South Pyong An province. Because of his "bad" family background, he could not obtain a pass from the Social Safety Bureau to travel there legally, so his family took a train as close as they could and walked the rest of the remaining 200 kilometers to the river and crossed from Musan to Hwaryong, a small village. They continued walking, hungry and footsore, following the sound of the river. There they met some Korean-Chinese people fishing and asked if they would give them just one meal at their home.

At first glance, the Korean Chinese could tell we're North Korean by our clothes and skin color. "You're out of your mind! he said. "Now the situation in the border region is really serious. Chinese public security officers are conducting searches and when Korean Chinese are found harboring a North Korean, they are fined 1,000 renminbi" [U.S.\$120]²⁵⁾ So we begged him to let us in for just some minutes or hours. He said not to stand on the street-to go to the mountains...We went to the mountains after dusk. But first we went into the village because we were so hungry at night. We entered and knocked at Korean Chinese houses. People opened and closed their doors on us without saying anything. This happened at five different houses-no one took anything to us-they thought North Koreans were beggars. We

25) The currency exchange rate is approximately 8.3 Chinese renminbi to the U.S. dollar, and 1185 South Korean won to the dollar.

had no choice but to go to a tobacco farm without anything to eat all night long. The next day we went to another village and met someone and asked to stay at his house. He asked if we had any antiques or gold to sell, and when we said no, he went away. We were all wet from the dew.²⁶⁾

Refugees told us of the precautions they took in finding shelter. It was safer (and more expensive) to live on the upper floors of buildings, and to avoid houses with a shared outhouse or outhouse near other dwellings. Most people stayed indoors all day, crowded into small rooms for months at a time, latching the door from the inside when the legal residents left for work. One man related:

We rented a small house in Tumen for 2,000 renminbi [U.S.\$240]. This was extremely high rent, fifty renminbi [U.S.\$6] was the usual rate. They didn't let us go out, and locked the door, and covered the window with thick batting. We had to urinate in the room in a small bowl, and go out only once a day to make a bowel movement. We opened the door very early in the morning to go to the outhouse. We spent five months there. At last there came a point where my mother and father couldn't walk.

In addition to exacting high rent for rooms, some who shelter North Koreans make direct demands for pay-offs.²⁷⁾ One man related, "Our landlord once threatened our uncle [in South Korea] to give some more money or 'I'll report these people,'" and charged them a "departure" fee when they finally moved on.²⁸⁾ A different man escaped in 1998 from a North Korean administrative detention camp and crossed the Tumen River

26) Human Rights Watch interview with Mr. Kim J., Seoul, July 12, 2001.

27) Human Rights Watch interview with Mr. Lee K., Seoul, July 13, 2001.

28) Human Rights Watch interview with Mr. Lee K., Seoul, July 13, 2001.

with the help of a woman who placed him in the house of a Chinese official in Yanji. But he left the official's house when the man asked for 100 million South Korean won in payment [U.S.\$80,000]. He headed to Musan, and with money his brother sent, he bought a fishing boat and arranged for the sellers to guide him to the high sea. But once afloat, "the people who sold this ship to me tied my hands and threw me into the water, saying that I had to give them more money or they'd let me drown. I promised them more money and we went back to San Dung."²⁹⁾

Using North Koreans as low-paid or unpaid labor was also common. One young man worked as a logger for four years without pay and without complaint for the Korean-Chinese household that sheltered him, leaving only when public security officers came looking for him.³⁰⁾ Another man, who worked as a logger in the mountainous area, cut timber in exchange for rice. He related that some Chinese also working in the area "came to think they didn't have to work so hard if they could use me to traffic North Korean women on their behalf." So they abducted him, keeping him in a storage room in Yanbian. "They stripped me of my clothes, and five or six of them started to at me. They would beat me, and then treat me nicely, for example, taking me to a nice restaurant, to try to convince me." He agreed to cooperate with them, and escaped the next day.³¹⁾

Just as North Koreans are often at the mercy of strangers in China, so too do they often depend on the kindness of strangers. Religious and humanitarian workers provide the only assistance in finding housing, support, education, and health care for those who cannot pay on their own or depend on relations. Some of these groups organize 'safe houses' and risky underground railroads out of China. Other activists plan the highly publicized efforts to scale embassy walls for asylum, calling the media in to record the event. But not all encourage migration; we encountered

29) Human Rights Watch interview with Mr. Lee M., Seoul, July 13, 2001.

30) Human Rights Watch interview with Mr. Yeo, Seoul, July 21, 2001.

31) Human Rights Watch interview with Mr. Kim Hong-Ik, Seoul, July 9, 2001.

religious workers who tried to urge North Koreans to return to their home as well by giving them a more realistic view of the challenges of resettling in South Korea.

Sexual Slavery and Trafficking in Women

Humanitarian groups working in China report the impression that there has been a great increase in the numbers of women crossing the border since 1998, most of them looking for opportunities to make money to send back to families in North Korea. In most cases, the "opportunities" involve the sale of sexual services, either through prostitution or arranged marriage, sometimes on the initiative of the woman herself, but often through the agency of a third party who shelters, abducts, or in some other way controls the woman. The rigors of agricultural and village life have become less attractive to women in the border provinces in China as mobility and industrialization have increased, which in turn has spurred the market for rural brides.

The trade in sexual relations is complex, spanning a wide range of situations. There are many reports of outright sexual slavery, where women are duped or abducted to be sold to men. There are also cases where North Korean women have gone to China in the full expectation of selling themselves, either to survive and be fed, or to send money back home. In between is the common situation of the North Korean woman who perceives her security in China as so imperiled and her options so restricted that she is easily coerced into a marriage or prostitution arrangement as the only way to survive.

Numerous international agreements prohibit trafficking in persons, usually conceived of as trade in, or movement of persons in connection with slavery, prostitution, and/or other types of sexual exploitation.³²⁾ The

32) See, e.g. Convention on the Elimination of All Forms of Discrimination Against Women, art. 6; Convention on the Rights of the Child, arts. 34 and 35; and the 1949 Convention on the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others. A state's

various uses of the term are neither consistent nor precise. In the context of a decision by the United Nations to draft a convention against transnational organized crime, supplemented by an optional protocol on trafficking in persons, discussion on defining the elements of "trafficking" has centered on specifying that the crime involves coercion for the purpose of forced labor (including debt bondage) or servitude.³³ Human Rights Watch understands "coercion" to include blackmail, fraud, deceit, isolation, abuse of power, threat or use of physical force, or psychological pressure. In this light, we view many of the cases of "advice" and "persuasion" to North Korean women in desperate situations to undercut any inference of a free choice.

Humanitarian workers who had encountered many North Korean women in this situation in China noted that many of those responsible for manipulating these women claim they are acting for their benefit. Aid workers described a typical scenario:

When a North Korean woman crosses the Tumen River and knocks on the door of a Korean-Chinese house asking for food, she may be helped. After a few days pass, some of her "protectors" may advise her to marry. After getting her to agree, they will be paid 2000 or 3000 renminbi [U.S.\$240 to U.S.\$360] by the husband's family. Sometimes thugs may use police cars and recapture the woman back from her

failure to protect migrant women from this severe abuse is also discrimination on the basis of gender and alienage, prohibited under the International Covenant on Civil and Political Rights, art. 2(1). See Human Rights Committee, General Comment 15, "The position of aliens under the Covenant (Twenty-seventh session, 1986).

33) See discussion in Human Rights Watch, *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan* (New York: Human Rights Watch, 2000), Section V: International Legal Standards on Trafficking in Women, available at <http://www.hrw.org/reports/2000/japan/5-int-stand.htm>.

husband's family, pretending to arrest her as an illegal border crosser [and resell her]. North Korean women are trafficked first to Korean-Chinese, and then subsequently to Chinese. They are slaves; sexual toys.³⁴⁾

A former North Korean border guard who lived in China from 1999 to 2000 related a similar scenario:

Many women are also working in karaoke bars after being sold to those establishments. I once was engaged to a woman, but [traffickers] took her away from me. They told me to pay them 500 renminbi [U.S.\$50], but I couldn't pay. They threatened me with a gun. So I lost her. Sometimes they traffic women by calling it a "marriage arrangement," but they sometimes go to the woman pretending to be public security officers and take her back.³⁵⁾

A woman who was in her early 20's at the time she went to China in December of 1998 described her ordeal.³⁶⁾ Upon crossing the Tumen and staying for a week at a Korean-Chinese house in Kae San Tun with her uncle, the two of them were abducted by a group of thugs, who separated them and got into a brawl as to whether to trade her. A man connected with this group masqueraded in the clothing of a public security officer and broke up the fight, taking her to his house to spend the night, after which he released her. She eventually found shelter with a church in Yanji that was also hiding some fifty or sixty North Korean children. Church officials told her that they were planning to send the children back to North Korea as Chinese officials were searching for them, and she felt that

34) Human Rights Watch interview with four humanitarian workers who had assisted North Korean refugees in China from 1997 to 2001, Seoul, July 10, 2001.

35) Human Rights Watch interview with Mr. Kim H.Y., Seoul, July 18, 2001.

36) Human Rights Watch interview with Mrs. Ryo, Seoul, July 2001.

they wanted her to leave as well.

Some people urged me to marry and introduced several men to me. However, I had no intention to marry, and I was waiting for my uncle. But women kept introducing their relatives to me. Later they also introduced South Korean men to me. The deacon urged me to marry, but I refused. In the end, I was told somebody was looking for a housekeeper for an old couple with their grandson and granddaughter. They needed someone who could teach Korean to their grandchildren. So I took the suggestion and went to the house located in Song Kang Jin, An Dong Hyun. When I went there, their 30-year-old son was there waiting for me.

She was forced to cohabit with the son. Shortly after she arrived, the Chinese family showed her a note purporting to be from the deacon, saying she was "sold" for the price of 5,000 renminbi [U.S.\$600]. She thought the best option was to stay at the house, but her view soon changed.

[T]he son had a mental problem...He always stayed beside me and the only thing he wanted was for us to always have sex. When I became depressed, he beat me. If I was beaten, I could not walk for a week. He beat me on my face and my body and all my body was bruised black and blue...When it rained, I shed tears thinking about my home...I didn't know anything about men or sex before. But when the guy saw me weeping, since we could not communicate because I cannot speak Chinese, he beat me, suspecting that I did not like him or that I was planning to escape. The only words I learned were the words for "I don't like it." He bound my wrists and ankles and beat me.

Her thoughts turned to escape, but there seemed to be no way out.

When I wanted to leave, the family told me I could leave if I gave 5,000 renminbi [U.S.\$600] to them. So I couldn't leave. When I called [the Church] later, I learned the deacon and the reverend were summoned by the public security office regarding my case. So I could not go back to the church anymore. So again I gave up hope of leaving the house and stayed there. It was six months after my mother had died, and I had to help my father and my brother, I had to stay there.

After four months, and at least as many very serious beatings, she determined to flee.

One day I was beaten very seriously, but my face was not harmed. That day, the guy went to work, hiding my clothes. He even hid my wet clothes...Early in the morning, at 5:00 a.m., I left, wearing only my underwear and house slippers.

She went to Song Kang and entered a church, where another church official found her and took her to her home, and later referred her to yet another church, where she met a fellow refugee from North Korea and married him.

On the other end of the spectrum is a woman who purposefully allowed herself to be "sold" as a wife, in order to buy time in China to contact relatives in Japan and move onward to a freer life. Yet the circumstances were also coercive, and led to her and her son suffering severe domestic violence.

This North Korean writer aspired to pursue her writing with greater freedom, yet found herself and her family economically and socially marginalized following their expulsion from Pyongyang in mid-1998, during the famine. Although she already had a husband and child in North

Korea, she allowed one of her relatives to sell her in marriage to a Chinese farmer for 3,000 renminbi [U.S.\$360]. "Actually, I was afraid of Chinese men...but I thought there was no other choice but to marry. I persuaded myself to view it as a kind of 'studying abroad.'"³⁷⁾ The marriage proved disastrous; her habit of trying to jot down her daily experiences in Korean infuriated the farmer and his family. The same relative visited her, and tried to arrange her escape from the village, in order to sell her again, but they were reported to the local public security office, arrested, and eventually sent back across the North Korean border. She managed to escape again, this time with her small son, and took shelter in the house of a Korean Chinese Christian. This man advised her to marry his cousin, and she agreed, on the condition that he take no money for arranging the marriage, and that it be understood she was free to leave if she received help from relatives in Japan to migrate onward. This second marriage to an illiterate farmer also was unsuccessful, but she managed to persuade this husband to release her freely. She again sheltered with a neighbor, and accepted a third proposal of marriage from a Korean Chinese, because she was afraid she'd worn out her welcome: "fish in the air smells after three days." This time the "husband" turned out to be extremely violent.

He beat me with a bar the thickness of my finger. He started to beat me on the back and everywhere, I still have pain on my nose. I had black and blue marks all over...My son was beaten and harshly abused whenever he smiled or laughed-my husband disliked that and beat him. As it turned out, I escaped his house without my clothes or money. I found out later that his previous wife had also escaped in her underwear. He had beaten me with a bar and a leather belt, and after that went out to beat my child and I fought against that. I put my son's shoes in my pocket and said I

37) This account and related quotations are from Human Rights Watch interview with Ms. Choi J., Seoul, July 11, 2001.

was bringing him to the outhouse. I went and hid in a small storage house in the yard, and looked to see if he was chasing us. When I saw he wasn't following, I took a taxi in my underwear. I told the driver I was sorry I had no money for him and asked him to stop near a church. The people there wept when they saw me and the child.

Even women who settle down with Chinese husbands remain vulnerable. One aid worker related how some families had begun registering their North Korean wives on the household registration, with the expectation that they would thus be able to legitimize their China-born children, but these women were also being rounded up for forced return when crackdowns took place.³⁸⁾

Children Without a Future

Humanitarian workers also reported to Human Rights Watch a significant and growing problem of North Korean street children in China. The migration of children is caused by similar factors to that of adults, with the additional element of a breakdown in the school system and absenteeism in the provinces of North Korea most affected by food shortages.³⁹⁾

These young people are known in Korean as *kkot-jebi* (child vagrants) and sometimes are described as "orphans," but it is more precise to say they are unaccompanied minors, some of whom have lost one or more parents, or whose parents are incapable of caring for them. Most appear to be boys, aged ten or older.⁴⁰⁾ In the late 1990's, they were a visible presence

38) Human Rights Watch interview with aid worker E, United States, June 20, 2002.

39) See Chung Byung-Ho, "Living Dangerously in Two Worlds: The Risks and Strategies of North Korean Children in China," paper presented at the Association for Asian Studies Annual Meeting, Chicago, March 22-25, 2001 [hereinafter Chung] and Jonathan Ansfield, "Hungry North Koreans Scavenge for Food in Aid Shortage," Reuters, June 20, 2002.

in towns such as Tumen in Jilin as beggars in markets, train stations, airports, and sometimes karaoke bars and restaurants that cater to foreigners.⁴¹⁾ Typically the most mobile of migrants, the children cross frequently to conduct trade or bring their small earnings across the border to families in North Korea. Some take refuge in shelters established by missionary or humanitarian groups; others sleep on the streets. The street children are often the first to be rounded up in periodic crackdowns in China. For the few lucky enough to make it into third countries, their eventual social integration is made more difficult by their previous life of wandering between the relative freedom of life in China and their families in North Korea, and the 'survival skills' they had to learn on the run. Some that arrive in South Korea are found to have serious psychological trauma from being raped, confined, or beaten while in China.⁴²⁾ These children also have been deprived of their right to education, often for years, and if they are lucky enough to land in a third country such as South Korea, they are often placed in classes with younger children.⁴³⁾

Arrest and Forced Return

The Chinese government maintains that no North Koreans are refugees, and that its primary obligation lies under a 1986 agreement with North Korea on the repatriation of migrants. Accordingly, China arrests and expels North Koreans without the opportunity to seek asylum.⁴⁴⁾ China also posts incentives for informing on hidden North Koreans, fines those found to have assisted fugitive North Koreans, and allows North Korean public

40) "Report on Daily Life and Human Rights of North Korean Food Refugees in China," Good Friends, June 1999, pp. 28-30 (copy on file at Human Rights Watch).

41) Ibid.

42) See Chung, "Living dangerously."

43) Kim Ji-soo, "Defector Children Find They Can't Act Their Age, Electronic English version of *JoongAng Ilbo*, February 21, 2002 at <http://english.chosun.com/w21data/html/news/200206/200206090019.html>.

44) Article 14 of the Universal Declaration of Human Rights provides that "[e]veryone has the right to seek and enjoy in other countries asylum from persecution."

security agents and border guards to cross the border and participate in the identification and apprehension of North Koreans.

Human Rights Watch interviewed seven refugees who had experienced arrest by the Chinese authorities. While some reported reasonable treatment and prison conditions,⁴⁵⁾ others related abuse.

Mr. Cho D, a former high-ranking military official, related the circumstances of his May 1998 arrest. "At the time I was arrested, I was in a small shop, eating. Five guys in civilian clothing attacked me, grabbed me, and threw me to the floor, and tied me with rope all around my body from my chest down. It was terrible." He spent forty days in the Shenyang security office and was then sent to the Dandong border facility, where he escaped by moving a bar in a window and jumping out. When he was interrogated, he learned that the North Korean consulate had sent a document accusing him of being a murderer, which may explain the excessive force he suffered during arrest. He denied this accusation, but the Korean Chinese interpreter at the police station told him that such accusations were the usual way North Korea framed requests to arrest and extradite North Koreans in China.⁴⁶⁾

Mr. Kim H.Y. was arrested in April 2000, while visiting a friend. Fifteen others from his church were arrested that day, as they all had "bought" temporary residency permits from the Soyoung police station in Yanji, and this fact was revealed when one family was caught. He reported his treatment in the Yanji, China prison as acceptable, with twelve people in a room approximately 300 square feet large, but things changed when he was transferred to the Hwaryong border guard unit. There some prisoners were beaten seriously or given electric shocks for being noisy, asking to be released, or singing. He was handcuffed to a chair and beaten because he

45) Human Rights Watch interview with Mr. You Y., Seoul, July 10, 2001; Human Rights Watch interview with Mr. Cho D., Seoul, July 12, 2001.

46) Human Rights Watch interview with Mr. Cho D., Seoul, July 12, 2001.

insisted he was not North Korean and demanded that the eighty renminbi [U.S.\$9.60] the authorities confiscated from him be returned.⁴⁷⁾ Mr. Kim Yong, arrested at the Mongolian border in July 1998, also reported he was beaten with clubs by Chinese border guards when he denied he was a North Korean migrant.⁴⁸⁾

There is evidence of the involvement of North Korean government agents in the process of identifying, interrogating, and pursuing North Koreans in China, although we did not learn whether North Korean agents have legal authority to arrest and take into custody these persons on Chinese territory.

Mr. Kim Sung-Min reported he was arrested in February 1996, while trying to sneak on board a ship in Dalian bound for South Korea. He identified himself to the Chinese security officials as a North Korean army captain who was seeking political asylum, only to be told "we do not recognize political asylum seekers." He was brought to a Chinese camp for North Koreans in Tumen and interrogated.

The subject of the investigation was my motive for crossing the border, and where I went in China. They told me, "We know you will be 'killed' in North Korea when you go back. Especially an officer like yourself will be 'killed.' If you talk frankly about what you did in China, we may arrange your naturalization as a Chinese citizen." I believed them at the time. It took me seven days to write down everything I did in China. On the eighth day of my stay at this facility, a high-ranking official showed up and heard my story. He said, "We know the situation in North Korea is terrible and absurd." I replied, "I know that Kim Jong Il is psychotic, a

47) Human Rights Watch interview with Mr. Kim H.Y., Seoul, July 18, 2001.

48) Human Rights Watch interview with Mr. Kim Young, Seoul, July 23, 2001.

lunatic!" The official recorded that statement. Though I hadn't had any complaint before about Kim Jong Il, I really wanted to blame him now felt that prison in China after four months was better than ordinary life in North Korea...suddenly their facial expressions changed.⁴⁹⁾

He was taken across the border to North Korea, to the Onsong County State Security Office where he eventually revealed his identity.

After I did so, they went out and returned in thirty minutes. I nearly fainted when I saw the person who entered. It was the same man who came to the Chinese facility and who recorded my swearing at Kim Jong Il. I had thought before he was a Korean Chinese investigator, but he was a North Korean investigator. The Chinese were cooperating completely...you see, the Chinese officials had told me that this person was of a higher rank than even they were.⁵⁰⁾

Another refugee reported being pursued by North Korean guards over the border into Chinese territory,⁵¹⁾ and yet another reported his brother saw a North Korean car with security office license plates patrolling the Chinese side of the border.⁵²⁾

Surveillance, Arrest, and Detention of Humanitarian Aid Workers and Missionaries

Predominantly South Korean humanitarian and religious workers travel frequently to Yanbian and other areas of Jilin in China to provide

49) Human Rights Watch interview with Kim Sung-Min, Seoul, July 9, 2001. Kim Jong Il is the chief of state of North Korea and chairman of the Korean Worker's Party, and like his father before him, the object of a state-sponsored cult of personality.

50) Ibid.

51) Human Rights Watch interview with You Youg-Il, Seoul, July 10, 2001.

52) Human Rights Watch interview with Lee K., Seoul, July 13, 2001.

humanitarian assistance to North Korean migrants in China. Although many stay for extended periods, few have a permanent base in China. China has at times allowed these groups to operate without great interference; its attitude has hardened sharply since 1999, with surveillance, arrest, deportation, and sometimes detention the result.

In June 2002, there were increasing reports that China had interrogated and detained many South Korean humanitarian and religious workers on suspicion of aiding North Korean migrants.⁵³⁾ China reportedly was also questioning many South Koreans associated with the Yanbian University of Science and Technology, threatening both domestic and international travel restrictions.⁵⁴⁾ Particularly unnerving to such workers is the involvement of national security officers, who have reportedly taken over some of the investigatory activities of the local public security agents in Jilin; the latter have tended to be more sympathetic to North Koreans or at least more susceptible to bribery.⁵⁵⁾

In May 2001, four humanitarian workers from the South Korean Buddhist organization Good Friends were arrested by Chinese public security. China has usually just expelled religious and aid workers found to be assisting North Koreans,⁵⁶⁾ but this time the four were detained for fifty days,

53) See, e.g. Shim Jae-yun, "Over 100 Korean Missionaries Detained in China," *The Korea Times*, June 20, 2002, available at <http://www.korealink.co.kr/times/200205/t2002052018443240110.htm> and Kang Chol-hwan, "China Cracks Down on North Korean Refugees," *Chosun Ilbo* online ("Digital Chosun"), June 9, 2002, available at <http://english.chosun.com/w21data/html/news/200206/200206090019.html>.

54) Email communication from Douglas Shin, June 25, 2002.

55) Kang Chol-hwan, "China Cracks Down on North Korean Refugees," *Chosun Ilbo* electronic version ("Digital Chosun"), June 9, 2002, available at <http://english.chosun.com/w21data/html/news/200206/200206090019.html>.

56) See, e.g., Ven. Pomnyun, "Report on the 17th visit to the Chinese-North Korean border area," 1998, discussing the expulsion of Mr. Kim Hyun-dong of the Korean Sharing Movement in 1998,

accused of espionage, and for some of this time, maltreated, prior to being expelled. One reported, "sometimes they screamed and caught us by the front of our shirts and forced us to talk." Several were systematically deprived of sleep and required to assume physical postures over extended periods that caused them great pain. Another related, "they handcuffed me by one of my hands and hung me on a high wall. I had to stand on my tiptoes." This sort of inhumane treatment verges on torture and is strictly prohibited under international law.⁵⁷⁾

In June 2002, four missionaries were arrested in China on charges that they had assisted illegal defectors. These were the first known indictments of those helping refugees. In July, China announced that three men were being held "under suspicion of organizing illegal border trespassing."⁵⁸⁾

available at <http://www.goodfriends.or.kr/eng/report/17th.htm> (accessed Oct. 24, 2002).

- 57) The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, to which China is a party, defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession" at the hands of or with the acquiescence of a public official. Art. 1(1). Under this international treaty, states must prevent acts of torture, investigate them impartially, and punish them under their criminal law. See arts. 2(1), 4(1) and 12. Inhuman and degrading treatment is also prohibited under the International Covenant on Civil and Political Rights, to which China is a party, art.7.
- 58) The Chinese foreign ministry announced the detention of Cui Yuanxu, a Korean American, along with Joseph Choi, and Chun Ki-won, a South Korean pastor, at a news conference in Beijing. In June, it said that Choi was detained in May for helping asylum seekers sneak into China, and that Chun was detained in March while assisting refugees to escape to Mongolia. "China Holds Three for Helping N. Korean Cross Border," Reuters, July 2, 2002. Amnesty International (AI) reported that Chun Ki-Won and Jin Qilong, an ethnic Korean Chinese national, were put on trial in Inner Mongolia found guilty and given fines. Chun Ki-won was deported to South Korea. AI expressed

Even journalists became targets of the Chinese government's crackdown. In late August, police in Beijing raided a South Korean journalist's home, seizing documents related to his investigation of the plight of North Korean refugees.⁵⁹⁾

Human Rights Watch also received reports from refugees and aid workers of other missionaries who were believed to have been abducted to or arrested in North Korea in 2001. It is difficult, if not impossible, to confirm these reports, although North Korea does have a record of abducting South Koreans and foreigners in the past. Yet it is important to note that these rumors provoked intense anxiety among the refugee community because of the practice of many churches in recording in-depth profiles and life histories of the North Koreans they shelter in anticipation of promoting their claims as refugees. Some who agreed to speak with us believed that the details of their escape and life history were known to the North Korean government because the missionaries would have been compelled to reveal this information.

III. A WELL-FOUNDED FEAR: PUNISHMENT AND LABOR CAMPS IN NORTH KOREA

China has primary responsibility for the protection of North Korean migrants in China who qualify as refugees under international law. The Refugee Convention forbids states to push back migrants "to the frontiers of territories where [their] life or freedom would be threatened on account

concern about a group of 13 North Koreans they were helping to escape to Mongolia, saying they risked being forcibly returned to North Korea. Amnesty International, Urgent Action 235/02, July 25, 2002.

59) On August 31, police raided the home of Yeo Shi-Dong, a reporter for Chosun Ilbo, interrogated him, took documents and his passport. Earlier he had written an article about the arrest of North Koreans who tried to force the way into a Chinese government building to request refugee status. "Beijing Police Raid South Korean Journalist's Home," *Reporters sans Frontiers*, Paris, September 3, 2002.

of...race, religion, nationality, membership of a particular social group or political opinion."⁶⁰) This injunction, known as the norm against *refoulement* or return, has attained the status of customary international law, binding on all states whether or not they are party to these international treaties.

Some of the many North Koreans hiding in China may meet this criterion on the basis of actual persecution they endured in their homeland. As discussed below, North Korea's abysmal human rights practices include severe discrimination against individuals on the basis of social group/family background or imputed political belief. Others, while not the object of persecution in North Korea, would now probably face a high risk of abusive punishment if returned on account of their experiences in China, which have cast a light of presumed disloyalty upon them. Persons in this situation are termed *refugees sur place*, and the United Nations High Commissioner for Refugees (UNHCR) has a longstanding understanding that such persons are entitled to the protections of the Convention and its Protocol.⁶¹)

Because North Korea under the rule of Kim Il-Sung and his son, Kim Jong Il, has been one of the most tightly sealed-off nations in the world, it has been difficult to conduct reliable human rights research on conditions there. The outflow of a significant number of North Koreans has provided a window into some of the most repressive features of this society. Although we are reluctant to rely on such a small sample of interviews to draw firm conclusions, the abuses described to Human Rights Watch tend to corroborate other accounts published in South Korea, and should be the subject of further serious inquiry and consideration by those evaluating

60) Convention Relating to the Status of Refugees, art. 33.

61) See, UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees* [hereinafter *UNHCR Handbook*] paragraphs 94-96 (on the understanding of *refugee sur place*) and paragraph 61 (on severe punishment for illegal departure), HCR/IP/4/Eng/Rev1, (Geneva: UNHCR 1992).

refugee claims.

Collective Punishment and Discrimination

One of the most striking features of North Korea's philosophy of social control is collective responsibility. Persons who commit crimes may be punished, but so may their parents, siblings, and other relatives, regardless of their individual innocence or guilt. Likewise, persons may be blacklisted, not just for their own political opinions or actions, but for the imputed opinions or actions of relatives, even long-dead ancestors. This notion of guilt by association is inimical to modern conceptions of human rights.

According to those interviewed by Human Rights Watch, family background is still a key determinant of life in North Korea.⁶²⁾ Those lucky enough to be considered as "core" supporters of the government, such as party members or families of war martyrs, are given preferences for educational and employment opportunities, allowed to live in better-off areas, and have greater access to food and other material goods. Those

62) According to the Australian Department of Foreign Affairs and Trade, "Under a citizens' registration project initiated in 1947, the population is reportedly divided into a 'core class' of 28% of the population who are regarded as loyal, a 'wavering class' which accounts for 45% of the population and a 'hostile class' of 27% of the population, which includes, for example, families of defectors and those with relatives who fled to the South during the Korean War. These three classes are further divided into more than fifty subcategories based on perceived loyalty to the party and leadership. Authorities routinely use forced resettlement, particularly for those deemed politically unreliable, and there are reports that some children are denied educational and other opportunities as a result of the political classification system." Australian Department of Foreign Affairs and Trade webpage on the DPRK, at http://www.dfat.gov.au/geo/dprk/dprk_brief_introduction.html. See also Andrea M. Savada, *North Korea: A Country Study*, "Classes and Social Strata," (Washington, D.C.: Federal Research Service, Library of Congress, June 1993), available in electronic form at <http://lcweb2.loc.gov/frd/cs/>.

considered of ordinary or ambivalent political loyalty lead less entitled, more precarious lives, while those considered to be of a "hostile" or disloyal profile, such as relatives of people who collaborated with the Japanese during the Japanese occupation, landowners, or those who went south during the Korean War, suffer the most, often being assigned to the worst schools, jobs and localities, and sometimes winding up in labor camps.

As discussed in the cases described at pages 9-10, a number of those we interviewed described the events that led to flight from North Korea in terms of their social, and consequent economic, marginalization. In the year 2000, Good Friends conducted surveys with North Korean adults in China on social conditions in North Korea. In the second survey, involving 521 respondents, approximately one quarter said they had experienced discrimination because of their family background. Less educated people claimed to have experienced discrimination in significantly greater proportion than well-educated people.⁶³⁾ When asked to name the prerequisites for tertiary education, a "good" family background was cited by the highest percentage (56.5 percent), slightly more than high test scores or talent (53.8 percent). Young people and people assigned to agricultural work tended to cite family background as a determining factor more often than other groups.⁶⁴⁾

The UNHCR explicitly recognizes that the line between economic and political motivations for flight is blurred, and that severe social discrimination can amount to "persecution" under international law, giving rise to refugee status. "Behind economic measures affecting a person's livelihood there may be racial, religious or political aims or intentions directed against a particular group."⁶⁵⁾ Discrimination may amount to persecution if the acts are cumulative or are substantially prejudicial in

63) Good Friends, *Understanding and Responses of the North Koreans on the Social and Economic Condition of North Korea*, p. 36, June 1, 2000.

64) *Ibid.*, p.37.

65) See UNHCR Handbook, paragraph 63.

impact, such as serious restrictions on the right to earn a living, practice a religion, or have access to normally available education.⁶⁶⁾ These standards should be taken into account when describing any particular group of North Koreans in China as economic migrants or Convention and Protocol refugees.

The defection of one family member to South Korea can cause the blacklisting of all other close relatives left in North Korea. Almost all the refugees we interviewed insisted on using pseudonyms and deleting material that could identify relatives left behind in the North. Several related incidents where they knew of specific individuals who had been sent to a political prison camp because of relatives who were known as defectors. One man who had suffered years in a political prison camp because of his father's supposed disloyalty and eventual defection knew it would be considered a serious case if he were caught trying to cross the border. "I thought it would be all right to lose my own life, but I hated to think that my act might harm my mother and brother." He told us:

I am always worried about the fate of my mother and brother in North Korea whenever I am interviewed. My words may cause them harm. My human rights are being violated because I cannot tell even though I want to. I cannot express the thoughts I am thinking. Sometimes, I feel like exploding.⁶⁷⁾

Punishment Upon Return

North Korean criminal law prohibits unauthorized departure, a violation of the fundamental right to leave one's own country.⁶⁸⁾ Article 117 of the North Korean Criminal Code provides:

66) *Ibid.*, paras. 54, 55.

67) Human Rights Watch interview with Mr. Lee X, location in South Korea withheld, July 2002.

68) Universal Declaration of Human Rights, art. 13(2); International Covenant on Civil and Political Rights, art. 12(2).

One who crosses the border without permission shall be punished by a sentence of three years or less labor re-education.⁶⁹⁾

Article 47 of the Code provides:

One who escapes to another country or to the enemy in betrayal of his motherland and people, or who commits treacherous acts towards the motherland such as espionage or treason, shall be punished by at least seven years or more labor-re-education. If it is a serious violation, he shall be punished by execution and forfeiture of all property.⁷⁰⁾

The actual treatment of those returned from China has varied over the past decade, apparently becoming more lenient in 1999 and 2000, but there are reasons to suspect it is worsening again in 2002.

Many refugees we interviewed who left the country in the 1990s voiced extreme fear of the consequences of repatriation. One man recounted the family's preparation to commit suicide:

We hid on us when we left North Korea a small amount of opium. The idea was if something bad were to happen, we'd eat it before that bad thing happened. My brother tried to swallow it but it didn't go down his throat-even so, he barely lived. My brother crossed the river one day before we did. When he was in China, a North Korean car with security agency license plates stopped beside him, so he swallowed the opium. It happened right after my brother

69) Translation of Korean text by Baik Tae-Ung. Citations of the Criminal code of the Democratic People's Republic of Korea from: <http://www.nis.go.kr/>

70) Translation of Korean text by Baik Tae-Ung.

crossed the river. When he got near a street, the car stopped...The car wasn't stopping for him, as it turned out..
..71)

Mr. Cho, a former North Korean military official, entered the South Korean Embassy in Hanoi one Sunday in January 1999. The lone staff person there called Vietnamese police to eject him because he looked "like a ragged beggar with a beard at that time." He spent the night at a Vietnamese police station, panicking.

[I] thought I shouldn't live because if I were sent back to North Korea I would meet a most terrible death. When breakfast was brought in, I swallowed a spoon after writing a note to my wife. The next day, on February 1, 1999, they brought a car and put me in, with a person on each side of me. They took me to Bingsangyuiguan, a railroad crossing between China and Vietnam, and after opening the iron door at the border crossing, threw me into China. So my attempt to kill myself was all for nothing.⁷²⁾

There have been fairly consistent reports that penalties had been lessened in 1999-2000 for persons who crossed to China in search of food. According to numerous nongovernmental organization (NGO) sources and the "word on the street" in the refugee community in Seoul, persons who could convince the authorities that they were "first time" offenders who were just looking to make money or buy food would be detained a few days, or at most a few months and then released. This information was reflected by a former border guard who related:

When I went to the social safety bureau office at Musan County, the prison was filled with people. There was a

71) Human Rights Watch interview with Lee K., Seoul, July 13, 2001.

72) Human Rights Watch interview with Cho D., Seoul, July 12, 2001.

decree of Kim Jong Il that said, "If anyone crosses the border because they are in need of food, they shall live." This decree was effective after February 16, 2000, the birthday of Kim Jong Il, to October 10, 2000, the fiftieth anniversary of the establishment of the Korean Workers Party.⁷³⁾

However, those we interviewed produced fairly consistent lists of "aggravating factors" that would result in a returnee being sentenced to anything from a few months to an indefinite term in a reeducation camp; some refugees believed in serious cases they could also lead to execution. These included:

- repeated crossings (two to three times or more);
- contact with South Koreans or foreign missionaries or aid workers;
- contact with journalists;
- "marriage," pregnancy or other evidence of sexual liaison in China;
- prolonged residence in China;
- efforts to gain asylum in South Korea or other third countries;
- having committed a crime in North Korea before departure for China.

The former border guard quoted above also related that he carefully hid the fact he had married another North Korean while in China. "Since I had a record of having been sent to a political prison camp [before my escape], I lied and said I was a vagrant, without any address, because I feared that I might be killed by gunshot or be sent to an underground prison if they identified me."⁷⁴⁾

As this report was being prepared for publication, Human Rights Watch received reports from aid workers in the China border region that in addition to the tighter security at the border, there have been mass returns taking place since May 2002, with very little in the way of people

73) Human Rights Watch interview with Kim H.Y., Seoul, July 18, 2001.

74) Ibid.

returning to China. Even the street children, who typically return a few days after their deportation, have not come back. This suggests that there may be a change in the treatment of those who are returned, in addition to stepped-up monitoring at the border.

The procedure for repatriation appears to be that Chinese public security or national security agents deliver the migrants to collection points just across the border administered by North Korea's National Security Agency. The National Security Agency then conducts a preliminary screening, and sends prisoners on to other facilities for either punishment or further investigation.

The former border guard related he was repatriated to Musan in April 2000:

While we were crying loudly, they brought us to the Chilsung customs house in Musan. A North Korean officer of the National Security Agency greeted us there, shaking hands with each of us, saying, "Good job!" However, after the Chinese turned back, the officer shouted, "Kneel down, you son of a bitch." They checked our pockets. They forced my wife to take off her *talle-baji* (tailored trousers) and took them away, because they symbolized capitalism. She had to stay, wearing only her underwear, even though it was very cold outside. They also took the South Korean clothing off people. They investigated whether the repatriated people had any relationship with South Korea...If a person met South Koreans or reporters or wrote articles, or attended church or escaped after committing a crime in North Korea, they would be secretly killed, without even God knowing.

For Kim Sung-min, arrested after asking a Chinese officer for political asylum and repatriated in early 1996 after criticizing Kim Jong Il to an interrogator whom he thought was a Chinese official, punishment began

immediately.

After crossing the river, North Korean villagers at Namyang city and Onsong County were waiting for me...As soon as we crossed, soldiers surrounded me and aimed rifles at me, four of them. Right after the Tumen River, there is a structure called Youngsaeng Tower. We two had to walk around the tower, guided by the soldiers, while the villagers surrounded us and threw stones and shoes and spit at us, yelling "revisionist traitor!" After that, I was sent to the Onsong County State Security Bureau, about sixteen kilometers away from the Tumen river.⁷⁵⁾

There he was severely beaten and interrogated, day after day. He finally revealed his identity as a writer for a military propaganda unit, and discovered that the interrogator to whom he had confided his political discontent in China was actually a North Korean officer.

I didn't have any hope of living any more because I had blamed Kim Jong Il so harshly. After five days in Korea this [interrogator] came. I was helpless with fear for two more days, almost unconscious. On the eighth day I was moved again, sent on the way to my original army unit. I asked where I was going, and they said, "Your friends in the propaganda unit are waiting for you." I asked "Why?" and they said, "Don't you know? For 'judgment by your colleagues.'" I had seen three people executed by shooting under 'judgment by colleagues.'⁷⁶⁾

Kim ultimately escaped by jumping off the train headed for his home

75) Human Rights Watch interview with Kim Sung-min, Seoul, July 6, 2001.

76) Ibid.

province while his guard went to the bathroom.

When a returnee's motive or conduct is deemed not to amount to a political crime, he or she may be paroled or transferred to a detention facility of the Social Safety Bureau, the agency that normally handles detention for common crimes. When this is not feasible, sometimes alternative facilities are used, such as labor training camps (*nodong danryundae*) or provincial concentration centers (*do jibkyulso*). Labor training centers are for those who commit minor economic crimes; concentration centers are for temporary detention and investigation of those accused of serious common crimes such as murder or capital offenses. The former border guard who convinced the preliminary investigator he was simply a beggar had this experience:

I was sent to labor training camp in Musan County, waiting for a vacancy to be moved to a provincial concentration center, because the Social Safety Bureau detention center in the region was full. Labor training camp is a place for criminals who refused to work, or who were involved in 'capitalist' commercial activities. I was there for about ten days...In the camp, I had to live in a very disciplined way. After getting up in the morning, I had to work all day long picking up small stones out of the ground or carrying logs or any other chores they ordered. The food was extremely bad [and conditions crowded]...The camp was surrounded by barbed wire. We did the most difficult work in the Musan area.⁷⁷⁾

Another former detainee we interviewed told about his arrest in 1999:

77) Human Rights Watch interview with, Mr. Kim H.Y., Seoul, July 18, 2001.

While I was in China, I tried to bring my family out, but I was instead arrested in March 1999 by Chinese border guards at Yenji and sent to Helong to a special facility for North Korean refugees. From there I was repatriated to the National Security Agency in Musan. I was interrogated in that security office, but there were so many other North Koreans repatriated that I could deny the charge that I originally wanted to get to South Korea. I insisted that, after getting some money, I wanted to return to North Korea. I told them I was planning to buy rice in China and go back to North Korea. Since they believed my words, I was sent back to my home town Social Safety Bureau office. I got paroled after three months staying there. Then I escaped my parole.⁷⁸⁾

One of the more disturbing accounts we received came from a woman who was pregnant at the time she was repatriated in April 2000.⁷⁹⁾ After preliminary investigation, she was sent to the provincial concentration center in Chongjin city. Although she was pregnant, she did not realize it for some time because she was malnourished and her menstrual periods had stopped long before, she presumed from stress. She related that the concentration center had a policy of aborting pregnancies and killing babies born to women prisoners.

[I]f it is found that a woman is pregnant, they administered a medicine to abort. If the woman gave birth to a baby, they covered it with vinyl and placed it face-down and killed it. Seven women gave birth to children in that prison and they killed all of them. The women were in labor in the prison cell and all the female inmates assisted with the birth. On

78) Human Rights Watch interview with, Mr. You Y., Seoul, July 10, 2001.

79) This account and related quotations are from Human Rights Watch interview with Mrs. Ryo, Seoul, July 2001.

April 1, 2000, I was arrested and I witnessed seven children born during the period of May to June and they were killed.

This woman was released without the authorities ever learning she was pregnant. "I had wounds and rashes on my body and I also had a fever disease...They just sent me out from the prison camp because they thought I was dying." Her relative told us that at the time of her release, she was unable to walk. "I came to know that I was pregnant after feeling the kicking after six months...we hid the fact...because it was very dangerous to let them know that I got married in China."

Human Rights Watch did not interview any refugees who had been sent to so-called political prison camps or administrative camps (*Kwanriso*) upon repatriation, but several claimed to know of cases where the relatives of defectors had been sent to these facilities, which are described in the next section.

Accounts of Labor Camps

The North Korean penal labor system receives not only common criminals and repatriated migrants, but the families of these people as well. Human Rights Watch received several accounts of the camp system from refugees, which tend to be consistent with some of the more horrific descriptions published by South Korean activists.

Mr. Lee K, a former soldier from a "bad" family background, learned about conditions in China and South Korea from Korean Chinese who visited relatives and did business in his home province of North Hamgyung. When we asked if he had learned anything from broadcasts, he denied watching foreign programs: "Even watching Chinese television can be punished if discovered. If a person is found listening to South Korean broadcasting, he could be punished in a political prison or executed." He recalled that such an execution had happened to a worker in his prefecture.

Like many of those we interviewed, Mr. Lee K. believed that relatives and acquaintances of escapees risked being imprisoned, and he was acquainted with several people who had suffered this fate. "Life in the political prison camp is worse than death," he remarked, also an opinion voiced by others we interviewed. Mr. Lee K.'s views were informed by the fact that in the early 1990s, prior to fleeing through China to South Korea, he had worked as a guard in a labor reeducation camp for minor offenders in North Korea and had learned about other camps from other guards and their families.

He outlined a variety of penal labor camps: there are "labor training centers," or *nodong danryundae*, for misdemeanor crimes of less than six months, such as travelling without permission, illegal trading, and lewd behavior; there are similar camps for misdemeanors of less than a year's sentence. Because the term is short, the work requirements are intense. He remarked, "You cannot imagine how harsh the living conditions are. They eat rats, grasses. Their living conditions are indescribable. There is a ration distribution, it is graded from the first to seventh degree. But it is not enough food to live on." *Kyohwaso*, or "reeducation centers," house more serious criminals such as rapists, robbers, murderers, embezzlers, economic criminals given a sentence of two years or more, and those who have illegally crossed the border more than three times. Consignment to a reeducation center is decided by a meeting of the Social Safety Bureau. There are also *kwanriso*, or administrative camps, also known as political prison camps. Mr. Lee K. had observed two in his home prefecture when the camps were consolidated and relocated and their quarters allocated to local residents, and came to know about their operations from the families of guards living nearby.

No visitors are allowed at these places; only those permitted by the security officials can visit. Even if a son is discharged and leaves, he can't go back to visit the rest of his family....A husband and wife are assigned shifts to keep them separate.

Mr. Lee described rations in labor training camps and reeducation centers as similar, depending on whether the particular facility grew crops or not. The basic diet was soy sauce, a little fat, cornmeal, some salt water, and perhaps some *kimchee* (fermented cabbage). Men and women are separated, sometimes with 300 to 400 people sleeping crowded into one room, unable to stretch their legs.

People in the facility were beaten every day with sticks or with fists. In the evening, they had to make time for an "ideological struggle" for one or two hours. This was an official time for the inmates to fight with each other and the guards indirectly provoke violence. The prisoners had to endure physical punishments, such as having to squat and stand up 300 times. There were many different ways of beating. Those who attempted to escape were held in a separate place. They were often hung on the wall all day long. Sometimes their hands were tied behind their back and they were hung on the wall for three to seven days. They were handcuffed and guards would stomp on the handcuffs. They would also use finger-cuffs, which tie the two thumbs together. As a result, the prisoner's fingers would swell. If it was a political prisoner, his hands would be broken right after he was sent to the prison of the National Security Office. They would then be interrogated. During this, they would not be able to move at all. I witnessed these types of atrocities quite often.

Mr. Lee noted, however, that his perception of conditions as a guard might differ from that of a prisoner.⁸⁰⁾

A different Mr. Lee provided that perspective. Lee M. and his family were

80) This account and related quotations are from Human Rights Watch interview with Lee K., Seoul, July 13, 2001.

sent to a political prison camp, known also as an administrative camp or *kwanriso*, when his brother, an army battalion leader, was arrested attempting unsuccessfully to traffic uranium.⁸¹⁾ From 1995 to 1998 he lived in the 15th administrative camp known as Yoduk in the Pyongpungje valley, Daeheung County, Pyongan Province. A different source told us that the 12th and 13th administrative camps in Onsong Country had been moved to Yoduk and that there was a consolidation of prisons(though not a reduction in the number of prisoners)after an Amnesty International report on prison camps.⁸²⁾

Lee M. explained that there are first, second and third degree facilities in an administrative camp, in order of severity, although all are labor facilities that do not allow people to move inside or outside freely. His family was placed in a third degree facility of Yoduk camp, but he was able to observe first and second degree facilities when his logging unit was sent there to work. He noted that while labor was hard in the third degree camp, men and women could marry and live together. Unmarried women and elderly people could stay home and cultivate gardens, and children could go to school.

The third degree facility where he lived in the Yoduk complex was located across from the mountain Baeksan in the vicinity of Daeheung County. The inhabitants in the first and second degree facilities were known as "fixed inmates." The number of inhabitants in the third degree facility numbered about 30,000. The first and second degree camps, also clustered near the mountain Baeksan, held 20,000 to 30,000 each as well; he estimated the Yoduk administrative camp, also known as the 15th administrative camp, to hold about 70,000 persons all together.

His logging unit worked sixteen to eighteen hours a day, producing seven

81) This account and related quotations are from Human Rights Watch interview with Lee M., Seoul, July 13, 2001.

82) Human Rights Watch interview with Mr. Lee K.Y., Seoul, July 14, 2001.

square meters of logs per day. Security guards followed them when they were working and checked to ensure they returned back to the village. They lived in the mountains where they worked most of the time, visiting home every ten days or so. Rations for the loggers were terrible: 450 grams of corn and wheat boiled into a gruel. His description of survival tactics echo accounts of those who survived the height of the famine:

People tried to catch rats using shoes as traps, and then would roast and eat them secretly. What we were feeling was something beyond description as simply hunger. Salt was our only side dish. We ate leaves and grass if they weren't harmful, putting them in soup.

Apart from material privation and forced labor, Lee M. described violence and sexual abuse as normal conditions.

It was a savage's life, even though people there still had the minds of human beings. I cannot tell vividly enough how it was to be beaten. When our family moved there, we were surrounded by one hundred people and beaten. The police led people to beat us-newcomers must be broken in spirit this way. There are also professional "beaters" at the town hall. They bring people there to be beaten who disobeyed the rules. Officials beat so harshly that many of those people became disabled, or their legs were paralyzed, or they died. In these places, there are no human rights at all for women. What they call sexual harassment in South Korea is nothing. What was going on was beyond description. Everything is exposed, it was nothing to have sex openly...It may be better when a man is married, but as for women, they can't protect themselves in that situation. Even though a man might know his wife is having sexual relations with an official, he can't protest or talk.

Lee M. lived in the Yoduk camp at the same time as the family of a well-known defector, Hwang Jang Yup,⁸³⁾ did. According to him, after Hwang Jang Yup's son tried to escape from the facility to go to South Korea, the whole family was moved to a higher security section of the camp.

Another account of life in an administrative camp was provided by Mr. Kim Yong. He explained that he was raised in an orphanage and was told that his father had been killed by a bomb during the Korean War.⁸⁴⁾ He was a model youth, joining the Korean Workers Party at age nineteen, and rising to a responsible position in the State Security Bureau. His fortunes changed abruptly when it was discovered in 1993 that his father was actually alleged to have been a United States CIA spy, and had been arrested and executed in 1957.

After investigation, Kim found himself assigned in October 1993 to be a prisoner in the 14th administrative camp in Kaechon County, Southern Pyongan province, controlled by the National Security Agency. According to Kim Yong, the 14th administrative camp was a facility for persons who were found guilty of rebellion, criticizing Kim Jong Il, espionage, pacifism during the war, or landowning crimes. This was a severe facility, in which family members had to live separately according to sex, and husbands and wives were not allowed to have children. Mothers could keep children until they were twelve years old, in the fourth grade of elementary school. Rooms were covered in plastic vinyl. Beds were wooden, two-tiers high. Working groups lived in these rooms together, which were locked from the

83) Hwang Jang Yup was the highest-ranking North Korean official ever to defect to South Korea.

84) This account and related quotations are from Human Rights Watch interview with Kim Yong, Seoul, July 23, 2001. Mr. Kim has also presented his experiences to the annual general assembly meeting of the NGO Citizens Alliance to Help Political Prisoners in North Korea, on February 24, 2000, available at www.chosunjournal.com/youngkimtestimony.html.

outside. Kim Yong was assigned to work in a mine there, working 720 meters underground from 8:00 in the morning, sometimes until early the morning of the next day. "We had to work until we had finished the assignment or until we passed a quality test. Nobody blames the guards when they shoot people there."

In 1996, Kim Yong was transferred across the Daedong river to the 18th administrative camp, under the Social Safety Bureau, where he stayed until he escaped North Korea in 1998. In the 18th administrative camp, he was reunited with his mother, who had been living there since his father was executed in 1957. The 18th administrative camp had a section for common criminals as well as for family members of political criminals, "people who were to be separated from society-like my mother." Here, he was also assigned to work in a mine, although he ultimately received a lighter assignment repairing coal trolleys. The workers were given a handful of corn for each meal, along with salt water and cabbage. "Everyone had to work. Even my mother had to work. Everybody had to work until they died."

Another man, who had spent ages twelve to nineteen in the 18th administrative camp in Duksung-gun before being released in 1983, confirmed that this camp was under the control of the Social Safety Bureau.⁸⁵⁾ Unlike camps controlled by the National Security Agency, children living there could be educated through the fifth grade of junior high school; in National Security Agency camps, education ended with the fourth grade of elementary school. He also confirmed that the workload was somewhat lighter than in National Security Agency administrative camps.

There were two categories of people: internal residents (*daenaemin*) who were sent to the camp because of economic

85) This account and related quotations are from Human Rights Watch interview with Mr. Lee H., Seoul, July 16, 2001.

wrongdoing such as fraud or theft, and migrants (*ijumin*) who were the family or relatives of the defectors to South Korea and bad landowners. The internal residents had supplements from an internal assistance fund (*daenae gageupgeum*). They received ten won for every one hundred won payment from that fund. On the other hand, the migrants got only sixty percent of the wages that internal residents got.

Kim related two harrowing incidents he had witnessed. In his first year at the 14th administrative camp, a security officer shot dead the driver of a coal trolley who stopped to pick chestnuts that had fallen from trees onto the tracks. "I saw that dead driver still had a chestnut clutched in his hand." Another time an officer caught a prisoner trying to chew an oxtail whip for nourishment; he beat the prisoner and forced him to eat intestinal worms picked out of a latrine. The man died two days later. He concluded: "There are so many miserable stories. People pick undigested beans out of the dung of oxen to eat. They compete to take the clothes off of dead bodies to wear. It is not a human world."

We also received an account of a prison facility designated specifically for military personnel.⁸⁶⁾ A former border guard told us he had been detained in the 606 detention camp (*suyongso*) for seven months in 1998. He believed his arrest and detention stemmed from an incident, which he had confided to an apprehended border crosser that he set free, that he himself had once met his aunt from South Korea in the Yanbian border area. The border crosser, however, was subsequently captured by other security officials and implicated the guard for contact with a South Korean.

The 606 camp was designated for officials charged with economic and political crimes. Conditions were harsh and inmates were treated much like to political prisoners, with no visitors allowed. He gave the following

86) This account and related quotations are from Human Watch interview with Kim H.Y., Seoul, July 18, 2001.

chilling account:

During my stay there, 1,200 people were sent to the facility and I saw only seven people who left without physical injury or harm. Many people died because of an epidemic, and many others were shot to death. The facility generally released people when they believed that the person would no longer survive. Many of the detainees suffered from pulmonary tuberculosis or other diseases. There were about three hundred people in the camp, with a group of thirty in each room. About one hundred people were sent each month, and about ten people were dead every day. If someone didn't receive one meal per day, he would be so weak from starvation that he could not move properly. Since there were no coffins, they put the bodies on a plank and carried them to a hill and buried them.

I cannot describe the situation properly. Can you imagine expecting the person next to you to die, and when the person dies, taking the corpse's clothing off and wearing it? Since the roof leaks on rainy days, the mattress is always wet. Lice are crawling all over the corpses, but the inmates use the blankets of dead people as soon as they die. Since they did not give us needles and thread, we used copper wire instead when we sewed and repaired our clothes.

I myself buried two people. When newcomers arrive at the camp, they are first taught how to bury corpses. When they enter, they are surprised to see that the detainees were only skin and bones, with faces that look black and a bad smell. The guards would shout at them, "Put your head down on the ground!" If they raise their heads, they are beaten. After having them bury corpses, the guards force them to wear the clothing off the dead bodies. When I first came into the

facility, they ordered me to go to a hallway in a building that was like a storage barn to fetch a spade. But I screamed because there were four corpses at the end of the hall.

Some refugees who had not experienced these conditions had nevertheless heard about them or viewed abandoned prison camps, and the view that being sent to one was a fate worse than death was an often-repeated remark.

IV. GETTING BEYOND CHINA: THE INTERNATIONAL COMMUNITY AND ITS OBLIGATIONS

The Routes Out

Only a small minority of North Koreans in China seek to leave for a third country; indeed, what evidence there is suggests that most would prefer to return to North Korea and their families if their lives there could be more materially stable. Of that small minority who do try to leave China for more secure countries, most hope to eventually reach South Korea. Sometimes they have this goal in mind as they begin their flight, usually because of information received from, or hope pinned on, relatives abroad. Others who have lived in China for years or made repeat crossings come to realize that South Korea is neither the hostile nor economically backward society of the North's propaganda, and an equally unrealistic idealization of life in the South takes hold. In China, they come to know that with the help of religious organizations or brokers, a risky passage may be attempted. Although very few of the refugees we interviewed in Seoul had any particular knowledge of South Korean subsidies for North Korean refugees before they arrived in South Korea, many had some hope that they would be welcomed based on their family background, reports of other high-profile defections, or South Korean propaganda.

South Korea's Ministry of Unification reports a steady increase in the numbers of North Koreans it is resettling in the South each year, with numbers roughly doubling each year since 1998.⁸⁷⁾ For the year 2002, the

number of refugees accepted into South Korea stood at 629 as of July 30, 2002.⁸⁸⁾

Less than 20 percent of this inflow is due to a small explosion of incidents of North Koreans seeking refuge in foreign embassies, consulates and organizations in China in 2002.⁸⁹⁾ In the two years prior, several small groups of North Koreans managed to enter the premises of embassies and international organizations, their eventual departure for intermediate states and South Korea brokered after negotiations with China. This trickle swelled this year, as families of North Koreans broke into Japanese, Canadian, South Korean and U.S. diplomatic missions, pursued by Chinese public security officers who succeeded in some instances in arresting the refugees. A particularly tense standoff between the government of China and that of South Korea began in May 2002, as the first of what would eventually be twenty-four North Korean refugees entered the embassy. These refugees, like others who had entered foreign embassies, were released by China on "humanitarian grounds" for immigration to South Korea via a circuitous, face-saving route.

The most dramatic diplomatic incident took place on May 8, 2002, when armed Chinese police entered Japan's consulate in Shenyang and dragged away five North Koreans. China insisted Japanese officials gave the police permission to enter the compound, while Tokyo claimed they entered in violation of the Vienna Convention on Consular Relations⁹⁰⁾ and demanded

87) The figures provided by the Ministry of Unification are: 1993: 8; 1994: 51; 1995: 41; 1996: 56; 1997: 86; 1998: 71; 1999: 148; 2000: 312; 2001: 583.

88) Letter to Human Rights Watch, August 1, 2002, from Hee-Yong CHO, Political Counselor, South Korean embassy, Washington, D.C.

89) The number arriving via embassies as of July 2002 stood at 121, or somewhat over a sixth of the 2002 total to that date. See footnote 3 above.

90) Article 31(2) of the Vienna Convention on Consular Relations states that "[t]he authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the

an apology from Beijing. A videotape of the incident, shown repeatedly on Japanese television and internationally, showed Japanese officials doing nothing to head off the police. Subsequently, a dozen Japanese consular officials were reprimanded by the Japanese foreign ministry and the consul-general in Shenyang was recalled. Two weeks later, an agreement was reached leading to the departure of the North Koreans for Seoul on May 23 via the Philippines. At one point, the Chinese foreign minister proposed that the two countries develop a bilateral consular treaty to avoid further such embarrassments, and Japan initially agreed, but the plan was ultimately dropped when it became clear that it would take years to ratify a new treaty.⁹¹⁾

The repeated diplomatic face-offs and negotiations have brought about a hardening of attitude on the part of the Chinese. This attitude was reflected in a diplomatic memorandum dated May 21, 2002, circulated by China's foreign ministry to all Beijing embassies, demanding that foreign governments "inform the Consular Department of the Chinese Ministry of Foreign Affairs in case the illegal intruders were found, and hand over the intruders to the Chinese public security organs."⁹²⁾ Some governments, including that of the United States, flatly refused to comply with China's demands. At a Senate Judiciary Committee hearing on June 21, 2002, State Department officials when pressed said the U.S. would reject any demands to turn over North Koreans. However, Arthur Dewey, Assistant Secretary of State for Population, Refugees and Migration, also warned that "there are no guarantees for North Koreans who seek refuge in third country

work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State."

91) "Japan, China to Draft Consular Treaty," *The Japan Times*, June 21, 2002; "Government to Scrap Plan to Sign Consular Treaty with China," *Daily Yomiuri*, June 27, 2002; "Five Asylum Seekers Talk to Officials from Japan," *The Japan Times*, June 26, 2002; "Is the (Shengyang) Case Settled?" editorial, *Ashai Shimbun*, July 6, 2002.

92) "(2002) Lingsizi No. 694," translation provided in Appendix B.

diplomatic compounds and they are putting themselves at great risk. In a post 9-11 world, no diplomatic compound will tolerate unidentified persons breaking through security for any reason."⁹³⁾

Other governments, such as South Korea, have taken a more nuanced approach, or have simply ignored China's diplomatic memorandum written request. The South Korean government told Human Rights Watch that "our policy is to take measures respecting the person's wish under humanitarian principles once a North Korean refugee enters into our diplomatic offices. Therefore, when a North Korean wishes to go to the Republic of Korea, we make an endeavor to realize [this] through negotiation with the Chinese government...even though the argument of China claiming that a diplomatic office does not have the power to protect a third country citizen has some merit under in the light of international custom."⁹⁴⁾

However, the several dozen North Koreans who have gained safe passage after dashing into diplomatic compounds represent only a tiny fraction of those who ultimately leave China. Others purchase false identity papers and passports and fly out, usually with relatives in the South coordinating their quiet transit and alerting the South Korean government. Yet others are guided by brokers out of China via two main routes: either over the Mongolian border, or to Yunnan and there over the border to the Mekong River, usually transiting Cambodia, Vietnam, or Laos and sometimes Burma to eventually reach Thailand and the South Korean embassy in Bangkok.

The cost of transiting through China safely and crossing into another

93) Dewey said the U.S. State Department was urging China to adhere to its obligations under the Refugee Convention and to cooperate with UNHCR in providing protection to North Korean migrants who might qualify for refugee status. The State Department also announced a U.S. policy review on North Koreans in China, which, as of mid-October, had not yet been concluded.

94) Letter to Human Rights Watch, August 1, 2002, from Hee-Yong CHO, Political Counselor, South Korean embassy, Washington, D.C.

country varies considerably, depending on whether the refugee depends on the largesse of missionary or church groups or whether he or she has relatives who can pay and privately broker the escape. The more recent North Korean asylum seekers we interviewed estimated the total cost of bribes, false papers, and payoffs for shelter and guides to run between U.S.\$10,000 to U.S.\$30,000, a large enough sum to keep the number of successful departures from China relatively small.

Chinese Policy

In contravention with its obligations under the Refugee Convention, China does not permit North Koreans in China to seek asylum or be granted refugee status. It maintains that a secret agreement concluded with the government of North Korea on the repatriation of illegal migrants and criminals takes precedence over this multilateral treaty. The text of this agreement is unknown, though it is possible to infer that it was framed in the context of Chinese migration to North Korea during the famine of the Great Leap Forward.⁹⁵⁾

In practice, the Chinese government has unofficially tolerated both cross-border trade as well as some migration from North Korea until the late 1990's, during the North Korean famine. But the border of the Tumen River, easy to cross when it is frozen, is heavily guarded by both Chinese guards and North Korean security forces. Enforcement efforts seem to have been most consistent against persons specifically requested by North Korean officials rather than the general migrant population. There have been periodic crackdowns on ordinary migrants, however, one taking place following the Gil-Su family's successful and highly publicized bid for asylum in UNHCR offices in May 2001. At that time, daily mass expulsions and stepped-up searches and border patrols by China were

95) According to the South Korean government, in August 1986, China and North Korea concluded a protocol on security in the border area; its contents have never been made public, but China maintains it is obligated to repatriate North Koreans back to North Korea under the protocol. Ibid.

incorporated into an ongoing anti-crime "strike hard" campaign. China has also dealt flexibly with "embassy refugees." Almost all have eventually been allowed to leave China, generally through the face-saving fiction that they are headed to an immediate destination other than South Korea, though in fact the latter is where the journey almost always ends.

This situation appears to have been changing, and the crackdown on the border has only intensified since the wave of embassy asylum bids that began this past March. Humanitarian workers have reported to Human Rights Watch that the security situation on both sides of the border is more severe than they have witnessed in the past four years. Armed soldiers have replaced border police at checkpoints, and in China regular searches of taxis, buses and train stations are taking place, as well as nighttime house-to-house searches for North Koreans. People who have been hiding in the towns in Yanbian are scattering inland and to the mountainous areas where they are less likely to be detected. Large deportations are taking place frequently as well. Aid workers at the border report that migration from North Korea is down markedly even from the normally low levels of the spring planting season.⁹⁶⁾

From May 2002, the Chinese government began to focus on tightening security around foreign embassies, increasing patrols in the embassy district of Beijing, and erecting new barbed wire cordons near embassies, in addition to issuing the diplomatic memorandum warning foreign embassies against sheltering asylum seekers (see Appendix B).

South Korean Policy

Under Article 3 of the South Korean constitution, the territory of the Republic of Korea is defined as the whole Korean peninsula and its contiguous islands. This is the foundation for the principle that Koreans residing in the North are entitled to the protection of the government in

96) Human Rights Watch interview with unnamed aid worker, via telephone, June 20, 2002.

the South, a basis for the Kim Dae Jung government's current policy of accepting in principle all North Koreans who wish to migrate there.

The policy is embodied in the Protection of North Korean Residents and Support of their Settlement Act (law number 6474, Partial revision on May 24, 2001), which stipulates the procedure for invoking the government's protection in Article 7:

1. Any person who has defected from North Korea and desires to be protected under this Act shall apply for protection to the head of an overseas diplomatic or consular mission...
2. The head of an overseas diplomatic or consular mission...who receives such an application for protection...shall without delay inform the fact to the Minister of National Unification and the Director of the Agency for National Security Planning...
3. The Director of the Agency for National Security Planning notified pursuant to the provision of Paragraph 2 shall take provisional protective measures or other necessary steps and shall without delay inform the Minister of National Unification of the result.⁹⁷⁾

Not all North Koreans, however, may be entitled to protection. Article 9 of the same act sets forth criteria for a determination of protection. Among those who may be excluded are serious criminals, those suspected of feigning defection, those who appear to have earned a living for a considerable period in their country of domicile, and others recognized by presidential decree as unfit for protection. Article 16 provides that those who might cause serious political or diplomatic hardships to the Republic of Korea if given protection can be defined as unfit for protection. Despite these exclusions, the default position of the law is for inclusion, regardless of whether the person has a fear of persecution or is an economic migrant. South Korean law, in this respect, is more generous towards North Koreans

97) Translation of the act provided by the South Korean Ministry of National Unification Humanitarian Affairs Bureau.

than international refugee law.

Actual policy, however, is somewhat more equivocal. A mid-level official at the Ministry of Unification explained that in 1997 under the Kim Young Sam government, the basic policy of accepting all North Koreans who wished to migrate to the South was instituted and communicated to embassies and consulates. However, an important qualification on the "principle" of acceptance is the diplomatic mission's discretion in considering relations with the host country. The ministry official explained, "If cooperation between the embassy and the host country is smooth, then it is easy. If the country severely opposes our facilitating resettlement in South Korea, then the embassy won't accept them. If the country protests severely, we won't accept them." This would account for the lack of diplomatic initiative in countries such as Vietnam or Burma, which are disinclined to act as conduits for North Korean resettlement, and experiences such as that of Mr. Cho, who was turned over to the police by a South Korean embassy staff member on January 31, 1999.

Yet as the ministry official admitted, the policy is "evolving." South Korea protested strongly when Chinese police on June 13 burst into its embassy in Beijing, dragging out a North Korean man named Won who was attempting to take refuge there with his son, in the process injuring a diplomat and a local employee.⁹⁸⁾ In an unusual departure from its practice of "quiet diplomacy," the Foreign Affairs-Trade Ministry held a press briefing on June 27, 2002, on China's crackdown on missionaries and non-governmental organizations that aid North Korean migrants in China, likely reflecting its own frustration at trying to get China to soften its positions behind the scenes.⁹⁹⁾

98) China ultimately allowed twenty-four refugees sheltering there, as well as two others who entered the Canadian embassy, to depart to third countries from whence they continued on to South Korea. Oh Young-hwan and Yoo Kwang-jong, "26 defectors sent to third countries," *JoonAn Ilbo* electronic edition, June 23, 2002, available at <http://english.joins.com/article.asp?aid=20020623235737&sid=300>.

Once taken to South Korea, North Koreans are required to undergo a rigorous period of interview, debriefing, and orientation by the Korean National Intelligence Service that usually lasts about three months. During this time they are housed at the Hanawon camp, which the government is planning to dramatically expand in response to the swelling numbers of migrants. It has already added services that reflect the change in its population from military defectors to increasing numbers of women and youth. The government continues to have some supervisory authority after their release, and indeed, one man we interviewed came to his interview accompanied by a Seobu police station detective, who while not present during the interview, included it in his report.

North Koreans who resettle receive generous subsidies for public housing, education, job training, living expenses over two years, and employment insurance—amounts that exceed assistance to ordinary South Koreans in poverty, and to which migrant Koreans with Chinese citizenship are not entitled. Yet even those who criticize the expenditures on North Koreans acknowledge that the transition to the highly competitive, capitalist lifestyle of the South is a difficult one. It has been politically unacceptable to call for closing the doors on brothers and sisters to the North, but there has been a movement to make migration less attractive, by reducing subsidies and delaying the transition of migrants to full citizenship.

The Resettlement Act, referred to above, was revised on June 3, 2002, and a provision was added to article 39, which deals with the subsidy. It provides that the amount of subsidy can be reduced up to half of the standard amount based on the following factors:

- the extent of the protected defecting North Korean resident's property and his or her direct family's property;

99) Shim Jae-yun, "Seoul Shifts Policy on NK Defectors," *Korea Times* online edition, June 28, 2002, available at <http://www.hankooki.com>.

- adjustment to society and will to settle in society;
- violations committed in the settlement support facilities(Hanawon).¹⁰⁰⁾

In light of the increasing arrivals, South Korea also planned to expand the Hanawon camp, with construction beginning in July 2002 and completion of a facility that will hold 1,500 people expected by the end of 2003.¹⁰¹⁾

Transit and Asylum Nation Policies

Mongolia's policy on North Koreans has fluctuated depending on local political influence in Ulan Bator. At times, central authorities have authorized the protection and onward-passage of North Koreans in cooperation with UNHCR and the South Korean embassy. At other times, refugees have been arrested at the border and sent back to China. Activists have sometimes appealed to Mongolian legislators for intervention in the cases of refugees known to be crossing with success. But there is clearly anxiety in the government over encouraging North Koreans to view the Mongolian route as a "safe passage" beyond China.

A suggestion by international activists that refugee camps for North Koreans be established in Mongolia was quickly rejected by the Mongolian foreign ministry, and attacked by Beijing.¹⁰²⁾ Mongolia is not currently a party to the Refugee Convention. In early August 2002, the North Korean foreign minister, Paek Nam Sun, visited Ulan Bator and signed two treaties on economic, educational, and cultural cooperation. It was the highest level visit from a North Korean official in fourteen years, according to Mongolian officials. From press accounts and contacts with Mongolian diplomats, it is unclear whether the matter of North Korean refugees was discussed; however, one of the treaties signed promised mutual legal

100) Letter to Human Rights Watch, August 1, 2002, from Hee-Yong CHO, Political Counselor, South Korean embassy, Washington, D.C.

101) Ibid.

102) "Mongolia Denies Reports of Refugee Camps for North Koreans," BBC, June 26, 2002; "China Rejects Refugee Camp Proposals," Reuters, June 22, 2002.

assistance in consular, civil, and criminal matters.¹⁰³⁾

Thailand treats North Koreans as it does other asylum seekers, leaving status determination to the local office of the United Nations High Commissioner for Refugees. UNHCR's Bangkok office regularly receives North Koreans referred by church groups and the South Korean embassy, and conducts detailed interviews. According to a source who did not wish to be named, in 1998 UNHCR considered three cases and approved three persons as refugees; in 1999 UNHCR handled ten cases and approved eleven persons; in 2000 it handled twenty-six cases and approved thirty-two persons; in 2001 UNHCR handled fifty-four cases, approving eighty-two persons, and in 2002 up to May 15 it had considered sixty-one cases and approved ninety-two persons. It is not known whether UNHCR has rejected any North Koreans who have presented themselves, or if so, what happens to such people.

V. CONCLUSION

So far, the approach by the international community to North Korean asylum seekers has been to ignore them, except when they literally turn up on diplomatic doorsteps. In response, refugee advocates have adopted increasingly militant responses, trying to bring asylum seekers before the cameras of the international media at great risk to all involved. This "see no evil" approach cannot be sustained.

A comprehensive approach is required by the international community if the crisis is not to worsen and lead to further conflict between China and its neighbors and diplomatic partners. Humanitarian aid policies need to ensure that assistance reaches those with the greatest need, who are often located in North Korean border regions. At the same time, humanitarian

103) "Mongolian Premier Meets North Korean Foreign Minister," BBC, August 8, 2002; Human Rights Watch correspondence with Mongolian embassy, Washington, D.C., September 6, 2002.

aid policies cannot be effective without concerted diplomatic effort to persuade North Korea to both allow effective monitoring of humanitarian aid and to change its laws and policies punishing persons who seek to leave the country. This will involve a coordinated, long-term effort.

Equally important in the meantime is a concerted effort to induce China to cease the practice of *refoulement* or forced return of North Koreans to certain punishment in their own country. China should extend to all North Korean migrants humanitarian status that allows them to live in China, and should allow those who wish to migrate onward to third countries access to the appropriate embassies and the services of UNHCR. China must allow, and the international community must provide, humanitarian aid for those who seek refuge on China's territory, if necessary by adopting burden-sharing arrangements with other countries in the region willing to extend temporary or permanent asylum.

**APPENDIX B: LETTER FROM CHINESE MINISTRY OF FOREIGN
AFFAIRS TO FOREIGN EMBASSIES, MAY 31, 2002**

(Informal translation)

(2002) LINGSIZI NO. 694

To all foreign embassies in China:

The Consular Department of the Ministry of Foreign Affairs of the People's Republic of China presents its compliments to all foreign embassies in China and has the honor to inform the following:

Recently the events occurred in succession that the third country nationals intruded into foreign embassies and consulates in China. This directly endangered the security of the embassies and consulates concerned and disturbed their routine work. It also provoked Chinese law and affected the public security and stability of China. Upon the request of many foreign embassies and consulates in China, the Chinese side has taken a series of measures to protect the security of foreign diplomatic and consular representing institutions. These security measures are in conformity with the interests of both sides. In the future the Chinese side will make great efforts as always to provide safe working and living environment for foreign embassies and consulates, and conscientiously undertake due obligations as receiving country in accordance with "Vienna Convention of Diplomatic Relations" and "Vienna Convention of Consular Relations". According to the principle of international law that embassies and consulates has no right of asylum, the Chinese side also wishes embassies concerned to render cooperation and inform the Consular Department of Chinese Ministry of Foreign Affairs in case the illegal intruders were found, and hand over the intruders to the Chinese public security organs.

The above-mentioned principle is also applicable in dealing with the intruders into foreign consulate institutions.

May 31, 2002, Beijing

V. 북한측 제출 보고서 등

1. 북한 ICCPR(B규약) 제2차 정기보고서

**Second periodic report of the
Democratic People's Republic of Korea *
on its implementation of the
International Covenant on Civil and Political Rights**

HUMAN RIGHTS COMMITTEE
CCPR/C/PRK/2000/2

Introduction

1. The Democratic People's Republic of Korea acceded to the International Covenant on Civil and Political Rights in September 1981. In accordance with Article 40 of the Covenant, the Government of the DPRK submitted its initial report (CCPR/C/22/ADD 3) on October 24, 1983 and the supplementary report (CCPR/C/22/ADD 5) on April 2, 1984.

2. This is the second periodic report covering in principle the period from 1984 to 1997. During this period, the Constitution was amended and supplemented, and the Criminal Law, the Criminal Procedures Act, the Civil Law, the Family Law, the Civil Procedures Act, the Lawyers Law and many other laws closely related with the civil and political rights were either adopted, amended or supplemented.

3. For the general information of the DPRK, please refer to the Core Document.

Article 1. Right to Self-Determination

4. In the DPRK, people have the right to self-determination. Article 1 of the Constitution stipulates: "The DPRK is an independent socialist state representing the interests of all the Korean people". The sovereignty of the DPRK resides in the workers, peasants, working intellectuals and all other working people. The state determines the political system and pursues economic, social and cultural development according to the wish and requirement of the people.

5. The state makes an effective use of the national resources for the promotion of people's welfare. The state mobilizes land and all other domestic natural resources for the construction of self-reliant national economy and the promotion of the material and cultural wellbeing of the people by adopting the Land Law, the Law on Underground Natural Resources, the Forest Law, the Law on Water Resources, the Law on the Protection of the Environment, the Law on the Protection of Useful Animals, etc.

6. The state respects the right to self-determination of other countries and nations. In accordance with article 17 of the Constitution, the DPRK has adopted independence, peace and friendship as the principles of its external activities and establishes diplomatic as well as political, economic and cultural relations with all friendly countries on the principles of complete equality, independence, mutual respect, non-interference in each other's internal affairs and mutual benefit. The DPRK opposes all forms of domination, subjugation, aggression and interference and resolutely supports and encourages the struggle of all people for their countries' sovereignty and national liberation. The DPRK supports the Palestinian people in their struggle for national independence, sovereignty and the founding of an independent state.

Article 2. Obligation to Respect Human Rights

Legislative and Other Measures

7. The Constitution was amended and supplemented in April 1992 and in September 1998. The Constitution provides for the principles and popular policies to be maintained in political, economic, cultural and all other fields of social life, declares that every citizen is particularly ensured the true democratic rights, freedom, happy material and cultural life and stipulates the basic rights of citizens including the right to equality, the right to vote and to be elected, the freedom of speech, press, assembly, demonstration and association, the freedom of religious belief, the right to complaint or petition, the right to work and relaxation, the right to free medical care and education, the freedom of literary and artistic activities, the freedom of residence and travel, the right to gender equality, the protection of marriage and family, the inviolability of the person and the home and privacy of correspondence, etc.

8. The Criminal Law was amended and supplemented in February 1987 and in March 1995. By the amendment, the maximum period of reform through labor was reduced from 20 years to 15 years and the minimum from 1 year to 6 months. Besides, the number of the provisions whereby capital punishment was possible was reduced from 33 to 5.

9. On the occasion of the amendment and supplement of the Criminal Procedures Act in January 1992 and in April 1995, great attention was paid to guaranteeing better the rights provided in the Covenant, especially articles 6, 14 and 26 for every individual person facing a trial under the charge of a crime. The Criminal Procedures Act systemized and concretized the right of defense of the accused in a complete chapter so as to ensure a better exercise of the right.

10. The DPRK brought together the provisions of civil affairs that had

formerly been set forth in different laws including the civil regulations to newly adopt the Civil Law in September 1990. This Law thoroughly guarantees the civil rights of people through the provisions of property ownership.

11. The DPRK adopted the Family Law in October 1990. This Law provides for the right to sex equality, the protection of family, the right to marriage, etc.

12. The DPRK adopted the Treaty Law in December 1998. Article 17 of the Law provides: "The institution that has concluded a treaty should discharge the duties under the treaty without fail." By this provision, the CCPR has the same effect as a domestic law.

13. The DPRK took measures to make the content of the Covenant informed to the state organs, public organizations and the masses of people. Educational institutions, along with giving human rights education, translated into Korean and published the international human rights instruments, so that they may be used by the people's power organs, judicial, procuratorial and public security organs, economic and cultural establishments, public organizations and the masses of people. The state also widely introduced and disseminated through mass media the requirements of the Covenant for the protection and improvement of human rights and the means to realize them, and organized seminars, short courses, etc.

14. The state has taken measures to ensure that the officials of people's power organs, judicial, procuratorial and public security organs protect human rights thoroughly embodying in their activities the ideal of "believe in people as in God" and the motto of "Serve the people".

Respect and Guarantee of Individual's Rights under the Covenant

15. The Constitution stipulates in article 65: "Citizens enjoy equal rights in

all spheres of state and public activity." The DPRK citizens are ensured all the rights recognized in the Covenant without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The DPRK citizens are, according to article 2 of the Citizenship Law, those who held the citizenship of Korea and did not renounce it until the founding of the DPRK and their children, and those who were either foreign citizens or stateless but have acquired the DPRK citizenship through legal procedures.

16. The Constitution stipulates in article 16: "The DPRK shall guarantee the legal rights and interests of foreigners in its region". By force of this provision, all the foreigners who stay, reside or travel in the region of the DPRK are ensured every right equal to the basic rights of citizens under the Constitution without any distinction, except the right to vote and to be elected.

Remedy for Human Rights Violation

17. Human rights violations are relieved or compensated in accordance with the following procedures.

(a) The procedures of dealing with complaints:

Article 69 of the Constitution states: "Citizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." The Law on Complaint and Petition provides for the procedures of submitting complaints and petition as well as acceptance, registration, investigation of and dealing with them. Under this law, citizens are entitled to submit complaints requiring the interruption of encroachment upon their rights and interest or the compensation for the encroached rights and interest. The official of the state organ that has received a complaint registers it in time, visit the person to have a talk with him or her and takes measure to interrupt or to compensate for the encroachment of the complainer's rights.

(b) The procedures of claim for damages in criminal suits:

Citizens who have suffered loss due to a criminal act may lodge before the court a claim for damages against the person responsible, under article 19 of the Criminal Procedures Act. A victim who has failed to claim for damages before the court examining the criminal case may hand in the claim separately. The public prosecutor may present a claim for damages directly to the court in the interests of the citizens under article 19, paragraph 5 of the Act. A claim for damages is examined at the court simultaneously with the given criminal case under article 20. But in case this interferes with the examination of the criminal case, it may be settled separately through the judicial proceedings to examine the claim for damages.

(c) The procedures of civil suit:

Citizens may refer to the court for the protection of their civil rights and interests under article 63 of the Civil Procedures Act. So can public prosecutors if necessary for the protection of the interests of citizens. The court examines the case and decides yes or no for the claim under article 129 of the Civil Procedures Act.

(d) The procedures of criminal compensation:

Article 2 of the Regulation on Criminal Compensation provides: "The state shall compensate for the mental and physical suffering and the property loss of the person who has been arrested and detained or punished innocently by investigation, preliminary examination or judicatory organs. The state compensation shall be undertaken by the investigation, preliminary examination or judicatory organs responsible for dealing with the innocent person." Criminal compensation is offered when a person who has been illegally arrested and detained is released under the order of a public prosecutor at the stage of investigation, preliminary examination or

prosecution, when a person who has been illegally detained is found innocent in the first hearing and when a person who has been detained or sentenced to servitude in the first hearing is found innocent in the second hearing, the hearing of extraordinary appeal or rehearing. Under article 7 of the Regulation, the claim for damages is lodged before the court concerned. The court decides for the claim in case it proves to be reasonable and against the claim in case it proves to be unreasonable. Damages are paid within one month from the day when the copy of court decision is received by the organ to pay the damages.

Article 3. Equal Rights of Men and Women

Measures by the State for Gender Equality

18. On July 30, 1946, the initial stage of the new country building, the Provisional People's Committee of North Korea promulgated the Law on the Equality of Sexes in North Korea to give women equal rights with men for the first time in the Korean history. This law stipulates that women shall have equal rights with men in the economic, cultural, political and all other spheres of state and public life, that women shall enjoy the right to vote and to be elected on equal terms with men, the right to work and the right to inherit property and land and that such violation of the rights of women as polygamy and the act of selling women as a wife or a concubine shall be prohibited. Since then, women's equality has been fully realized.

19. The DPRK has fixed gender equality by the Constitution. Article 77 of the Constitution stipulates: "Women are accorded an equal social status and rights with men. The state shall afford special protection to mothers and children by providing maternity leave, reduced working hours for mothers with a few or more children, a wide network of maternity hospitals, nurseries and kindergartens and other measures. The state shall provide all conditions for a woman to play a full role in society." There is no law of discrimination against women in the DPRK.

20. The DPRK took legal measures to treat women preferentially through the adoption of the Labor Law, the Law on Nursing and Upbringing of Children, the Public Health Law and other laws.

(a) The Labor Law provides for various policies to secure women the conditions for working life, which are reliably carried out. Under the Law, the working hours per day of a woman with three or more children are six hours. The state provides women with all conditions to take part in social labor. The local government bodies and the relevant state organs, enterprises and social cooperative organizations develop nurseries, kindergartens, children's wards and public service facilities for the convenience of working women, and organize housewives' workteam and housewives' cooperatives so that women who do not go to work may join them according to their skill if they wish. The state pays special attention to the labor safety of working women. It is not permitted to assign arduous and harmful labor to women, and to put pregnant women or nursing mothers on the night shifts. In addition to the regular and additional holidays, working women are entitled to maternity leave of 60 days before and 90 days after childbirth, irrespective of the length of their service.

(b) The Public Health Law and the Law on Nursing and Upbringing of Children provide for the policies to protect mothers and children exceptionally. The state grants women maternity leave. Their wages, provisions and shares of distribution for the period of maternity leave are borne by the state or by the social and cooperative organizations. The state has all pregnant women registered in good time at maternity hospitals or other medical establishments, provides systematic medical service and midwifery to them free of charge and protects their health after childbirth. The state assigns pregnant women to suitable light work and allows mothers with babies the suckling time during working hours. The state reduces the working hours of mothers with many children on full pay. The state grants special favors both to the mothers who have two or more

babies at a birth and to the babies. The mothers are given a longer period of leave with pay after the childbirth. The state supplies triplets free of charge with clothes and blankets, and milk goods for a fixed period, grants subsidies for their upbringing till they reach school age and responsibly looks after the health of the babies and mothers by specifically designating medical workers for the purpose. The state sets up nurseries and kindergartens rationally in residential quarters and in the vicinity of women's work places, and organizes and runs weekly or monthly nurseries and kindergartens on a wide scale to fully guarantee the women's public activities.

Exercise of Equal Rights by Women in All Spheres of State and Social Life

21. In the DPRK, women participate in the political, economic, social and cultural activities on equal terms with men. Women account for a large proportion of the deputies to people's assemblies at all levels and the leading personnel of the state administrative and economic bodies. In 1998, female technicians and specialists numbered over 726,000. Women occupied 48.4% of the total employment in the national economy. Women are working in the fields appropriate to their ability and constitution including the management offices of factory or enterprise, textile or foodstuff industry, commercial or welfare services, education, culture and public health.

Sex ratio of different fields is as follows as of 1998.

Diagram 1. Female proportion of deputies to People's Assemblies

Supreme People's Assembly	20.1 %
Local People's Assemblies (provincial/municipal, county)	21.9 %

Diagram 2. Female proportion in major fields of employment

Industry	Agriculture	Construction	Transportation	Communication
53.1	49.2	23.9	19.1	59.2
Commodity Circulation	Education	Culture	Public Health	
67.9	54.9	43.1	67.3	

Diagram 3. Proportion of female pupils and students

Primary School	48.7
Senior Middle School	48.7
University/College	34.4

22. Women have equal rights with men in family life, too. Article 18 of the Family Law stipulates: "The husband and wife shall have equal rights within the family". Under this Law, the husband and the wife keep their full name, choose their occupation according to their desires and skills and participate in a social and political life. The husband and the wife are duty-bound to support their partner should he or she have lost the ability to work and are equal in relation to their children.

23. Article 11 of the Citizenship Law stipulates: "The DPRK citizenship shall not change by marriage, divorce, adoption or its dissolution." Under this provision, women's citizenship does not change by marriage or divorce.

Article 4. Restriction on Human Rights during a State of Emergency

24. In the DPRK, there is no legislation by which emergency may be proclaimed and forcible measures taken in the face of political or economic chaos or natural disaster. This is one of the historical traditions and features of state management in the DPRK. But a state of war is to be

proclaimed when a war should break out and threaten the existence of the nation. Article 103 of the Constitution specifies that the National Defense Commission has the authority to "proclaim a state of war and mobilization order in the country". Decision No. 10 of the Presidium of the Supreme People's Assembly "On the Interpretation of Article 103, Paragraph 5 of the Socialist Constitution of the DPRK" states: "The concrete legislation concerning the proclamation of a state of war and mobilization order shall be adopted separately in conformity with the actual situation of the war. In this case, however, non-derogative rights of citizens may not be restricted."

25. There has not been any other state of war in the DPRK than the one proclaimed in June 1950 and withdrawn in July 1953.

Article 5. Prohibition of Arbitrary Interpretation of the Covenant

26. The DPRK regards it as its duty to make active efforts to put into effect the human rights recognized by the Covenant. The state sees to it that the state institutions, organizations and citizens pay primary attention to deeply understanding the basic idea of the Covenant and the principal requirements of each provision to correctly interpret and apply them. Besides, the state does not tolerate any interpretation that restricts the rights and freedom set forth in the Covenant.

27. The state maintains the policy of steadily promoting the human rights which are recognized or existing by national legislation or custom in step with the development of the state and social system, without restriction or derogation for the reason that they are not indicated in the Covenant.

Article 6. Right to Life and Restriction on Capital Punishment

Legal Stipulation of the Right to Life

28. Everyone has the inherent right to life. This right is guaranteed by

article 79 of the Constitution providing inviolability of the person and the laws on criminal affairs.

29. The Law on the Protection of Life, Health, Freedom and Honor enacted by the Provisional People's Committee of North Korea in January 1947 followed by the laws on criminal affairs extensively provided for the protection of the right to life. The current Criminal Law regards any infringement on personal life and health as a serious offense and stipulates penal responsibility in articles 45 and 141-149. These provisions are applied without exception to the acts of arbitrary deprivation of life and terrorism as well.

30. The state strictly controls the use of weapons by public security men in order to safeguard the life of person. Article 35 of the Law on Public Security Control provides that no weapons may be used except when the life of the public security man or anybody else is threatened or there is evidently no other choice to arrest the criminal on the run.

31. The illegal deprivation of life is compensated for by criminal remedy procedures. Article 5, paragraph 3 of the Regulation on Criminal Compensation specifies: "Illegal execution of capital punishment shall be compensated for by the full salary the person would have got during the days of illegal detention added by the same salary for 5 years".

Protection of the Right to Life from War and Other Threats

32. The DPRK considers an aggressive war, especially thermonuclear war, as the most serious threat to the life of mankind and resolutely rejects it. Article 17 of the Constitution states that the DPRK shall oppose all forms of aggression. The primary issue at present for the protection of the right to life of people is to remove the danger of war from the Korean peninsula, ensure peace of the country and realize its independent peaceful reunification. The DPRK Government has made consistent efforts to realize national reunification by the three principles it put forward-independently without foreign interference, peacefully without resorting to armed forces

and through great national unity transcending the differences in ideology, ideal and social system. In view of the actual realities where irretrievably serious consequences may be brought about if one side attempts to enforce its social system on the other after half a century since the set-up of different systems in the north and the south, the DPRK considers it the best solution of doing away with the danger of war and attaining national reunification to realize confederacy based on one nation, one state, two social systems and two governments. The DPRK Government is making every effort to materialize this reasonable and fair plan of national reunification that does not pursue the predominance or interest of one single side doing harm to the other, but roots out the danger of war constantly hovering over the Korean peninsula and contributes to the world peace and security.

33. The state encourages the improvement of material and cultural conditions and environment of people's life from the ideal of Juche that regards human being as the master of nature and society and the most precious being in the world and makes everything serve for mankind.

(a) The state has taken legislative measures for the protection of the living environment of people and is materializing them. Article 57 of the Constitution provides: "The state shall adopt measures to protect the environment in preference to production, preserve and promote the natural environment and prevent environmental pollution so as to provide the people with a hygienic environment and working conditions". Article 7 of the Law on the Protection of the Environment stipulates: "Prohibiting the development, testing and use of nuclear and chemical weapons and preventing any damage to the environment are the unanimous aspiration and desire of the people throughout the world. The DPRK shall fight against the devastation and pollution of the environment through the development, testing, and use of nuclear and chemical weapons on the Korean peninsula and in the surrounding area." And article 4 of the said Law stipulates: "The state shall direct and control factories, enterprises and cooperative organizations so that they take steps for preventing

environmental pollution prior to beginning production and shall ensure that they steadily modernize their material and technical means for protecting the environment." Under the requirement of the Constitution and the Law on the Protection of the Environment, the state takes practical measures to prevent pollution of air, water, soil and sea and such environmental destruction as noise, vibration, ground subsidence, stink and to create better life environment. Now, Pyongyang area records one fifteenth of the international permissible norm in sulphurous acid gas and is far below it in carbon monoxide. Taedong River that flows across the center of Pyongyang has 8.3 mg of dissolved oxygen per one liter which is a great amount, 1.36 mg of biochemical requirement of oxygen which is far below the international norm and has 19 kinds of organic compounds which is of good value.

(b) The state has taken the legislative measures to protect human life and improve health, and thoroughly carries them out. Article 56 of the Constitution provides: "The state shall protect people's lives and improve the working people's health by consolidating and developing the system of universal free medical service and improving the district doctor system and the system of preventive medicine." The state has enacted the Public Health Law, the Law on Nursing and Upbringing of Children, the Law on Medical Care, the Law on Prevention of Infectious Diseases, the Law on Administration of Medicaments, the Public Sanitation Law, the Law on Sanitary Quarantine on the Boundaries, etc. These laws provide for the system, method and procedures for the state to be responsible for protecting and improving the life and health of people. Under these laws, the complete and universal free medical care system, the district-doctor system and the policy of prophylactic medicine have been introduced and all such work is going on smoothly as upbringing children at state and public expense, discovery and isolation of the source and interruption of the trace of an epidemic, vaccination, medical examination and diagnosis, treatment of patients, production, check-up, storage, supply and use of medicament, foodstuff and public sanitation, etc. As a result, the average life span has increased and the infant mortality decreased.

Diagram 4. Average Life Span

Year	Average Life Span
1944	38
1994	74.5

Diagram 5. Infant Mortality

Year	Infant Mortality Rate
1944	204
1993	14.1

(a) Recent years have witnessed some difficulties in the guarantee of the right to life in the DPRK. Due to the successive serious natural disasters since 1995 and the external factors, the supply of food and medicament is insufficient, whereby undernourishment has appeared among children.

Diagram 6. Rate of Infant Mortality and Malnutrition

Year	Infant Mortality Rate	Malnutrition Rate under 7
1998	23.5	15.6

The state has taken an active step to overcome the current difficulties as soon as possible by its own utmost effort to do away with the aftermath of natural disasters and revive the economy along with the international humanitarian cooperation.

34. In the DPRK, disappearance of persons has not been raised as a public matter. Disappearance is checked at short notice by the regular population administration work of the people's committees of all levels, the activities of public security organs and the report of institutions, enterprises, organizations and citizens, so that due measures are taken.

Procedures of and Restriction on Capital Punishment

35. Death penalty is imposed only on the exceptionally serious crimes in strict accordance with the law. Death penalty is confined to the extremely grave five kinds of crimes (i.e. conspiracy against the state power, high treason, terrorism, anti-national treachery, international murder) and to particularly serious cases at that. For other kinds of crimes, death penalty is not imposed in any case.

36. Sentence of death is to be declared only by the Central Court or the court of province (or municipality directly under central authority) in the name of the DPRK according to articles 181 and 184 of the Criminal Procedures Act. City or County people's courts, the lower organs of justice, have no authority to decide sentence of death.

37. Article 297 of the Criminal Procedures Act reads: "The death penalty may be executed only with the approval of the Presidium of the Supreme People's Assembly of the DPRK". A request for the approval of a death penalty is made by the Central Court, the supreme organ of justice. The Central Court thoroughly examines the established death sentence without exception and in cases where a judgement is not accepted to be reasonable, adjusts it through the procedures of an extraordinary appeal according to articles 275 of the Act. If the judgement of a death penalty proves to be acceptable after examination, the Central Court proposes it to the Presidium of the Supreme People's Assembly, the highest state power organ of the DPRK. The Presidium examines the proposal and either approves or grants special pardon.

38. A person under death sentence and his or her defense counsel may appeal to a higher court (or the Central Court) when they object to the decision. This right is guaranteed by article 251 of the Criminal Procedures Act.

39. The state strictly prevents the imposition of death sentence on minors

and carrying it out on pregnant women by legislative measures. Article 23 of the Criminal Law states: "The death penalty may not be imposed on those who were under 17 years of age when they committed the offense, nor may it be executed against pregnant women". In reality, there has been no example of death sentence laid on such persons since the foundation of the DPRK.

40. The DPRK follows the direction of totally abolishing the death penalty. The Criminal Law revised in February 1987 reduced a number of death penalties into reform through labor and strictly confined capital punishment only to the most serious and exceptional five kinds of crimes and to the extremely grave cases at that. The present maintenance of death penalty is based on the consideration of the special domestic circumstances and the need to prevent crimes.

Article 7. Prohibition of Torture and Other Inhuman Treatment

Legal Measures to Abolish Torture and Other Inhuman Treatment or Punishment

41. Recognizing that torture and other inhuman treatment is a flagrant violation of the person's dignity, the DPRK prohibits such treatment by law. Articles 4 and 6 of the Criminal Procedures Act fully guarantee not only human rights but also accuracy, objectivity and prudence in dealing with and disposing of criminal cases, and the Act provides for the prohibition of torture and other inhuman treatment in several articles. Article 93, paragraph 1 of the Criminal Procedures Act stipulates: "The examining judge must not force a person under preliminary examination to admit to an offense, nor must the examining judge lead a statement". The state nullifies by law any statement or confession made by the accused when he or she is subjected to torture or other coercive method of interrogation. Article 93, paragraph 2 of the Act states: "The statement of a person under preliminary examination which is obtained coercively may

not be used as evidence". And article 94 of the same Act provides: "When a person under preliminary examination confesses guilt, the examining judge must discover further evidence to support the confession. The confession of a person under preliminary examination alone is not sufficient evidence to prove guilt". Article 37 of the Regulation on Detention Chamber Management specifies: "A management official of a detention chamber should not torture, assault or insult the person in detention and refrain from such acts as complying with any unlawful request of the person".

42. The DPRK recognizes torture and other forms of coercive interrogation as a crime against which criminal proceedings must be instituted. Article 129 of the Criminal Law indicates: "A person who illegally detains or arrests others, or who illegally releases offenders, extorts statements from people, or exaggerates or falsifies evidence or reaches an unjust decision or judgement shall be committed to an institution for reform through labor for up to two years. A person who is guilty of a serious offense shall be committed to a reform through labor for up to four years".

43. In the DPRK, any victim of torture or other coercive interrogation is entitled to be compensated. Article 5, paragraph 3 of the Regulation on Criminal Compensation states: "A victim of torture or other inhuman treatment who has lost part or whole of his or her working ability shall be compensated the full salary he or she would have got during the period of illegal detention and is entitled to enjoy the benefits of the social security in conformity with the Regulation on State Social Insurance and Security".

44. The DPRK also prohibits by law any cruel and inhuman punishment. Solitary confinement or corporal punishment encroaching upon the dignity of the person does not exist.

45. Those who are sentenced to death are not treated exceptionally. They are dealt with like other ordinary prisoners with their dignity as human beings respected.

Practical Measures to Prevent Torture and Inhuman Treatment or Punishment

46. Due attention is paid to educating and training law enforcement officials to refrain from torture and inhuman treatment or punishment. In the educational institutions where public security officers and other law enforcement officials are trained, students are educated to understand the illegality and harmfulness of torture and other coercive methods of interrogation, to fully ensure accuracy, objectivity and prudence in dealing with a criminal case and to strictly observe evidence-first principle in disposing of a case. Investigating or examining organs and reform institutions give their officials regular education lest they should violate democratic legal procedures, resort to torture and other coercive methods of interrogation or exaggerate or falsify evidence and harshly treat prisoners. The law enforcement institutions organize interdisciplinary courses each year to reeducate their officials with domestic laws and international human rights instruments.

47. Strict legal control is in force in the DPRK against torture and other inhuman treatment or punishment. Supervision and control of torture and other inhuman treatment or punishment are undertaken by procuratorial organs, the state organs for inspecting law observance. In accordance with the Law on Procuratorial Inspection and the Regulation on Procuratorial Inspection over the Work of Public Security Organs, the public prosecutor's office inspects and controls the investigating or examining organs and reform institutions so that they do not apply torture or other inhuman treatment and punishment and strictly observe the laws.

(a) A public prosecutor examines and deals with complaints according to legal procedures if the complaints are lodged against torture or other inhuman treatment or punishment. Under article 162 of the Criminal Procedures Act, a person who is being examined may lodge complaints to a public prosecutor when his or her rights are encroached upon. Such a

right is also bestowed on the defense counsel of an examinee or the accused under article 177 of the Act. The prosecutor deals with the matter within three days and informs the person concerned of the result.

(b) Even when complaints are not lodged from the examinee or the accused, a public prosecutor, by article 69 and 79 of the same Act, keeps watch on investigations or preliminary examinations by taking part in them, checking the record of the case, or having a talk with the examinee, and prevents any violation of human rights.

(c) The public prosecutor also inspects institutions for reform through labor and takes measures to prevent torture and other inhuman treatment or punishment against prisoners and sees that they are managed according to law, under article 296 of the Act.

48. The DPRK regards it non-humanitarian to deport a person to a country where he or she may be subjected to torture or other inhuman treatment or punishment and prohibits such an act. It considers offenders of torture as the criminals to be extradited and punished.

Prohibition of Inhuman Treatment of Students and Patients at Educational or Medical Institutions

49. Disciplinary or other punishment against students is prohibited by law in education. The Education Law provides in article 30: "Educators should apply heuristic method in education so as to develop independence and creativity of pupils". Article 12 of the Regulation on Primary and Senior Middle Schools stipulates: "Education of pupils should be conducted by explanation, persuasion and influence through positive examples". Educational institutions at all levels educate children, pupils and students strictly by methods the state has set forth.

50. The state legally forbids the inhuman treatment of patients in psychiatric hospitals. By the Regulation on Psychiatric Prevention Hospitals,

it is only by the decision of doctors' consultation with the presence of the patient's guardian that psychiatric patients are sent to the psychiatric prevention hospitals and assault or other inhuman treatment on psychiatric patients is strictly prohibited in the hospitals. Examination of personal mental state by experts in criminal or civil cases and the care of psychiatric patients are subject to the Regulation on the Examination, Segregation and Treatment of Psychiatric Patients. Psychiatric examinations are undertaken only by the consultation of three qualified doctors in psychiatric prevention or treatment hospitals at the request of investigation, preliminary examination, judicatory organs or reform institutions. If the result of the psychiatric examination is considered to be insufficient or the opinions of the examination doctors differ from each other, examination is taken again at the consultation of professional psychiatric doctors separately designated by the Ministry of Public Health. A convicted psychiatric patient is segregated in an isolation ward of the hospital for treatment. Inhuman treatment of such a convict is not permitted either.

Prohibition of Experiment on a Human Body

51. The DPRK where man is valued most regards any experiment on a human body as an immoral and inhuman crime. No experiment is allowed on a human body irrespective of the agreement of the person concerned.

Article 8. Prohibition of Slavery and Forced Labor

Prohibition of Enslavement

52. In 1946, the Provisional People's Committee of North Korea promulgated such democratic Laws as the Law on Agrarian Reform in North Korea, the Law on Sex Equality in North Korea and the Law on the Eradication of Vestiges of Feudal Conventions in North Korea and carried out democratic reforms. As a result, all sorts of institutions and practices of subjugating human beings to servitude disappeared including the keeping of people as farmhands for debt, polygamy, traffic in women (as a wife or

a concubine), licensed or unlicensed prostitution and kisaeng service which violates the rights of women.

53. The Constitution legally confirms the achievements in the work of eradicating subjugation of man by man. Article 6, paragraph 1 of the Constitution adopted on December 27, 1972 stipulates: "In the DPRK, class antagonisms and all forms of exploitation and oppression of man by man have been eliminated for ever." Article 8 of the current Constitution provides: "The state shall defend and protect the interests of the workers, peasants and working intellectuals and all other working people who have been freed from exploitation and oppression and become the masters of the state and society."

Prohibition of Forced Labor

54. Article 29 of the Constitution stipulates: "Labor in the DPRK is the independent and creative labor of the working people, freed from exploitation and oppression." Forced or compulsory labor is forbidden in any form in the DPRK. All the citizens choose their occupation according to their wish and aptitude, get secure jobs and working conditions and work according to their ability and distributed according to the quantity and quality of the work done.

55. Apart from the penal system of reform through labor under a court judgement, there exists no legal system in the DPRK of imposing forced or compulsory labor on the offenders of law and order. Therefore, such forms of labor are never used as a means of political coercion or of social or religious punishment.

56. The DPRK has no legal institution of imposing compulsory labor upon the people who are under detention or confinement or released on conditions. A person arrested red-handed under article 65 of the Criminal Procedures Act or detained under article 106 of the same Act is deprived only of personal liberty during the period fixed by law. The same person

is not forced to do labor even if his detention is changed into house arrest or a confinement in a certain area or his/her place of residence. As military service is not compulsory but voluntary, there is no forced service nor conscientious refusal of service in the DPRK.

**Article 9. Liberty and Security of Person:
Conditions of Arrest and Detention**

Right to Freedom and Security

57. Article 79 of the Constitution stipulates: "Citizens are guaranteed inviolability of the person and the home and privacy of correspondence. No citizens can be placed under control or be arrested nor can their homes be searched without a legal warrant." Article 11, paragraph 1 of the Criminal Procedures Act provides: "The arrest or detention of a person is not permissible if the provisions of this Act are not applied or when the procedures stipulated under this Act are not followed." By these provisions, all citizens are granted inviolability.

58. A person under preliminary examination may be detained under the following conditions:

(a) As stipulated in article 106 of the Criminal Procedures Act, detention is effected only when it is considered that a person under preliminary examination for a criminal case subject to reform through labor of more than one year or to death penalty may obliterate evidence, hinder the investigation or evade the preliminary examination or trial. Even in such cases a pregnant woman may not be detained during a three-month period prior to expected childbirth and a seven-month period after childbirth.

(b) An examinee who is liable to reform through labor of less than one year may be put to house arrest or confined to a certain area or the place of his/her residence under article 104, paragraphs 2 and 3 of the Criminal Procedures Act. Even an examinee who is liable to reform through labor of

more than one year may be put to the same confinement if he or she is not considered to evade a preliminary inquiry or trial. When it is decided to confine a person subject to preliminary examination in his or her house, there must be at least 2 warrantors according to article 109 of the Act, and when it is decided to confine a person subject to preliminary examination in a definite area or in the place of his or her residence, a written pledge should be received from him or her.

(c) A person who is detained for preliminary examination may be released in case of need to be put to house arrest or the confinement in a certain area or in the place of his or her residence by the change of decision under article 111 of the Act.

59. The arrest of a red-handed criminal may occur in the following cases: Article 65 of the Act stipulates that a criminal or suspected criminal may be arrested without the approval of the public prosecutor when the criminal is discovered at the point of or in the act of committing a crime or immediately after committing one; when the victim of or an eyewitness to the criminal act points at the guilty party; when evidence of the offence is found on the body of the person or at the house of a suspected criminal; when a suspected criminal is on the point of fleeing or is being pursued as a criminal; or when the place of residence of the suspected criminal is uncertain.

60. Under article 104 of the Criminal Procedures Act, confinement consists of detention, house arrest and confinement in a certain area or in the place of residence of the person subject to preliminary examination.

Information of the Reason for Suspicion or Arrest

61. A person who is to be subject to a preliminary examination is informed of the charge in time. Article 83 of the Criminal Procedures Act stipulates: "When an examining judge has made a decision on undertaking legal proceedings, he must inform the person who is to be subject to a

preliminary examination of the decision within 48 hours." The decision on undertaking legal proceedings must clarify the content of the suspicion for which legal proceedings are instituted. The person who is to be subject to a preliminary examination is informed of the charge in time through the procedure of notifying the decision that has been adopted. There is no arrest before the decision on undertaking legal proceedings is adopted.

62. A person is informed of the reason for his or her arrest before arrest or detention. Article 103 of the Criminal Procedures Act stipulates: "The decision on confinement should be made known immediately to the person subject to preliminary examination." The examining judge may confine a person subject to preliminary examination lest he or she should evade or hinder the preliminary examination or trial of the case. When decision on detention is to be made, a decision specifying the relevant article of the criminal law being applied to the person under preliminary examination and the reason for his or her detention should be made and get the approval of the public prosecutor. Under article 107 of the Act, when a person subject to preliminary examination is arrested in accordance with a decision on detention, due identification document and the decision on detention approved by the public prosecutor must be presented to the person. Through this procedure, the reason for arrest is known to the person to be arrested. And in case of house arrest or confinement in a certain area or in the place of residence, too, the reason is known to the person subject to preliminary examination according to article 103 of the Act.

63. When a person is arrested, his or her family or the organization to which he or she belongs is informed of the date, reason, etc. of the arrest within 48 hours under article 11, paragraph 2 of the Criminal Procedures Act.

Examination of Lawfulness of Arrest or Confinement

64. The right to examine the lawfulness of arrest or confinement belongs to

the public prosecutor. Article 11, paragraph 3 of the Criminal Procedures Act reads: "Should the public prosecutor discover that a person has been arrested or detained illegally, he must set him or her free." The public prosecutor takes immediate measures for release, should he find a person arrested or detained illegally.

(a) In case a complaint is laid by an examinee or a defense counsel against arrest or confinement, for example, the public prosecutor settles it and makes the result known to him or her within three days according to article 162, paragraph 2 and article 177, paragraph 2 of the Criminal Procedures Act. If any arrest or confinement proves to be unlawful, instant release is effected.

(b) Even though no complaint is lodged from an examinee, an accused person or a defense counsel, the public prosecutor exercises control to prevent any illegal arrest or detention of persons through the discharge of his regular duty to survey the observance of laws.

(c) Through the procedures of examining and approving a decision on confinement, a public prosecutor ensures that any illegal arrest or detention may not occur. Article 102 of the Criminal Procedures Act stipulates: "A decision on confinement may be implemented only with the approval of the public prosecutor." The public prosecutor examines the decision submitted by an examining judge for the arrest or confinement of an examinee and may disapprove it if the measure is considered to be unlawful.

(d) The public prosecutor prevents any illegality through the procedure of examining a decision on confinement when a red-handed criminal is arrested under article 65 of the Criminal Procedures Act. In order to hold in detention a criminal or a suspected criminal arrested under article 66 of the Act, a decision of detention must be drawn up and approved by the public prosecutor within 48 hours. The public prosecutor examines it and either effects preliminary examination or releases the person according to

the lawfulness of the case.

(e) The public prosecutor, as an inspector of law observance, makes a regular surveillance over detention chambers and if he discovers any person illegally confined; he releases him or her at once.

Term of Pre-Trial Confinement

65. The DPRK has the system of preliminary examination in criminal procedures. The mission of the preliminary examination is to clarify unreservedly the crime of the examinee based on scientific evidence and to lay bare the whole affair completely and accurately. This is why the term of pre-trial confinement is comparatively long and the term of trial short. The term of detention of the examinee for preliminary examination may not exceed 2 months under article 108 of the Criminal Procedures Act and justice is administered within 1 month. Several opinions have been raised concerning the long period of pre-trial detention as compared with the requirement of the Covenant and the short period of trial. Some argue that the period of preliminary examination may be maintained as it is since the procedure of dealing with detained persons subject to preliminary examination is equal to the procedure of dealing with unconvicted prisoners under the Covenant, and others argue that the period of trial should be extended and the period of pre-trial detention shortened instead. Each argument has both merits and demerits. It is considered that progressive conclusion will come out in this respect.

Right to Compensation

66. By force of article 3, paragraph 1 of the Regulation on Criminal Compensation a victim of illegal arrest and detention is compensated when he or she is released by the order of the public prosecutor at the stage of investigation, preliminary examination or prosecution. Article 5, paragraph 1 of the Regulation stipulates: "A person who has been released after illegal arrest and detention shall be paid the full salary he or she would have got during the days of detention."

Article 10. Treatment of Detained Persons with Humanity

67. The facilities for housing the persons who have been deprived of liberty comprise the detention chamber and the reform institution. The detention chamber is for unconvicted persons and the reform institution for convicts. The persons who have been deprived of liberty by law are treated humanely with their dignity respected. Article 4 of the Criminal Procedures Act provides: "The state fully guarantees human rights in dealing with and disposing of a criminal case." The Regulation on Administration of Detention Chamber and the Regulation on Reform Administration regulate the procedures and methods of dealing with the persons who have been deprived of liberty humanely with their inherent dignity respected.

68. A public prosecutor keeps a regular watch on detention chambers and reform institutions, investigates and deals with complaints, taking measures so that the persons who have been deprived of liberty may be treated with their human dignity respected. Refer to paragraph 47 of this report.

Distinction between Unconvicted Persons and Convicted Persons

69. Unconvicted persons are treated as innocent persons even if they are confined. Article 5 of the Regulation on Administration of Detention Chamber states: "The institution that administers a detention chamber shall regard unconvicted persons as innocent and treat them as such." And under article 6 of the Regulation, the institution that administers a detention chamber treats all detained persons equally without any distinction.

(a) A person under preliminary examination or the accused subjected to confinement is not put in a reform institution but in a detention chamber. A detention chamber is a facility only for unconvicted persons and is different from a reform institution, which takes in those sentenced to

reform through labor by a court. Article 3 of the Regulation on Administration of Detention Chamber reads: "Detention chambers are installed in the Department of Preliminary Examination of the Ministry of Public Security, provincial, municipal or county public security offices, and the units separately appointed." Under article 9 of the Regulation a detention chamber detains a person subjected to confinement by law, a criminal suspect arrested red-handed, a person prior to the execution of the sentence of reform through labor or death penalty and a prisoner under escort.

(b) Article 14 of the Regulation on Administration of Detention Chamber specifies: "A detention chamber shall be equipped with bedroom, washroom, dining room, toilet, ground for exercises, a store for confiscated articles, etc. The bedroom should be well-lighted both by sun and electricity, well-ventilated, and well-heated." Under articles 14-21 of the Regulation the persons in detention are supplied with the conditions for accommodation and hygienic cultural life. They get food according to the same norm as ordinary population. The institution administering a detention chamber provides the persons in detention with meals, drinking water, bedclothes and personal hygienic tools. The detained persons wear their own clothes and may procure food and personal hygienic tools according to their need. The institution administering a detention chamber ensures the detained persons the conditions for regular bath and haircut and periodically disinfects or sterilizes clothes, bedding and tableware.

(c) The detained persons are not subject to labor unlike the persons in a reform institution. Article 22 of the Regulation on Administration of Detention Chamber stipulates: "The persons in detention shall not be subject to labor. However they may do such work as bedroom cleaning, washing, disinfection, etc. which are associated with the hygienic and anti-epidemic work for themselves."

(d) The detained persons are entitled to free medical care. Article 23 of the Regulation on Administration of Detention Chamber specifies: "In

conformity with the law on free medical care, the medical care of the persons in detention is free." Under articles 24-26 of the Regulation, the detained persons are secured the conditions for medical care. The medical examination and treatment is conducted by the doctors of the institution administering the detention chamber and, upon request, the visit and treatment by a doctor of a public hospital is arranged. The detained persons are permitted to have sunbath and physical exercise everyday for health maintenance. When such a person gets ill during detention, the decision on detention is either stopped or changed into another sort of confinement according to article 111 of the Criminal Procedures Act so that he or she may have medical treatment at home or in a hospital outside. In case taken to hospital outside he or she is ensured the same meals, patient's clothes, bedding, etc. as other patients.

(e) The detained persons are ensured the opportunities to have contact with the outside world. Under article 11 of the Criminal Procedures Act the family of a detained person is notified of the place of detention. By articles 28 and 29 of the Regulation on Administration of Detention Chamber, a detained person may listen to radio, watch TV, read newspapers, magazines and books and have the visit of or exchange correspondence with his or her family and relatives.

(f) It is forbidden to treat detained persons inhumanely. The regulation on Administration of Detention Chamber stipulates in article 37 that the administration officials of a detention chamber should not torture, assault or insult detained persons and in article 39 that the administration officials of a detention chamber may not use force except when the detained person is running away or resisting physically. In a cell, handcuffs may not be applied to the detained persons. However, handcuffs may be applied when a detained person is being escorted.

70. In the DPRK, young offenders are totally segregated from adults. According to article 11, paragraph 2 of the Criminal Law, public education measures are adopted for minors. By article 106 of the Criminal Procedures

Act, the young offenders subject to public education may not be detained. That is why, there is no detention chamber for minors.

Reform System

71. Punishment is aimed at making offenders repent of their sins and go back to the society to lead a law observing and independent life. Article 24 of the Criminal Law provides: "Reform through labor involves labor in a reform institution." The state formulated the Regulation on Reform Administration and carried it to thorough implementation in order to achieve the purpose of reform.

(a) Reform institutions strictly observe the established procedures in registering prisoners. Article 6 of the Regulation on Reform Administration indicates: "A reform institution shall hold only those sentenced to reform through labor by a court at different levels. When receiving an inmate, the reform institution shall take over the written court judgement, the notification of decision establishment and other legal documents and materials and certify the person with the documents." Under article 7 of the Regulation, a reform institution allocates the persons considering their sex, age, offence, personal character, complicity, technical skill, health condition, etc.

(b) The inmates of reform institutions are provided with humane conditions for accommodation and hygienic cultural life. Article 11 of the Regulation on Reform Administration provides: "A reform institution shall construct in accordance with the rules concerned the bedroom, toilet, washroom, bathroom, dining-room, workplace, education room, reading room, recreation room, visit room, medical treatment room, sick ward, etc." The Regulation stipulates provision of sunlight, electric light, ventilation, heating system to the bedroom and others in article 12, the supply of meals and drinking water sufficient for the maintenance of inmates' health and of the same amount of food a day with ordinary population in articles 14 and 15 and the supply of clothing, bedding and daily necessities in articles 16-19.

(c) Medical service is available in reform institutions. Article 20 of the Regulation on Reform Administration provides: "A new inmate shall be placed in an isolation bedroom for 20 days and get medical inspection before he or she is allocated." and article 21: "A medical doctor of a reform institution shall investigate the health condition of the inmates before and after labor. The inmates who are found to be unhealthy shall take rest for up to 6 days or be put to hospital for treatment." In this case the period of rest or in-hospital treatment is included in the term of reform through labor executed under article 300 of the Criminal Procedures Act. In cases where an inmate falls seriously ill, the execution of the reform through labor is suspended until he or she recovers from illness so that he or she may get treatment at home or in a hospital outside under article 299 of the Criminal Procedures Act and article 22 of the Regulation on Reform Administration. Medical treatment of inmates is entirely free.

(d) Only those who have had special education undertake the control of inmates in a reform institution. Article 28 of the Regulation on Reform Administration states: "The education, direction of production and medical treatment of inmates in a reform institution shall be undertaken only by the persons who have had special education." and article 29: "Reform administrators shall not torture, assault or insult the inmates and organize labor and prophylactic treatment in a rational way lest anybody fall ill or die of illness."

(e) For inmates in a reform institution, labor is compulsory. By article 36 of the Regulation on Reform Administration the inmates have the workday of 8 hours and have rest on Sundays and holidays. By article 39 of the Regulation, the inmates are paid according to the quantity and quality of labor they have done.

(f) Under articles 40-43 of the Regulation on Reform Administration, the inmates of a reform institution are entitled to read books, magazines and newspapers, enjoy film, watch TV, listen to radio, have recreation or do

sports, etc. Under article 44 of the Regulation the inmates may have the visit of and exchange correspondence with their family or relatives.

(g) According to the Regulation on Commutation of Sentences of Reform through Labor, the inmates of a reform institution who genuinely repent of their sins, conscientiously observe the rules of reformation life, and overfulfil their assignments by working hard are privileged with commutation. Those who have saved persons or the property of the state and people from fire, flood or other dangers, who have rendered great benefit to the country by making inventions, new designs or rationalization of national significance or have led a particularly exemplary life of the institution are reduced as much as 2 years in their term of reform through labor and may be released after the passage of half of the period of reform through labor by force of article 40 of the Criminal Law.

72. State and social attention is directed to the secured life as a good citizen after the release from a reform institution. The Criminal Law adopted in 1974 stipulated that an offender who is granted special pardon or amnesty or has served the full term of sentence is equal to a non-offender from the date of the expiration of the term and is subject to no discrimination by law. Thus the criminal record system was legally abolished in the DPRK. As a result, the released persons are granted every right of a citizen including the right to election without any restriction from the first day of their release. The state provides them with jobs according to their wish and talent and the conditions for life after release. In order to prevent released persons from committing a crime again, workshops and families help them solve their problems and become honest citizens faithfully serving the state, society and fellow.

73. As young offenders are supposed to be reformed by public education, there is no reform institution for minors, nor the question of segregating minors from adults in a reform institution.

Article 11. Prohibition of Detention for Non-Performance of Contractual Obligation

74. No person is confined for his or her inability to fulfil his or her contractual obligation. The question concerning fulfillment of a contractual obligation is a civil matter and, therefore, there may arise no criminal punishment but such civil charges as restitution, restoration, compensation for damage, etc. as laid down in articles 240 and 242 of the Civil Law.

Article 12. Freedom of travel and residence right to leave and return to one's own country

75. All the DPRK citizens and foreigners have the freedom of travel and residence. Article 75 of the Constitution provides: "Citizens have freedom of residence and travel." This freedom is guaranteed to foreigners in the region of the DPRK as well.

Freedom of Travel and Residence

76. The DPRK citizens are free to travel to any place of the country on official or personal business subject to the Regulation of Travel. By article 4 of the Regulation the area along the Military Demarcation Line, military base, district of munitions industry and the districts associated with State security are travel restrictive. By article 6 of the Regulation the citizens who want to travel are issued with traveller's certificate. The certificate is issued by people's committees of all levels and there is no restriction. The foreigners who have entered the territory of the DPRK should be registered for stay when they reach their destination under article 33 of the Immigration Law. Under article 42 of the Law, a foreigner who wants to travel in the territory of the Republic is issued with traveller's certificate by his or her application to an immigration office. Members of the missions of other countries or international organizations in the DPRK and the foreigners who are invited to the DPRK do not need such certificate for travel.

77. The DPRK citizens and foreigners are free to choose their residence and to move it. They need to go through due legal procedures when they want to move residence. By articles 14 and 15 of the Law on Registration of Citizens, a citizen who wants to move his residence to another place has his or her removal registered. For this he or she should present the application for removal registration to the public security organ of the residing district. The citizen who has had his or her removal registered moves to the new residence place and registers his or her residence. Under article 38 of the Immigration Law a foreigner may reside in the DPRK territory upon the approval of the institution concerned. Under article 39 of the Law, a foreigner who wants to move his or her residence should have his or her removal registered and register his or her residence in the immigration office of the new residence place.

Right to Immigration

78. The citizens may leave or come back to the country on official or personal business by article 9 of the Immigration Law. In this case the Foreign Ministry or an immigration office issues them with passports or certificates. Under article 18 of the Law and its enforcement rule, entry into and departure from the country is forbidden in case a passport or certificate proves to have been forged, the person is recognized by a judicial organ not to be entitled to travel for the crime he or she has committed, the person is insane or has an infectious disease or the person has had no consent of the country he or she wants to travel to. Under article 16 of the Immigration Law, the DPRK citizens residing in a foreign country are issued with passports and visa by the DPRK diplomatic or consular missions or get visa in their overseas citizen card to come to the Republic or travel to other countries.

79. Under article 19 of the Immigration Law, foreigners need visa issued by the DPRK Foreign Ministry or immigration organ to enter or leave the Republic. The citizens of the countries with which no visa is required by

agreement may enter or leave the Republic without visa. Under article 30 of the Law and its enforcement rule a foreigner may not leave the country in case a DPRK organ concerned has decided that the certificate is forged or the person has committed a crime equal to penal accusation and banned the exit.

Deportation of Citizens

80. The DPRK has no legal system to deport its citizens to a foreign country. And there has been no actual example of a DPRK citizen deported abroad.

Article 13. Prohibition of Arbitrary Expulsion of Aliens

81. Expulsion of an alien from the DPRK is applied only when sure evidence has been found that he or she is guilty of having gravely offended the rules on entry, stay, residence or travel. By the enforcement rule of the Immigration Law, the aliens who have illegally entered the Republic without entry visa, who have stayed there longer than permitted, who have offended the legal system of the Republic may be expelled therefrom. To the members of the missions of other countries or international organizations in the DPRK, their family and diplomatic correspondence messengers, diplomatic procedures may be applied.

82. Expulsion of an alien is decided with great prudence. Since 1985, only one alien has been expelled by the order issued by the State.

Article 14. Right to Fair and Public Hearing

Equality before the Courts, Fair and Public Hearing

83. Everyone is equal before the court of law in the DPRK. This is legally guaranteed by article 65 of the Constitution.

84. Justice is administered only by the courts at different levels that are organized by the Constitution and the Law on Formation of Lawcourt. Article 153 of the Constitution provides: "Justice is administered by the Central Court, the court of the province (or municipality directly under central authority), the People's Court and the Special Court." The special court means the military court that judges the offences committed by the servicemen of the Korean People's Army and the Korean People's Security Force or the public security men, and the railway court that judges the offences committed by the working staff of railway transportation.

85. Under article 156 of the Constitution and article 31 of the Law on Formation of Lawcourt, a judge and 2 people's assessors constitute a lawcourt. The President of the Central Court is elected by the Supreme People's Assembly by article 91 (12) of the Constitution and the judges and people's assessors of the courts at different levels are elected by the Presidium of the Supreme People's Assembly and the people's assembly of province (or municipality directly under central authority), city (or district) and county by articles 110 (13) and 134 (5) of the Constitution. The chairman and judges of the special court are appointed or removed by the Central Court and the people's assessors of the special court are elected by soldiers of the unit concerned or by employees at their meetings by article 155 of the Constitution. The term of office of the judges and people's assessors of the courts at different levels is the same as that of the people's assembly concerned. The people's assessors of courts, representatives of the people, have the same competence as the judges at trials. Under article 243 of the Criminal Procedure Act, when a decision is made, only the judge and the people's assessors who have inquired into the case are present and under article 245 of the same Act, a decision is adopted by a majority of the votes of the members of the court.

86. Article 160 of the Constitution provides: "In administering justice, the Court is independent, and judicial proceedings are carried out in strict accordance with the law." The courts at different levels judge and decide on cases independently subject to no interference by anybody or to no external influence.

87. Court hearings are open to the public on principle. Article 158 of the Constitution stipulates: "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 16 of the Criminal Procedures Act and article 10 of the Civil Procedures Act provide that a trial of penal or civil case shall be open to the public, but a trial may be closed to the public totally or partially when there is the danger that a national or personal secret will be revealed or there is a fear of a bad effect on society, and that even when the court hearing is not open to the public the decision and sentence must be made public. Publicity of court hearings serves as an important means for intensifying social supervision over judicial proceedings so as to elevate the court's sense of responsibility and effectuate democratic and fair court trials and for awakening people in the spirit of law-abidance to prevent crimes.

Right to be deemed Innocent until Conviction

88. Articles 242 and 246 of the Criminal Procedures Act state that when truth of a case has been disclosed to the full on the basis of scientific evidence that has been thoroughly examined, the court shall deliver a decision as required by law. These provisions allow even those charged with any criminal offence to have the right to be presumed innocent and be treated as such until convicted. Article 5 of the Regulation on Administration of Detention Chamber provides: "The institution administering detention chamber should regard as innocent and treat as such the unconvicted persons under detention."

Right of the Accused at a Lawcourt

89. The Accused person has the right to be informed of the charge against him or her and the penal responsibility that is going to be imposed. By article 198 of the Criminal Procedures Act, the accused has the right to get and read a copy of the indictment three days before the trial.

90. A person charged with a criminal offence has the right to choose, have a talk with and get the help of a defense counsel at any time from the moment he or she is informed by the examining judge of the decision on instituting legal proceedings by articles 83, 169 and 174 of the Criminal Procedures Act.

91. Under article 189 of the Criminal Procedures Act the court administers justice within one month after taking over the case. Therefore, nobody charged with a criminal offence is subject to examination or trial with undue delay.

92. The accused always attends the trial of himself or herself and defends himself or herself in person or through legal assistance of his or her own choosing.

(a) Article 205 of the Criminal Procedures Act states: "The accused attends the trial." Decisions adopted at a trial in the absence of the accused are cancelled unconditionally.

(b) The DPRK has the Korean Bar Association as the organization of attorneys. The Association has its committees in the center, province (or municipality directly under central authority) and in the field concerned and offices or legal advice centers under them. The accused may defend himself or herself either for himself/herself or through a defense counsel. If the accused has not chosen a defense counsel, the court may choose a defence counsel with the help of the bar association concerned according to article 172 of the Criminal Procedures Act and provide defense free of charge irrespective of the ability of the accused to pay. In case justice is administered in the absence of a defense counsel without giving up by the accused of the right to get the help of a defense counsel, the judgement is unconditionally invalid.

93. The accused may request the presence of a witness he or she needs and ask the witness questions. This right is ensured by article 219 of the

Criminal Procedures Act.

94. If the person under trial does not speak or understand Korean, the service of an interpreter is rendered free of charge. Article 159 of the Constitution reads: "Judicial proceedings are conducted in the Korean language. Foreign citizens may use their own language during court proceedings." By article 14 of the Criminal Procedures Act a person who does not know the Korean language is accompanied by an interpreter and a foreigner may write and present papers concerning a case in his or her own language. The service of an interpreter is free of charge.

95. The accused is not compelled to testify or confess against himself or herself in a trial. Refer to paragraph 41 of this report.

Special Procedures for Young Offenders

96. In the DPRK, young offenders are dealt with in a special way in view of their age and future. Article 11 of the Criminal Law stipulates: "Punishment shall be imposed only on offenders who are over 14 years of age when they commit an offence. For offenders between the age 14 and 16, public education measures may be adopted." Following this, public education measures are adopted for the rare young offenders by which parents or the educational institution concerned takes charge of the education and reforming. By article 23 of the Criminal Law death penalty may not be imposed on those who were under 18 years of age when they committed the offence.

Right to Appeal

97. Article 251 of the Criminal Procedures Act provides that when the accused and defense counsel disagree to the decision of the first trial, they may appeal to a higher court, and that if an appeal arises the decision shall not be put into effect. Article 252 of the Act stipulates that an appeal should be presented within 10 days from the date of receiving a copy of the written judgement and decision. No other restrictions are laid on the

freedom of appeal.

98. The higher court that has received an appeal considers it within one month from the date of receipt as laid down in article 260 of the Criminal Procedures Act.

99. In cases where a confirmed judgement or decision is not agreeable, an extraordinary appeal may be made to the Central Court which is the supreme organ of trial, through the procedures set forth in the Criminal Procedures Act.

Right to Compensation

100. Under article 3, paragraphs 2 and 3 of the Regulation on Criminal Compensation, compensation is offered when a person who has been illegally detained is found to be innocent in the first hearing and when a person who has been detained or sentenced to servitude in the first hearing is found innocent in the second hearing, the hearing of extraordinary appeal or rehearing. Article 5, paragraph 2 of the Regulation stipulates: "A person who has served illegal servitude shall be compensated the full salary he or she would have received during the days of illegal detention and stay in the reform institution deducted by the salary he or she has got during the period of reform."

Principle of Inflicting no more Criminal Punishment on an Act to which a Definite Decision has been given

101. Nobody is tried or punished again for the same criminal offence that has either been convicted or acquitted already, by article 12(5) of the Criminal Procedures Act.

Article 15. Duration of Validity of the Laws on Criminal Affairs

102. Article 8 of the Criminal Law stipulates: "Punishment is imposed on

offenders in accordance with the penal law in force at the time when the offence was committed. But this law applies in cases where acts which were regarded as offences under a previous penal law are not considered as such under this law and in cases where the penalty for an offence has been reduced under this law from that prescribed under a previous law." Under this provision the main principle in defining duration of validity of provisions of a penal law is that the law is not retroactive, with its retroactive application combined. The law is applied retroactively even to the convicts.

Article 16. Right to Recognition as a Person before the Law

103. Article 19 of the Civil Law provides: "The capacity of civil right of a citizen comes with birth and goes with death. All citizens have equal capacity of civil right. Unless defined separately by law nobody is allowed to restrict another's capacity of civil right." Under this provision everyone has the equal right to recognition as a person before the law with birth.

Article 17. Protection of Privacy

104. Article 78 of the Constitution states: "The state pays great attention to consolidating the family, the basic unit of social life" and article 79: "Citizens are guaranteed inviolability of the person and the home and privacy of correspondence." Under these provisions, all citizens are entitled to legal protection of their family, home, private life and correspondence.

105. Article 3 of the Family Law stipulates: "The family is the basic unit in society. The state stresses the need to consolidate the family." A family is the basic unit of life where close kinsmen like married couple, parents, brothers and sisters live together. A family is under state protection.

106. Home, a place where family or individual persons live together is guaranteed inviolability. Search of a home is not permitted in any case unless it accords with the provision of the Criminal Procedures Act. Article

130 of the Act reads: "A search may be conducted only when sufficient grounds for suspicion, that the offender is hidden or that there are articles or documents necessary for the clarification of an offence, exist." Even if such grounds exist, there should be the approval of the public prosecutor to conduct search and seizure, by article 131 of the Law. Only when a criminal is arrested red-handed, it is justifiable to search his or her body or his or her quarters without the public prosecutor's approval.

107. Arbitrary or unlawful interference in the private life of citizens is prohibited. There is no legal system of collecting, keeping and using materials related with the private life of citizens. In dealing with criminal cases too, the secret of a person's private life is thoroughly kept. Article 137 of the Criminal Procedures Act states: "In cases where a personal secret which has nothing to do with the criminal case becomes known in the process of a search, it must be seen that it is not released to the public." And according to article 16 of the Act, a trial may be closed to the public totally or partially when there is the danger that a national or personal secret will be released.

108. The state thoroughly secures the secret of correspondence. Article 22 of the Communications Law provides: "Communications institution or enterprise shall regularize postal communications service and guarantee accuracy, cultural refinement of postal communication and secret of correspondence." Nobody is justified to interfere with personal letters, parcels and other mail matters. When investigators or examining judges need to conduct seizure of letters or telegraphs in order to disclose offenders or offences, they should have reasonable grounds and be approved by the public prosecutor. By article 135 of the Criminal Procedure Act, the seizure of letters and telegraphs under the charge of a post office should be attended by a representative from it. The secret of telecommunication is also secured.

109. Citizens may lodge complaints against the violation of their family, home, private life and personal correspondence. This is guaranteed by the

right to submit complaints stipulated in article 69 of the Constitution. Complaints against the violation of rights are dealt with in accordance with the procedures and within the period defined by the Law on Complaints and Petition. Complaints may be laid before the public prosecutor by article 162 of the Criminal Procedures Act against such violation occurring in dealing with criminal cases as unlawful search of houses or seizure of letters. The public prosecutor examines the complaint promptly and accurately, settles it within 3 days and makes the result known to the complainant.

Protection of Honor and Dignity

110. It is legally prohibited regardless of the way and means (verbal or written language, gesture, drawing, etc.) to insult a person or damage his or her honor. Insulting another or impairing his or her honor is considered to be a criminal action and is punished according to article 152 of the Criminal Law if it is serious.

Article 18. Freedom of Religious Belief

111. Article 68 of the Constitution states: "Citizens have freedom of religious belief. This right is ensured by the permission to build religious buildings and have the legal freedom to select any religious ceremonies." Thus people have the legal freedom to select any religious belief, to build religious facilities or structures, to have or refuse to have religious ceremonies individually or collectively in an open or closed way, to organize religious bodies and have activities, to teach religion, etc.

112. Religionists have no limitations in organizing religious bodies and conducting religious activities by article 67, paragraph 2 of the Constitution that stipulates that the state provides democratic political parties and public organizations with conditions of free activities. Now there are such religious bodies in the DPRK as the Korean Christians Federation, the Korean Buddhists Federation, the Korean Association of Roman Catholic,

and the Korean Central Guidance Committee of the Believers in Chondogyo and the Korean Religionists Association.

113. The religious bodies of the DPRK issue their publications reflecting their doctrines and claims. Recently such books have been printed as "Chondogyo Scriptures", "Chondogyo Review", "Buddhism in the DPRK", "the New Testament", "the Old Testament", "Hymns", "Choice and Practice", "Let us Learn Roman Catholic", "Steps of Religious Life", "Catholic Prayer Book", etc.

114. The state respects the religious life and ceremonies of religionists. The people who believe in religion are free to construct various religious buildings and facilities and to have religious life and ceremonies in conformity with their own religious rules.

115. In the DPRK, religion is completely independent of the state and all religions are equal. No religion is either interfered in or discriminated against and people are free to believe in any religion according to their own choice.

116. There are religious educational institutions managed by religious bodies. The Central Committee of the Korean Christians Federation runs the Pyongyang Theological School, the Central Committee of the Korean Buddhists Federation the School of Buddhism, the Korean Central Guidance Committee of the Believers in Chondogyo the Chondogyo Secondary School, and the Central Committee of the Korean Association of Roman Catholic also educates students. In 1989 the state newly established the Department of Religion in Kim Il Sung University in view of the desire of some school parents for such education of their children.

Article 19. Freedom of Speech and of the Press

117. All the citizens have the freedom of opinion and expression. Article 67 of the Constitution and article 6 of the Press Law guarantees this. Article

67 of the Constitution provides: "Citizens are guaranteed freedom of speech, of the press..." and article 6 of the Press Law provides: "Citizens are free to take part in writing or creation activities."

118. Under article 48 of the Press Law and its Enforcement Rule, articles 46 and 152 of the Criminal law, such expression of one's thought is forbidden as encouraging others to attempt to overthrow, disrupt or undermine the state, disclosing state secrets to do serious harm to the state security and the healthy public order, insulting another or impairing his or her honor.

119. A number of news and press organs are in operation in the DPRK. Among the news organs there are offices of central and local newspapers including the Rodong Sinmun, the Korean Central News Agency and the Radio and TV Broadcasting Committee of Korea. And among the press organs there are dozens of publishing houses including the Workers' Party of Korea Publishing House, the Foreign Languages Press Group, the Kumsong Youth Publishing House, the Science and Encyclopedia Press Group, the Industrial Publishing House, the Science and Technology Information Agency, the Working People's Organizations Publishing House, the Literature and Art Publishing House, the Agricultural Publishing House, the Railway Publishing House, the Higher Education Publishing House, the Education Books Publishing House, the Foreign Languages Books Publishing House and so on. There are hundreds of kinds of magazines like "Kunroja", "Chollima", "Youth Life", "Student", "New Generation", "Korean Film", "Science of History" and so on. Thousands of kinds of publications are published annually, totalling one thousand million copies. Tens of millions of copies of over 400 kinds are devoted to youth and students every year.

120. The state provides journalists with working conditions. Article 23 of the Press Law provides: "The institution, enterprise or organization concerned shall provide journalists and editors with conditions to gather news." The journalists go anywhere in the territory of the DPRK to meet

whomever they want for news coverage. Foreign pressmen are also free to gather and report news under the Regulation on the Activities of Foreign Journalists in the DPRK.

121. Foreign Publications are widely used. The state organs including the state administration organ of science and technology and the Publication Export and Import Corporation, and enterprises or organizations import from abroad the printed matters they need according to their plan and requirement. Great attention is paid to the translation and distribution of the foreign publications, too. The publishing organs translate and print a great number of the works of the world-famous authors every year. In recent years alone the selected works of world literature and world child literature, the works of the writers and poets of different countries and children's books like the collection of comic stories or fairy tales, and picture books were published in tens of millions of copies.

122. The state does not tolerate the expression of ideas that severely infringe upon the honor and dignity of others or state security and public order. By article 48 of the Press Law and its Enforcement Rules the printed matter that might encroach upon another's honor and dignity or the state security and public order is stopped from production, issue, dissemination, export and import.

Article 20. Prohibition of Propaganda for War

123. Propaganda to encourage an aggressive war is prohibited by law in the DPRK. Under article 17 of the Constitution it is the consistent standpoint of the DPRK Government to oppose all forms of aggressive war. Agitation for an aggressive war is never permitted.

124. The DPRK prohibits the encouragement of discrimination, hostility and violence by arousing national, racial and religious hatred. All citizens and the foreigners residing or staying legally in the DPRK exercise equal rights regardless of nationality, race or religion. It is regarded as an encroachment

on the right to equality to agitate discrimination, hostility or violence by fanning national, racial and religious prejudice.

Article 21. Right to Peaceful Assembly

125. Under article 67 of the Constitution, citizens have the freedom of assembly and demonstration. When somebody wants to organize an assembly or demonstration he or she should notify the people's committee and the public security organ of the district concerned three days in advance subject to the Regulation on Guarantee of Assembly and Demonstration. The written notification should clarify the purpose, date and time, place, organizer and the scale of the assembly or demonstration.

126. The people's committee and the public security organ that has been notified provides the conditions for the assembly or demonstration and assists the maintenance of security order. If an assembly or demonstration hinders the healthy maintenance of state security and public order, it may be controlled by the procedures and method stipulated by the Law on Public Security Control.

Article 22. Freedom of Association

127. Article 67 of the Constitution stipulates that citizens have freedom of association and that the state guarantees conditions for the free activity of democratic political parties and public organizations.

128. If somebody wants to organize a democratic public organization, he or she should have it registered in the Cabinet 30 days in advance. The application document for registration should clarify the purpose, membership scale, organizational structure, foundation date, name of the chief, etc. and be annexed to by the full text of the basic rule. For the dissolution of an organization, a written notification should be presented to the Cabinet to have the dissolution registered. The notification should clarify the reason and date of dissolution, the disposal of finance and

property, etc. These procedures are not aimed at the interference or restriction of free establishment of democratic public organizations but simply at the grasping of reality and rendering of necessary assistance by the state. There are tens of democratic public organizations including the trade unions, the Union of Agricultural Working People, the Youth League, the Women's Union, the General Federation of the Unions of Literature and Arts, the Democratic Lawyers Association, the Christians Federation, the Buddhists Federation, the Anti-Nuclear Peace Committee, the Committee for Afro-Asian Solidarity, etc.

129. The DPRK does not have a separate legislation for the organization of political parties, for the existing parties have been in activity for over 50 years since their formation before the foundation of the Republic and there is actually no public force that requires the formation of a new party. There are such political parties as the Workers' Party of Korea, the Korean Social Democratic Party and the Korean Chondoist Chongu Party.

130. The state encourages the establishment of the organizations for the promotion of human rights. The procedure of organization is the same as that of general public organizations under administrative regulation (Refer to paragraph 128). At present there are such human right bodies as the Institute for the Research of Human Rights, the Association for Assisting Handicapped persons, the Bar Association, the Democratic Lawyers' Association, etc. The trade unions, the Union of Agricultural Working People, the Women's Union, the General Federation of the Unions of Literature and Arts, the Committee for Afro-Asian Solidarity and other public organizations, too, have free activities for human rights.

131. There are two types of trade unions in the DPRK. One is the trade unions in the State institution, factory, enterprise or social, cooperative organizations and the other is the ones in private enterprise i.e. foreign enterprise. The former undertakes the role of a political organization. It is because the manual or brain workers of the State institution, factory, enterprise or social, cooperative organizations are not hired by but are

masters of the institution, factory, enterprise or organization and have no need to conclude a collective contract with or to unfold a campaign to protect the right to work against the owners of enterprise. However, the employees of private enterprise i. e. foreign enterprise form their own trade union under article 21 of the Foreign Enterprise Law to protect their rights and interests in accordance with the labor law and regulations, conclude a contract concerning working conditions with the foreign enterprise and make activities to implement it.

132. If a public organization or a trade union seriously endangers the State security or healthy public order, the organization and activity is forbidden.

Article 23. Protection of the Family and Right to Marriage

133. Article 78 of the Constitution stipulates: "Marriage and the family shall be protected by the State." Under this provision of the Constitution, citizens have the right to marriage and the family is protected by the State.

Protection of Family

134. By article 3 of the Family Law, the family, the basic unit in society is under legal protection of the State. A family without registration of marriage is not found in the Republic since married life is not recognized without official registration under article 11, paragraph 2 of the Family Law. A child born out of wedlock is in the same position in relation to his or her parents as a child born in wedlock by article 25 of the Family Law. A family consisting either of one parent and children or of stepparents and stepchildren are protected by the State, just like a family of both parents and children or a family of blood parents and children.

135. Great attention is paid to the protection of family in the DPRK.

(a) The Family Law establishes a series of regulations for the consolidation of family. Article 15 stipulates that consolidation of the family is a sure guarantee for the sound development of society, and defines the duty of a

citizen to develop the family in a harmonious way. The Law underlines the sound relationship between family members: husband and wife, parents and children, stepparents and stepchildren, grandparents and the children without parents, brothers and sisters. Article 37 stipulates that a child who is under age or a person who has no ability to work is supported by a member of the family who has the ability to provide for him or her and that in case nobody is capable to do so in the family, either of the parents, children, grandparents, grandchildren, brothers or sisters, who live separately support him or her.

(b) Popular policies have been adopted for the protection of family. The family is the unit in the realization of the popular policies of the state to provide all working people with every condition for obtaining food, clothing and housing under article 25 of the Constitution. Article 6 of the Regulation on National Food Provision states that the state provides food to working members, minors and all other legally supported members of the family through the working members. Besides, the state provides working people with houses free of charge and takes various practical measures for the stable life of the family.

Right to Marriage and Family

136. Article 9 of the Family Law states: "In the DPRK the minimum age for marriage is 18 years for males and 17 years for females." Article 8 of the Family Law states: "Citizens are entitled to marry freely. Marriage shall be undertaken between a single male and a single female." Marriage is free based on a genuine love and the free consent of the spouses in the DPRK. Law prohibits marriage forced by monetary or other factors or tempted against the will of the parties.

137. In the DPRK, marriage, to be lawful, must go through the procedures prescribed by law. Article 11 of the Family Law stipulates: "Marriage shall be recognized legally and protected by the state only after it is properly registered at a registry office. In cases where the marriage is not registered,

conjugal life shall be forbidden." Korean compatriots living abroad register their marriage at a consular representative office of the DPRK, or in the absence of such an office, at the relevant office in the given country in accordance with article 12 of the Family Law.

138. In the DPRK no legal ceremonies have been fixed for the validity of marriage. Religious people may have marriage in their own religious way. In this case too, registration is required.

139. The state provides legal restrictions to marriage. Article 13 of the Family Law provides: "Marriage that contravenes articles 8-10 of this law is null and void. A marriage may be declared invalid by the court." Under this provision such abnormal marriages are null and void as forced marriage without the full and free consent of both parties, marriage by those who already have a wife or a husband, marriage by minors, marriage within the same blood up to and including the third cousin or between matrimonial relations up to and including the first cousin. The court decides invalidation of marriage. By article 14 of the law invalid marriage is regarded as not have ever been entered into. But the fostering of the children born in such wedlock follows the same procedures as in the case of a divorce.

140. The state provides the persons who are married and have formed a family with the right to give birth to children and live together. The state has adopted no legal measure for birth control.

Equality in the Rights and Obligations of Spouses

141. The state recognizes equal rights of spouses in the acquisition or lapse of citizenship, in the keeping of family name and given name. Article 11 of the Citizenship Law states: "The DPRK citizenship shall not change by marriage, divorce, adoption or its dissolution." By article 17 of the Family Law both husband and wife keep full name given to them and may choose occupations according to their wish and skills, and participate in

social and political life.

142. Article 18 of the Family Law provides: "The husband and the wife shall have equal rights within the family." By article 19 of the Law the husband and the wife are duty-bound to support their partner should he or she have lost the ability to work. By articles 27 and 28 of the Law both parties are equally obliged as parents to take responsibility for and daily care of the health and physical development as well as education of their children. Besides, the husband and the wife have equal rights and obligations in property management and other housework.

143. Spouses have equal rights and obligations in the dissolution of marriage. Article 20 of the Family Law stipulates: "Conjugal relations shall end with divorce. A divorce may be granted only by the court." Divorce occurs when wedlock can no longer continue by the betrayal of love and confidence on the side of either party or by any other reason. The status registration authorities following the judgement of a court register divorce of the citizens.

144. When parents are divorced, the parent to foster children is decided upon with the consent of the parties, in consideration of the children's interests, or by the court if agreement is not reached, as prescribed by article 22 of the Family Law. Children under the age of 3 usually go to their mother if there is no inevitable reason. Article 23 of the law states that the party who fosters children is entitled to ask the other for the expense of the care up to the working age. The expense is decided in accordance with the number of children within the range of 10 to 30% of the monthly income.

Article 24. Protection of the Child

145. The Constitution provides for the protection of the rights of the child by stipulating the bringing up of the new generation into human beings equipped with rich knowledge, high virtue and strong body(article 45),

provision of education to all pupils and students free of charge (article 47), nursing of all children of reschool age in crèches and kindergatens at state and public expense (article 49), consolidating and developing the system of universal free medical service (article 56), affording special protection to mothers and children (article 77), etc. The Law on Nursing and Upbringing of Children, the Public Health Law, the Civil Law, the Family Law provide for various issues for the protection of the rights of the child. The state actively protects the rights of the child by requiring the institutions, enterprises and organizations to strictly observe and implement the laws of the state.

146. As far as criminal charges are concerned, the state has taken the measures of special protection for children by the Criminal Law in view of their status as minors. By article 11 of the Criminal Law, public education measures are imposed on juvenile offenders instead of criminal punishment under the responsibility of their parents and the educational institutions concerned.

147. Legal measures have been taken to keep minors from criminal offences. By article 132 of the Criminal Law a person who encourages a minor to commit or take part in a crime and thus to become delinquent shall be committed to a reform institution.

148. The state has adopted the policy of bringing up children at state and public expense. Article 2 of the Law on Nursing and Upbringing of Children states: "The DPRK rears all children in nurseries and kindergartens at state and public expense." This means that every child in the DPRK has the right to be cared for and educated in crèches and kindergartens, which is not obligatory by any means. Article 3 of the Law stipulates: "Even when children are at nursery age, parents are free to raise their children at their homes, instead of sending them to nurseries. However, one-year preschool education of the children given in the senior grade of kindergarten is their obligation as well as right for it is a part of the 11-year compulsory education. By article 16 of the Law on Nursing

and Upbringing of Children, the children in creches and kindergartens are provided with various processed foodstuff and nutritious food including milk, meat, egg, fruit, vegetable, candy and biscuit, at the expense of the state and social, cooperative organizations.

149. A child without a supporter has the right to material assistance. Article 18 of the Law on Nursing and Upbringing of Children stipulates: "The state shall bring up in baby homes and orphanages the children who enjoy no parental care." After baby homes and orphanages, such children proceed to orphans' schools run at the expense of the state to get the 11-year compulsory education until their working age. The state has taken the measure to establish a special school for the children of stepparent in each province (or municipality directly under central authority) and to enroll the children who are not in harmony with their stepparent at the primary or senior middle school age to care and give them 11-year compulsory education at state and public expense.

150. Article 15 of the Labor Law stipulate: "In the DPRK the minimum working age is 16. Labor by children under the working age is prohibited by the state." The minimum age for labor has been decided on the ground that children finish 11-year compulsory education at the age of 16 and then proceed to higher education or launch into the community. Those who launch into the community are given vocational training for one year. Under the Regulation on Vocational Training School, factories and enterprises set up independent or sectoral vocational schools and farms city or county vocational schools so that the new graduates who have launched into the community are educated in technical skill and labor safety at state and public expense for up to 1 year before they join production activities. The Regulation stipulates that the students of the vocational schools are prohibited from going to the site for production before the curriculum is over. Thus even if legal definition of the minimum working age is 16, the actual age of beginning to work is 17.

Right to Birth Registration and Name

151. Article 9 of the Law on Registration of Citizens states: "Birth registration shall be taken within 15 days from birth." The application for birth registration is submitted to the public security organ of the place of residence. Birth certificate is issued to the child whose birth is registered.

152. Every child has the right to name. Article 26 of the Family Law provides: "A child adopts the surname of its father. In cases where this is impossible, it takes the surname of its mother. The surname of a child who does not know the identity of its parents is decided by the population administration office."

Right to Citizenship

153. Every child is born with the right to citizenship. By article 5 of the Citizenship Law the DPRK citizenship is granted by birth to a child born between the DPRK citizens, a child born between a DPRK citizen and a foreign citizen or a stateless person residing in the DPRK, a child born in the DPRK but whose parents are unidentified. By article 7 of the Law the citizenship of a child born between a DPRK citizen and a foreign citizen both residing in a foreign country is determined as follows: The citizenship of a child under the age of 14 is determined in accordance with the express intention of his or her parents, and if parents are unknown, in accordance with that of his or her guardian. The citizenship of a minor who is over 14 is determined by the express intention of his or her parents and the consent of the minor and, if there are no parents, by the express intention of his or her guardian and the consent of the minor. If in this case the minor's intention is not in line with that of his or her parents or guardian, the minor's express intention is followed.

154. For details of the implementation of this article on the rights of the child, please refer to the initial report of the DPRK (CRC/C/3/ADD.41) which was considered at the 458-460th sessions of the UN Committee on the Rights of the Child held on May 20 and 22, 1998.

Article 25. Participation in Public Life

Right to Participation in Government

155. All citizens of the DPRK enjoy the right to participate in government according to their wish, through the People's Assemblies at all levels, including the Supreme People's Assembly. Article 4 of the Constitution stipulates: "The sovereignty of the DPRK resides in the workers, peasants, working intellectuals and all other working people. The working people exercise power through their representative organs-the Supreme People's Assembly and the local People's Assemblies at all levels." The Supreme People's Assembly and local People's Assemblies are true representative bodies of the people. They are composed of deputies, the representatives of the people elected on the democratic principle. Deputies to the Supreme People's Assembly and local People's Assemblies are the servants serving the people. People's Assemblies are constituted by officials of political parties, public organizations or power organs, soldiers, labor innovators from factories, enterprises, and cooperative farms, people working in the fields of science, education, public health, literature and art, religionists and other representatives of all strata. The Supreme People's Assembly has among its deputies the workers of the General Association of Korean Residents in Japan (Chongryon) and its affiliated organizations. Industrial workers account for 31.3% and cooperative farmers 9.3% of the deputies to the 10th Supreme People's Assembly elected in 1998. The deputies to the organs of state power at all levels have close ties with their constituents and are accountable to them for their work, as prescribed by article 7 of the Constitution. The electors may always recall the deputies they have elected if the latter are not to be trusted.

Right to Vote and to be Elected

156. All citizens enjoy the right to vote and to be elected. Article 66 of the Constitution stipulates: "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. Citizens serving in the armed forces also have the right to elect and to be elected. Article 2 of the Law on Education of Deputies, giving a concrete form to this Constitutional provision stipulates that the DPRK citizens residing in other countries shall also be entitled to be elected as deputies to the Supreme People's Assembly and in case the election to the Supreme People's Assembly takes place during their stay in the homeland they shall take part in voting if they want. All citizens are guaranteed effective protection against discrimination on any ground such as sex, nationality, occupation, length of residence, property, education, party affiliation, political view or religious belief in their exercise of their right to vote and to be elected. Of 687 deputies to the 10th Supreme People's Assembly, woman occupy 20.1%, the members of the Social Democratic Party 7.6%, members of the Chondoist Chongu Party 3.4%, and the independents 1.5%.

157. By article 66, paragraph 3 of the Constitution a person who has been disenfranchised by a court decision and a person legally certified insane do not have the right to elect or to be elected.

158. Election is subject to the principle of universal, equal and direct suffrage by secret ballot in the DPRK. Article 6 of the Constitution states: "The organs of state power at all levels, from the county People's Assembly to the Supreme People's Assembly, are elected on the principle of universal, equal and direct suffrage by secret ballot." The Law on Election of Deputies gives a concrete form to this Constitutional provision. Under article 3 of the Law, the elections to the people's assemblies are based on the principle of equality. Every elector has one ballot and every ballot has equal validity. Under article 4 of the Law the elections to the people's assemblies are direct. Citizens who have the right to vote elect deputies to the people's assemblies at all levels by direct vote. No one exercises the right to vote in place of others. Under article 5 of the Law voting at election to the people's assemblies is secret. Electors are ensured

freedom to express yes or no in voting. No one is allowed to ask the electors about the result of their voting, exert pressure or make reprisals on them. Under the Law, elections to the people's assemblies at all levels are carried out by the election committees organized by the people from all strata recommended by political parties and public organizations.

159. DPRK citizens have the right to vote and to be elected periodically in conformity with law. Article 90 of the Constitution stipulates: "The Supreme People's Assembly is elected for a term of five years" and in article 133: "The term of office of the People's Assembly of the province (or municipality directly under central authority), city (or district) and county is four years." Under the Constitutional provision all the citizens of the DPRK periodically take part in the election of the Supreme People's Assembly deputies once every 5 years and the election of the deputies to local People's Assemblies once every 4 years.

Right to Public Service

160. Every citizen of the DPRK has the right to public service on equal terms. This right is provided by article 65 of the Constitution that ensures equal rights in all spheres of the state and public activities. Anyone who has passed the examination for capability estimation following the Regulation on Examination of Public Officials is entitled to have access to public service.

Article 26. Equality before the Law

161. All the citizens of the DPRK are equal before the law and enjoy, without any discrimination, the right to equal protection of the law. The Constitution and the laws that elaborate it guarantee this right. Article 65 of the Constitution provides: "Citizens enjoy equal rights in all spheres of state and public activity." The citizens of the DPRK exercise equal rights in all spheres of state and public activity without discrimination on any ground such as race, color, sex, language, religion, national or social origin,

property, birth or other status. Foreigners in the territory of the DPRK are also guaranteed the legal rights and interests without any discrimination, as is stipulated in article 16 of the Constitution.

Article 27. Rights of Minorities

162. The DPRK is a country of one and single nation. So the issue of minorities does not exist in the DPRK.

1-1. B 규약 2차 보고서 질문서

List of Issues : Democratic People's Republic of Korea. 24/04/2001.
CCPR/C/72/L/PRK. (List of Issues)

Convention Abbreviation: CCPR
HUMAN RIGHTS COMMITTEE
Seventy-second session

List of issues, adopted by the Human Rights Committee on 5 April 2001, to be taken up in connection with the consideration of the second periodic report of the Democratic People's Republic of Korea (CCPR/C/PRK/2000/2)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Given that, by virtue of article 17 of the Treaty Law of December 1998, the International Covenant on Civil and Political Rights has the same status as domestic law, have provisions of the Covenant ever been invoked before the courts of the Democratic People's Republic of Korea?

2. Please elaborate on the statement, in paragraph 26 of the report, that "the State does not tolerate any interpretation that restricts the rights and freedoms set forth in the Covenant".

3. Is the State party considering ratifying the first Optional Protocol to the

Covenant?

4. Please inform the Committee of the legal status of NGOs, their number, their actual role in defending human rights and their independence from the Government. Is there any independent office which is empowered to deal with complaints and petitions concerning fundamental rights which may be lodged in accordance with article 69 of the Constitution (para. 7 of the report)?

Self-determination (art. 1)

5. Please explain how the State party is ensuring compliance with article 1 of the Covenant. Please elaborate on the statement that "the State determines the political system ... according to the wish and requirement of the people" (para. 4 of the report).

Right to life; prohibition of torture and degrading treatment; liberty and security

of person; treatment of prisoners and other detainees (arts. 6, 7, 9 and 10)

6. In the light of paragraph 33 (c) of the report, what measures are being taken by the State party to ensure the basic needs of the population and the protection of their right to life, including the right to adequate food?

7. Please provide information on alleged instances, brought to the attention of the Committee, of enforced or involuntary disappearances of persons. What measures have been taken to prevent such disappearances? Please clarify the role of the "people's committees" referred to in paragraph 34 of the report in the context of the disappearance of persons.

8. Please clarify which five offences still carry the death penalty. Please comment on allegations and reports about recent executions in the Democratic People's Republic of Korea and alleged public executions. How many times has the death penalty been imposed and carried out in each of the past three years (para. 40 of the report)?

9. In the light of paragraph 41 of the report, please provide information about investigations carried out into alleged acts of torture and ill-treatment, and comment on allegations that torture and acts of ill-treatment are common in labour reform institutions and detention facilities.

10. (a) Please give information on the number of "reform institutions" in the country, on the offences for which individuals may be confined to such institutions, as well as on the number of individuals in such institutions and the duration of their confinement.

(b) Please comment on the alleged existence and operation of so-called secret "prison camps" other than reform institutions. What would be the grounds for confinement in such "prison camps" and how many of them exist?

(c) Please provide information on the compatibility of the conditions of detention in the above reform institutions and "prison camps" with articles 7 and 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

(d) Does the Democratic People's Republic of Korea guarantee the

International Committee of the Red Cross free access to detention centres and reform institutions?

11. In view of paragraph 54 of the report, please comment on allegations submitted to the Committee that forced or compulsory labour is practised, for example for public works projects.

12. What are the rules governing pre-trial and preventive detention, and what, in practice, are the guarantees that are available to individuals subjected to such forms of detention?

Freedom of movement and rights of aliens (arts. 12 and 13)

13 (a) Is an administrative permit still required for travel by citizens of the Democratic People's Republic of Korea within the country (para. 76 of the report)? How is this practice considered compatible with article 12 of the Covenant?

(b) What are the conditions in place determining whether a citizen of the Democratic People's Republic of Korea is permitted to travel outside the country? How many citizens of the Democratic People's Republic of Korea with non-diplomatic status are allowed to travel abroad? How many have actually been permitted to travel abroad in each of the past three years?

14. Please explain the treatment, in law and in practice, of citizens of the Democratic People's Republic of Korea who have sought refuge in another country and who are forcibly returned to the country. Please comment in particular on the status of seven refugees from the Democratic People's Republic of Korea said to have been forcibly returned by China in January 2000.

The judiciary

15. What is the jurisdiction of the "Special Court" and the "People's Court" and what are the procedures and guarantees before these jurisdictions? How is their independence and impartiality secured? Is there any right of appeal against their verdicts?

Right to a fair trial (art. 14)

16. It is stated in paragraph 87 of the report that court proceedings are public "in principle". Please explain what is meant by the qualification that trials may be closed to the public if there is "a danger that a national ... secret will be revealed or there is a fear of a bad effect on society". How many trials have been closed on such grounds in the past three years?

17. When persons are arrested or detained, within what period of time are they informed of the charges against them? Do all detainees have access to legal counsel and at what stage is access to counsel granted (para. 62 of the report)? Are all accused in practice provided with a copy of their indictment at least three days before the trial (para. 89)?

Right to privacy, to freedom of religion and to freedom of expression (arts. 17, 18 and 19)

18. Please comment on reports of widespread internal surveillance of citizens of the Democratic People's Republic of Korea, including by wire-tapping (para. 107 of the report).

19. Please clarify how members of all faiths and religious denominations may freely exercise their right to freedom of religion and worship (para.

115 of the report).

20. Please provide the number and details of cases in which article 48 of the Press Law was invoked to stop the printing and dissemination of printed matter (para. 122 of the report).

Freedom of assembly and association (arts. 21 and 22)

21. Give more specific information on the practical application of the legislation governing the organization and conduct of public assemblies and the number of notifications received and permits granted under the Regulation of Assembly and Demonstration (paras. 125 and 126 of the report). On what grounds may permission to organize a public assembly or demonstration be denied?

22. Are there procedures that allow for the registration of independent political parties other than the three parties mentioned in paragraph 129 of the report?

Rights of the family and of children (arts. 23 and 24)

23. Explain the "practical measures" said to ensure the stable life of the family (para. 135 (b) of the report). Please elaborate on the measures, if any, taken to combat the abuse and ill-treatment of children within the family.

24. Please elaborate on measures taken to address numerous unresolved family reunification cases.

Participation in the conduct of public affairs (art. 25)

25. What are the initiatives and practical measures taken, or envisaged, by the State party with a view to giving full effect to the provisions of article 25 of the Covenant?

Principle of equality and non-discrimination (arts. 3 and 26)

26. Please comment on the allegations, received by the Committee, that the Democratic People's Republic of Korea is a country of origin for the trafficking of women. What concrete steps have been taken or are envisaged to combat such a practice (see para. 52 of the report)?

27. Please indicate whether there are any areas of de facto discrimination against women, and whether women have equal access to all professions (para. 19 of the report). Please provide additional information on the number of women in public office and in government positions (para. 156).

Dissemination of information about the Covenant (art. 2)

28. What measures, if any, have been taken to disseminate the content of the report in the Democratic People's Republic of Korea and what measures will be taken to disseminate the Committee's concluding observations?

29. Do programmes exist for the education and training of members of the judiciary, of law enforcement officials and other public officials, about the provisions of the Covenant and their application, or are such programmes being envisaged?

1-2. B규약 2차 보고서 심사과정

Summary record of the 1944th meeting :
Democratic People's Republic of Korea. 23/10/2001.
CCPR/C/SR.1944. (Summary Record)

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HUMAN RIGHTS COMMITTEE

Seventy-second session

SUMMARY RECORD OF THE 1944th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 19 July 2001 at 3 p.m.

Chairperson: Mr. BHAGWATI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of the Democratic People's Republic of Korea

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT (agenda item 5) (continued)

Second periodic report of the Democratic People's Republic of Korea
(CCPR/C/PRK/2000/2; CCPR/C/72/L/PRK; HRI/CORE/1/Add.108)

1. At the invitation of the Chairperson, the members of the delegation of the Democratic People's Republic of Korea took places at the Committee table.

2. The CHAIRPERSON invited the head of the delegation to make an introductory statement to the Committee.

3. Mr. RI Chol (Democratic People's Republic of Korea) said that the guiding principle of his country's approach to human rights was the Juche. According to that philosophy, human beings were the masters of their own destiny, and were responsible for solving their own problems to the best of their ability, remembering that their efforts must always contribute to the good of the people. His Government believed that the will of the people was the best possible guide to human rights, and its approach embodied that will.

4. The laws of his country did not permit inequality, instability, exploitation and other social evils. Every citizen was entitled to free education and health care, as well as adequate housing and employment in accordance with his or her abilities. Society paid particular attention to protecting women and children, the elderly and the disabled. Social problems such as unemployment, illiteracy, homelessness, violence, drug

abuse and prostitution were unknown in the Democratic People's Republic of Korea (DPRK). He was extremely proud of what his country had achieved through the pursuit of popular policies since the founding of the Republic.

5. Nevertheless, hostile forces had raised significant barriers to the full enjoyment of human rights in the DPRK, in particular, through unilateral political pressure, reckless military threats and economic sanctions designed to suffocate the country and its people. Those difficulties had been exacerbated by the disappearance of his country's major trading partner, and by successive natural disasters. His people had rallied round their leader, Kim Jong Il, and the Government had redoubled its efforts to promote and protect human rights.

6. Since the consideration of its initial report, the DPRK had amended or supplemented its Constitution on two occasions, adopted 49 new laws and amended or supplemented 11 major laws with a view to improving the legal framework for human rights. The recently enacted Treaty Law provided that international agreements ratified by the State would have the same status as domestic legislation. His Government had translated, published and given wide distribution to international instruments including the Covenant on Civil and Political Rights, and had organized training courses to ensure that law enforcement officials were fully acquainted with their requirements.

7. The right of peoples to self-determination was a prerequisite for the enjoyment of human rights. The Constitution provided that the sovereignty of the State rested with the workers, peasants, working intellectuals and all other working people. They had freely chosen the system of Korean-style socialism because of its basis in equality and freedom from oppression.

8. The Government had made it a priority to protect the right to life by pursuing efforts to prevent the threat of war on the Korean peninsula. It had enacted the Law on Environmental Protection in 1986, and had taken a series of practical measures to prevent pollution. It had also consolidated legislation on public health by enacting laws such as the Law on Medical Care, the Law on the Prevention of Infectious Diseases and the Law on the Administration of Medical Supplies. It had significantly reduced the scope of the death penalty, by withdrawing it from 32 out of 37 articles of the Criminal Code, and by raising the minimum age for its application to 18. The use of weapons by security officers had been restricted by implementation of a new Law on Control for Public Security.

9. The Criminal Procedures Act had been amended and supplemented in January 1992, enhancing the protection of human rights in criminal proceedings, including the reinforcement of the right to legal counsel. The new Lawyers' Act, adopted in December 1994, included extensive provisions on the duties and procedures of the legal profession. The revised Regulations on the administration of detention chambers and reform institutions were consistent with the Standard Minimum Rules for the Treatment of Prisoners, and ensured that the rights of detainees were fully protected. Regulations on criminal compensation had been enacted to compensate the victims of wrongful arrest or conviction.

10. A new Family Law had been adopted which drew on measures of protection for the family developed over previous years. His Government strongly believed that the future of the nation depended on education. Consequently, it had made great efforts to develop pre-school education, as well as to consolidate the provision of 11 years of free and compulsory education. The Constitution guaranteed equality between men and women in all areas of life, which included the right to vote and to stand for

election. Special protection was afforded to mothers and children, including guaranteed maternity leave, the reduction of working hours for mothers with several children, the extension of the network of maternity hospitals and other policies coming within the scope of the Labour Law and the Public Health Law.

11. Every citizen was entitled to participate in politics through the people's representative bodies and assemblies, including the Supreme People's Assembly. The Elections Law of 1992 elaborated on the constitutional provision that all citizens aged 17 or over had the right to participate in and stand for election, irrespective of sex, race, occupation, length of residence, property status, education, party affiliation, political views or religion. Elections were conducted on the basis of universal, equal and direct suffrage by secret ballot. Pursuant to the regulations on the selection of public servants, anyone with a determination to serve the people and sufficient ability was entitled to work as a public official.

12. The division of the nation imposed by external forces was a huge obstacle to his Government's human rights objectives. The political and military confrontation between north and south, which had lasted for over half a century, had caused incalculable damage to the people's enjoyment of human rights and unnecessary confrontation in international forums. However, the historic Pyongyang meeting and the North-South Joint Declaration of 15 June 2000 had led to a thaw in relations and opened the way to exchange and cooperation. In the future, there would be an opportunity for further dialogue and contact in the political, military, economic, cultural and humanitarian fields. Those developments demonstrated that the north and south of Korea could resolve their difficulties and achieve national reunification for themselves. He asked the Committee for its support in his country's efforts to seek reunification.

13. His Government attached considerable importance to the dialogue with United Nations treaty monitoring bodies. It had recently acceded to the Convention on the Elimination of All Forms of Discrimination against Women, and had drafted its second periodic report pursuant to the Convention on the Rights of the Child. He was looking forward to a constructive dialogue with the Committee.

14. The CHAIRPERSON invited the delegation to reply to questions 1 to 14 of the list of issues, relating to the status of the Covenant in the courts; the statement that "the State does not tolerate any interpretation that restricts the rights and freedoms set forth in the Covenant"; ratification of the first Optional Protocol to the Covenant; the legal status of non-governmental organizations (NGOs); the right to self-determination under article 1 of the Covenant; protection of the right to life, including the right to adequate food; alleged instances of enforced or involuntary disappearances of persons; the application of the death penalty; alleged acts of torture and ill-treatment; confinement in "reform institutions" and "prison camps"; forced or compulsory labour in public works projects; pre-trial and preventive detention; permission to travel within and outside the country, and the treatment of citizens who were forcibly returned to the country.

15. Mr. SIM Hyong Il (Democratic People's Republic of Korea), in reply to question 1 (status of the Covenant), said that international agreements had the same status as domestic law, and if a provision of the Covenant came into conflict with domestic legislation, the former would prevail. For example, under the previous Criminal Code, 17 years had been the minimum age for the death penalty, although courts had directly applied the provisions of the Covenant to establish that age at 18 years, before the Code had eventually been changed to bring it into line with the Covenant. The pre-eminence of the Covenant was established in the Treaty Law, the Civil Law, the Law on External Civil Relations, the Law on Foreign Investment Business Enterprise, the Customs Law and the Copyright Law.

16. In reply to question 2 (interpretation of the Covenant), he said that in order to prevent arbitrary interpretations of the Covenant that might violate its fundamental spirit and requirements, the State had bestowed responsibility for matters of interpretation on its most senior body, the Presidium of the Supreme People's Assembly. Domestic laws prohibited courts and administrative bodies from restricting or derogating from the rights and freedoms protected by the Covenant.

17. Replying to question 3 concerning ratification of the first Optional Protocol, he said that a lively debate on the subject had taken place in the country. Those in favour of proceeding with ratification held that there was no reason for the People's Republic not to do so, since it had ratified the Covenant without reservation and was bringing domestic legislation into line with its provisions. Opponents of ratification argued that a well-organized and rigorous complaints and petitions system already existed in the country and that the competent public bodies were required to deal impartially with all issues raised. Hence there was no need to have complaints considered abroad. No final decision had been taken on the subject.

18. Replying to question 4 concerning NGOs and procedures for dealing with complaints and petitions, he said that prior to the 1990s public organizations such as the Federation of Trade Unions, the Union of Agricultural Working People, the Youth League and the Women's Union had protected and promoted the human rights of their members. The Bar Association and the Democratic Lawyers' Association had focused exclusively on human rights. In the 1990s, with the increased attention paid to human rights and compliance with newly ratified international instruments, a number of independent human rights organizations such as the Institute for Research on Human Rights, the Association for Assisting

Handicapped Persons and the Committee to Demand Compensation for Army Comfort Women and Victims of the Pacific War had been established. In the light of research findings and on the basis of collective discussion and decision-making, they submitted legislative recommendations, administrative proposals and plans for raising individual human rights issues with the highest organs of the State and other competent bodies.

19. The Law on Complaints and Petitions established procedures for the submission, reception, registration, examination and disposal of complaints and petitions, laid down guidelines for State monitoring of the system and established guarantees of effective implementation. All citizens were free to lodge complaints or petitions directly or through a guardian or attorney, orally or in writing, with any institution, enterprise, organization or official, including the highest organs of State. Every grievance was subjected to a careful and impartial examination, and officials were required to respond within a prescribed period. The central complaints authority supervised local units, ensuring that no pressure was exerted on complainants and that their complaints were not dealt with in a random way. Anyone failing to comply with instructions was subjected to criticism, disciplined or prosecuted, depending on the gravity of the offence.

20. Replying to question 5 concerning article 1 of the Covenant, he said that the social and political system of the Democratic People's Republic of Korea was the embodiment of the will of the masses and the ideal of "belief in the people as in God". Following the country's liberation from Japanese colonial rule, people's committees had been set up by popular initiative as the cornerstone of the democratic system. Feudalism had given way to a system of land reform under which the land was redistributed among the peasants, who accounted for over 85 per cent of the population. The Law on Nationalization of Major Industries, the Law on Gender Equality and other laws to ensure democratization had been enacted. The Democratic People's Republic of Korea (DPRK) had been founded in 1948

in response to the people's will expressed in a general election. But the country had been impoverished by the Korean War and its small-scale private economy had been unfit for sustainable development. A unique socialist system based on cooperative farming and the socialization of private trade and manufacture had therefore been established - not by application of a ready-made formula but in response to the people's choice based on mature consideration.

21. Replying to question 6 concerning the right to life and measures taken to meet the basic needs of the population, he said that the State had taken vigorous action to deal with the consequences of successive natural disasters, to revive the economy and to ensure an adequate food supply, inter alia through the seed revolution, potato farming, "two crops a year" farming, the promotion of land levelling and rezoning projects, a campaign to breed grass-eating livestock such as rabbits and goats, and the establishment or modernization of fish, chicken and even ostrich farms. Basic foodstuff and light industry factories supplying basic consumer goods, foodstuffs and other necessities had been reorganized to ensure that they could operate at full capacity.

22. Tens of thousands of modern dwellings and service facilities were under construction to improve living conditions. To address the problem of energy shortages, small, medium and large-scale hydroelectric power plants were being constructed.

23. Replying to question 7 on alleged instances of disappearances, he said that baseless rumours of the disappearance or detention of public officials had been spread outside the country by hostile elements when the officials' names failed to appear in newspaper reports for some time. The phenomenon of enforced or involuntary disappearances did not exist in the DPRK. People had only been known to disappear in the aftermath of

floods or other natural disasters. In such cases, the people's committees and the security services took nationwide action to trace them. After the unprecedented floods of 1995, for example, old people deprived of their homes had been housed with close relatives or taken into old people's homes and orphaned children had been sent to orphanages, baby farms or special schools.

24. Replying to question 8 concerning the death penalty and alleged public executions, he listed the five offences that still carried the death penalty: conspiracy against State power, high treason, terrorism, anti-national treachery and aggravated intentional homicide. In the case of conspiracy against State power, it was imposed on the instigator, mastermind or principal culprit in an armed revolt to overthrow the Republic; in the case of high treason on a citizen who defected to a foreign country for the purpose of overthrowing the Republic; in the case of terrorism on a person found guilty of an extremely serious offence of terrorism against cadres and patriots with a view to opposing the Republic; in the case of anti-national treachery on a Korean national who opposed the national liberation and revolutionary struggle in collusion with imperialists and acting under their control, or who betrayed the Korean nation by selling its interests; in the case of aggravated intentional homicide on a person who committed murder out of greed, jealousy or other base motives or in order to conceal a serious crime, murder by brutal means or means that endangered the lives of a number of persons, or the murder of one or more dependants or persons entrusted to his or her care. Of the 15 death sentences handed down since 1998, 13 had been carried out and 2 commuted. The only public execution in the DPRK had been carried out in October 1992 at the unanimous request of the inhabitants of the area where the crime had been committed. The executed man, who had habitually resorted to acts of violence, had been sentenced to death for the brutal murder of his grandparents.

25. Replying to question 9, he said that allegations that torture and acts of ill-treatment were common in labour reform institutions and detention facilities were unfounded. Torture and ill-treatment were prohibited by the Criminal Procedures Act, the Regulation on Detention Chamber Administration and other laws, which were strictly implemented in practice. Individual law enforcement officials had been known to beat inmates who breached prison regulations. The officials concerned were invariably subjected to criticism or punishment. Since 1998, six complaints of torture or ill-treatment had been lodged and administrative punishment had ensued in all cases.

26. Replying to question 10 (a), he said that individuals could be placed in reform institutions for 12 anti-State crimes such as conspiracy against State power, espionage, subversion and sabotage; 41 economic crimes such as stealing State property, fraud, misappropriation of funds, smuggling, breaches of anti-pollution legislation, breaches of the regulations on labour safety technology and traffic offences; 6 crimes of impairment of culture such as medical malpractice and drug abuse; 38 crimes of violation of public order and administration such as divulgence of secrets, negligence of duty, ignoring a complaint or petition, delinquency and gambling; and 21 crimes of impairment of life and property such as murder, defamation, rape, plunder of private property and fraud. The term of confinement in a reform institution ranged from 6 months to 15 years, the average term being 3 years. There were three institutions, which had housed 1,153 inmates at the end of 1998, 3,049 at the end of 1999 and 1,426 at the end of 2000.

27. Replying to question 10 (b), he said that allegations concerning the existence and operation of so-called secret "prison camps" had been fabricated by elements bent on slandering the Democratic People's Republic of Korea.

28. Replying to question 10 (c), he said that the Regulation on Reform Administration, which laid down the conditions governing detention in reform institutions, was strictly implemented. The institutions were equipped with bedrooms, bathrooms, dining-rooms, workshops, education rooms, libraries, infirmaries and other facilities, as well as with natural and electric lighting, ventilation and heating. The inmates were provided with meals, drinking water, clothing, bedding and health care. Doctors checked their physical condition and provided appropriate medical treatment free of charge. Reform institution officials received special training and were prohibited from torturing or insulting inmates. There was an eight-hour working day and inmates were paid according to the quantity and quality of their work. They had access to books, magazines and newspapers, could watch films and television, listen to the radio, play games or engage in sport. They were visited by and corresponded with their family and relatives. Inmates who sincerely repented, conscientiously observed the rules and worked hard to fulfil their labour assignment could have their term commuted.

29. Replying to question 10 (d) concerning access by the International Committee of the Red Cross to detention centres and reform institutions, he said that the DPRK attached importance to dialogue with international human rights and humanitarian organizations. An Amnesty International delegation had visited the country twice to inspect detention centres and reform institutions. But the authorities concerned were highly sensitive about such visits because of the tense political and military environment on the Korean peninsula and the blatant attempts of dishonest hostile forces in recent years to use human rights issues for political purposes.

30. Replying to question 11, he said that allegations that forced or compulsory labour was used for public projects were doubtless based on a misunderstanding. Major construction projects by soldiers of the People's

Army, land development projects such as tree planting in the spring and autumn, or practical training courses for students in factories and the countryside pursuant to the policy of combining studies with productive work could not be considered to constitute forced or compulsory labour, since the people involved were working for themselves and the community.

31. Replying to question 12 on pre-trial and preventive detention, he said that a person might be confined in a detention chamber if he/she was subject to preliminary investigation or accused of a crime liable to the death penalty or to imprisonment for one year or more. The purpose of the detention was to ensure that the suspect did not abscond, destroy evidence or commit a further offence. If none of those things was likely to happen, the suspect was not detained. A pregnant woman could not be detained within three months of her expected date of delivery, or for seven months after her child was born.

32. The decision to institute legal proceedings was made by a public prosecutor, who could order the release of an arrested person if it was unjustified. A person subject to legal proceedings was presented with a warrant giving the reason for his/her detention, and his/her family or organization was informed of the date of the arrest, the reason and other details. An accused person was treated as innocent until he/she was convicted, in accordance with the Regulation on Administration of Detention Chambers, and his/her human rights were guaranteed.

33. Pre-trial detention could take the form of house arrest or confinement to the person's town or village of residence. House arrest had to be supervised by at least two warrantors, and the person concerned was required to sign a written agreement to abide by its conditions.

34. There was no system of preventive detention in the Republic. Preventive detention had been used during the period of Japanese colonial rule, and had been abolished when the DPRK had regained its independence.

35. Replying to question 13 concerning travel restrictions, he said that citizens needed a travel permit to go to the Military Demarcation Line (the border with the Republic of Korea), military bases, munitions factories and other restricted areas. Only people on official business or those visiting relatives were allowed to travel to those areas. Permits were also required for travel within the rest of the country, but they could be obtained without restriction. The permit system was necessary to guarantee national security and thwart the activities of spies and saboteurs.

36. Citizens were free to travel abroad with a permit issued by the Ministry of Foreign Affairs or the immigration authorities. They were not permitted to travel if they were criminals, insane or suffering from a communicable disease, or if they did not have permission from the country of destination. In 1998, 65 of 17,440 applications to travel abroad had been refused. One of the applicants had been implicated in a crime, and the rest had not received permission from the country of destination. In 1999, 104 of 29,875 applications had been refused. Two of the applicants had suffered from mental illness or a communicable disease, and the remainder had not received permission from the country of destination. In 2000, 35,650 people had applied, and 91 had been refused because of failure to obtain permission from the country of destination.

37. In reply to question 14 concerning the treatment of citizens who were forcibly returned to the Republic, he said that it was accepted, both in law and in practice, that some people sought refuge in other countries. Those

who were repatriated or extradited under bilateral agreements were investigated to ensure that they had not been involved in smuggling or other crimes and, if not, no action was taken.

38. The question referred to seven refugees who had been returned to the Republic by China in January 2000. The true figure was six. Two of those concerned, Ho Yong Il and Pang Yong Sil, had been convicted of theft from and arson of a warehouse in North Hamhung province in June 1999, which had caused damage amounting to 1 billion won. On their return to the Republic, they had been sentenced to corrective labour for nine years and five years, respectively. The other four were: Ri Dong Myong, now working in a gymnasium in Pyongyang City; Zang Ho Yong, now working in a furnishings factory; Kim Kwang Ho, now a construction worker in Hamhung City; and Kim Sung Il, a minor who had returned to secondary school.

39. Mr. AMOR thanked the delegation for its report and for its full and clear replies to the questions raised by the Committee. However, it was regrettable that the report did not contain more information about the actual situation in the State party, rather than its legislation. The Committee had received reports from a number of sources which indicated that the human rights situation in the DPRK was less than satisfactory; they were perhaps exaggerated, but they were detailed and mutually consistent. He was concerned in particular about reports of forcible repatriation, the death penalty, and detention and prison conditions. The Committee was not accusing the Government: it merely wished to understand the true situation.

40. Another cause for concern was the apparent elasticity of many of the legal rules and concepts in the State party's legal system. The death penalty, for example, appeared to be applicable to a very wide range of

crimes. Justice came from the law, and the law must be precise.

41. He asked about the position of the Covenant in the legal system. Was it true that the Supreme People's Assembly had adopted a standard interpretation of the Covenant, which was binding on the courts? Did the courts apply the Covenant itself, the interpretation by the Supreme People's Assembly, or pertinent provisions of national legislation? What scope did a judge have to interpret the provisions of the Covenant in relation to a particular case? Some of the State party's legislation was very different from the Covenant, such as the regulations governing internal travel, which the delegation had described.

42. He did not understand the position of non-governmental organizations in the State party. Social and professional organizations had been set up in the 1980s and had developed a complaints procedure during the 1990s, but did they satisfy the Committee's definition of NGOs: independent organizations for the defence of human rights? How many such organizations were there, what exactly did they do and under what conditions did they operate? Were foreign human rights organizations allowed to operate in the Republic?

43. He was concerned about the broad definition of capital crimes (paragraph 35 of the report). Although the death penalty had been carried out only rarely in recent years, the five offences for which it could be imposed covered a very wide range.

44. The delegation had stated that six cases of torture had been recorded since 1998 and that the perpetrators had been punished. However, even the most democratic countries reported many hundreds of cases of torture, violence and other cruel, inhuman or degrading treatment of a kind

prohibited under article 7 of the Covenant. He would welcome further information from the delegation on that point.

45. He wished to be given more information about the detention of suspects and accused persons. If individuals were arrested by the police, how long could they be held in police custody before being taken before a court - 24 hours, or 48 hours, or two months, or some other period? Did the suspect have access to a lawyer or a physician during that time, and was he/she informed of the alleged offence? When individuals had been accused of an offence, how long could they be held in pre-trial detention? What guarantees of their rights were provided during that time, and how did they prepare their defence? How did the State guarantee the provisions of article 14 of the Covenant (right to a fair trial)?

46. The delegation had stated that forced labour did not exist: however, the examples given were of voluntary work, which was not the same thing. He failed to see how the "reform through labour" described in paragraph 55 of the report differed from forced labour.

47. Mr. SCHEININ welcomed the members of the delegation, whose wide range of expertise would be most valuable to the Committee, given the paucity of information about the State party available from other sources. It was regrettable, however, that the report before the Committee was only the second periodic report, even though the DPRK had acceded to the Covenant in 1981.

48. He welcomed the State party's declared commitment to the abolition of the death penalty (paragraph 40 of the report). What further steps did it intend to take to achieve full abolition? He was concerned that capital offences (para. 35) were much wider in scope than the "most serious

crimes" referred to in article 6 of the Covenant. Four of the five were political crimes, i.e. crimes against the State rather than crimes against the life or physical integrity of a human being. He was particularly concerned about the mandatory death penalty for attempts to "suppress and persecute the national liberation struggle" (Criminal Code, article 52) and the possibility of the death penalty for defection (Criminal Code, article 47). The latter provision was surely not compatible with article 12 (2) of the Covenant on the right to leave any country, including one's own. The delegation had given details of death sentences imposed since 1998: on what grounds had they been imposed?

49. According to paragraph 24 of the report, there was no legislation governing the proclamation of a state of emergency. However, under article 103 of the Constitution, the National Defence Commission, the highest military authority, could proclaim a "state of war". How did the State party justify the fact that a state of war could be declared by a military authority, when it would presumably affect the normal operation of society and decision-making bodies?

50. Paragraph 24 referred to an interpretation of article 103 of the Constitution by the Presidium of the Supreme People's Assembly, stating that the "non-derogative" rights of citizens could not be restricted even in a state of war, which presumably meant that other basic rights might be restricted in such circumstances. However, the Constitution itself contained no provision for the restriction of any rights during a state of war. He would welcome the delegation's comments on that point. Were "non-derogative" rights the same as those covered by article 4 (2) of the Covenant?

51. Article 83 of the Constitution stated that work was the "noble duty and honour of a citizen" and that "citizens shall willingly and conscientiously participate in work". Did those statements constitute a legal obligation and,

if so, did any laws exist to implement it? Did a failure or refusal to comply with such an obligation constitute a crime punishable by forced labour or some other penalty?

52. He asked for more details of the State party's interpretation of article 9 (3) of the Covenant on the right to a fair trial. Within what time period must a person in police custody be brought before a judge? From his study of the Criminal Procedures Act, it might be as much as 8 days, which was certainly not compatible with article 9 (3). Article 65 of the Criminal Procedures Act referred to the "arrest" of a suspect: did the term "arrest" refer to the moment when the suspect was apprehended, or to a formal step taken by the police at some subsequent time?

53. Mr. ANDO expressed his gratitude to the delegation for providing information about the legal system of the DPRK in booklet form. He shared Mr Scheinin's concern that the second periodic report was so long overdue. Under the Covenant system, the Committee should have the opportunity to consider the human rights situation in States parties at regular intervals, on the basis of their reports. Unless the reports were submitted regularly, the value of doing so was limited. Moreover, there was little information in the report about the human rights situation on the ground in the DPRK, nor was much information forthcoming from non-governmental or other sources. It appeared from the Constitution that considerable emphasis was placed on the collective side of rights and obligations in the DPRK, rather than individual human rights. For example, article 10 of the Constitution stated that the DPRK "rests on the politico-ideological unity of all the people based on the worker-peasant alliance led by the working class". Article 11 stated that the DPRK "shall conduct all activities under the leadership of the Workers' Party of Korea", and article 12 that the State should "firmly defend the people's power and socialist system against all subversive acts of hostile elements at home and abroad". He emphasized that human Rights were individual rights and

democracy entailed freedom of choice: individuals should be able to choose their own value systems, and their choice should be respected. Did the collectivist approach to human rights, as defined in article 63 of the Constitution, affect the interpretation or application of domestic law provisions reflecting articles of the Covenant? According to the Treaty Law of December 1998, the status of the Covenant in the DPRK was supposed to be the same as that of domestic law. However, no explicit constitutional provision defined the relationship between international treaties and domestic law. Did that mean that the status of the Covenant and its relationship with domestic law could be altered by legislative action in the national assembly? The Constitution referred to states of war, but not to states of emergency, which was a much broader concept. Did that mean that the treaty law of the Covenant (art. 4) could be applied in a state of emergency?

54. The Criminal Law was very broadly framed and its provisions were open to abuse and discretionary interpretation. According to article 50, "a person who commits acts of subversion and sabotage against the country shall be committed to a rehabilitation institution for between five and eight years", and "a person who causes damage to the establishment and facilities of special importance ... shall be committed to a rehabilitation institution for not less than eight years". The offences were defined in the broadest terms. The same was true of article 47, which referred to "cases where the person commits extremely grave offence". The second periodic report did contain, in paragraph 35, a definition of five categories of "extremely grave" crimes. However, article 141 of the Constitution referred to murder committed in order "to conceal a serious crime". It was unclear whether that meant the same type of offence as specified in paragraph 35 of the report. Moreover, various of the crimes mentioned in the Criminal Law did not seem to carry a penalty with an upper limit. Article 50 referred to "not less than eight years", and article 53 to "not less than five years". What was the maximum term under those provisions? By contrast, articles 141 and 143 did specify upper limits of 10 and 3 years, respectively, for murder with extenuating circumstances, and homicide.

55. Article 53 of the Criminal Law referred to a person who was not a citizen of the DPRK and who "commits the hostile act of attempting to suppress and persecute the national-liberation struggle of the Korean people ... and the struggle of overseas Koreans for their democratic national rights and their legitimate rights under international law". The criminal jurisdiction of the DPRK could not extend to activities carried out abroad by non-citizens. Article 121 of the Criminal Law made it an offence to conceal an offender: did that apply, for instance, to a father concealing a son or daughter? Were there any mitigating circumstances for members of the same family?

56. According to paragraph 47 (b) of the second periodic report, the duties of the public prosecutor, under articles 69 and 79 of the Criminal Procedures Act, included supervising the preliminary investigation. Those articles placed no obligation on the public prosecutor to indict a person responsible for irregularities committed in the course of the investigation. Surely he had a duty to do so. The same remark applied to paragraph 47 (c), read in conjunction with article 296 of the Act, which placed no obligation on the public prosecutor to supervise the execution of judgments so as to prevent torture or inhuman treatment or punishment of prisoners.

57. Freedom of travel and residence for both citizens and foreigners was discussed in paragraphs 76 and 77 of the report. According to information he had received, a French aid group had left the DPRK after being denied permission for a field trip to ascertain that donated food supplies had reached their intended recipients. Why would permission be refused in such a case?

58. Mr. YALDEN agreed with Mr. Amor that the report contained little

factual information about the human rights situation on the ground, and reminded the delegation that the Committee's concern was with the actual situation, as well as theoretical rights. On the payment of compensation to victims of illegal arrest and detention, mistreatment, torture and unlawful execution, how many times had compensation been granted, on what grounds, and in what amounts? The death penalty was apparently still in force in the DPRK for five categories of "extremely grave" crimes. What was the situation with regard to political offences: were they treated as being among the "most serious crimes" referred to in article 6 (2) of the Covenant? What was the meaning of "anti-national treachery", mentioned in paragraph 35 of the report? In his view, article 52 of the Criminal Law did not shed much light on the matter by referring to "a Korean national who attempts to suppress and persecute the national-liberation struggle ... in collusion with imperialists". He would be glad to know precisely which offences carried the death penalty.

59. Paragraphs 76 and 77 of the report referred to tight restrictions on freedom of travel and residence. Travel within the country was subject to permission being granted by "people's committees". The southern border area and areas adjacent to military bases were out of bounds altogether. He invited the delegation to explain how those restrictions met the requirements of article 12 of the Covenant on liberty of movement. Paragraph 17 of the report described the procedure for submitting complaints of human rights violations. What sort of complaints were, submitted, how many, and what was done about them? The number of complaints about ill-treatment in institutions of which the Committee had been told - only six - struck him as peculiarly small in view of the size of the country. The question about independent human rights monitoring bodies (question 4 in the list of issues) had not been satisfactorily answered: there did not seem to be any statutory provision for such bodies in the DPRK. The delegation was undoubtedly aware of the intensive work which had gone on since 1993 to develop such institutions, on the basis of the "Paris principles" approved by the General Assembly. The few

non-governmental organizations in the DPRK, such as the Bar Association, did not meet those standards. Were there any plans to establish independent monitoring bodies? The "complaints box" system practised within institutions in the country did not ensure the necessary degree of independence to monitor the observance of Covenant rights.

60. Ms. CHANET shared the concern of other members of the Committee about the patchy information provided in the report. It was not clear to what extent the Covenant had been incorporated in the domestic law of the DPRK. Nor was it clear how the State complied with its undertaking, in paragraph 26 of the report, not to "tolerate any interpretation that restricts the rights and freedoms set forth in the Covenant", or how Covenant rights were interpreted in parliament or by the courts, given that they were not incorporated in the Constitution. What was the hierarchy of norms concerning human rights? Why were some Covenant rights guaranteed by the Constitution, and others not? If the Supreme People's Assembly decided on a certain interpretation, would it be binding on the courts? Chapter V of the Constitution conferred rights on "citizens"; did that mean that foreigners could be denied them, contrary to article 2 of the Covenant? She agreed with Mr. Amor that the criteria for the death penalty were very elastic, when compared with the rule in article 6 of the Covenant. The criteria set out in article 52 of the Criminal Law were especially vague. What were the "extremely grave" offences referred to in article 47? The scope for definition appeared to be designed to protect the interests of the State. What was the permitted length of preventive detention and of custodial sentences? Did the period of 48 hours mentioned in paragraph 61 of the report correspond to the period of pre-trial detention, and how did it square with the rule in article 9 (2) of the Covenant? Were individuals ever detained without criminal charges being brought against them? Some penalties specified in the Criminal Law appeared to have no ceiling: did that mean that unlimited sentences could be imposed, or could final judgments be reviewed, and if so by whom? What time limits applied to the stages of prosecution described in

paragraph 61 of the report? According to article 51 of the Criminal Procedures Act, the criminal procedure began with a decision by an investigator: what was the status of such persons? Were they members of the prosecution service and were they separate from the police? According to article 17, a criminal defendant had a right to a lawyer: at what point in the procedure did that right come into effect? Were lawyers free to organize their clients' defence as they saw fit? Were they civil servants or self-employed, and how was the criminal bar organized? How was the imposition of the death penalty under article 47 of the Criminal Law compatible with the relevant provision of the Covenant? Concerning article 13, paragraph 82 of the report made no mention of a procedure for deciding on the expulsion of an alien. Could an expulsion order be appealed?

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HUMAN RIGHTS COMMITTEE

Seventy-second session

SUMMARY RECORD OF THE 1945th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 19 July 2001, at 10 a.m.

Chairperson: Mr. BHAGWATI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of the Democratic People's Republic of Korea
(continued)

meeting was called to order at 10.05 a.m

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Democratic People's Republic of Korea
(CCPR/C/PRK/2000/2; CCPR/C/72/L/PRK) (continued)

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UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Democratic People's Republic of Korea
(CCPR/C/PRK/2000/2; CCPR/C/72/L/PRK) (continued)

1. At the invitation of the Chairperson, the delegation of the Democratic People's Republic of Korea took places at the Committee table.

2. The CHAIRPERSON invited the Committee to resume its consideration of the second periodic report of the Democratic People's Republic of Korea and to put supplementary questions on paragraphs 1 to 14 of the list of issues (CCPR/C/72/L/PRK).

3. Mr. KLEIN said that the information provided was not adequate and the Committee needed fuller information both from the State party and from

other sources. It was regrettable that the country's lack of openness did not permit verification either of the Government's statements or of statements by other entities, which would be the best way of putting an end to any misunderstandings or doubts that might persist.

4. Regarding the compatibility between the country's Constitution and the Covenant, he wished to take up the expression, "human rights Korean-style", which the head of the State party's delegation had used in his opening statement. He wondered whether that concept was not contrary to the principle of the universality of human rights. Furthermore, article 12 of the Constitution enshrined the principle of the "dictatorship of people's democracy". Any idea of dictatorship surely ran counter to the very concept of freedom. Articles 9 and 14 of the Constitution, which spoke of the complete victory of socialism, and article 23, which said that the State must strengthen the ideological consciousness of the people, also seemed to pose a problem from the point of view of the rights set out in the Covenant. The constitutional order of the Democratic People's Republic of Korea, which imposed a certain line of thought, therefore seemed to be in contradiction with articles 19, 21, 22 and 26 of the Covenant.

5. Concerning the right to life (art. 6 of the Covenant), he pointed out that States parties were required to protect life, including in cases of natural disasters, and referred in that connection to the Committee's General Comment No. 6 on article 6. The State party could perhaps have been more open so as to secure assistance and save lives. There were many reports of extrajudicial executions in prison camps, which the delegation had denied, but he would emphasize that the deaths of prisoners due to lack of food and to living conditions in the camps were in effect extrajudicial executions and thus constituted violations of articles 6, 7 and 10 of the Covenant.

6. As for disappearances, he wanted to know whether the families of persons arrested were informed of the arrests and whether the Standard Minimum Rules for the Treatment of Prisoners, which the State party said it recognized, were really applied. Rule No. 7 stated that prisoners had to be entered in a central register. He wondered whether the Democratic People's Republic of Korea had such a register to which the population could have access. He also asked whether the State party observed Rule No. 20 concerning food, Rules Nos. 22-26 concerning medical services and Rule No. 37 concerning contact with the outside world.

7. He would also welcome information regarding what was stated in paragraph 64 (a) of the second periodic report. He would like to know whether a decision by the public prosecutor could be challenged in the courts, in accordance with article 9, paragraph 4, of the Covenant. As for freedom of movement (art. 12 of the Covenant), the State party would seem to have made the exception into the rule by systematically imposing the restrictions referred to in article 12, paragraph 3, and that was unacceptable. He pointed out that restrictions must be compatible with the rights laid down in the other articles of the Covenant, and specifically article 26. He wondered whether the delegation considered current practice to be in conformity with the provisions of the Covenant or whether it was a case of interpreting human rights "Korean-style".

8. Mr. SOLARI YRIGOYEN welcomed the efforts made by the Democratic People's Republic of Korea to open up to the world. He regretted that such a long time had elapsed between the submission of the State party's first two reports. That had complicated the Committee's task because it was difficult to judge the progress over such a long period. He also regretted that the second periodic report made no reference to the difficulties which the State party encountered in implementing the Covenant.

9. As for the right to life, the Democratic People's Republic of Korea stated that it followed the ideal of Juche. That ideal was challenged by many reports, and particularly those submitted by Christian communities. He would like the delegation to specify whether it was an official doctrine which had to be accepted by everyone or whether it was possible not to adhere to it. He would also like to know who lay at the origin of the philosophy, who was responsible for disseminating it in the country and whether those who did not accept it were prosecuted.

10. The report stated that there was no problem of disappearances, which could not but be welcomed if it was really the case. In any event, it was stated that cases of disappearance were easily checked through the people's committees which administered the population. It would be useful if the delegation could provide some details regarding the nature of those committees, their composition and the way in which their members were appointed, and could indicate how far the committees' activities were compatible with article 17 of the Covenant concerning the protection of privacy.

11. Paragraph 42 of the report stated that torture and other forms of coercive interrogation were recognized as a crime against which criminal proceedings must be instituted, and cited article 129 of the Criminal Law. The delegation might perhaps explain why the article of the Criminal Law which was supposed to crack down on torture did not even mention it. Non-governmental organizations had reported cases of torture and other maltreatment inflicted by the security forces and the existence of inhuman isolation cells, lack of food and the absence of medical care in prisons. He would like to have some details on the matter. It had also been pointed out that nationals of the Democratic People's Republic of Korea who had sought refuge in China and had been sent back to their country had been subjected to ill-treatment. The delegation might perhaps give some

additional information on that subject, and say whether those responsible for the ill-treatment had been punished. It might also say what had happened to Lee Sun Ok, whose family had reported his disappearance, and what had become of his wife. Also, the delegation had stated that a traveller's certificate was required as part of the procedure to deal with subversive elements and spies. He would like to know how many such persons had been tried and sentenced in the past five years and what sentences they had received. He would also like to know whether authorization was required to move residence from one place in the country to another.

12. Mr. HENKIN associated himself with the comments made and the questions put by other members of the Committee. He emphasized that the information provided would have been better if it had been more detailed. Thus, paragraph 17 of the report, which outlined the procedures applicable in cases of human rights violations, did not specify how many complaints were made every year, what the motives were and what compensation had been proposed.

13. The delegation might like to explain certain apparent discrepancies between the national legislation and the provisions of the Covenant. Of the five categories of crime for which the death penalty could be imposed, four were of a political nature. One wondered to what extent those crimes could be considered as "the most serious crimes" within the meaning of article 6 of the Covenant. There was also the question of whether the duration and conditions of detention could be justified under the Covenant. As for the notion of "human rights Korean-style", which seemed to be contrary to the principle of the universality of human rights, the Committee's task was particularly difficult when information provided by the State party was contradicted by information from other sources, particularly on questions as serious as torture, conditions of detention or extrajudicial executions, and it would be in the Government's interest to

assist the Committee in throwing light on such contradictory information. In that regard, he asked the delegation to state whether representatives of the International Committee of the Red Cross had visited the country and whether the Government was open to such visits. It was also his understanding that visits had been made to the country by Amnesty International. But that organization had apparently visited the country only twice, the last occasion being in 1995. The delegation might want to make it clear whether Amnesty International had asked to pay a visit since that date and whether the Government had given a favourable reply. It might also indicate whether the Government had considered permanent representation in the country of Amnesty International or of other non-governmental organizations. It would be useful to know whether the authorities would agree to a visit by the Special Rapporteur on torture, for example, and by the representatives of treaty bodies such as the Committee on the Rights of the Child or the Human Rights Committee. As long as the Government did not accept visits from such impartial bodies, it would not be possible to agree about the facts and therefore to judge whether the Democratic People's Republic of Korea was fulfilling its obligations under the Covenant.

14. Mr. KRETZMER associated himself with all the remarks which had been made by Committee members. He wished to return to a few points which had already been raised in order to illustrate the Committee's unanimity regarding certain essential concerns. Firstly, while it was not the first time that the Committee found itself in a situation where a State party replied to allegations of human rights violations transmitted by reputable NGOs purely and simply by denying them, he pointed out that the case of the Democratic People's Republic of Korea was special in that it refused visits and independent inquiries by NGOs and the international community on its territory. Transparency was the only guarantee of credibility. If the situation in the State party was really as described in the report, the State party had every reason to allow outside observers to visit and see for themselves.

15. He thanked the delegation for having communicated in writing, both in English and in French, the text of the head of delegation's speech, but he was astonished to read in it that the definition of human rights norms was left to the good will of the people and he wondered how that principle could be considered compatible with the Covenant. In fact, that philosophy was extremely problematical in itself, particularly when it was a case of the treatment of minorities, of whatever kind, or of political dissidents. If the people decided that minorities should be held in camps, for example, the decision would not find any justification under the Covenant solely because it came from the people. Under article 2, paragraph 1, of the Covenant, "each State party ... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the ... Covenant".

16. He also referred to article 15 of the Covenant, whereby "no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed." In that regard, he was astonished to learn that the State party's Criminal Law breached that provision by stipulating that, for offences not covered in the Criminal Law, sanctions would be imposed in accordance with the article of the Law covering an act of similar type and seriousness. It was also alarming to read in Chapter II of the Labour Law that, labour being the lofty duty of every citizen, workers must conform strictly to the labour discipline of socialism and were not free to leave their places of work without fulfilling certain formalities. It would be interesting to know the exact nature of those formalities, but, in any event, one could certainly question the veracity of the claim that there was no forced labour of any kind in the State party. Similarly, one might wonder whether the provision of the Labour Law whereby the position adopted by citizens was determined by their professional conscience did not lead to acts of discrimination based

on so subjective a concept.

17. In conclusion, while States parties could not be held responsible for natural disasters that might occur on their territory, they had the obligation to do everything in their power to protect their populations in such circumstances. Bearing in mind the dramatic events that had taken place in the Democratic People's Republic of Korea and the ensuing famines, he asked the delegation whether the Government had accepted international assistance at the time and, if so, whether it had imposed conditions, including any of a political nature, on such assistance.

18. Sir Nigel RODLEY thanked the delegation for its presence and said he was particularly grateful that it had supplied the texts of various laws, which had been extremely useful. He was also in possession of information on the disappeared person to whom Mr. Solari Yrigoyen had referred. The authorities had apparently stated that he was still alive and on the State party's territory, and had endeavoured to prove that claim by allowing him to speak on the radio. In fact, his own mother was reported not to have recognized his voice and still doubted that he was alive. If the person who had spoken on the radio was indeed the person being sought, it would be very easy to dispel any doubts by having him take a DNA test to prove his identity.

19. Where public executions were concerned, the delegation had acknowledged that one public execution had taken place in 1992. According to numerous outside sources, however, there had since been others. Food thieves, for example, had been executed publicly every month during the famine. The delegation could perhaps shed some light on the subject.

20. He had found no reference to torture or any definition of the crime of

torture in the Criminal Law. Did the State party intend to supplement its legislation with provisions inspired by article 1 of the Convention against Torture, thus bringing it into line with general international law? It was not in the State party's interest to ignore the question, since Committee members had received statements from individuals claiming to have been tortured in the Democratic People's Republic of Korea. On a personal note, he had met the representative of a highly renowned NGO in whom one of the victims had confided. From his experience as Special Rapporteur on torture, he was quite familiar with the issue and firmly believed the report transmitted to him, particularly since the victim had placed more emphasis on the humiliation of being naked in front of strangers than on the physical suffering he had endured through electric-shock treatment, water torture, being suspended, and having lost six teeth. Those events had allegedly occurred during pre-trial detention. He was also aware of the existence of what were known as camps Nos. 14, 15, 17, 22 and 23, and of a life-imprisonment camp. Camp No. 15 was sometimes referred to as "management centre No. 15". He would like to have clarification of those terms. Indeed, there was a tendency abroad to refer to those camps as prison camps or concentration camps. Were such claims slanderous? If so, the State party should justify its denials and explain the exact nature of the camps. But did the terminology used perhaps reflect the truth? The Committee also had in its possession several statements concerning allegations of arbitrary detention, poor detention conditions, and summary executions of prisoners who had tried to escape. That led him quite naturally to the question, raised earlier, of the lack of monitoring by independent bodies. Amnesty International had indeed been authorized to visit a reform centre in 1995, yet that hardly sufficed because a single visit was not necessarily representative and the visit had not been a genuine professional inspection meeting international standards, but simply a guided tour during which the inspectors had not been able either to speak to the detainees or to have access to documents. The State party argued that the allegations of ill-treatment and poor conditions of detention were unfounded and were part of a conspiracy to tarnish the country's image. It had the solution to that problem in its own hands: agreeing to inspections

by international bodies was the only way of rendering its denials credible. In conclusion, he would like to know how many people had requested political asylum in the Democratic People's Republic of Korea, from what countries they originated, and what action had been taken with regard to their applications.

21. The CHAIRPERSON invited the delegation to reply to the additional questions put by Committee members.

22. Mr. SIM Hyong Il (Democratic People's Republic of Korea) thanked the Committee for its questions, which should make for better mutual understanding. To the question concerning the applicability of the Covenant, he replied that the provisions of the Covenant could be invoked directly in the courts, in which case it was for the judge to interpret them. They could also be interpreted in a legal document drafted by the Presidium of the Supreme People's Assembly, the supreme organ of the State, including when the need was felt to clarify national legislation in the light of the obligations contained in the Covenant. That right of interpretation conferred on the Presidium in no way limited the Covenant's applicability before the courts: it had been provided for only in the event of incompatibility of a domestic law with an international human rights instrument, whether or not the latter was cited in the Constitution. As stated in paragraph 24 of the report, in the event of a state of emergency, Decision No. 10 of the Presidium of the Supreme People's Assembly provided that "the concrete legislation concerning the proclamation of a state of war and mobilization order shall be adopted separately in conformity with the actual situation of war. In this case, however, non-derogative rights of citizens may not be restricted." It was the National Defense Commission that had the authority to proclaim a state of war. That body was answerable to the Supreme People's Assembly and, as the supreme organ of military administration, it was responsible, under article 59 of the Constitution, for ensuring respect for the public interest and the

defence of the social system in the motherland, excluding any foreign invasion. Under the previous Constitution, prior to the 1998 amendment, the decision to declare a state of war had lain with the Supreme People's Assembly. That had been an unrealistic provision in that it had required the agreement of more than 700 deputies. Given the situation into which the country had been plunged in 1994, at which time the Democratic People's Republic of Korea had been the victim of manœuvres to stifle it militarily, politically and economically, marking the start of the worst period in its history, it had been unanimously felt that military power needed to be strengthened. That was how the National Defense Commission had come to be given more power in the new Constitution.

23. The Democratic People's Republic of Korea did not intend to abolish the death penalty in the near future. Such a measure could be contemplated only when the country was unified and provided there would be no more foreign aggression or hostilities between North Korea and South Korea. For its part, the Democratic People's Republic of Korea was doing its utmost to speed up the process for the resumption of normal relations with the rest of the world.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

24. Mr. SIM Hyong Il (Democratic People's Republic of Korea), replying to questions from Committee members, said that the Constitution made labour a prerequisite of the population's survival and that it was at once a right and a sacred obligation, two facets that were inseparable. Work was an obligation, but it was a moral one that could not be associated with forced labour. The Constitution was not a criminal law, and people who refused to fulfil their obligation to work were not punished under the law.

25. The Constitution contained terms such as ideological revolution, and the total victory of socialism, which reflected the idea of "Korean-style" socialism founded on the collectivist principle. That principle did not set the group against the individual, but on the contrary aimed to create harmony between group and individual interests. The community could not be envisaged without individuals, but nor could the individual dispense with the community. The two were organically linked, and community interests could not be compromised by individual privacy. There were those who did not always share the community's point of view, but such disagreements were rare and limited, and stemmed from lack of awareness. In any event, they were settled within the day-to-day life of the community.

26. Regarding the place of the Covenant in domestic legislation and the compatibility of the rights enshrined in that instrument with those contained in the Constitution, the rights set forth in article 4 of the Covenant were not specifically written into the Constitution.

27. The Constitution and the laws guaranteed the rights of foreigners. They could, nevertheless be subject to certain restrictions. For instance, foreigners did not have the right to vote and could not join the armed forces. All the rights of sojourn and residence of foreigners in the country were, however, set forth in the laws and regulations.

28. A question had been asked about the Juche ideal. Proclaimed by Kim Il Song in the early 1920s, it was a universal principle whereby human beings were masters of nature and society and the most precious beings in the world, and everything must be placed at the service of humankind. For more than 70 years, Kim Il Song had developed that ideal, which had been adopted and enriched by the great leader Kim Jong Il. Since the

independence of the Democratic People's Republic of Korea, society had been transformed into a community in which the masses were the masters of society and of the means of production. That principle had been fully integrated into public life and accounted for the sense of unity that linked all the inhabitants. Notwithstanding the country's economic difficulties, the population was very close-knit and lived in harmony.

29. Replying to the questions concerning electoral procedures, the composition and activities of the "people's committees", and their possible interference with privacy, he said that those bodies exercised the power of the people at the provincial, district and county levels. They were the embodiment of the people's will and aspirations and ensured that their interests, as well as their rights against foreign intrusion, were protected. Far from interfering in the private lives of individuals, they protected them. Each committee comprised a chairman, a vice-chairman and ordinary members, who were directly elected by the people. Members who were also deputies to the Supreme People's Assembly were elected by their peers.

30. One Committee member had asked about possible discrimination between model workers and other workers. Model workers devoted themselves to the community and it was natural that they should be praised and respected. However, that principle could not be invoked as grounds for any discrimination, either in texts or in actions.

31. Committee members had referred to the cases of allegedly disappeared persons and the existence of "prison camps". Those assertions reflected very marked political positions and were particularly offensive. The authorities of the Democratic People's Republic of Korea had already repeatedly expressed their views on those matters in international fora; the delegation would not revisit what it deemed to be totally spurious declarations

founded on hearsay. It could only repeat that there were no "prison camps".

32. Mr. JONG Song Il (Democratic People's Republic of Korea), replying to questions concerning the opening up of his country to representatives of non-governmental organizations, the International Committee of the Red Cross and other international organizations, said that his delegation could not agree with the Committee's comments on the subject, which were extreme and did not reflect the true situation. Since 1948 his country had developed relations with a great many States, which respected its sovereignty. It must be remembered, however, that for more than 40 years it had been confronted by the United States' presence in the region. In particular, some 150,000 American soldiers had been stationed in the southern part of the Korean Peninsula and in Japan since the end of the Second World War. At the time of the cold war, the United States had sought to justify its presence by invoking the risk of an invasion by the Soviet Union or China. The cold war was over, the danger had passed, and the United States and Russia now saw themselves as strategic partners. Although there was no longer any justification for the American bases in the southern part of the peninsula, they had not been closed down. In view of that situation, the Democratic People's Republic of Korea considered its national security to be seriously threatened.

33. Questions had been asked about the Government's measures to remedy the food shortage. In that connection, it should be remembered that for 40 years the United States had been imposing unprecedented and extremely rigorous economic sanctions on the Democratic People's Republic of Korea. Furthermore, Americans returning home after a stay in the country were not allowed to take products out. There had also been the incident, some years previously, in which his national authorities' request for some major American or European corporations to build a large electric power plant had been refused, clearly on the basis of political considerations. In the

field of human rights, in June 2001 the Japanese Government had refused a non-governmental organization of the Democratic People's Republic of Korea an entry visa for Japan to attend a meeting on the problem of "comfort women" and war victims in Asia and the Pacific. Representatives of non-governmental organizations of over 20 countries had been invited, but only those of the Democratic People's Republic of Korea had been refused entry into Japan.

34. Regarding the situation of the humanitarian organizations that provided food aid to the population, most of the competent United Nations bodies and major non-governmental organizations had opened offices in Pyongyang between 1987 and 1991. The general principle of the non-governmental humanitarian organizations was to refrain from routing aid through, or distributing it in, areas to which they had no access. Regarding the organization Action Against Hunger, to which one Committee member had alluded, the situation was not at all as described. In 1991, Action Against Hunger had applied to extend its activities to other areas so as to cover all of a specific region, and had also sought authorization to organize "soup kitchens". Access to certain areas of the country was restricted for understandable reasons of national security, and the Government did not allow humanitarian organizations to provide assistance in those areas. Also, the idea of a "soup kitchen" showed extreme arrogance and was at odds with the population's mentality. The conditions stated were not acceptable to the Government, which had told the representatives of Action Against Hunger that they could serve meals in premises equipped as a restaurant, but not in the street. The organization felt that since its conditions had been rejected it had no choice but to leave.

35. Mr. KIM Yong Chol (Democratic People's Republic of Korea), addressing the question of ill-treatment and torture, said that domestic legislation, and the Criminal Procedures Act in particular, prohibited any

use of torture. Moreover, article 4 of the Criminal Procedures Act clearly enshrined human rights protection as a fundamental principle of any criminal procedure. Concerning torture to extract confessions, there were laws which provided that a confession obtained under duress was null and void. In addition, confession at the examination stage did not suffice as proof of guilt. The examining magistrate must find other evidence in support of any such confession. The Democratic People's Republic of Korea considered torture and other coercive measures to be offences subject to criminal proceedings.

36. The Government had also put in place practical measures for preventing the use of torture. Hence, any examination by a magistrate had to be conducted in the presence of the public prosecutor, an attorney, defence counsel and the clerk of the court. The examination was also recorded on video tape. The public prosecutor oversaw the entire proceedings and carried out regular surveillance of detention chambers. Also, law enforcement officers received training to alert them to issues relating to respect for human rights. Allegations that torture was frequently used in the Democratic People's Republic of Korea could be attributed to anti-Government elements who spread rumours in order to destabilize the regime. Consequently, the Committee should not disregard that aspect of the real situation when it examined the status of human rights in the country.

37. Regarding conditions of arrest and detention, the Criminal Procedures Act called for persons placed in detention to be duly informed of their rights. Suspects were informed of their arrest when notified that criminal proceedings would be instituted against them. Under article 83 of the Criminal Procedures Act, detainees were informed of the charges at the moment of arrest. Families and relatives were apprised of the date of, and reasons for the arrest. The accused was informed of the charge in writing three days before the trial. Failure to fulfil that requirement meant that the

trial would be deferred. Arresting officers were obliged to produce a warrant. Only in flagrante delicto cases was the need for a warrant waived. In that event, the public prosecutor was required to verify the lawfulness of the arrest within 48 hours. Suspects could be released if they guaranteed to appear in court.

38. The period of pre-trial detention was generally two months but could be extended in complex cases to allow time for checking the results of the preliminary investigation, in the interests of objectivity, a practice that made it possible to shorten a trial. A debate was currently under way to decide whether it was necessary to conform to international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners, and so shorten the pre-trial detention period, or whether it was preferable to maintain the current procedure. The debate was continuing.

39. The task of the Office of the Public Prosecutor was to supervise investigations and examinations in order to ensure the regularity of the proceedings and respect for human rights. The Office had access to the files of accused persons and could interview them. It could take over a case if it had doubts about the objectivity of the bodies conducting the investigation or suspected them of involvement in the crime.

40. Sentences of reform through labour could last from six months to 15 years, which was generally the maximum sentence. However, in certain cases (recidivists, etc.) the sentence could be longer. Reform through labour was the most common sentence passed and was not to be confused with forced labour. Those subject to that regime had been tried in court and were serving their sentences. Detention conditions in reform institutions had been described in the written replies supplied by the Government. In the area of health, detainees were isolated on their arrival and underwent

a medical examination. The reform institution's doctor examined prisoners before and after their work. Any prisoner deemed to be in poor health had the right to a rest period of up to six days, or to be hospitalized. In cases of serious illness, the sentence was suspended until the person had been cured, and thus could be treated at home or in a hospital outside the reform institution. Medical treatment was administered by qualified professionals. In cases of mental illness, the reform institution convened a panel of three doctors. If the latter had doubts about the diagnosis, an expert from a psychiatric hospital intervened. In the event of a prisoner's death, his or her remains were returned to the family, along with any belongings.

41. Mr. RI Gi Sun (Democratic People's Republic of Korea) said that five articles of the Criminal Procedures Act governed the death sentence, a penalty imposed essentially for political crimes. The provisions concerning the imposition of the death penalty reflected the country's real situation. In reality, the Democratic People's Republic of Korea was a belligerent State currently enjoying a period of truce. It was in order to defend the sovereignty of the State and political, economic and cultural stability, a sine qua non of respect for human rights, that certain provisions relating to the death penalty were maintained. That being so, articles 31, 32 and 33 of the Criminal Procedures Act stipulated quite precise criteria for the imposition of the death penalty, and consequently there was no fear that it could be inflicted without due consideration.

42. The CHAIRPERSON said that the delegation of the Democratic People's Republic of Korea would be invited to furnish additional replies to Committee members' questions at the following meeting.

Summary record of the 1946th meeting : Democratic People's Republic of Korea. 30/10/2001.

CCPR/C/SR.1946. (Summary Record)

Convention Abbreviation: CCPR
HUMAN RIGHTS COMMITTEE

Seventy-second session

SUMMARY RECORD OF THE 1946th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 20 July 2001, at 3 p.m.

Chairperson: Mr. BHAGWATI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of the Democratic People's' Republic of Korea
(continued)

The meeting was called to order at 3. 05 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES SUBMITTED
UNDER ARTICLE 40 OF THE COVENANT (agenda item 5) (continued)

Second periodic report of the Democratic People's Republic of Korea
(continued)

(CCPR/C/PRK/2000/2; CCPR/C/72/L/PRK; HRI/CORE/1/Add.108)

1. At the invitation of the Chairperson, the members of the delegation of the Democratic People's Republic of Korea resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation to reply to questions raised by the Committee at the previous two meetings.

3. Mr. KIM Song Chol (Democratic People's Republic of Korea), responding to a question by Sir Nigel Rodley about alleged cases of torture in the Democratic People's Republic of Korea (DPRK), in particular the Li Sun Ok case, said that he had submitted a reply on behalf of his Government to Sir Nigel Rodley, in his capacity as the Special Rapporteur of the Commission on Human Rights on torture, on 9 December 1999. Yet Sir Niger Rodley had raised the issue again in the context of the Human Rights Committee, an apolitical body, without mentioning that he had already received a reply. He found such conduct highly suspicious.

4. The CHAIRPERSON said that Sir Nigel Rodley was perfectly entitled to raise the question again in the context of the Committee.

5. Mr. KIM Song Chol (Democratic People's Republic of Korea) said that clarifications regarding the case had been provided on several occasions to various human rights bodies. In raising the issue again, Sir Nigel Rodley should have referred to the position of the Government of the DPRK on the matter. He suspected that there were ulterior motives for his uncooperative approach.

6. Mr. RI Gi Sun (Democratic People's Republic of Korea) said that article 47 of the Criminal Law bore no relationship to article 12 of the Covenant since its purpose was to punish those guilty of high treason who had defected to a foreign country with a view to preparing an armed revolt to overthrow the Republic or setting up terrorist organizations.

7. Article 53 of the Criminal Law was applicable to foreign residents who had committed a crime within the country or a hostile act against the Republic abroad, opposing independence and reunification or suppressing and persecuting the national liberation struggle. Such persons were subject to extradition pursuant to bilateral or multilateral agreements.

8. Article 121 of the Criminal Law was applicable to persons who concealed offenders, even if the offender was a family member. However, the courts were prepared to take special circumstances into account.

9. Compensation for illegal arrest, ill-treatment or unlawful punishment could be ordered by a judge. The victim's wages were paid in full for the period of unlawful detention and any property that had been attached was returned.

10. Persons charged with a criminal offence were entitled to choose their own defence counsel, subject to the approval of the court. They could appoint a family member, a relative, a lawyer or a member of the staff of their enterprise or organization to act on their behalf.

11. Mr. PAK Dok Hun (Democratic People's Republic of Korea) said that there were three independent human rights organizations in the DPRK. The Institute for Research on Human Rights, set up in 1992, carried out research aimed at the promotion and protection of human rights and the incorporation of provisions of international human rights treaties into domestic legislation. It also investigated the practical human rights situation in various sectors of society. On the basis of collective discussion and decision-making, the Institute submitted proposals to the organs concerned. It had contacts with international non-governmental organizations (NGOs) such as Amnesty International and the World Organization against Torture.

12. The Association for Assisting Handicapped Persons, established in 1998, carried out practical research, conducted social awareness campaigns and made recommendations to the bodies concerned. It maintained cooperative relations with Handicap International.

13. The Committee to Demand Compensation for Army Comfort Women and Victims of the Pacific War cooperated with international human rights organizations and attended meetings in Japan and the Philippines.

14. Travel certificates were required for security purposes owing to the precarious external situation but no restrictions were placed on citizens' right to travel.

15. Representatives of Amnesty International had twice visited the DPRK, inspecting reform institutions and conversing with the inmates. Invitations had also been issued to representatives of the World Organization against Torture and the Special Rapporteur of the Commission on Human Rights on violence against women. However, the authorities in the People's Republic had since become reluctant to agree to such contacts. One organization that had met the inmates of reform institutions and discussed the situation with local experts had issued a report that distorted the facts and alleged that a person had been shot on the border with the Russian Federation and transported in a coffin to the Democratic People's Republic of Korea. The story was a sheer fabrication. A photograph of the alleged victim taken the following year had been shown to the organization but it persisted in making false allegations.

16. Mr. O Chun Thae (Democratic People's Republic of Korea) said that no NGO dealt exclusively with complaints because the public complaints and petitions network maintained effective links between the highest organ of State power - the Presidium of the Supreme People's Assembly - and the smallest unit at the local level. All citizens were free to lodge complaints or petitions, up to the highest level, against any violation of their rights, such as unlawful legal proceedings or penalties. Complaint boxes and registers were located in all public places. There were special procedures for complaining about the conduct of local officials. The body that received the complaint investigated the allegations carefully and impartially, recording the details in the register unless the complainant wished to remain anonymous. The case was then discussed at an advisory meeting of officials and the complainant was promptly notified of the results. No complainant was subjected to pressure. The whole process was monitored by the Cabinet and the central organs concerned. Where a complaint was not properly addressed or an official obstructed the complaints procedure, he or she was disciplined or prosecuted, depending on the gravity of the offence.

17. The CHAIRPERSON invited the delegation to reply to questions 15 to 29 of the list of issues relating to the jurisdiction, independence and impartiality of the Special Court and the People's Court; the extent to which legal proceedings were held in public; the rights of arrested or detained persons; reports of internal surveillance of citizens; the right to freedom of religion and worship; invocation of the Press Law to prevent the printing and dissemination of printed matter; application of the legislation governing public assemblies; procedures to allow the registration of independent political parties; "practical measures" to ensure the stable life of the family and measures to combat the abuse and ill-treatment of children within the family; measures to address unresolved family reunification cases; implementation of the provisions of article 25 of the Covenant; allegations concerning the trafficking of women; the principle of non-discrimination against women and the number of women in public life; dissemination of the report and the Committee's concluding observations; and human rights training courses for members of the judiciary, law enforcement officials and other public officials.

18. Mr. SIM Hyong Il (Democratic People's Republic of Korea), replying to question 15 concerning the jurisdiction of the Special Court and the People's Court, said that the Special Court was a central court divided into a military court, which heard cases involving members of the armed forces, and a railway court, which heard cases involving rail transport employees and persons who impeded the proper functioning of the railway system. The People's Court, Provincial Court and Special Court all applied the same principles and procedures under the Criminal Procedures Act, which ensured the independence and impartiality of the courts and guaranteed the right to appeal against their judgements.

19. Replying to question 16 concerning the right to a public hearing, he said that pursuant to article 16 of the Criminal Procedures Act, a trial

could be closed to the public, totally or partially, where there was a danger that documents or information directly related to national security would be revealed or where there was a fear that the community might be adversely affected by the revelation of indecent pornographic material or base criminal acts. No trial had been closed to the public during the past three years.

20. Replying to question 17, he said that arrested or detained persons were served with an arrest warrant stating the charges against them and provided with a copy of the decision to place them in custody. The family of the arrested or detained person or the organization where he or she was employed was notified, within 48 hours, of the time of and reasons for the arrest or detention. All detainees had access to legal counsel except when they waived their right to legal assistance. Access to counsel was granted from the moment when legal proceedings were instituted and a copy of the indictment was sent to the accused three days before the trial. If the indictment was not received in time, the trial was postponed.

21. Replying to question 18, he said that reports of internal surveillance of citizens' private lives were illogical since power was wielded by the masses of the people and the country's policies were framed in accordance with their will. Allegations of wiretapping and unlawful surveillance activities were rumours spread by those hostile to the DPRK and the socialist system.

22. Replying to question 19 concerning freedom of religion and worship, he said that many people who practised religion had been killed during the Korean War. Religion was dying of old age and young people seldom showed an interest in religious worship. Some 40,000 people still believed in religions such as Christianity, Buddhism and Chondogyo. Religion was completely separate from the State, which in no way interfered with

religious observance or discriminated against any religion.

23. Replying to question 20, he said that article 48 of the Press Law had been invoked 30 times during the past three years to halt the dissemination of printed matter, primarily in order to prevent the disclosure of State and military secrets. Twenty-seven cases had concerned encyclopaedias, atlases and magazines and three had concerned books about military reconnaissance.

24. Replying to question 21 concerning public assemblies, he said that institutions, enterprises and organizations held numerous assemblies at the central, municipal, provincial, county and other levels, but very few demonstrations were organized. During the past three years, more than 600 assemblies and two to three demonstrations had been notified to the authorities each year. The holding of such gatherings was not subject to permission.

25. Replying to question 22, he said there were no statutory procedures for the registration of new political parties. If a proposal for the establishment of a new party was submitted, the procedures for its registration would be discussed.

26. Replying to question 23, he said that the DPRK had not found it difficult in the past to safeguard the stability of family life. However, the country's recent economic problems had led to instability. The State had therefore taken action to provide families with basic consumer goods, as reported in the delegation's reply to question 6 of the list of issues.

27. With regard to the ill-treatment of children, no case of abuse of

children in schools, kindergartens or childcare facilities had been reported. However, some families treated their children harshly, since they continued to believe in the outmoded slogan "spare the rod, spoil the child". If such conduct was reported, the village community and the people's neighbourhood unit reprimanded or criticized the parents or legal guardians or took disciplinary action.

28. Replying to question 24 concerning family reunification, he said that separated families fell into two categories. The first consisted of families separated within the northern part of the Korean peninsula by the Korean war. To address that issue, the State had set up an address inquiry office immediately after the war under the people's security organ, which had made unremitting efforts to reunify countless families. The second category consisted of families separated by the division of Korea into two countries. The Government had put forward a number of proposals to deal with the problem, including family reunions and exchanges of correspondence. Since the historic inter-Korean Pyongyang meeting in June 2000 and the adoption of the North-South Joint Declaration, three rounds of exchange visits of separated families had been organized and agreement had been reached on additional visits and exchanges of correspondence, identification of the whereabouts of family members, and the establishment and running of meeting centres.

29. Replying to question 25, he said that all classes of people had an equal right to participate in the conduct of public affairs. However, persons sentenced to penal servitude were disenfranchised by a court decision. Persons certified as being without legal capacity and foreigners were also barred from participating in elections. No foreigner had sought access to public office. Candidates were recommended either by the electorate or by political parties or public organizations jointly or separately. Recommended candidates had to pass a qualifying examination at a meeting of voters, and to secure the approval of more than half of those present. An

unlimited number of candidates could run for election in a constituency. Nobody suffered discrimination in political life or in access to public service on any ground such as race or sex.

30. Replying to question 26 on the trafficking of women, he said that there had been no cases of that practice in his country for 50 years. It was a relic of Japanese colonial rule which had been prohibited after national liberation.

31. Replying to question 27 concerning discrimination against women, he said that there was no discrimination, either in law or in practice. Women enjoyed special rights: they did not work night shifts and were not employed in arduous work such as mining. Women accounted for 48.4 per cent of the working population; over 70 per cent of workers in health care, commerce and childcare; 34 per cent of workers in education, communications and culture; and 15 per cent of workers in industry, agriculture and construction. They accounted for 20.1 per cent of the deputies in the Supreme People's Assembly, 21.9 per cent of the members of local people's assemblies and 10 per cent of officials at central government or ministerial level.

32. Replying to question 28 (dissemination of the State party report and the Committee's concluding observations), he said that the report had been distributed to ministries, commissions, local organs of people's power and public organizations such as the Youth League, the Women's Union and the Institute for Research on Human Rights. When the Committee adopted its concluding observations, they would be circulated to Government and law-enforcement authorities and to all the above-mentioned bodies, in order to canvass a broad range of public opinion about the measures needed to implement the Committee's recommendations. The concluding observations would also be publicized in the mass media.

33. Replying to question 29 concerning human rights training for public servants, he said that intensive short courses were held twice a year for officials working in the judiciary, administration and law enforcement. The courses included an explanation and discussion of the international human rights instruments and their application. The officials underwent longer periods of retraining every five years at a law institute.

34. Mr. SOLARI YRIGOYEN thanked the delegation for its replies. There was no ulterior motive behind the Committee's questions: its only aim was to ensure, in collaboration with the State party, that the provisions of the Covenant were observed. In the case of Yu Tae Jun, for example, the Committee had received information from another source and wished to check it with the State party.

35. Paragraph 85 of the report stated that trials were conducted by a judge and two people's assessors, who had the same competence as the judge and were elected by soldiers or employees of the relevant military unit or organization. What exactly did the people's assessors do and why were they elected in that way? Were they qualified judges?

36. The religious bodies referred to in paragraph 112 were mostly federations of Christians, Buddhists, followers of Chondogyo, etc. Why did those religions operate as federations? Were they prevented by law from operating as churches? How many places of worship were open in the Republic, and for which religions? Did religious leaders have to be citizens of the Republic, or could an Anglican or Roman Catholic bishop, for example, be appointed from abroad and obtain a residence permit? The delegation had stated that there were 40,000 religious practitioners. Did that figure cover just the main religions, or were smaller religious minorities

included?

37. Was conscientious objection to military service permissible? Was there an alternative to military service and, if so, under what conditions was it performed?

38. Paragraph 121 of the report stated that the Government published many translations of world famous authors. Who decided which books were to be translated? Could groups of citizens or religious groups publish translations of foreign works and distribute them freely?

39. Paragraph 125 stated that anyone wishing to hold an assembly or demonstration must notify the relevant people's committee and the authorities responsible for security. What exactly was the people's committee? If the application was refused, did the individual have a right of appeal against that decision, and which body would hear the appeal?

40. Paragraph 129 of the report stated that there was no legislation providing for the formation of new political parties, given the lack of any need for new parties. However, if such a need should arise at some point in the future, would it be possible to form a new political party under the law as it stood at present?

41. Paragraph 132 stated that a public organization or trade union could be banned if it endangered State security or public order: which body made that decision, was it possible to appeal against it, and which body would hear the appeal?

42. Paragraph 137 stated that a couple who were not married were forbidden to live together. However, was it a criminal offence for a couple to do so? To what penalty would they be liable, and would the punishment be increased if they continued to live together after the penalty had been imposed?

43. The proportion of female deputies to the people's assemblies (para. 21) was encouraging, but full equality between men and women had not yet been achieved. What further measures were planned to increase women's participation in public life?

44. Mr. SHEARER thanked the delegation for its willingness to enter into a dialogue with the Committee. He asked whether the Juche idea was compatible with religious beliefs such as Christianity or Buddhism. Could a person be a good citizen and a Christian or Buddhist at the same time?

45. The Committee had received information alleging that religious practices were discouraged and believers persecuted. He asked the delegation for specific details of the extent of free religious worship. How many places of worship were open and functioning? Who managed the religious educational institutions referred to in paragraph 116? Were those institutions in contact with the outside world?

46. Mr. KHALIL reassured the delegation that the Committee had no wish to criticize or condemn. It welcomed the opportunity for a frank and constructive dialogue with the State party, which would identify problems in the human rights situation and help the DPRK to fulfil its obligations under the Covenant.

47. The Committee placed great value on independent sources of information besides the official reports submitted by States parties. He asked for more details of the Regulation on the Activities of Foreign Journalists (para. 120). The Government appeared to have complete control over the dissemination of information: how did it reconcile that situation with its commitments under article 19 of the Covenant (freedom of expression)? Were there any plans to relax the restrictions?

48. Turning to trafficking in women, he noted that the Committee had received information to the effect that such trafficking - by individuals, not by the State - still took place. What measures, other than purely legal ones, was the Government taking to protect women? Were the legal measures in force effective against trafficking?

49. Mr. LALLAH thanked the delegation for its replies, and hoped that even more information could be provided at a later stage.

50. He asked for more information about the position of the judiciary within the Republic's human rights system and its status in relation to the idea of Juche. In the description of State organs in the Constitution (arts. 87-162), the judiciary came last, even after the public prosecutor's office. Were any members of the judiciary also members of a religious group (Christians, Buddhists, etc.)?

51. Article 162 of the Constitution stated that the Central Court was accountable to the Supreme People's Assembly, or to its Presidium if the Supreme People's Assembly was not in session. He asked for details of cases where members of the judiciary had been held to account for their decisions. States parties must provide practical guarantees to ensure that the judiciary was independent, impartial and competent. In many cases,

members of the judiciary were given security of tenure: however, judges in the DPRK were elected for five years only. Why was their term of office limited?

52. It had been reported that the authority ultimately responsible for interpreting the Covenant in the DPRK was the Supreme People's Assembly. Was that really the case? Generally, that task would be entrusted to the judiciary rather than to a political body.

53. According to article 129 of the Criminal Law, a person who, among other things, "reaches an unjust decision or judgement" could be imprisoned for up to two years. Did that mean that a judge who reached a verdict which was subsequently overturned on appeal could be sent to prison? No judge could be independent in such circumstances.

54. He was concerned about the apparent overlap between judicial and executive functions. For example, paragraph 64 of the report stated that the public prosecutor had the right to examine the lawfulness of an arrest or detention, which was properly the prerogative of a court, as stated in article 9 (4) of the Covenant.

55. Articles 169-177 of the Criminal Procedures Act covered the procedures for the defence of an accused person. However, it did not provide for the defence counsel to cross-examine witnesses. Was cross-examination possible in the legal system of the DPRK? Was all the evidence in the case collected at the time of the preliminary examination, so that the court merely reviewed the written evidence? He would welcome any more information the delegation could provide on the independence of the judiciary and its compatibility with the Juche idea.

56. Sir Nigel RODLEY referred again to the case of Li Sun Ok, who had defected to the Republic of Korea following an illegal visit to China. According to a letter from the Government of the DPRK, she had never been detained, her defection having been motivated by the deceitful inducements of her cousin Jang Hak Chun, an intelligence agent working in China for the Republic of Korea. A letter from her husband, Choe Jong Hak, stated that his wife had never been detained and there was no reason for her to defect to the Republic of Korea. Annexed to the Government's letter was a letter purporting to be from her husband, and a photograph of her husband, daughter-in-law and two children. The letter accused the Republic of Korea of abusing the "abducted citizen of a sovereign State" in order to slander the DPRK. He still had doubts, however, about the "abduction", having met a representative of an NGO in which he had confidence, who had met Li Sun Ok in circumstances which did not suggest she had been abducted.

57. He noted that, according to article 4 of the Constitution, the sovereignty of the State rested with "the workers, peasants, working intellectuals and all other working people". Were there any individuals in the DPRK who fell outside those categories, and if so, did they enjoy the rights laid down in the Constitution? Article 11 of the Constitution stipulated that the DPRK "shall conduct all activities under the leadership of the Workers' Party of Korea". Why was that role specified for the Workers' Party, and how could the Constitution or the law guarantee that that role would in fact be exercised, given that there was no other reference in the Constitution or the electoral law to the role of the party?

58. Mr. YALDEN noted that the second periodic report contained only two paragraphs about the situation of women in the DPRK (paras. 19 and 156) and that the reply given by the delegation to question 27 in the list of issues had not provided any additional information. Much more information was needed about the situation of women, especially with

regard to their levels of seniority in employment, whether women working in industries such as transport and communications attained senior management posts, and whether men and women received equal pay for work of equal value.

59. Mr. ANDO, referring to paragraph 120 of the report, asked whether foreign newspapers and specialist periodicals were available in the original in the DPRK. Were they sold on the streets and in shops, and if so, how many copies were sold daily or weekly? How many foreign journalists, from which countries were working in Pyongyang, and could they interview local people without official permission? What foreign languages were taught in schools? On the question of freedom of assembly, covered in paragraphs 125-126 of the report, were there any instances where permission to hold a public assembly or demonstration had been refused and if so, on what grounds? What was the difference between the Bar Association and the Democratic Lawyers' Association, and why had the Committee received no information from any of the NGOs enumerated in paragraph 130 of the report? Paragraph 131 described two types of trade unions in the DPRK. What was the legal position of trade unions in State institutions: did they have legal personality, and were they independent of the Government? Were there any specific instances in which public organizations or trade unions had been banned for endangering State security or public order, as described in paragraph 132?

60. Mr. RIVAS POSADA said that more information was needed on a number of points in order to assess the human rights situation in the DPRK. For example, it was not clear from paragraph 24 to what extent a state of emergency would be allowed to restrict the rights of citizens, under the interpretation of article 103 (5) of the Constitution by the Presidium of the Supreme People's Assembly. What were the non-derogable rights of citizens in a "state of war and mobilization" as defined in article 103? Under the Covenant, restrictions on fundamental rights should be kept

to a minimum. Did the interpretation by the Presidium carry binding force, or was it merely a legal opinion? There appeared to be a contradiction between the constitutional position in the DPRK and the quasi-universal system governing states of emergency and the restriction or otherwise of fundamental rights.

61. Mr. HENKIN pointed out that although the Covenant did not require the abolition of the death penalty, an increasing number of States were adhering to the Second Optional Protocol and were seeking to abolish capital punishment altogether. In the case of the DPRK, he noted that, according to the reply given to Mr. Scheinin's question about the death penalty, it had been retained for certain offences regarded as especially serious. That was not in line with the general trend, which was to impose other penalties for the most serious crimes, including those which would be regarded as political. He was also concerned at the lack of information about human rights in the DPRK from non-governmental sources. NGOs such as Amnesty International, whose 1995 report on the DPRK had given rise to Government objections, played a crucial role in providing the Committee with accurate and reliable information. They should be allowed to play that role in the DPRK.

62. The CHAIRPERSON invited the delegation to respond to the oral questions asked by members of the Committee.

63. Mr. KIM Yong Chol (Democratic People's Republic of Korea), answering the questions about religion, said that freedom of religion was guaranteed by article 68 of the Constitution. The State did not interfere with religious practice in any way, nor did it encourage any particular religious creed. However, there were relatively few religious believers or places of worship in the DPRK. Of the major creeds, Christianity was the largest, having about 10,000 adherents and about 400 priests. There were two Catholic

churches, attended by about 3000 people. They were rebuilt structures, because all the churches had been destroyed during the war. In the case of Buddhism, there were about 10,000 adherents, 60 temples and 200 monks. The Chondogyo religion had 52 places of worship, about 40,000 adherents and 250 priests. Military service in the DPRK was voluntary, so the question of conscientious objection on religious grounds or for family reasons did not arise and was not provided for by statute.

64. Mr. RI Gi Sun (Democratic People's Republic of Korea), explaining the role of people's assessors, said that in the central, provincial and district courts they had the same functions and authority as judges. In the central court, they were elected by the Supreme People's Assembly, and in the local courts by the respective local people's assemblies. A tribunal usually consisted of one judge and two people's assessors, the role of the latter being to represent the people in a trial. The verdict of the court was decided by a vote of the members of the bench. The people's assessors, recruited from among workers, peasants and officials of enterprises, received special training in law to enable them to act objectively.

65. Concerning marriage, he emphasized that marriage partners were equal under the law and marriages must be registered. Marriage was regarded as the institution for creating a family and cohabitation was frowned upon. Only married couples received the social benefits associated with marriage. Polygamy was not allowed.

66. The judiciary played an important constitutional role. The position of a public body in the Constitution did not determine its role in practice. The central court was accountable to the Supreme People's Assembly, and local courts were accountable to the local people's assemblies. Judges elected by the Supreme People's Assembly had to have the trust of the people and not be vulnerable to bribery. A judge could be dismissed if he lost the

confidence of the public. Under article 129 of the Criminal Law, a judge who handed down an unjust judgement could incur a criminal penalty. That provision did not, however, mean that judges forfeited their independence; it was simply a means of ensuring that they complied with legal procedures. If they accepted bribes, they were prosecuted. The lawfulness of arrests was monitored by the public prosecutor. His role was to supervise the conduct of prosecutions, not to investigate crimes. Evidence was gathered at the pre-trial stage of a prosecution, but the facts were further investigated at the trial stage, with the participation of the public prosecutor, defence counsel, and witnesses. If there was insufficient evidence, the members of the court would carry out investigations on the spot.

67. Mr. PAK Dok Hun (Democratic People's Republic of Korea), in reply to questions by Mr. Khalil and Mr. Ando, said that apart from journalists from Russia, Cuba and China, there were about 30 press officers from foreign diplomatic missions in Pyongyang. They were free to visit in all parts of the country other than restricted areas and to interview local people. Children learned either English or Russian at school from the age of 11 years and, at the Institute of Foreign Languages, it was possible to study all of the official languages of the United Nations and others such as German. Although foreign newspapers were not available in the shops, they were brought into the country by import and export companies, and by academic and State institutions. Approximately 890,000 volumes of periodicals, of 18,000 different types, were imported every year, and stored mainly in educational institutions and libraries, where they were available for members of the public to borrow. Considerable efforts were also made to translate foreign periodicals and books.

68. Mr. SIM Hyong Il (Democratic People's Republic of Korea), in reply to a question by Mr. Solari Yrigoyen, said that, according to the Regulation on Guarantee of Assembly and Demonstration, persons wishing to organize

assemblies or demonstrations were required to notify the people's committee and the public security organ of the district concerned three days in advance. Notifications should specify the purpose, date and time, place, organizer and size of the assembly or demonstration. The people's committee and the public security organ, once notified, laid down the conditions for the assembly or demonstration and assisted with security. If an assembly or demonstration hindered the maintenance of State security and public order, it could be controlled by the procedures provided for under the Law on Public Security Control, but public security officers could not otherwise interfere. There were three political parties, the Workers' Party of Korea, the Korean Social Democratic Party and the Korean Chondoist Chongu Party, which had been active for over 50 years. There were no other social forums interested in forming political parties, and consequently no statutory regulations existed for that purpose.

69. He acknowledged that the proportion of central government posts occupied by women was too low at 10 per cent, but pointed out that there were no restrictions on women's access to such posts by means of competitive examinations, open to both sexes. The Government planned to step up its efforts to enhance the status of women in the future. For more details concerning the situation of women, he invited the Committee to consult the forthcoming initial report of his Government to the Committee on the Elimination of Discrimination against Women.

70. In reply to a question by Mr. Khalil, he said that the authorities did not permit the trafficking of women under any circumstances. The phenomenon occurred in neighbouring countries but was not a major problem in the DPRK.

71. Responding to a question by Sir Nigel Rodley, he said that the emblem of the Workers' Party of Korea contained the different categories into

which Korean society was divided, namely workers, peasants and working intellectuals. Servicemen, who belonged to an exceptional category, were the only other type of citizen. The leadership of the ruling Workers' Party was provided for in the amended Constitution of 1992, which was the result of public demand for change. The party aimed to synthesize the will of the people and to guide the work of State bodies accordingly. Party members were encouraged to take a leading role in activities conducted in accordance with that principle, and State bodies therefore acted independently of the party leadership.

72. Membership of the Korean Bar Association was confined to attorneys, while the Democratic Lawyers' Association also included judges, public prosecutors, public security officers, legal scholars and experts among its members. The fact that no information had been provided by NGOs in connection with the periodic report could be linked to the lack of NGO activity in his country, and he would raise that issue with NGOs on his return.

73. The CHAIRPERSON said that the dialogue with the delegation had been instructive and useful. The strength in numbers and quality of the delegation spoke volumes for the commitment of the Democratic People's Republic of Korea to the promotion and protection of human rights. It was essential that the rhetoric of human rights should now become a reality. Irrespective of a country's political structure, whether it was capitalist or socialist, human rights were universal, and were based on a comprehensive respect for human dignity. The searching questions asked by the Committee during the dialogue were not intended to criticize, but to draw attention to shortcomings in the area of human rights, so that the Government would be better placed to deal with any problems that arose.

74. The Committee derived information from a variety of external sources

in an attempt to acquaint itself with the situation on the ground. It always tried to make sure that the information was from credible sources, and consulted the delegation before determining the reliability of reports. He welcomed the assurance given by the delegation that it would seek to discuss the shortage of information with NGOs on its return. It was regrettable that there had been a delay of seven years in submitting the report, although the Committee was aware of the circumstances that had led to the delay. He hoped that the next report would contain more detailed information, so that the Committee would be better able to assess the situation on the ground.

75. He shared all of the concerns expressed by members of the Committee in the course of the dialogue. In particular, it was difficult to ascertain the exact status of the Covenant within the domestic legal framework. It had become part of domestic law in 1988, pursuant to the Treaty Law, but there was no evidence that it took precedence over domestic law. He reiterated that in cases of inconsistency between domestic law and the Covenant, the latter must prevail. It was disturbing to learn that women accounted for only 20 per cent of members of the Chamber of Deputies, and only 10 per cent of central government officials. The State party should make more efforts to increase the representation of women in both those areas. Despite the existence of a Law on Complaints and Petitions, there was no independent mechanism to investigate violations of human rights and to ensure that complaints came before the courts. The State party should set up such a mechanism as soon as possible. Pursuant to the Constitution, the appointment of judges was subject to review by the executive branch every five years, which raised questions about the independence of the judiciary. According to section 129 of the Criminal Law, judges could also be liable to criminal prosecution if they were considered to have taken an unjust decision. The requirement to apply for a traveller's certificate (paragraph 76 of the report) constituted a violation of the right to freedom of movement since, in the absence of guidelines for the issuing of certificates, there was considerable scope for arbitrariness.

Another in violation of article 12 of the Covenant was the prohibition on foreigners leaving the country without permission. He expressed the hope that the State party would address all of the concerns raised in the concluding observations of the Committee as a matter of urgency.

76. Mr. SIM Hyong Il (Democratic People's Republic of Korea) said that the dialogue had been extremely fruitful and constructive. He expressed appreciation for the opportunity to promote understanding and cooperation between his country and the Committee.

1-3. B규약 2차 보고서 권고안

Concluding Observations of the Human Rights Committee :
Democratic People's Republic of Korea. 27/08/2001.
CCPR/CO/72/PRK. (Concluding Observations/Comments)

Convention Abbreviation: CCPR
HUMAN RIGHTS COMMITTEE
Seventy-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Democratic People's Republic of Korea

1. The Committee considered the second periodic report of the Democratic People's Republic of Korea (CCPR/C/PRK/2000/2) at its 1944th to 1946th meetings, held on 19 and 20 July 2001, and adopted the following concluding observations at its 1953rd meeting, held on 26 July 2001.

A. Introduction

2. The Committee welcomes the submission of the second periodic report, which contains detailed information on domestic legislation in the area of civil and political rights, and the opportunity to resume the dialogue with the State party after an interval of more than 17 years. The Committee

welcomes the State party's decision to send a strong delegation from its capital, composed of representatives of various government authorities, for the examination of the second periodic report, and the readiness expressed by the delegation to continue the dialogue with the Committee after the examination of the report. The Committee is also pleased to note that the delegation of the State party recognized the importance of the Committee's task and intimated that the Committee could expect more prompt reporting in the future. The Committee regrets, however, the considerable delay in the submission of the report, which was due in 1987. It regrets the lack of information on the human rights situation in practice, as well as the absence of facts and data on the implementation of the Covenant. As a result, a number of credible and substantiated allegations of violations of Covenant provisions which have been brought to the attention of the Committee could not be addressed effectively and the Committee found it difficult to determine whether individuals in the State party's territory and subject to its jurisdiction fully and effectively enjoy their fundamental rights under the Covenant.

B. Positive aspects

3. The Committee appreciates the efforts undertaken by the State party to translate and make available texts of domestic legislation relevant to the examination of the second periodic report, which greatly facilitated the Committee's work.

4. The Committee welcomes the reduction of the number of criminal offences carrying the death penalty from 33 to 5, as well as the readiness, mentioned in the report and confirmed by the delegation, further to review the issue of capital punishment with a view to its abolition.

5. The Committee appreciates that the delegation acknowledged the need to improve the condition of human rights in several areas covered by the Covenant, notably the situation of women in the Democratic People's Republic of Korea; in that context, the Committee welcomes the ratification by the State party, in February 2001, of the Convention on the Elimination of All Forms of Discrimination against Women.

6. The Committee welcomes as a positive sign the fact that exchange visits between families from the State party and the Republic of Korea, however limited, have taken place on three occasions since the Pyongyang Declaration of 15 June 2000.

7. The Committee also appreciates the discontinuation of administrative internment in the State party.

C. Subjects of concern and recommendations

8. The Committee remains concerned about constitutional and legislative provisions that seriously endanger the impartiality and independence of the judiciary, notably that the Central Court is accountable to the Supreme People's Assembly under article 162 of the Constitution. Furthermore, article 154 of the Constitution limits the tenure of judges to five years and article 129 of the Criminal Code subjects judges to criminal liability for handing down "unjust judgements". Given the roles assigned to the judiciary under articles 2 and 14, paragraph 1, of the Covenant, these legal provisions have an adverse impact on the protection of human rights guaranteed under the Covenant and endanger the independence of the judiciary required by article 14.1 of the Covenant.

The State party should take appropriate measures to ensure and protect the independence and impartiality of the judiciary at all levels.

9. The Committee has noted uncertainty about the status of the Covenant in the State party's internal legal framework. It notes that, pursuant to article 17 of the Treaty Law of December 1998, the Covenant has the same status as domestic law. However, doubts remain as to whether the Covenant would have primacy over domestic law if the latter is in conflict with Covenant provisions. The State party is requested to provide information, in its next periodic report to the Committee, about the situation that would prevail in the event of a conflict between the Covenant and domestic law, including the Constitution. The Committee wishes to receive from the State party more precise information about the number of cases in which the Covenant has been in fact invoked before the domestic courts, and with what result.

10. The Committee is concerned that, in addition to judicial protection, there is no independent national institution for the promotion and protection of human rights. It considers that article 69 of the Constitution and the Law on Complaint and Petition granting every citizen the right to submit complaints about the encroachment of his or her rights is no substitute for such an independent monitoring body.

The State party should consider the establishment of a national human rights institution (art. 2 of the Covenant).

11. The Committee is further concerned about the limited number of human rights organizations in the Democratic People's Republic of Korea, and the limited access to the State party's territory that is accorded to

human rights organizations, as reflected in the small number of international human rights non-governmental organizations that have been granted permission to visit the Democratic People's Republic of Korea over the past decade.

The State party should grant access to its territory to international human rights organizations and other international bodies on a regular basis at their request and ensure accessibility to indispensable information about the promotion and protection of human rights.

12. Given the State party's obligation, under article 6 of the Covenant, to protect the life of its citizens and to take measures to reduce infant mortality and increase life expectancy, the Committee remains seriously concerned about the lack of measures by the State party to deal with the food and nutrition situation in the Democratic People's Republic of Korea and the lack of measures to address, in cooperation with the international community, the causes and consequences of the drought and other natural disasters which seriously affected the country's population in the 1990s.

The Committee recalls paragraph 5 of its General Comment No. 6 on article 6 of the Covenant, adopted at its sixth session, which recommends that States parties "take all possible measures to reduce infant mortality and increase life expectancy, especially in adopting measures to eliminate malnutrition". The State party should provide the Committee with supplementary information on this issue.

13. The Committee takes note of the delegation's information that the death penalty has rarely been imposed and carried out in the past three years. While the Committee appreciates that the number of offences carrying the death penalty has been reduced to five, it remains seriously concerned that,

of those five offences, as the report states, four are essentially political offences (arts. 44, 45, 47 and 52 of the Criminal Code), couched in terms so broad that the imposition of the death penalty may be subject to essentially subjective criteria, and not be confined to "the most serious crimes" only, as required under article 6, paragraph 2, of the Covenant. The Committee is also concerned at acknowledged and reported instances of public executions.

The State party should review and amend the above-mentioned articles of the Criminal Code to bring them into conformity with the requirements of article 6, paragraph 2, of the Covenant. The State party should refrain from any public executions. It is invited to work towards the declared goal of abolishing capital punishment.

14. The Committee considers that article 10 of the Criminal Code, under which punishment for an offence not provided for in the Code will be imposed in accordance with those provisions of the Code punishing offences similar in nature and gravity, is incompatible with the concept of "nullum crimen sine lege", enshrined in article 15 of the Covenant.

The State party should repeal article 10 of the Criminal Code.

15. The Committee is deeply concerned about consistent and substantiated allegations of violations, by law enforcement personnel, of article 7 of the Covenant, to which the delegation has not sufficiently responded. The information given by the delegation about the small number of complaints of ill-treatment in custody or detention (six complaints between 1998 and 2000) is difficult to accept as a reflection of the actual situation, in the light of the material available to the Committee, which suggests that the number of instances of ill-treatment and torture is significantly higher.

The State party should ensure that all instances of ill-treatment and of torture and other abuses committed by agents of the State are promptly considered and investigated by an independent body. The State party should institute a system of independent oversight of all places of detention and custody with a view to preventing any act of abuse of power by law enforcement personnel.

16. The Committee takes note of the information provided by the delegation on the conditions of detention in prisons of the Democratic People's Republic of Korea. The Committee nonetheless remains concerned about the many allegations of cruel, inhuman and degrading treatment and conditions and of inadequate medical care in reform institutions, prisons and prison camps, which appear to be in violation of articles 7 and 10 of the Covenant and of the Standard Minimum Rules for the Treatment of Prisoners.

The State party should take steps to improve conditions in the facilities referred to above and all other facilities for detention in the Democratic People's Republic of Korea. It must ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person, as required by article 10 of the Covenant. The State party must ensure that sufficient food and appropriate and timely medical care are available to all detainees. The Committee strongly recommends that the State party allow for independent internal and international inspection of prisons, reform institutions and other places of detention or imprisonment.

17. Notwithstanding the explanations given by the delegation, the Committee continues to harbour serious doubts about the compatibility of

the provisions of Chapter Two of the Labour Law of the Democratic People's Republic of Korea, especially articles 14 and 18 thereof, with the prohibition of forced labour contained in article 8, paragraph 3 (a), of the Covenant.

The State party should amend the above-mentioned provisions of the Labour Law so as to avoid any potential conflict with the provisions of article 8 of the Covenant.

18. While noting the delegation's explanations about the nature and purpose of pre-trial detention and about preliminary investigations tending to prolong the duration of pre-trial detention (see paragraph 65 of the report) , the Committee remains concerned about the compatibility of the State party's pre-trial detention practices and preliminary investigation procedures with article 9 of the Covenant. The duration of detention before a person is brought before a judge is manifestly incompatible with article 9, paragraph 3, of the Covenant.

The State party's next report should contain statistics on the number of persons held in pre-trial detention and on the duration of and reasons for such detention. The State party must ensure that anyone arrested or detained on a criminal charge is brought promptly before a judge. The State party must ensure that all of its practices are consistent with the provisions of article 9 of the Covenant and that detainees have access to counsel and are permitted to contact their families from the moment of apprehension.

19. The Committee has noted the State party's justification of the "traveller's certificate" which citizens of the Democratic People's Republic of Korea are required to obtain for travel within the country, but considers

that such restrictions on domestic travel raise serious questions about their compatibility with article 12, paragraph 1, of the Covenant.

The State party should consider the elimination of the requirement of traveller's certificates.

20. In the Committee's opinion, the requirement, under the Immigration Law of the Democratic People's Republic of Korea, of administrative permission to travel abroad, and the requirement, for foreigners in the Democratic People's Republic of Korea, to obtain exit visas to leave the country, are incompatible with the provisions of article 12, paragraph 2, of the Covenant.

The State party should eliminate the requirement of administrative permission and an exit visa as a general rule and require them only in individual cases that can be justified in the light of the Covenant.

21. While noting that the expulsion of aliens is exercised "with great prudence" (para. 82 of the report), the Committee regrets that there is no law, or formal procedure, governing the expulsion of aliens from the territory of the Democratic People's Republic of Korea.

Before expelling an alien, the State party should provide him or her with sufficient safeguards and an effective remedy, in conformity with article 13 of the Covenant. The State party is urged to consider the adoption of legislation governing the expulsion of aliens, which should be consistent with the principle of non-refoulement.

22. The Committee notes with regret that the delegation was unable to provide up-to-date information about religious freedoms in the Democratic People's Republic of Korea. As only 40,000 citizens of the country (i.e., less than 0.2 per cent of the population), grouped into four religious communities, are said to be "believers", and in the light of information available to the Committee that religious practice is repressed or strongly discouraged in the Democratic People's Republic of Korea, the Committee is seriously concerned that the State party's practice in this respect does not meet the requirements of article 18 of the Covenant.

The State party is requested to provide the Committee with up-to-date information about the number of citizens of the Democratic People's Republic of Korea belonging to religious communities and the number of places of worship, as well as the practical measures taken by the authorities to guarantee the freedom of exercise of religious practice by the communities mentioned in paragraph 112 of the report.

23. The Committee is concerned that various provisions of the Press Law, and their frequent invocation, are difficult to reconcile with the provisions of article 19 of the Covenant. The Committee is concerned that the notion of "threat to the State security" may be used in such ways as to restrict freedom of expression. Also, the Committee is concerned that the permanent presence in the Democratic People's Republic of Korea of foreign media representatives is confined to journalists from three countries, and foreign newspapers and publications are not readily available to the public at large. Moreover, Democratic People's Republic of Korea journalists may not travel abroad freely.

The State party should specify the reasons that have led to the prohibition of certain publications and should refrain from measures that restrict the availability of foreign newspapers to the public. The State party is

requested to relax restrictions on the travel abroad by Democratic People's Republic of Korea journalists and to avoid any use of the notion of "threat to the State security" that would repress freedom of expression, contrary to article 19.

24. The Committee has noted the delegation's statement that freedom of assembly is fully respected in the Democratic People's Republic of Korea. The Committee remains concerned, however, about restrictions on public meetings and demonstrations, including possible abuse of the requirements of the laws governing assembly.

The Committee requests the State party to provide additional information on the conditions for public assemblies and, in particular, to indicate whether and under what conditions the holding of a public assembly can be prevented and whether such a measure can be appealed.

25. The provisions of article 25 include the right of every citizen of a State party to have the right and the opportunity, without the restrictions mentioned in article 2 and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives (art. 25 (a)), and to vote or be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the wish of the electors. The Committee has taken note of the delegation's explanation that, as there has been no popular manifestation of any desire to create new political parties, no regulation or legislation governing the creation and registration of political parties is currently envisaged. The Committee considers that this situation runs counter to the provisions of article 25 of the Covenant, as it may adversely affect the rights of citizens to participate in the conduct of public affairs through freely chosen representatives, as required by article 25.

The State party should refer to the Committee's General Comment 25 on article 25, adopted at its fifty-seventh session, as guidance in respect of the above issues, with a view to ensuring full compliance with the provisions of article 25.

26. While noting the delegation's statement that trafficking of women does not exist in the Democratic People's Republic of Korea, the Committee remains seriously concerned at the number of substantiated allegations about trafficking of women, in violation of article 8 of the Covenant, brought to its attention by non-governmental and other sources, including the report of the Special Rapporteur on violence against women of the Commission on Human Rights.

The State party should investigate the above allegations further, in a spirit of cooperation, and report its findings to the Committee.

27. The Committee notes with concern the low level of representation of women at the more senior levels of the public sector, as well as the absence of any precise data on the representation of women in other sectors of the economy, including their level of responsibility.

The State party is requested to take measures to implement articles 3 and 26 of the Covenant by improving women's participation in the public sector workforce, especially in senior positions, and to provide the Committee with statistical data on the status of women, in particular as to the level of their responsibility and remuneration in the major economic sectors.

28. The State party should ensure that its second periodic report, and the present concluding observations, are disseminated widely.

29. The State party should indicate within one year, in accordance with rule 70, paragraph 5, of the Committee's rules of procedure, the measures it has taken or envisages to give effect to the Committee's recommendations contained in paragraphs 15, 22, 23, 24 and 26 of the present concluding observations.

30. The Committee requests that the information relating to its other recommendations and to the Covenant as a whole should be included in the third periodic report of the Democratic People's Republic of Korea, to be submitted by 1 January 2004.

1-4. UN인권이사회 권고에 대한 북한측 회신문

Concluding observations of the Human Rights Committee
democratic peoples republic of korea

Addendum

Replies submitted by the Government of the Democratic Peoples Republic of Korea

under rule 70A of the rules of procedure of the Human Rights Committee (CCPR/C/Rev.6 and Corr.1) in response to the concerns identified by the Committee in its concluding observations (CCPR/CO/72/PRK) adopted pursuant to rule 70, paragraph 5, of the rules of procedure

[30 July 2002]

Paragraph 15 - Investigation of ill-treatment, torture and other abuses committed by law enforcement officials in places of detention and custody and establishment of an independent oversight system

1. The Democratic Peoples Republic of Korea (DPRK) prohibits and controls by law torture, inhuman treatment and punishment in custody and detention. Strict legal day-to-day supervision and investigation is undertaken by the public prosecutors office, the State organ for monitoring observance of the law. The public prosecutors offices at all levels exercise strict control over the behaviour of law enforcement officials by examining complaints and petitions against abuses of authority by law enforcement officials, regular inspection of investigations and

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preliminary examinations and the records of a case, meeting with examinees, day-to-day inspection of the places of custody and detention. Such supervision activities are in turn supervised by the Presidium of the Supreme Peoples Assembly, the supreme representative organ of the people, for the reliable prevention of the occurrence of ill-treatment, torture and other violence in law enforcement. The period 1998-2000 saw only six complaints of ill-treatment in custody and detention places, which is attributable to the strict control over the law enforcement officials. Once a law enforcement official is complained against for his or her abuse of authority and the complaint is confirmed, the official is placed under public criticism, administrative, penal or civil responsibility and such severe punishment as degradation, dismissal, criminal penalty, damage indemnification, etc. The law enforcement officials obey legal requirement on a voluntary basis with a high sense of the duty of faithful servants of the people and consider it as disgraceful and regrettable to be complained against.

2. Recently there was a debate on the establishment of something like a national human rights commission as an independent oversight body of custody and detention places, but most people thought it was unnecessary. Their arguments are as follows: an institution like a national human rights commission may receive and investigate the complaints of citizens and report the results to the organs concerned together with its recommendation, but has no executive authority. And it may not be effective as it is constituted by a limited number of persons and cannot resolve claims directly.

3. Instead, it will be more effective to control abuse of authority by law enforcement officials through the regular grievance machinery. The current grievance machinery has a broad network and is very strict in pursuing settlements. In the DPRK, anybody who feels that his or her right has been violated is entitled to submit a complaint orally or in writing and to ask for due measures by the peoples committee of the

concerned district, his or her institution or enterprise, the public procuratorial, judicial or peoples security organs at all levels and, finally, even by the Presidium of the Supreme Peoples Assembly, at any time. The institution or organ that has received a complaint registers it, goes to the site to meet with the author, looks into the details and takes the measures to recover the right encroached upon. Any slight negligence can come into question and is strictly punished. The issue of establishing an independent oversight body of detention or custody places needs more discussion in the future.

Paragraph 22 - Freedom of religious belief

4. The concern about repression or discouragement of religious practice in the DPRK contradicts the actual realities. Since olden times, there have not been many religionists in the country. Many of them were killed during the three-year-long Korean War. Old people died of age and young people seldom believe in religion. At the moment there are such religions as Christianity, Roman Catholicism, Buddhism and Chondogyo, the Korean native religion. The religionists are free to have a religious life and ceremonies according to their own religious rules at family worship centres, churches, temples and other facilities.

5. The situation with regard to the religions is as follows (larger numbers are approximate)

-Christianity

Churches	2
Priests	20
Believers	12,000
Family worship centres	500

-Roman Catholicism	
Sanctuary	1
Public worship centres	2
Believers	800
-Buddhism	
Temples	60
Monks	200
Believers	10,000
-Chondogyo	
Preaching rooms in apartments	800
Believers	15,000

6. The State and religion are definitely separated from each other and the State neither interferes in nor discriminates against any religion. The State however supplied money and materials to the religionists for the construction or rehabilitation of religious buildings destroyed during the three years of war, owing to their financial difficulty. And the State established the faculty of religion in the Kim Il Sung University to meet the wish of the religionists to have their children educated in religion.

Paragraph 23 - Freedom of speech and of the press

7. As has already been reported, there were about 30 cases in all where the printing of a publication was interrupted for the correction of the content in the last three years. The contents corrected were mostly related to important military secrets in the atlas, magazines and other publications on common knowledge. In a country divided into two parts in acute military confrontation, military secrets are a very serious matter directly related with national security. Other contents corrected were new scientific and technological discoveries which were not yet available to the public. The above-mentioned restrictions were applied in strict accordance

with the Press Law and its Enforcement Rules that embody the requirement of article 19 of the Covenant.

8. The DPRK does not restrict the use of foreign newspapers by the community. Only such matters as pornographic magazines or video tapes that may harm public morals are stopped from being distributed on an item-by-item basis. It is true that foreign newspapers and publications are not widely used by the community. The reason is the shortage of foreign currency and ignorance of foreign languages among people. In order to allow more people to use the limited copies of foreign publications, they are stocked in libraries.

9. The organs of the press belong to the State or the public organizations. For overseas news-gathering activities, the journalists ought to be financially guaranteed by their press organs. But the press organs do not have enough foreign currency and therefore dispatch very few journalists abroad. The press organs receive their news through the journalists in DPRK diplomatic missions abroad and the mass media of other countries. The DPRK does not restrict travel abroad by its journalists and so to relax restrictions on the travel does not arise as a problem.

10. The freedom of expression is restricted only subject to the requirement of the Covenant. The cases of threat to the State security are clearly provided for in the Criminal Law and other laws and restriction is applied to the freedom of expression in strict accordance with the legal provisions.

Paragraph 24 - Right to peaceful assembly

11. In the DPRK, every citizen has the right to peaceful assembly. To hold an assembly, the institution, enterprise, organization or individual citizen should inform the peoples committee and peoples security organ of the area concerned three days in advance. The information should include the purpose, date, time, place, scope, etc. of the assembly. The peoples

committee and the peoples security organ concerned ensure the conditions needed for the assembly and help to maintain order. An assembly that obstructs the State security and public order may be restricted subject to the procedures and according to the method stipulated by the Law on Control for Peoples Security. Any complaint against the control may be lodged with the peoples security organ and the peoples committee of a higher organ, the public prosecutors office concerned, etc. The institution that has received a complaint accurately and thoroughly investigates it and settles it fairly. If any violation of human rights is verified, legal punishment is applied according to the gravity of the offence.

Paragraph 26 - Traffic in women

12. Traffic in persons is an extremely grave crime in the DPRK. The recent natural disasters produced personal difficulties and caused people to cross the border for transactions, to visit relatives, etc. In this process, some women went abroad, married men there either to live in the foreign country or come back home. Such a thing was frequently misreported as traffic in women. No case has been reported as verified traffic in women. The DPRK will follow the recommendation of the Committee to investigate the allegation further and report its findings to the Committee.

2. 북한 ICESCR(A규약) 제2차 정기보고서

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Implementation of the International Covenant on Economic, Social, and Cultural Rights

[9 April 2002]

* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.7) and 10 to 12 (E/1986/3/Add.5) submitted by the Government of the Democratic Peoples Republic of Korea were considered by the Committee on Economic, Social and Cultural Rights at its first session in 1987 (see E/C.12/1987/SR.21-22). The initial report concerning rights covered by articles 13 to 15 (E/1988/5/Add.6) was considered by the Committee on Economic, Social and Cultural Rights at its sixth session in 1991 (E/C.12/1991/SR.6, 8, 10).

Introduction

1. The Democratic Peoples Republic of Korea (DPRK) acceded to the International Covenant on Economic, Social and Cultural Rights on 14 September 1981. The Covenant entered into force on 14 December 1981 for the DPRK. The initial report was submitted on 14 January 1989 and considered at the sixth session of the Committee on Economic, Social and Cultural Rights on 27 November 1991.

2. The present second periodic report covers the measures taken for the implementation of the Covenant after the submission of the initial report, and successes and difficulties. As far as the general provisions (arts. 1-5) of the Covenant are concerned, the Core Document (HRI/CORE/1/Add.108) and the second periodic report on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/PRK/2000/2), paragraphs

4-27, may be referred to.

I. Article 6 - RIGHT TO WORK

A. Guarantee of the right to work

3. In the DPRK, everyone is entitled to work. The Socialist Constitution, the Socialist Labour Law and its enforcement regulations guarantee this right. Article 70 of the Constitution declares: Citizens have the right to work and provides for the freedom of choosing occupation, the right to be provided with stable jobs and working conditions and the right to work according to ability and to be paid in accordance with the quantity and quality of the work done. Article 25 of the Constitution defines it as the obligation of the State to use the material wealth of society entirely for the promotion of the well-being of the working people and to provide all working people with every living condition. The Labour Law stipulates the details of the fundamental principles of labour, the right of citizens to work, the duty of the State and citizens towards work, distribution by the work accomplished, labour protection, labour and recreation, benefits by the State and society, etc., so as to firmly guarantee the constitutional rights of citizens to work.

4. Everyone who is able and has a hope to work is entitled to a stable job provided by the State. Under article 70, paragraph 2, of the Constitution and article 5, paragraph 3, of the Labour Law, all able-bodied citizens choose occupations in accordance with their wish and skill and are provided with stable jobs and working conditions. The guarantee of this right is more concretely institutionalized by the Regulation on Labour Allocation and other regulations and rules. Following this legislative measure the State labour administration organ and the State bodies, enterprises and social cooperative organizations concerned provide jobs without fail in view of the hope and ability of the person.

B. State of employment

5. In the DPRK, the working age is from 16 to 55 for women and to 60 for men. Anyone with working ability may continue to work on the job of his or her choice even after this age. At present, everyone of the working age works on his or her job, except the students and the dependent housewives. Unemployment or semi-unemployment is never found in the DPRK where the means of production are owned by the public. The State assumes the responsibility and obligation to provide every citizen with a job and working conditions, and the gigantic construction of economy and culture for national prosperity constantly needs labour. The universal 11-year compulsory free education system is introduced for children up to the age of 16. Child labour is prohibited by law and the handicapped take jobs appropriate to their constitution and ability. Under the legal requirement to secure equality in labour and to organize labour rationally on a nationwide scale, there exists no such phenomenon of particularly vulnerable or disfavoured conditions of employment for some specific groups, regions or areas.

Table 1
State of employment

(in thousands)

Classification	1995	1999
Total number of employees	11,214	11,527
Male	5,674	5,846
Female	5,540	5,681

Table 2
Male/female employment rate in different sectors

(in thousands)

Classification		Industry	Agriculture	Construction and geology	Transport and communication	Commerce and procurement	Traffic, culture and public health	Land and city administration
1995	Male	2,001	1,751	350	294	161	348	157
	Female	2,283	1,703	110	121	353	515	101
2000	Male	2,063	1,806	367	310	169	356	161
	Female	2,347	1,761	115	124	360	530	104

6. The State provides women with every condition to launch into public life. Article 77 of the Constitution states: Women are accorded an equal social status and rights with men. The State shall afford special protection to mothers and children by providing maternity leave, reduced working hours for mothers with many children, a wide network of maternity hospitals, crèches and kindergartens, and other measures. The State shall provide all conditions for a woman to play a full role in society. Local power organs and the State institutions, enterprises, social cooperative organizations concerned provide working mothers with nurseries, kindergartens, childrens wards, public service establishments as well as suckling time within working hours. And residential districts are equipped with food-processing factories like rice-cooking shops or *kimchi* factory and morning and evening shops so that women may be freed from the heavy burden of cooking and other household chores to participate in public life. Housewives workteams and cooperatives are organized for the women who cannot go to work due to family affairs to work according to their wish.

7. Women with many children are entitled to special protection of the State. Under the Labour Law, the Public Health Law and the Law on the Nursing and Upbringing of Children, pregnant women may not be put on

night shifts and the working day of a woman worker with three children or more is six hours. In addition to the regular and additional holidays working women take maternity leave, 60 days before and 90 days after childbirth at full pay, rations and dividend irrespective of the length of their service. Under the Regulation on Labour Discipline, women are not permitted to be assigned to hard and detrimental types of occupation.

8. In accordance with article 9 of the Labour Law, the State took measures to increase labour productivity. The Government of the DPRK attached primary importance to explanatory work to bring working people to display voluntary enthusiasm and initiative for the prosperity of the country and the welfare of themselves. The Government has combined a full-time education system with different forms of study-while-working education, including factory or farm college, evening or correspondence courses, passing-on-techniques, etc., to improve the technical and cultural level of the working people. It dovetailed labour resources of the State with requirements to the finest detail, let factories and enterprises rationally organize production and labour and secured every condition for work and life of the working people. The Government mapped out and vigorously pushed forward with the technical development plan of the State, strengthened the creative cooperation between scientists, technicians and producers for an energetic mass technical innovation campaign and took the measure of preferentially treating those who contributed to the development of the national economy with invention, ingenuity and productive renovation, for steady technical advance.

9. The State took legislative steps to prevent encroachment on the political and economic right of citizens to employment conditions. The State has provided in the Labour Law, the Criminal Law and the regulations on labour allocation, labour discipline, labour protection, etc., the indiscriminate and unconditional supply of jobs to working people in view of their wish and ability, the prohibition of putting women in illegal types of occupation or work, the prevention of loss of life or accident by thorough labour protection and safety facilities, the strict adherence to the principle of

distribution in accordance with the quantity and quality of work done, the fair and prompt dealing with complaint and petition of a citizen concerning employment and other details, and imposes administrative or penal responsibility on the violation of the provisions.

C. Technical and vocational education

10. There is established in the DPRK a well-organized technical and vocational education system to improve the level of working peoples technical skill. The State operates various types of study-while-working (spare time) education system along with the full-time education system. In order to enable all working people to be versed in the science and technology of their respective fields and master the machines and facilities they handle, the State has established in large factories, enterprises and the production points of farms and fishing villages factory colleges, farm colleges, fishermens colleges, skill-training schools or centres, technical skill study classes, skill training classes, farm site study classes, etc., where scientific, technical and vocational education is given. In a factory college, a farm college or a fishermens college, the workers of the factory, enterprise, farm or fishing village concerned whose school career is more than senior middle schooling have two-hour lectures a day on average after work. The presidents post of the college is concurrently taken by the leading manager of the unit, and the deputy president and the teachers work on full-time basis. The term of education is five years, the total curriculum consists of 3,400 hours and the students are qualified as engineers when they finish it. A skill-training school is to give vocational education needed for productive work to the graduates of senior middle schools who just begin to work while re-educating the workers on the spot to elevate their skill level. The term of education is basically one year but in some types of occupation two to three years long. The curriculum consists of elementary technical theory and the theory of special subject (30 per cent), and educational and productive practice (70 per cent) to give the knowledge and skill needed for the occupation concerned. A technical skill study class is organized by production units and occupation types, carries out a study

programme of 100 hours a year, two hou

11. To attain the objectives of productive and freely chosen employment, the State took the measure of preferentially treating those who work in hard jobs while assigning a right man in a right place in view of his or her wish and ability. Thus those who work in hard jobs had their salary sharply increased and came to be highly appreciated by the State and society for their merits under such titles of honour as merited coal miner, merited miner, merited lumberman, merited hair cutter, merited welfare service man, merited town keeper, etc. As a result, those who work in hard jobs or in the branches that used to be regarded as mean before liberation now show the social trait of valuing their jobs highly for the country and themselves.

12. The State assigns a right person in a right place in consideration of his or her gender, age, constitution, wish and level of technical skill so that his or her creative wisdom and ability is given full scope to, and does not permit any distinction, exclusion, restriction or preference made on the basis of race, colour, sex, religion, political opinion, nationality or social origin. Citizens enjoy equal rights in their choice of occupation by article 65 of the Constitution and foreigners have their right indiscriminately protected by article 16 of the Constitution that guarantees the legal rights and interests of foreigners.

13. In view of the intrinsic requirements of certain jobs, the State directs special attention to providing female workers with stable, cultural and hygienic working conditions and environment. Article 49 of the Regulation on Labour Protection adopted by Cabinet decision No. 68 in 1999 stipulates: Institutions and enterprises shall direct special attention to the labour protection of female workers, allocate them to the jobs appropriate to their physiological characteristics and constitution and provide them with conditions for labour protection and facilities for labour sanitation. Under this provision, women are not permitted to do harmful labour including the work related with poisonous matters, the labour in a place above 30°C,

above 80 per cent relative humidity or coldness without special protection facilities, the labour dealing with radioactive or other harmful rays or in a place of severe noise and vibration, the labour of dragging or in the water which is harmful to the female constitution, the labour in a pit of coal or ore mines, the labour of carrying by hand the things heavier than 20 kg for over four hours a day, etc. and under this provision, pregnant women or the women with infants may not be engaged in night shift, overtime labour or labour on holiday, but work in light labour sectors. In agriculture pregnant women stay away from direct dealing with insecticide or herbicide and women working constantly on their feet are given sit-down rest for 10 minutes an hour. No complaint or dispute has arisen in this respect.

14. There are no people in the DPRK who have two or more full-time jobs to secure an adequate standard of living for themselves and their families. Under article 25 of the Constitution, the State provides all working people with every condition for obtaining food, clothing and housing. That is why working people have no need to hold more than one full-time job to secure an adequate standard of living for themselves and their families. Some work as a writer at a publishing house, an invited lecturer of a university or others on their own jobs. This is not for the livelihood of themselves or their families but is a voluntary service to meet social requirements.

II. Article 7 - RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Pay scale

15. The salary of a citizen is determined by the pay scale fixed on the principle that the working people need to restore the physical and mental energies expended in work and that it guarantees their living conditions. The institutions, enterprises and social cooperative organizations give pay to workers depending on the quality and quantity of the work done and

according to the pay scale and the principle of payment stipulated by the State. The pay standard varies to some extent in view of the degree of labour expenditure and harmfulness of work and the personal qualification of technical skill. One pay standard is applied to one and the same category of work irrespective of sex, age and nationality of the worker.

16. In the DPRK, salary is paid in accordance with pay scale, and a system of minimum wages has not been established, for the principle is thoroughly carried out that the State assumes the responsibility of providing every citizen who has working ability with a due job and stable conditions for material and cultural life.

17. The State, in order to evenly improve the living of all working people, raised lower salaries more rapidly than average salaries, while decreasing differences between labour, in conformity with article 45 of the Labour Law which reads: The State maintains the principle of rationally readjusting the balance of pays between the workers and office employees in all branches with the development of industry and agriculture and the growth of labour productivity, of raising the incomes of the farmers in different areas equally, and of improving the general living standards of the workers, office employees and farmers proportionately. The State issued on 13 February 1992 the decree: On increasing the salary of all workers, technicians and office employees, and enhancing the income of cooperative farmers to raise from 1 April 1992 the salary of workers, technicians and office workers by 43.4 per cent on average, lower salaries by more than 50 per cent but higher salaries by less than 10 per cent.

B. Additional State and social benefits

18. All working people get many additional State and social benefits besides the distribution by work accomplished under chapter 8 of the Labour Law. The State provides working people with dwellings free of charge and brings up their children in nurseries and kindergartens at State and public expense. The State gives free education to children in schools

and universities until they reach working age and provides all working people with completely free medical service. The additional benefits given by the State to citizens in a year besides the distribution by the work done amount to as much as their average annual money income. One example is that the average house rent is no more than 0.3 per cent of the living expenses and comes to 3 per cent only when it is added by fuel and other expenses. The State buys from peasants white rice at 65 won a kilogram and minor grains at 41 won a kilogram but provides them to people at the price of 8 won and 6 won respectively. This alone constitutes sizeable additional benefits.

C. Equal pay for equal work

19. Working people get equal pay for equal work. Article 37, paragraph 3, of the Labour Law stipulates: Irrespective of their sex, age and race, the working people shall receive equal remuneration for equal work. The principle of equal remuneration for equal work is realized by the unitary system of salary grades fixed by the State in the industrial sector and by the assessment system of work points in the agricultural sector whereby one is remunerated depending on the quantity and quality of the work one has done. The principle of equal pay for equal work is not infringed in any case. Women not only get pay equal to men for equal work, but also are entitled to other additional benefits laid down by laws. For example, a woman worker with three children or more works for six hours a day but her pay is equal to eight hours workday.

D. Safe and healthy working conditions

20. The State underlines labour safety and protection as the most important work in the administration of enterprises and a meaningful work to provide working people with safe, free, cultural and hygienic working conditions and to protect and improve their life and health. The State has regulated the safe and healthy working conditions in the Labour Law, the Law on the Protection of the Environment, the Regulation on Labour

Protection and the regulations on labour safety in different fields and grasps and promotes the implementation through the unified national system for labour protection. As a result, there is no sector or region excluded from the existing legal system.

21. The State maintains the principle of putting labour protection ahead of production. Under article 54, paragraph 2, of the Labour Law, no one is allowed to put people to work before instructing them about labour protection and giving them technical knowledge on labour safety in that particular branch of work. Following the laws and regulations on labour protection, the scientific research institutions develop new progressive technology and equipment to be introduced in work sites; technical universities, colleges, special schools and the training institutions of skilled workers give regular education on labour protection and the State institutions, enterprises and social cooperative organizations set up the room for education on labour safety where newly entering workers are given labour safety education before they begin work.

22. To protect the health of working people, the State examines the health of workers periodically in view of occupational categories and supplies on regular basis labour necessities, nutritive, skin protector and other labour protection materials while securing labour protection and safety equipment and the conditions for industrial sanitation.

23. The State has fixed every November as the month for taking accident prevention measures to prevent accidents by relying on the masses.

24. The State has strengthened supervision over labour protection work. The supervision is undertaken by the Ministry of Labour, which is the branch executive body under the Cabinet and the labour administration departments of the peoples committees at all levels. The Ministry of Labour is equipped with an exclusive department for the supervision of labour protection, which leads the superintendents in every factory, enterprise or organization to enhance their role and responsibility. Under

article 92 of the Criminal Law: A person in a position of responsibility in a State organ or enterprise or in a public cooperative organization who causes a loss of life or a serious accident because of a failure to provide labour protection and labour safety facilities, shall be committed to a reform institution for up to two years and article 96 of the same law: A person who makes women do the kinds of work that are prohibited for them by law shall be committed to a reform institution for up to one year Any violation of the legislation for labour protection is regarded as an offence to be put to criminal penalty, which enhances further the responsibility and role of the personnel concerned.

E. Equal opportunity for promotion

25. Every citizen is entitled to equal opportunity for promotion. Under article 65 of the Constitution that stipulates the equal rights of citizens in all spheres of State and public activity, the opportunity for promotion is open to anyone who has passed the ability examination in accordance with the regulation on the examination for grades or public service qualification based on article 52 of the Labour Law which provides for the examination system for engineers grades and technical skill rating. The examinations are organized by the State science and technology institutions and the labour administration organs. Women enjoy equal rights with men in political, economic and cultural activities. Women amount to a good number of the deputies to the peoples assemblies at all levels and the officials of the State administrative and economic institutions. As of 1998, the female proportion among the deputies to the Supreme Peoples Assembly was 20.1 per cent and the number of female technicians and experts was over 726,000.

F. Right to leisure

26. The right to rest, leisure and reasonably limited working hours is guaranteed by article 71 of the Constitution and articles 62-67 as well as 76 of the Labour Law. This right is ensured by the fixed system of workday,

the provision of holidays, paid leave, accommodation at health resorts and holiday homes at State expense and by a growing network of cultural facilities. The workday is eight hours and overtime work is forbidden. Working people have one day off each week and the gala days set down by the State are holidays. If the State institutions, enterprises and social cooperative organizations make people work on a holiday due to unavoidable circumstances including continuous process of production or anti-calamity mobilization, they must give them a day off within the following week. Working people have a fortnights regular holiday every year and, in some kinds of occupations, an additional holiday of 7 to 21 days may be granted. In addition to the regular and additional holidays, working women are entitled to maternity leave, 60 days before and 90 days after childbirth, irrespective of the length of their service. Nobody is excluded by law or in practice, or both, from the enjoyment of the rights.

III. ARTICLE 8 - RIGHT TO JOIN A TRADE UNION

A. Right to form and join a trade union

27. Working people are ensured the right to form trade unions and join them. This right is protected by article 67 of the Constitution which provides that citizens are guaranteed freedom of association and the State shall guarantee conditions for the free activity of democratic political parties and social organizations. By virtue of this constitutional right, working people are free to form and join a trade union of their choice. But the forming and activities of a trade union that endangers the State security and harms the healthy State and social order is forbidden.

B. Registration of a trade union

28. If a trade union is going to be formed, a written application for the registration should be filed with the Cabinet 30 days in advance. The application should clarify the purpose, the number of members,

organizational structure, the date of forming, the name of the chief, etc. and be appended to by the full text of the rules. This is not intended to limit or interfere in the free establishment of democratic social organizations but for the State to grasp the situation and cooperate if need be.

29. There are such trade unions as the General Federation of Trade Unions of Korea (GFTUK) and the Union of Agricultural Working People of Korea (UAWPK). The trade unions of factory and office workers are in two forms. One is the trade unions organized in State institutions, factories and enterprises and the other is the trade unions in private organizations under article 21 of the Law on Foreign Enterprise. The GFTUK was established on 30 November 1945 and includes factory and office workers apart from the agricultural branch. There is the central committee in the centre and due committees at the levels of province (or municipality directly under the central authority), city (or district) and county. Factories and enterprises have their trade union committees and sub-organizations. The highest governing organ is the congress held once every five years. Under it comes the plenary, the executive committee, the organizational committee and the central auditorial committee. Affiliated with the GFTUK are the Metal, Engineering, Mining and Power Trade Union of Korea, the Light Industry, Chemical and Commercial Trade Union of Korea, the Transport and Marine Trade Union of Korea, the Construction and Forestry Trade Union of Korea, the Education and Cultural Trade Union of Korea and the Public Servants Trade Union of Korea. The total membership is over 1.6 million. The GFTUK joined the World Federation of Trade Unions on 2 May 1947 and its branch unions are members of the international trade union organizations concerned. The UAWPK was established on 15 March 1965, as a popular organization of agricultural working people. It has the central committee in the centre and due committees at each province (or municipality directly under the central authority), city (or district) and county, and sub-organizations in the agricultural enterprises and cooperative farms. Its membership is over 1.3 million.

30. The workers of State institutions, factories and enterprises are not mere employees but are the masters of the State and society as well as of their factory and enterprise who personally participate in the planning, administration and management of the institution, factory and enterprise. Therefore there arises no such issue as collective bargaining against an enterprise owner and a labour dispute or a strike for the protection of the right to labour, except for individual opinion or complaint. However, those employed by foreign enterprises rely on trade unions to safeguard their right and interest, conclude and implement a contract with the foreign enterprise for the guarantee of their working conditions. There has not been any special problem concerning the activities of a trade union in a foreign enterprise.

C. Freedom of assembly and demonstration

31. By article 67 of the Constitution, citizens are guaranteed freedom of assembly and demonstration. If a demonstration is going to be staged, the local peoples committee or peoples security organ should be notified of it three days before according to the Regulation on Guaranteeing Assemblies and Demonstrations. The notification should include the purpose of the assembly or demonstration, date and time, place, organizer and the scale. The peoples committee or the peoples security organ that has been so notified ensures the conditions needed for the assembly or demonstration and helps the maintenance of security order. The assembly or demonstration that harms healthy State security and public order may be controlled in accordance with the procedures and method provided for in the Law on Control for Public Security.

IV. ARTICLE 9 - RIGHT TO SOCIAL BENEFIT

A. Social benefit

32. In the DPRK, every citizen is entitled to State social insurance and social security. Article 72 of the Constitution provides that all persons who

are no longer able to work because of old age, illness or a physical disability, the old and children who have no means of support are all entitled to material assistance and this right is ensured by the State social insurance and social security systems. Articles 73-79 of the Labour Law provide for the temporary subsidy and disability pensions under the State social insurance system and the State social security system, old-age pensions, pensions for bereaved families, special benefits for people of distinguished service and their families, protection of incapable old people and cripples who have no other means of support. The State thoroughly enforces the Regulation on State Social Insurance and Security (enacted by the Cabinet Decision No. 22, 13 March 1999) to guarantee the right of citizens to State social insurance and security provided for in the Constitution and the Labour Law. By article 7 of the Regulation an office or factory worker gets temporary benefits when he or she is absent from work for illness, wound care of a sick family member, recuperation and other reasons. And by article 12 women get full pay during their maternity leave. The Regulation also provides for the social security pension for those who are unable to work on the job or who have lost the capability to work, the nursing grant for those who take care of the seriously disabled honoured soldiers or veterans and wounded persons, the funeral grant for the death of a person under social security or the dependent family, the benefits to support the family of a serviceman, the benefits for sick persons, etc.

33. Under the law on introducing the complete universal free medical care system and the Public Health Law, every medical service is free of charge including diagnosis, medicine, in-hospital treatment, operation, use of medical facilities, preventive care and recuperation. That is why the Labour Law and the legislation on social insurance do not stipulate the system of invalidity benefits. Nor is unemployment benefit stipulated in the legislation on social insurance, as the DPRK does not have unemployment.

B. Raise in social security funds

34. For a better life for those who are under social security benefits, the State has systematically raised their pension and benefits. The Government increased the social security pension by 50.7 per cent on average on 13 February 1992 when it took the measure of radically raising the salary of office and factory workers and the income of cooperative farmers.

35. The State social insurance and security funds are supplied by the State budget and is supplemented by the social insurance dues paid by working people. In 1999 the social insurance dues paid by working people took only 7 per cent of the State social insurance and security expenditure.

36. The benefit of State social insurance and security is applied to the whole society and to every person. Therefore there is no vulnerable or disadvantaged group that does not enjoy the right to social security in the DPRK.

V. ARTICLE 10 - FAMILY PROTECTION

A. Meaning of family

37. Article 3 of the Family Law provides that the family is the basic unit in society. In the DPRK, a family is a cell of the society where such close blood relations as parents, wife, children, brothers and sisters live together.

B. Age at which majority is attained

38. A citizens age of majority is 17 years under article 20 of the Civil Law. This provision is based on the reality that a child is fully mature physiologically and physically and reaches the level of an adult intellectually, spiritually and morally. By the universal 11-year compulsory education system a child finishes the higher secondary school course at the age of 16 and continues to go through 1-year vocational education before he or she goes out into the world as a grown-up.

C. Protection of free marriage

39. Article 8 of the Family Law states: Citizens are entitled to marry freely. Marriage shall be undertaken between a single male and a single female. In the DPRK, marriage is established freely on the basis of true love and mutual agreement. It is forbidden to force parties to marry against their will captivated by wealth or other temptations. For a marriage to be legally valid, it should go through due procedures. Article 11 of the Family Law reads: Marriage is recognized legally and protected by the State only after it is properly registered at a registry office. In cases where the marriage is not registered, a married life shall be forbidden. By article 13 of the Family Law, such marriage is null and void as a forced marriage which is not based on free consent of the parties, a marriage before the minimum age, a marriage of a person who already has a registered husband or wife and a marriage between blood relatives up to and including third cousins or between relatives by marriage up to and including first cousins. A marriage is declared invalid by the court. A marriage that is recognized as invalid is regarded as never having taken place by article 14 of the Family Law.

D. Protection of family

40. The State pays great attention to the protection of family. The Family Law provides for the obligation of citizens to ensure that their families are harmonious and cheerful, stating that the consolidation of the family is an important guarantee for the sound development of society. The law also provides for the relationship between family members including between husband and wife, between parents and children, between step-parents and stepchildren, between grandparents and grandchildren with no parents, between brothers and sisters, etc. so that family ties may be consolidated. The law stipulates that a child who is under age or a person who has no ability to work shall be supported by a member of the family who has the ability to provide for him or her, and if there is no family member who has the ability to support him or her, either of the parents, children,

grandparents, grandchildren, brothers or sisters who live separately shall support him or her.

41. The State has enforced various policies for the protection of the family. The State provides all working people with every condition for obtaining food, clothing and housing under article 25 of the Constitution basically with the family as the unit. The State provides food not only to the breadwinner but also through him or her to all of his or her dependent family members including the children under age in accordance with article 6 of the Regulation on National Food Provision. Besides, the State takes various practical measures to secure a stable life of the family, such as supply of dwelling house to working people free of charge, subsidization of more than 50 per cent of the price of childrens commodities or school things for a family with three or more children, etc.

E. Maternity protection system

42. Mothers are protected by the Constitution, the Law on the Nursing and Upbringing of Children, the Public Health Law and other laws and regulations. Article 20 of the Law on the Nursing and Upbringing of Children reads: The State affords special protection to mothers with children. The State grants women maternity leave. Their wages, provisions and shares of distribution for the period of maternity leave are borne by the State or by the social and cooperative organizations. The State has all pregnant women registered in good time through maternity hospitals or other medical establishments, provides systematic medical service and midwifery to them free of charge and protects their health after childbirth. The State assigns pregnant women to suitable light work and allows mothers with babies the suckling time during working hours. The State reduces the working hours of mothers with many children on full pay. Under this provision, the State grants women maternity leave, provides pregnant women with medical service, midwifery and suitable working

conditions, reduces the working hours of mothers with many children on full pay, etc. to protect mothers.

43. The maternity protection system includes all pregnant women and women in childbed. They are protected by the State and society irrespective of their occupation, residence, education, political view, religious belief, etc. Working women are entitled to maternity leave, 60 days before and 90 days after childbirth, totalling 150 days. Women basically get the following benefits before and after childbirth:

- (a) Every pregnant woman is registered in the medical establishment concerned within 12 weeks of pregnancy;
- (b) Pregnant women are examined and receive necessary medical service 18-22 times by the obstetrician in charge in the period of pregnancy and until one month after childbirth;
- (c) Pregnant women are assisted at childbirth. The assistance is usually given in hospitals. According to the MICS conducted by UNICEF in 1999, out of the 1,229 women surveyed, 26.9 per cent delivered children at maternity hospitals, 32.5 per cent at county hospitals, 21.4 per cent at *ri* hospitals, 18 per cent at *ri* clinics, 1.2 per cent at home and 0.1 per cent at other places. For in-hospital childbirth assistance, all provincial seats and large cities have maternity hospitals and the city (or district), county, as well as *ri* hospitals are equipped with maternity wards and beds.

Table 3
Per cent distribution of women with a birth by type of personnel
antenatal care (2000 MICS)

Area	Person delivering antenatal care					Total	Any skilled personnel	Number of delivered women
	No antenatal care received	Doctor	Nurse	Midwife	Other			
Urban	2.6	44.6	1.3	64.2	0.1	100.0	96.8	707
Rural	2.4	30.9	2.4	56.6	0.4	100.0	97.6	531

Table 4
Per cent distribution of women with a birth by type of personnel
assisting at delivery (2000 MICS)

Area	Person assisting at delivery					Total	Any skilled personnel	Number of women
	No assistance received	Doctor	Nurse	Midwife	Other			
Urban	0.1	42.5	2.3	53.5	1.6	100.0	98.3	707
Rural	0.5	28.1	3.4	63.2	4.8	100.0	94.7	531

44. The State has constantly maintained the policy of increasing the scope and improving the quality of the benefits of maternity protection. The principle of the Government is to afford the greatest possible scope and highest possible level of benefits in maternity protection without being impeded by the objective economic, social and cultural conditions.

- (a) In June 1946 when the situation was difficult just after the national liberation, the State introduced the system of 77-day paid maternity leave and banned by law the night shift and overtime work for pregnant women;
- (b) While enforcing free medical care system by social insurance for office and factory workers from February 1947, the State afforded all pregnant women with babies of the country free medical care, even if they did not work and pay social insurance dues;
- (c) While reconstructing the devastated public health facilities after the Korean War (1950-1953), the State saw that the hospitals above city (or district) and county level be equipped with obstetrical and gynaecological departments and paediatric departments above anything else and systematically increase the number of doctors, nurses and beds of the sector;
- (d) Midwives were trained in large numbers from 1956 and as a result in early 1960s all pregnant women were able to get childbirth assistance by qualified medical workers free of charge;
- (e) While introducing the section-doctor system in 1960, the State gave priority to an obstetrical, gynaecological and paediatric section-doctor system, whereby all women and children were placed under the health care of the doctor in charge;
- (f) By the policy of strengthening maternity facilities for women in rural areas and of developing the clinics of rural *ris* into hospitals adopted in 1970, rural *ris* have been equipped with maternity wards and beds for in-hospital childbirth assistance;

(g) In March 1986, the paid maternity leave was increased from 77 days to 150 days.

45. In the DPRK, there is no woman who does not enjoy maternity protection at all or does so to a significantly lesser degree than the majority of the population. But there still remains some difference between regions in service and benefit. The remote mountainous areas where population is not dense, travel is inconvenient and service distance is far lower as compared with cities and lowland areas in the quantity and quality of service for women. The State separately set the standard number of special doctors per a certain number of inhabitants in view of the natural and geological characteristics and posted obstetricians, gynaecologists and midwives to remote mountain *ris* even if the population was small. Also, the State preferentially allocated ambulances to remote county hospitals so that maternity first-aid and other obstetric services might be offered speedily, and developed *ri* clinics into hospitals equipped with obstetric department, maternity ward and delivery room. From the mid-1990s, mobile reproductive health service activities were conducted in remote mountainous areas. As a result, the quality of medical service was improved, diseases were discovered and treated at an early stage, and the incidence of certain womens diseases, including genital infection, was lowered. But still the shortage of essential medicines and medical facilities such as service cars, abdominal supersonic plexors, etc. prevents further extension of mobile service teams and the assurance of an exact circuit cycle.

F. Protection of the child

46. The child is under special protection by the State and society. The State, in conformity with the principle of the best of all to the child, provided in the Constitution for the bringing up of rising generation into human beings who are knowledgeable, morally sound and physically healthy (art. 43), universal compulsory 11-year education (art. 45), education of all pupils and students free of charge (art. 47), maintaining all children

of pre-school age in crèches and kindergartens at State and public expense (art. 49), consolidating and developing the system of universal free medical service (art. 56), special protection of mothers and children (art. 77), etc., to protect the rights of the child. The various policies for the protection of the child are stipulated in the Law on the Nursing and Upbringing of Children, the Education Law, the Public Health Law, the Family Law and the Civil Law as well. The Government strictly supervises the assurance and protection without fail of the legal rights of the child by institutions, enterprises and social cooperative organizations.

47. In the DPRK, the minimum working age of citizens is 16. Article 31 of the Constitution and article 15 of the Labour Law prohibit the employment of children under the minimum working age. The minimum working age of 16 has been decided in view of the fact that children finish the universal compulsory 11-year education at the age of 16 either to go out into the world or to go up to a higher special school or a university. Those going out into the world after the senior middle school get one-year vocational education. Following the Regulation on Skill-Training Schools, the skill-training schools have been established by factories and enterprises either independently or sectorally and by cooperative farms with city or county as a unit, where the senior middle school graduates are educated in technical skill and labour safety for one year at State and public expense before they join productive work. Without going through this education course, the graduates of senior middle school may not go out to the production site. Therefore although 16 is the legally defined minimum working age, the work virtually begins at the age of 17. There is no employment of children under the minimum working age.

48. The State offers special protection to the children who either have lost family environment or are in an unfavourable situation. Article 72 of the Constitution provides that the children who have no means of support are entitled to material assistance, and article 18 of the Law on the Nursing and Upbringing of Children stipulates that the State brings up in baby homes and orphanages the children who enjoy no parental care. The

children who have no parents, nor anyone to support them, are nursed and brought up at the baby homes and orphanages at the State expense and go to the orphans primary and secondary schools to get 11-year compulsory education before they reach their working age.

Table 5
Number of baby homes, orphanages and orphans schools (2000)

Level	Number of institutions	Number of children
Baby homes	15	1,863
Orphanages	12	1,544
Orphans schools	17	4,410

49. The State, in order to reliably protect and soundly bring up stepchildren, has established stepchildrens schools in each province (or municipality directly under central authority) and protect and educate at State and public expense the children at primary and senior middle school age who are not harmonious with their step-parents until they finish the 11-year compulsory education. The State pays special attention to handicapped children. Those at pre-school age are medically treated at district or special hospitals and those at school age are supplied with every convenience so that they may get education at school while continuing medical treatment. The schools for the handicapped include three schools for the blind and nine schools for the deaf and dumb. At these schools about 1,800 children are learning special technical skills proper to their physical characteristics while getting primary and secondary schooling. The children live in the school dormitory built specifically for them on a scholarship given by the State.

VI. ARTICLE 11 - RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. Improvement of livelihood

50. The DPRK Government, regarding it as the supreme principle of its

activities to steadily improve the material and cultural life of people, has adopted various policies and legislative steps to meet the requirement of people for better food, clothing and housing. The Government assumes the entire responsibility of taking care of the material and cultural life of working people under article 25, paragraph 3, of the Constitution: The State shall provide all working people with every condition for obtaining food, clothing and housing.

51. The systematic overall improvement of peoples livelihood is secured by the systematic even growth of distribution by labour, the steady expansion and increase of the State and social benefits, the socialist commodity supply system, the reduction of commodity prices, etc. Following the principle put forward in article 68 of the Labour Law, the State drastically raised the salary of office and factory workers on several occasions based on the speedy growth of the national income. In 1992, the salary was increased by 43.4 per cent on average, and the income of cooperative farmers was also boosted. The life of working people is evenly improving thanks to the State and social benefits, which include by law the nearly free supply of food to the office and factory workers, provision of dwelling to the urban and rural inhabitants at State expense, the systems of universal compulsory free education and completely free medical care, the paid leave system for office and factory workers, the upbringing of children and operation of sanatorium and rest homes at State expense, the subsidization by the State of a great part of the price of the clothing supplied to the children and students, support by the State of the old people and children who have nobody to take care of them. In view of the difference in distribution by labour, the price of commodity was fixed uniformly on the national scale, including towns and countryside, while that of mass consumer goods at a low level and that of the luxury and high-grade goods of restricted quantity at a high level so that the general livelihood of working people could be evenly enhanced.

B. Right to adequate food

52. The State has introduced the policy of responsibly supplying food to all working people. In the DPRK, rice is the staple food. Under article 70 of the Labour Law: The State supplies the workers and office employees and their dependants with provisions at low price. Under the Regulation on National Food Provision, the State keeps workers, technicians, office employees and their dependants regularly supplied with food. The cooperative farmers are not supplied food by the State but put aside their annual amount of food needed after the year-end account settlement and income distribution, and sell the surplus to the State. According to the Regulation on National Food Provision, old people and children are supplied food by the State as dependants, but the students and the old people in an institution for the aged as the principals. Those under old age pension or social security and their dependants are also equally supplied food by the State.

53. The State pays deep attention to the sufficient supply of foodstuff. The State has taken measures to develop the foodstuff industry with the purpose of improving working peoples diet and emancipating women from the heavy burden of household chores. Thus, the omnifarious foodstuff industry has been created including cornstarch factories, riced corn flour factories, fruit and vegetable processing factories, meat and fish processing factories, oil mills, etc. and meets the requirement of people for basic and subsidiary food, snacks, refreshing drinks, etc. For more convenient foodstuff supply a greengrocery, a fruit shop, a fish shop, a grocers shop, etc. have been set up in a complete set in not only towns and workers districts but also in rural *ris* and remote villages, and mobile sale is organized if necessary. As a result, the average life expectancy of people lengthened from 38 years in 1944, prior to national liberation, to 73.2 years in 1993.

54. However, a number of industrial facilities and equipment were

submerged and destroyed by pouring rain, drought, tidal waves, typhoons and other natural disasters that successively occurred in several recent years. The shortage of power, fuel, facilities and materials affected the overall national economy and peoples lives.

Table 6
Background of the country

Indicator	1993	1999	Fluctuation
Total population	21,213,000	22,754,000	+1,541,000
Total fertility rate	2.2	2.0	-0.2
Average lifespan	73.2	66.8	-6.4
Infant mortality rate	14/1,000	23/1,000	+9/1,000
Under-5 mortality rate	27/1,000	48/1,000	+21/1,000
GNP per capita	US \$ 988 (1992)	US \$ 457 (1998)	US \$ 531

55. The aftermath of natural disasters was more serious in the agricultural field. Agriculture suffered the following damage:

- In 1994, 170,000 hectares of paddy field suffered from hailstones as big as 5 cm in diameter in the major grain production areas, losing 1,020,000 tons of rice;
- In 1995, the pouring rain which was the first of its kind in 100 years, caused damage of more than US\$ 15 billion, reduction of 2 million-odd tons of grain production and the loss to the flood of 1 million-odd tons of grain in stock;
- In 1996, flood caused damage of US\$ 2.2 billion;
- In 1997, intense heat lasting for more than 50 days brought about a reduction of 1.7-odd million tons of grain production;
- In 1998, flood caused damage of US\$ 3.5 billion;
- In 1999 and 2000, pouring rain and extraordinary high

temperatures inflicted immense damage.

56. This radically reduced grain production caused the relapse of the long-forgotten diseases and seriously attacked the general livelihood of people, especially the enjoyment by inhabitants of the right to adequate food.

Table 7
Recent annual grain production

Year	Production(t)
1990	9,100,000
1994	7,083,000
1995	3,499,000
1996	2,502,000
1997	2,685,000
1998	3,202,000
1999	4,281,000
2000	3,262,000

Table 8
Amount of grain needed annually

Category	Amount(t)
Provisions	4,899,000
Industrial raw material	1,200,000
Fodder	1,400,000
Public catering	200,000
Seed	210,000

Table 9
Malnutrition rate of children under seven years

Year	Rate(%)
1999	15.6
2000	10.4

57. The Government tried to stabilize the lives of flood victims by mobilizing every possible food resource and even supplying substitute food. The Government also appealed to the international community for cooperation and received a lot of valuable humanitarian assistance.

58. The State roused all the people to throw off the after-effects of the natural disasters in every field of national economy as early as possible and normalize production. Steps were taken especially for the development of agriculture and the resolution of the food problem. As the country is restricted in its cultivatable acreage (20 per cent of the territory), the State boldly conducted in a big way the work to enlarge the crop area by acquiring new land, tideland reclamation, and land levelling and rezoning projects to improve the fertility of the soil and to significantly boost the per-hectare yield by cropping 2-3 times a year. The entire people, uplifting the motto: Lets be cheerful even if our way is thorny, vigorously unfolded the second *Chollima* upsurge in the spirit of having eradicated the war damage with the *Chollima* movement immediately after the Korean war. Thus, the different sectors of the national economy gradually recovered their production ability, readjusted the basis of the independent national economy and laid the firm foundation for a new leap forward.

C. Right to adequate housing

59. In the DPRK, the State assumes the responsibility of supplying

dwellings to all citizens. Citizens have the right to be provided with a house or hostel free of charge under article 69 of the Labour Law, the right to use a house which is transferred and protected by the State under article 50 of the Civil Law and the right to inviolability of the home under article 79 of the Constitution.

60. Thanks to the legislation and popular policy of the State, the overwhelming majority of working people live in modern houses built by the State at its expense. There are some houses built by social cooperative organizations at their expense and some private houses handed down by former generations.

Table 10
Housing situation (1999)

(Unit: 1,000 houses)

Number of houses	Category of ownership		
	State	State organs and enterprises	Cooperatives
5,387	3,534	1,255	598

61. But flood destroyed many houses, causing a shortage of dwellings. The State stresses the construction of houses to stabilize peoples lives as soon as possible even if they lack many things and the situation is still hard.

Table 11
Number of households with insufficient dwelling conditions

(Unit: 1,000)

Total number	Category	
	Households needing separation	Households sharing house
186	151	35

62. In accordance with article 2 of the Construction Law, the State constructs and provides dwellings in towns and the countryside. The houses are built by the construction enterprises at every province, city or county, in accordance with the demand and ability. The construction fund and materials are supplied under the State plan. The designs are worked out by the institute specializing in construction design and the owner institution, enterprise or organization of construction and building operation has examiners to check the construction quality. The completion check-up is done by the completion check-up board. A building that has not passed the completion check-up may not be used.

63. Under articles 19-29 of the law on City and Town Administration, the city or town administrative organs as well as the institutions, enterprises and organizations concerned should ensure drinking water, heating and disposal of excrement in conformity with the supply standard or the hygienic norm. The facilities for water supply and drainage or for heating of dwellings may not be taken away or transformed in structure without permission, nor may a set-up that disturbs lighting be installed.

64. As the DPRK Government and the peoples power organs at all levels are the bodies responsible for the livelihood of inhabitants, there is nobody who is homeless and lives outdoors although there are households with insufficient dwelling conditions.

VII. ARTICLE 12 - RIGHT TO ENJOYMENT OF PHYSICAL AND MENTAL HEALTH

A. Physical and mental health

65. Every citizen is entitled to have his or her life protected and to enjoy physical and mental health under the Constitution, the Public Health Law and the Labour Law.

66. By the popular public health policy of the State, infectious and other

diseases were reduced, the mortality rate decreased and the average life span lengthened to 74 years in the 1990s. But in the mid-1990s some health indices got worse. Some acute epidemic diseases increased: TB, malaria, etc., which had disappeared, revived; infant and general mortality grew; and the average life expectancy shortened. This was due to the successive natural disasters from 1994 and the collapse of the socialist market in the early 1990s, which brought about unexpected difficulties in industry, agriculture and various other sectors of the national economy.

Table 12
Major health indices

Year	Birth rate	Mortality	Infant mortality
1995	40.5	20.9	56.4
1960	38.5	10.5	37.0
1970	44.7	7.0	22.7
1980	21.8	4.5	14.2
1990	22.0	5.9	9.2
1993	20.0	5.5	14.1
1996	20.1	6.8	18.6
1998	18.2	9.3	23.5
1999	17.8	8.9	22.5

Table 13
Average life expectancy

Year	Average	Male	Female
1936-1940	38.4	37.3	39.5
1957	57.0	55.0	59.0
1960	58.3	56.0	59.0
1964	59.9	57.5	61.9
1969	63.8	62.0	68.0
1972	66.0	62.9	68.9
1986	74.3	70.9	77.3
1991	74.5	71.0	77.6
1993	72.7	68.4	76.0
1996	70.1	67.3	75.0
1999	66.8	62.8	70.7

67. By the concerted active efforts of the Government and people and the effective assistance of the international community, a great deal of damage from natural disasters has been repaired, peoples lives markedly stabilized, and the material support to public health gradually improved, thereby producing advances in peoples health.

B. Health policy

68. The DPRK has introduced the universal free medical care system. Under article 9 of the Public Health Law: The State provides every citizen with the benefits of complete free medical service. The workers, farmers, working intellectuals and all the rest of the citizens have the right to free medical treatment. All citizens enjoy the benefit of free medical service irrespective of sex, occupation, place of residence, party affiliation, religious belief, etc. Every medical service is free including all medicine supplied to patients, diagnosis, tests, treatment, operations, sick calls, hospitalization, medical check-ups, consultations, vaccinations, midwifery, blood transfusions, dental prostheses, etc. The State pays even the travel costs to and from the sanatorium, not to speak of the recuperation fee.

69. The State, under articles 3 and 18-28 of the Public Health Law, directs efforts first and foremost to prophylaxis. The Government leads public health and other agencies, enterprises and organizations to widely conduct hygienic propaganda and education activities in various forms and methods so that the masses of people may participate voluntarily in hygienic work, protect and look after their health in a scientific way and prevent diseases. Also, the Government takes measures to prevent pollution, create and maintain hygienic and a cultural labour environment and conditions, secure labour protection supplies and hygiene protection instruments, prevent industrial diseases, and intensify sterilization, inoculation, quarantine and anti-epidemic work so that epidemic diseases may be prevented. The Government, in order to carry out the prophylactic line, consolidates and develops the section-doctor system, an advanced medical service system.

70. The State pursues in preventive and curative medical care the policy of attaching primary importance to the settlement of scientific and technological issues and developing *Juche*-oriented medical science by rationally combining modern with traditional *Koryo* medicine.

71. The State trains medical workers in a planned way in conformity with the developing realities, and brings them to be devoted to patients as engineers of human life and faithful servants of the people, incessantly improve their scientific and technical quality and strengthening collective discussion in their medical care.

Table 14
Number of medical workers

Year	Number of medical workers per 10,000 population
1949	3
1960	19.5
1970	34.3
1980	43.4
1990	39.9
1998	44

72. The Government pays deep attention to properly meeting the requirement of primary health care in its fulfilment of the public health policy.

C. Infant mortality

73. The State takes good care of the health and nutrition of children and mothers. But the natural disasters did a great injury to the health of children.

Table 15
Infant and under-five mortality rate

Year	Infant mortality	Under-5 mortality
1993	14	27
1994	15	28
1995	15	32
1996	19	40
1997	21	43
1998	24	50
1999	23	48

D. Living conditions and environment

74. The State makes great efforts to create appropriate living conditions and a cultural and sanitary environment for all inhabitants. Under the Law on City and Town Administration, the Law on Public Sanitation and the Law on Prevention of Infectious Diseases a certain space around a water source, a water-supply reservoir and a pumping station is fixed as a hygienic protection district so as to prevent contamination of water; drinking water of the required quality is supplied to inhabitants; the waste pipe network is kept in good repair and waste water is purified as required before it flows out beyond the hygienic protection district.

Table 16
State of drinking water use by sources (2000 MICS)

Category	%
Indoor water service	79.7
Yard water service	1.4
Public water service	1.6
Pump	6.6
Sheltered well	10.8

The MICS conducted in 1998 showed that all households were using excretion-disposal facilities.

E. Preventive inoculation against infectious diseases

75. The State maintains the policy of eradicating epidemic diseases and of protecting the life and health of people by strictly establishing a preventive inoculation system and order against infectious diseases. In accordance with the Law on Prevention of Infectious Diseases, the bodies to prevent infectious diseases investigate and contact the persons to be inoculated on a periodic or temporary basis and vaccinate them in a planned way.

Table 17
Immunization rate (1998)

Index	Rate(%)
Tuberculosis	63.9
Diphtheria	37.4
Poliomyelitis	76.5
Measles	34.4

76. The number of pregnant women who are cared for by a qualified medical worker is mentioned in paragraph 43.

77. The health situation does not vary by region or population groups. Now that all health facilities are owned by the State and society and the Government values health promotion of working people without any thought of profit, the citizens are guaranteed medical service of the highest possible quality on an equal footing, irrespective of region, stratum, occupation, etc.

F. Right to health of elderly people

78. As medical care is completely free in the DPRK, elderly persons right to health is never infringed by the rising costs of health care. The State took measures to foresightedly cope with the aging of the population. In 1976, the State set up the Cooperative Research Centre of Gerontology under WHO and the gerontological laboratories in various research institutions to inquire into the aging of the population, gerontological contraction, the life and activity of the aged, especially the everyday behaviour of the bed-ridden aged, and lay the foundation of possible foresighted measures. The State provided the scientific basis for gerontological sanitation and improvement of life organization through a national prognostic survey and strengthened the health care and the hygienic administration corresponding to the specific characteristics of individual old persons through the section doctors. In 1992, gerontological departments were established anew in central and provincial hospitals. The hospitals at city (or district) and county level organized gerontological laboratories as well, to take account of the special characters and requirements of old people in their treatment and nursing. From the early 1990s, the *Taekwondo* and rhythmic gymnastics, particularly for the health protection of the aged, were developed and widely disseminated through TV, newspapers and magazines and by the section doctors.

G. Primary health care

79. The State took measures to let broad masses of people participate in the work for primary health care. The Almati Declaration, the National Health Strategy and the concepts of primary health care have been put into a plain version and distributed among the health-related institutions, departments, public organizations, press and report organs, educational and cultural establishments, etc. and lectures have been given on them. On the occasion of the WHO South-East Asia Regional Conference on the primary health service held in September 1983 in Pyongyang, examples were set in three counties and two cities (or district) which developed primary health

service into a mass drive. The Conference further enhanced the social attention to primary health care and promoted it.

80. In order to popularize primary health care, the State originated the Campaign to Win the Title of Model Public Health County. This was a mass movement for collective innovation in hygienic, cultural, anti-epidemic and medical service work by mobilizing all the institutions, enterprises, public organizations and inhabitants within the region with a county (or district) as the unit. The unit that passed the State judgement was conferred the title and flag of Model Public Health County and the advanced workers were commended officially. This campaign served as a powerful propelling force of the fulfilment of the National Health Strategy.

81. On 31 August 1988, the DPRK Research Institute of Public Health Administration was designated a WHO cooperative primary health care research centre. WHO activated the exchange of information on the implementation of the primary health-care strategy as well as on the achievements, experiences and lessons of different countries and regions of the world. And by the selection of some counties and districts as the research base, the models of primary health care were created for the various regions with different natural, geological, productive and economic characteristics. The State generalized the models to energetically promote primary health care on a higher level in the whole country.

H. Education concerning prevailing health problems

82. The State took measures to educate on prevailing health problems and the ways to prevent and control them. Attention was focused on regular education to enhance the sanitary awareness level of the new generation and on mass hygienic propaganda to improve hygienic knowledge and the cultural level of life of the general public, with the aim of preventing acute epidemic diseases, parasitosis and common diseases, avoiding loss of working ability, encouraging popularization of physical culture and reforming dietary customs. The regular hygienic education includes

education in personal and public hygiene from kindergarten, hygienics as a subject from the secondary school, including human anatomic physiology, common knowledge of preventing acute epidemic diseases and parasitosis, etc. and teaching schoolgirls female physiology and baby nursing about 20 hours a year from third to sixth grade of secondary school. For mass hygienic propaganda and education, there is the peoples public health agency directly under the Ministry of Public Health in the centre, the hygienic propaganda hall in each province and the full-time hygienic propaganda doctors in each city or county hospitals and sanitary prevention centre. The peoples public health agency is the centre of the organization, methodology and technique of mass hygienic propaganda and the production base of visual aids and propaganda articles including publications and models. The provincial hygienic propaganda hall offers organizational, methodological and technical guidance to the hygienic propaganda work in view of the realities of the province, under the direction of the peoples public health agency. And the full-time hygienic propaganda doctors of the city or county hospitals and sanitary prevention centres are responsible for the dissemination of the hygienic propaganda articles to the medical workers, schools, public establishments, cinemas, clubs, etc. within the city or county and the organization and guidance of the hygienic propaganda by doctors, nu

83. International assistance plays an important role in ensuring the right to enjoyment of physical and mental health. With material and technical assistance, WHO, UNICEF, etc. are contributing practically to the development and realization of the various programmes of the State for the health protection of citizens and to the training of experts and the raising of the technical ability of the functionaries on the job.

VI. ARTICLE 13 - RIGHT TO EDUCATION

A. Education policy

84. The State, under the policy of putting education ahead of all other

work, spares nothing for the education of the rising generation. By the progressive education system and the popular policy of education, every citizen fully enjoys the right to education. The right to education and its realization is guaranteed by the Constitution and the legislation on education.

B. Right to compulsory and free primary education

85. The universal compulsory free primary education system was introduced in 1956. The State established branch schools even in remote mountainous areas or secluded islands so that there might not be any school-aged child who has no access to primary education. The children who have nobody to support them lodge at the dormitory of primary and secondary orphans schools to live and get free education at State expense.

C. Right to secondary education

86. The State provides all school-aged children with compulsory free secondary education. This has been realized in three stages. At the first stage, universal compulsory 7-year secondary education was enforced in 1958, when 3-year junior secondary education was made compulsory by law. As a result, all pupils who finished the 4-year primary schooling could get lower secondary education. At the second stage, 5-year secondary schooling was made compulsory by the law on introducing universal compulsory 9-year technical education proclaimed in 1967. The former 3-year secondary schooling was combined with 2-year technical schooling to be turned into 5 years of secondary schooling, enabling all pupils to get a basic technical education along with general secondary education. At the third stage, the 6-year senior secondary schooling was made compulsory by the law on enforcing the universal 11-year compulsory education in 1972. This was to give complete general secondary education to all children until they reached the age to work. Based on this achievement, the State stipulated in article 45 in the Constitution: The State shall develop universal compulsory 11-year education which includes a compulsory 1-year

pre-school education at a high level in accordance with the trend of modern science and technology and the practical requirements of socialist construction. The adoption of the Education Law in July 1999 consolidated the right to secondary education. Secondary education is completely free.

D. Right to higher education

87. Higher education is enforced through the spare-time higher educational system as well as the regular higher educational system. Article 8 of the Education Law provides: Making all members of society intellectuals is the long-term objective of socialist education. The State shall further develop the spare-time higher educational system along with the regular higher educational system as conditions mature, so as to make all members of society intellectuals and help the entire people continue study throughout their lives. Those who have finished the 11-year compulsory education are entitled to get higher education according to their hope and aptitude under the Constitution and the Education Law. Such spare-time higher educational institutions as factory colleges, farm colleges and fishermen's colleges have been established for the young people who work in factories, enterprises or cooperative farms instead of going on to regular universities. And evening courses are attached to universities. The State emphasized expanding the spare-time higher educational institutions and consolidating their education in recent years. Education has been completely free in every educational institution since March 1959 by the Cabinet Decision on abolishing tuition fees. The State grants scholarship to the students of universities and higher specialized schools and gives free education to spare-time students paying them a salary according to the job position they occupy.

88. In the DPRK, there is nobody who has not received primary education thanks to the universal compulsory primary education system that has been enforced since 1956.

E. Difficulties in the realization of the right to education

89. In the reporting period, difficulties were also caused in the realization of the right to education by natural disasters. The flood of 1995 alone destroyed 2,290 schools and 4,120 kindergartens and washed away a lot of educational facilities. And normal production was hindered by the damage in paper factories, production units of educational apparatus and other related sectors. What was most serious was that teachers and schoolchildren were not supplied with enough to eat owing to the shortage of food and thus their health suffered greatly. The State took such urgent measures as allocating funds preferentially to repairing the damage in the educational field, mobilizing the whole country to assist it, etc.

F. Fundamental education

90. The State, by conducting the nationwide anti-illiteracy campaign after liberation, completely abolished illiteracy by the end of 1949. And in 1956 the universal compulsory primary education system was introduced, whereby everybody received primary education, and the issue of fundamental education was finally settled.

91. There is nobody who leaves in mid-course primary and senior secondary schools, the institutions of universal compulsory 11-year education. In accordance with article 14 of the Rules under the Enforcement Regulation of the Education Law issued by the Ministry of Education in April 2000, general educational schools postpone until 19 years of age the duration of compulsory education of the children who cannot finish their secondary general education for illness or other justifiable reason subject to medical certificates or confirmation of the county-level preventive and curative institutions or other organs concerned.

G. Education system

92. The State enforced universal compulsory 11-year education, which includes a compulsory 1-year pre-school education under article 45 of the Constitution. As of 1999, the number of primary school pupils was 1,657,000 and that of senior secondary school pupils 2,195,000. In rural areas, school-attending distance should, in principle, be less than 2km for primary school and 4km for senior secondary school.

Table 18
Education system in 2000

Higher class of kindergarten	1 year
Primary school	4 years
Secondary school	6 years
Specialized school	2-3 years
College/university	3-6 years

H. Equal right to education

93. Every child has the right to school education at all levels. All children are enrolled in primary and secondary schools without any exception. Every child, boy and girl, receives compulsory education between 6 and 16 years of age.

94. The State takes positive measures to let every child enjoy an equal right to education. Education is completely free at all levels and therefore is not affected by the difference in the income of the parents. The State grants subsidies as well as scholarships to the students of university, college and specialized schools belonging to the higher educational system and the pupils of the schools for the blind or the deaf and dumb. Such

benefits are bestowed without discrimination to all of the urban or rural areas and social groups.

95. The State has put forward the task of realizing compulsory higher education in the future on the basis of the compulsory general education enforced through the universal compulsory 11-year education system. The State also plans to gradually extend the scope of free education. The State will expand boarding facilities to support the life and study of students at the public expense.

I. Preferential treatment of teachers

96. The State ensures that educational workers are preferentially treated and respected by the community. Article 27 of the Education Law provides: Educationalists shall have sound moral traits and acquire profound scientific and technological knowledge and great teaching ability, and teach students with a strong sense of responsibility. The State shall ensure that society gives prominence to educationalists and respects them. It is one of the major policies of the Government and the social morality to treat preferentially and respect teachers. Many teachers participate in the administration of the country as deputies to the supreme and other peoples assemblies. The teachers who have rendered distinguished services for education are conferred the title of merited teacher or peoples teacher and the teachers successful in scientific research the titles of merited scientist, peoples scientist and such academic titles or degrees as academician, professor, doctor, master, etc. so that they may be highly respected by the society.

97. The State pays deep attention to the livelihood of teachers. Dwellings are preferentially supplied to teachers and teachers shops or counters are set up at their residential districts lest they should have any inconvenience in their life. Single teachers are secured lodging with priority by local government organs and the teachers with long service records are treated as men of merit.

Table 19
Number of teachers at various educational levels (1999)
 (Unit: 1,000)

Primary school	69
Senior secondary school	112
College	13
University	35

J. Private school

98. There is no private school in the DPRK. Educational institutions are established by the administrative organs concerned. Primary and senior secondary schools are set up by the educational department of the provincial, city or county peoples committees with the consent of the Ministry of Education and the organ concerned, and universities, colleges and other higher educational institutions by the organs concerned with the consent of the Cabinet.

K. International cooperation for realization of the right to education

99. Article 11 of the Education Law stipulates: The State shall develop exchanges and cooperation with other countries and international organizations in the educational sector. The State appreciates international cooperation for the full realization of everybody's right to education and makes efforts to develop the exchanges and cooperation with other countries and international organizations. In the reporting period, international cooperation made an important contribution to overcoming the damage caused by natural calamities to the educational sector. The damage in the educational sector amounted to US\$ 150,903,000 in 1995 and US\$ 213,735,000 in 1996. Teachers and children suffered from food shortages and the destruction of schools and dormitories adversely affected education.

In such a situation, the DPRK received a lot of assistance, including rice, from various countries and governmental or non-governmental international organizations. International cooperation contributed to the qualitative improvement of all education from primary to university level. International cooperation of various forms including mutual exchange of educational delegations, experiences, visiting scholars, scientific, technological and educational books, information data, etc. remarkably contributed to enhancing the quality of education and the realization of the right to education.

IX. ARTICLE 14 - COMPULSORY PRIMARY EDUCATION

100. Universal compulsory free primary education has been enforced since 1956 in the DPRK.

X. ARTICLE 15 - RIGHT TO TAKE PART IN CULTURAL ACTIVITIES AND ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS

A. Popular participation in culture

101. Citizens have the freedom and the right to scientific, literary and artistic activities. The Constitution provides in article 74: Citizens are free to engage in scientific, literary and artistic pursuits and in article 52, paragraph 2: The State shall encourage creative workers and artists to produce works of high ideological and artistic value and enlist the working masses widely in literary and artistic activity.

102. The State, in conformity with the policy of popularizing literature and art, supplies broad masses of people with every condition to fully enjoy cultural life, and the expense is all borne by the State, institutions, enterprises and social cooperative organizations. There are the Grand Peoples Study House, grand theatres, art theatres, drama theatres, cinemas, libraries and various other cultural institutions and facilities at the central

and provincial levels, a house of culture and libraries in each county and a cultural centre or a cultural propaganda hall in the lowest unit, that is the *ri*, institution or enterprise, for working masses to make extensive use of. The institutions, enterprises, social cooperative organizations, educational establishments and the units where there are working people have various art circles or propaganda squads so that workers, peasants, youth, students, children and all citizens may take part in the literary and artistic activities according to their wish. And the singing contests of different sections such as working people, agricultural workers or housewives, the national festivals of art or drama, the prize contest of literary and artistic works, the exhibition of fine art or photos and various other functions are organized for all citizens to broadly participate in. The winners receive a prize. The workers, peasants, youth and students contribute to the festivals or performances novels, poems, drama scripts, music, dances or fine art of their own creation. The distinguished persons are enrolled to develop as professionals.

103. Younger generations are educated from an early age to be possessed of the basic knowledge needed to enjoy and create literary and artistic works as well as the skill and emotion to play one or more musical instruments. Youth and children are given enough opportunity to give full scope to their artistic aptitudes and talents by the widely conducted extracurricular art circle activities at all levels from kindergarten to university. Such extracurricula activities include literature, music, dance, fine art, etc. and are taken part in by all children and young people irrespective of whether they live in urban or rural, flat or mountainous areas.

104. Cultural institutions have a convenient infrastructure to encourage the enjoyment of culture by the masses. The cultural institutions and facilities including theatres, museums, cinemas, gymnasiums, etc. have organizational and planning departments, inquiry departments, ticket departments, etc. to enable people to freely participate in cultural life without any inconvenience. For example, the Grand Peoples Study House, which is a library with a capacity of 30 million volumes and one of the centres of

national intellectual and cultural life, has infrastructure convenient for everyone to attend short courses, lectures, retraining and various services as well as book services. It has departments for translation, recording or publishing of foreign books, research of data needed in different sectors of the national economy, reading, scientific research, etc. as well.

105. The DPRK is a homogeneous nation and has a single cultural tradition. However, some regional characteristics may be found. The Government encourages, gives wide publicity to, inherits and develops in conformity with the modern aesthetic sense the native regional cultures that have been handed down historically, to let the whole nation enjoy them together.

B. Role of mass media

106. The State pays deep attention to enhancing the role of mass media and communications media to meet better the daily growing cultural and sentimental requirements of the masses of working people. The TV network and the radio broadcasting take an important place in promoting the participation of the masses in cultural and sentimental life. In February 1997, the channel of education and culture was newly arranged to broadcast multifarious cultural programmes covering literature, art, education, sports, health and many other sectors of social life. Radio broadcasting by different stations propagate music and the information helpful to peoples cultural life. *Rodong Sinmun, Minju Josen, Chongnyon Jonwi, Pyongyang Sinmun* and other central, local or public organizational newspapers carry multifarious information necessary for the cultural life of working people. They also introduce new literary works and the programmes for literary and artistic prizes to help participation of the masses in cultural life.

C. Preservation of national cultural heritage

107. The State carries out the policy of preserving in its origin, properly inheriting and developing the national cultural heritage to heighten the national pride of people. Article 5 of the Law on Preservation of Cultural Relics stipulates: It is the invariable policy of the State to preserve cultural relics. The State shall pay deep attention to the preservation and maintenance of cultural relics and ensure that the work is conducted in conformity with the historical facts and the requirement of the developing reality. To this end, the State has set up such State institutions as the General Bureau of Cultural Preservation and the Research Institute of Cultural Preservation, and adopted the Law on Preservation of Cultural Relics so that the work is attended to by the whole country and society. A lot of historical relics have been unearthed of the primitive, the Paleolithic, the Neolithic, the Bronze, the mediaeval and other ages and have been restored to their original state. The *Tangun* Tomb, the Tomb of King *Tongmyong* and the Tomb of King *Wanggon*, the tombs of the three major founder kings and many old castle gates and buildings have been reconstructed and demonstrate the advanced architecture of the forefathers. Large-sized central and provincial museums of history have been built splendidly and serve as the preservation bases of historical relics, and the centres of academic research and education in history and culture.

D. Freedom of artistic creation and dissemination

108. Every citizen has the freedom of artistic creation and dissemination under the Constitution, the Copyright Law and the legislation on the press that provide for the freedom of literary and artistic activities. The State took various steps to let popular masses as well as creators and artists actively participate in creative and other literary and artistic activities. Those who have a taste for literature and art are enrolled as literary correspondents from factories, countryside, institutions, enterprises, etc. and are encouraged in their creation work. And national prize contests of

literary works are organized to praise and give due prizes to the excellent ones, enhancing the creative zeal of working people. The works created by working people are widely disseminated through mass media and the local or central stages like the art festival, singing contest, etc. organized on the scale of institutions, enterprises, regions, production branches or the whole country.

E. Professional education in culture and art

109. The State consolidates professional education in culture and art to give full scope to the talent and aptitude of the rising generation and the working people. In view of the characteristics of cultural and artistic education, the State has attached art educational institutions to the Ministry of Culture, enabling the latter to give comprehensive guidance. There are central artistic universities in the capital including the Music and Dance University, the University of Drama and Cinematics and the University of Fine Arts, and in provinces, city or county art colleges, early vocal music or actors courses of senior secondary school and music classes of kindergarten for systematic art education. The students and pupils are recruited by selection on a nationwide scale each year. The artistic universities have 4 to 5-year diverse special courses, 2 to 3-year post-graduate courses and doctoral institutes. Able persons in active service are allocated as teachers or part-time lecturers for the highest possible educational quality.

F. Application of scientific progress

110. Citizens have the freedom of scientific and technical activities and the right to enjoy the benefits of progress. The DPRK carries out the policy of valuing science and technology. Under articles 25 and 27 of the Constitution, the State conducts all economic activities giving primary preference to technical development, pushed ahead with scientific and technical development and the technical renovation of the national economy, vigorously launches the mass technical innovation movement so as to free the working people from difficult, tiresome labour, narrows

down the distinctions between physical and mental labour and allots the material wealth of society to the promotion of the well-being of the working people.

111. The State enacted the Invention Law in 1998 and revised and supplemented the Law on Science and Technology in 1999 to encourage the scientific research work and let everyone enjoy the benefit by immediately putting the successes into production. By virtue of the laws, the State institutions of planning, labour administration, material supply, finance and banking ensure timely supply of labour, materials and funds necessary for invention and research, and new science and technology, either invented or imported, are examined in time to be introduced into production. The Regulation on Examination, Registration and Introduction of Scientific and Technological Achievements (Cabinet Decision No. 42, 9 May 1999) encourages the introduction of the progressive and economically effective achievements of science and technical renovation and imported technology, comprehensively stipulates the rational procedures and methods of examination, registration and introduction of scientific and technological achievements, and provides that the work of groups or individuals in research or innovation shall be fairly estimated, and that the creators receive high tribute from the community, commendations, prizes and other material or monetary benefits and are treated preferentially.

112. By the State policy and the new legislation of attaching importance to science and technology, remarkable progress, including globally recognized successes, has been achieved in science and technology in recent years, a change has taken place in the modernization of the national economy and the benefits to people through science and technology have speedily increased.

G. Preservation of natural heritage

113. In order to preserve scenic spots, natural monuments and other natural heritage and make the environment healthy and pure, the Law on

Preservation of Scenic Spots and Natural Monuments and the Law on the Protection of the Environment have been adopted and their execution is seriously attended to. The preservation and maintenance of scenic spots and natural monuments are undertaken by the whole country under the responsibility of the General Bureau of Cultural Preservation. The State has surveyed and registered all of the scenic spots and natural monuments, defined their protective districts and ensures that not only the administrative organs but also the institutions, enterprises and organizations concerned take care of the scenic spots and the natural monuments in a scientific and technical way.

114. The State has enacted the Law on the Protection of the Environment, the Law on Prevention of Sea Pollution, the Law on Protection of Useful Animals, the Law on Control for the Protection of Land and Environment, etc. to protect the environment for the popular masses. The State has fixed special protection districts such as the protection districts of nature, of animals, of plants and of marine resources to preserve the natural environment in its original state. The months of general mobilization for land administration, of planting trees, of beautifying towns and of other environmental protection have been fixed to let all citizens pay attention to the protection of the environment.

H. Information system of science and technology

115. The State has established an integral system of collecting, analysing and processing the internal and external information necessary for the development of the country's science and technology to regularly impart them to the scientists, technicians and officials concerned. The State has the Central Information Agency of Science and Technology and the branch agencies under it in each province, and serves all counties, factories and enterprises various scientific and technological information through the Intranet connecting them. Besides, the State periodically publishes and disseminates 40-50 kinds of technical information matters such as the Information of New Technology, the Data of Practical Technology, etc. The

Central Information Agency of Science and Technology not only translates and informs about up-to-date scientific and technical materials of other countries, but also searches for and serves the technical materials required by factories and enterprises.

116. The State organizes scientific and technological exhibitions, seminars, meetings for exchanging experiences at the central, provincial, municipal or country levels to give wide publicity to inventions and contrivances of economic significance, by which the scientific and technological achievements are introduced into production promptly.

I. Protection of intellectual property rights

117. A citizen has the right to benefit from the protection of the moral and material interests resulting from the work of which he or she is the author. Article 74 of the Constitution states: Citizens are free to engage in scientific, literary and artistic pursuits. The State shall grant benefits to inventors and innovators. Copyright, inventions and patents shall be protected by law. Cabinet Decision No. 17 of 11 March 2000, On Approving the Enforcement Regulations of the Invention Law, stipulates: Inventions and patents shall be protected by law. The State administrative body of science and technology, the institutions and enterprises concerned shall protect and ensure the accurate exercise of the right of the inventors and patentees. The State adopted the Copyright Law in cooperation with the World Intellectual Property Organization to encourage the writing activities of citizens and protect their copyrights more thoroughly.

118. The State administrative bodies of science and technology, the institutions and enterprises concerned, while protecting creations by law, let the community pay a high tribute to and confer commendations, higher degrees of science and technology and prizes upon the citizen who has either greatly benefited the State or distinguished himself or herself by introducing an invention, in accordance with the laws, regulations or enforcement rules concerned. By articles 41 and 42 of the Invention Law

and article 64 of its enforcement regulation, those who encroach upon the right of inventors or patentees pay due damage or are subject to administrative or penal responsibility according to the gravity. The damage is determined by the institution concerned in view of the loss caused by the encroachment.

J. Creation of conditions for scientific research and creative activity

119. The State ensures every condition and convenience for the scientific research and creative activity of scientists and creators in conformity with the Law on Science and Technology, the Invention Law, and the Copyright Law and their enforcement regulations. The State systematically increases its investments in the field of science and technology, and preferentially provides scientists with dwellings, laboratories, research rooms, intermediary pilot plants, labour, facilities, materials and funds. To persons of literature and art, the State supplies at its own expense theatres, rooms for creative work, musical instruments, costumes and other materials needed for their creations and performances.

120. Scientists and the scientific research institutions exchange views and experiences through public discussions, seminars, exhibitions and publications. Full-time writers and artists exchange their achievements and experiences through panel discussions, examinations or consideration of their work, public skills presentations, experience exchange meetings, etc. and part-time writers and artists through prize contests, national festivals, competitions, exhibitions, shows, etc.

K. International cooperation in science and culture

121. The State maintains a policy of developing exchanges and cooperation in science, technology and culture with other countries and international organizations under the ideal of independence, peace and friendship in its external relations.

122. The Regulation on Exchange and Agreement in Science and Technology with Foreign Countries (Cabinet Decision No. 31 of 17 March 1999) enacted under the Law on Science and Technology encourages the conclusion of agreements, protocols, programmes, contracts, etc. between Governments, academies of science and institutions, dispatching or accepting lecturers, technical advisers, scientists, technicians and experts in the form of delegations, inspection parties or practice groups, exchange of periodicals, books on science and technology, technical documents and samples for research, organization of exhibitions, joint research, and other international scientific and technological cooperation, stipulating their detailed procedures, methods and guarantees.

123. The State exchanges delegations and art troupes with other countries in accordance with its programme of science, technology and culture and actively participates in the conferences, short courses, seminars, exhibitions, etc. organized by the international scientific and cultural organizations including the United Nations Educational, Scientific and Cultural Organization or WIPO.

124. The Government exerts itself to promote international contacts, exchanges and cooperation in culture by hosting the April Spring Friendship Art Festival, the Film Festival of the Non-Aligned and Other Developing Countries and various international meetings.

2-1. 2차 보고서 질문서

List of issues : Democratic People's Republic of Korea

05/06/2002.

E/C.12/Q/DPRK/1. (List of Issues)

Convention Abbreviation: CESCR
COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
20-24 May 2002

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the second periodic report of the DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.35)

I. GENERAL INFORMATION

1. According to paragraph 51 of the core document submitted by the State party (HRI/CORE/1/Add.108), the provisions of the international human rights instruments are applied either by being incorporated into domestic law and regulation, or directly. Please specify whether the provisions of the International Covenant on Economic, Social and Cultural Rights can be invoked in the courts by Korean citizens. Please provide case law, if it exists.

2. Please describe the recourse procedures available in the State party to the citizens in case their rights as provided for in the Covenant are violated.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2: Progressive realization of rights

3. Having in mind the provisions of article 2 (1) of the Covenant and the information contained in table 12 annexed to the core document, according to which the gross national product (GNP) and per capita income between 1993 and 1996 dropped by almost 50 per cent, please explain to what extent this dramatic fall in the availability of resources has hampered the enjoyment by Korean citizens of their rights recognized in the Covenant.

Article 2: Non-discrimination

4. Please indicate to what extent and in what manner the rights recognized in the Covenant are guaranteed for aliens residing in the Democratic People's Republic of Korea.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

5. Please provide the text of article 70 of the Constitution and of article 5 of the Labour Law concerning the freedom to choose one's occupation. Please give examples of how this freedom is exercised by young people graduating from vocational schools or institutions of higher education. Has

an employee the right to quit a job by notifying the employer of the termination of the labour contract?

6. Please provide more information about administrative and penal responsibility in case of the violation of "labour discipline".

Article 7: The right to just and favourable conditions of work

7. Please provide information about the pay scale applied for fixing the level of salaries in the various economic branches.

8. Please provide statistical and other information concerning the number, nature and frequency of occupational accidents and cases of occupational diseases.

9. Please provide information on the situation, in law and practice, in various sectors of activity as regards weekly rest, normal hours of work and overtime, holidays with pay and remuneration for public holidays.

Article 8: Trade union rights

10. Please explain how it is determined, and by what authority, that the forming of a given trade union may "endanger State security or social order".

11. What are the special restrictions imposed on the exercise of trade union rights by members of the armed forces, the police or the State administration?

Article 9: The right to social security

12. Please indicate if, and under what conditions, a person can lose or could be deprived of social security benefits.

Article 10: Protection of family, mothers and children

13. Please indicate if free cohabitation, i.e. outside marriage, is tolerated and explain the legal status of children out of wedlock.

14. Please indicate under what conditions abortion is allowed and practised in the State party.

15. Please provide information on the military training of children.

Article 11: The right to an adequate standard of living

16. With reference to paragraphs 51-55 of the report, please provide information about the food shortages in the country, particularly in the rural areas. Since the cooperative farms sell the food surplus to the State, please explain how the State is helping farmers when the crops are insufficient because of natural disasters such as drought or floods.

17. Please provide detailed information about the international assistance received since 1994 by the Government of the State party in order to solve the problem of food shortages created by natural disasters.

18. Please provide information on the international assistance received by the State party in order to alleviate the housing shortage caused by natural disasters.

Article 12: The right to physical and mental health

19. Please describe the amount and forms of material assistance received from WHO, UNICEF and international governmental and non-governmental bodies for addressing health problems, especially fighting infant mortality and under-5 mortality caused by circumstances created by natural disasters.

20. Please provide information about the incidence of HIV/AIDS as well as

other sexually transmitted diseases.

Article 13: The right to education

21. Please indicate whether grants or scholarships are available to Korean students who wish to study in foreign countries and to what extent foreigners have access to Korean schools.

22. Please describe the measures adopted in order to promote and protect the right of parents to ensure the religious and moral education of their children in conformity with their own beliefs.

23. Please provide information about the measures taken by the State party in order to ensure that education enables all persons to participate in a free society and promotes understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.

Article 15: The right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property

24. Please indicate if private individuals, scientists, writers and artists have the possibility to freely engage in exchanges with counterparts in foreign countries.

25. Please indicate to what extent foreign newspapers, books and other printed materials, as well as audiovisual products, can be imported into the Democratic People's Republic of Korea and bought by private individuals.

26. Please describe the measures and initiatives taken by the authorities of the State party to promote cultural ties and exchanges with the Koreans living in the Republic of Korea.

27. Please indicate if the Korean authorities maintain restrictions on freedom of creative activities and artistic production, which are not based

on "juche" ideas.

28. Please explain to what extent the activity of the National Examination Committee can be reconciled with the principle of the freedom of scientific research and creative activity.

29. Please provide information on any prohibitions with regard to the right of participation in cultural activities, including the exercise of freedom of religious beliefs.

3. 북한 아동협약 제2차 정기보고서

THE SECOND PERIODIC REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

May 2002

Introduction

1. The government of the Democratic People's Republic of Korea has the honour of submitting its 2nd periodic report on its implementation of the convention on the Rights of the Child subject to article 44, paragraph 1(b) of the CRC. This report covers the period from 1995 to 2000 following the year 1994 when the initial report on the implementation of the CRC(CRC/C/3Add.41) was drafted.

2. This period was marked with unprecedented difficulties and hardships for the State and people. The successive natural disasters for several years from 1995 caused a lot of obstacles in the economy as a whole and severely damaged the people's livelihood. Under the leadership of Kim Jong Il, all people unfolded an energetic struggle to overcome the natural disasters upholding the motto: "Let us optimistically advance however tough our road might be!". As a result of the hard efforts, the DPRK progressively broke through the hardships, recovered the balance between sectors of the economy, restored the basis of the independent national economy and laid a reliable springboard for the construction of a powerful nation.

3. In September 1998, amidst the elevated atmosphere of stabilization, recovery and progress, the 10th Supreme People's Assembly, the highest organ of State power, met for its Fifth Session. The session amended and

supplemented the Socialist Constitution in line with the developing realities and organized anew the governing bodies of the State. This was an epochal event that opened a new phase in the development of the State.

4. All the officials of the country, especially those concerned with children base all their activities on the motto: "Let us live today not for today but for tomorrow!". What this means is that one should live a true life devotedly breaking through the present difficulties for the prosperity of the nation and a happy life of the new generation even if he or she may not enjoy the comfort today. The DPRK Government and the child-related officials keep in mind their noble mission of cultivating a bright future and are firmly determined to devote more sincere efforts to the work to guarantee the rights of the child, surmounting all the difficulties encountered.

□. GENERAL MEASURES FOR IMPLEMENTATION
(Articles 4; 42 and 44, paragraph 6 of the CRC)

5. (Paragraph 11 of the Guidelines) The DPRK acceded to the CRC on September 21, 1990 without any reservation. The period under review of this report has proved once again that the principles and requirements of the CRC are basically in line with the principled stand of the Republic that attaches primary importance to children and underlines the bringing up of children into independent social beings, and are necessary for the realization of the ideal and aspiration of mankind.

A. CRC and domestic legislation
(Paragraphs 12~16 of the Guidelines)

6. The DPRK Government conducted an overall review of the domestic legislation to ensure compliance with the CRC. The review showed that the CRC principles and requirements had been embodied in different laws and regulation either to the letter or in substance. The Socialist Constitution revised and supplemented at the First Session of the 10th Supreme People's

Assembly in September 1998, maintained the provisions concerning the rights of the child (refer to paragraph 16(a) of the initial report). The law on the Nursing and Upbringing of Children, the Public Health Law, the Socialist Labour Law, the Criminal Law, the Criminal procedures Act also preserved the provisions on the provisions on the rights of the child (refer to paragraph 16(b), (c) of the initial report).

7. On July 14, 1999, the DPRK adopted the Education Law, the core of which is the universal compulsory free education system. The Education Law (52 articles, 6 chapters) consists of chapter 1. basis of the Education Law, chapter 2. universal compulsory free education system, chapter 3. institutions and functionaries of education, chapter 4. content and method of education, chapter 5. supply of the conditions for education and chapter 6. guidance and control of educational work. The Law provides in chapter 2. universal compulsory free education system that a citizen has the duty and right to get secondary general education (article 12), the term of the compulsory secondary general education is 11 years (article 13), the local power organs, educational institutions, parents and guardians are obliged to send school-aged children to school without fail (article 14), the local power organs should take measures for the compulsory secondary education of the children in a remote area like a mountainous village or an isolated island and the blind, deaf and dumb or other handicapped children (article 15), every education is free and may not charge for entrance, lessons, practice, visit or exploration (article 16), specific full-time students shall be provided with scholarship (article 17), school children shall be provided with ration, school things and daily necessities (article 18), etc.

8. The principles and requirements of the CRC were fully considered while adopting, amending or supplementing the Nationality Law (amended and supplemented in March 1995), the Law on External Civil Relations (adopted in September 1995), the Law on Physical Culture (adopted in Match 1997), the Law on Registration of Citizens (adopted in November 1997), the Law on Medical Care (adopted in December 1997), the Law on Complaint and

Petition (adopted in June 1998), the Law on Public Sanitation (adopted in July 1998), the Law on Sanitation of Foodstuff (adopted in July 1998), and their subsidiary regulations and rules.

9. the Constitution and the laws of the DPRK recognize the rights provided by the CRC (refer to paragraphs 16 and 17 of the initial report). The laws and regulations newly adopted, amended or supplemented in the period under review recognized and embodied the rights concerned put forward by the CRC (refer to paragraph 8 of this report).

10. The international covenants and conventions ratified by the DPRK are on the same status as the internal laws in the DPRK. Thus it is natural that they may be invoked before the courts. The power, people's security, procuratorial, educational and public health organs at all levels may also directly apply the CRC.

11. The requirements of the CRC have all been embodied in the legislation of the DPRK either to the letter or in substance. If some requirements are not reflected in domestic legislation, the principle is to settle an arising issue in conformity of the CRC. And if the CRC is in conflict with national legislation, the provision which is more favorable to the child is applied following the principle of the best interests of the child.

12. In a country that takes a special care of the child and has the social conditions to support it, the level of child right protection may not stay within the scope of the CRC. The Law on the Nursing and Upbringing of Children, the Education Law, the Regulation on Kindergartens (adopted in November 1991), the Regulation on Elementary and Senior Middle Schools (adopted in April 1991), the Regulation on Schools for the Children of Stepparents (adopted in January 1992), the Regulation on Schools for Blind or Deaf and Dumb Children (adopted in January 1992), the Regulation on Orphanages (adopted in February 1992), the Regulation on Free Supply of Textbooks and School things (adopted in December 1991), the Regulation on Supplying School Children with Scholarship, Food Expenses, Clothing,

Textbooks and School Things (adopted in March 1992) etc. are the legislation that have fixed the compulsory free education system which has existed for tens of years and can be said to have provided for the rights of the child at a higher level.

13. The cases of judicial decisions applying the principles and provisions of the CRC may be found in civil court hearings. Especially in dealing with adoption, annulment of adoption and divorce, the interest of the child is primarily considered in conformity with the requirement of the CRC.

14. Children may claim remedies either directly or through parents or guardians in cases of violation of the rights recognized by the CRC. Claiming of the remedies concerning the right to benefit from social security including social insurance is realized by the Insurance Law, the Law on Compensation for Damages and their Subsidiary Regulations.

**B. Comprehensive strategy for the implementation of the CRC
(Paragraph 17 of the Guidelines).**

15. The DPRK Government has basically achieved the targets of the National Plan of Action up to 2000 mapped out under the Declaration on Survival, Protection and Development of the Child adopted at the World Summit Conference in 1990. Ringing in the new millennium the DPRK Government will direct more resources to education, public health, nutritional support and other sectors urgent for the realization of the rights of the child and coordinate the implementation of the CRC more actively and on a scientific basis so that all children may enjoy their rights satisfactorily at a decent level.

**C. Coordination mechanism for the implementation of the CRC
(Paragraphs 18 and 19 of the Guidelines).**

16. The DPRK Government newly organized a national coordination body for the implementation of the CRC in the reporting period. Prior to the

reorganization of the State organs in 1998 at the First Session of the 10th Supreme People's Assembly, the national coordination and supervision function was assumed by the Standing Committee of the Supreme People's Assembly, the permanent body of the highest organ of State power and the Central People's Committee, the highest leadership body of State power. The former took necessary legislative measures while the latter coordinated the activities of the Administration Council and its subordinate organs for the implementation of the CRC and supervised the inspection and control activities of procuratorial and people's security organs. In the First Session of the 10th Supreme People's Assembly, the Standing Committee of the Supreme People's Assembly and the Central People's Committee were merged to make the Presidium of the Supreme People's Assembly in accordance with the revised Constitution. This produced the issue of how to realize the national coordination of the implementation of the CRC. The debate was focused on establishing a new national and exclusive coordination body in view of the internal requirement to take an institutional measure for the development and specialization of the unified coordination and supervision of the child-related organs keeping in step with the reorganization of the central State organs and the advise of the Committee on the Rights of the Child at the consideration of the initial report. On April 28, 1999, the National Coordination Committee for the Implementation of the CRC(NCRC) was organized with the Presidium of the Supreme People's Assembly as the axis and including officials concerned of the Ministry of Education, the Ministry of Public Health, the Ministry of Foreign Affairs, the Central Public Procurator's Office, the Central Court, the Ministry of People's Security, the Central Statistics Bureau, etc. The NCRC conducted various activities such as dissemination of the CRC, drafting of the periodic report, coordination and supervision of the implementation of the CRC, etc. The establishment of the NCRC developed the national coordination of the implementation of the CRC to suit the progressing realities.

17. The NCRC took an active part in the drafting and considerations of bills. One example is that it proposed a plan to embody the requirement

of the CRC when the Government organs like the Ministry of Education, and the Cabinet were drafting the Education Law and its enforcement regulation, and actively worked to materialize its opinion when the bill was under consideration at the Bills Committee and the Presidium of the Supreme People's Assembly. The NCRC has established the regular system of supervising and informing the realities of and progress made in the implementation of the CRC by the Ministry of Education, the Ministry of Public Health and other child-related Government bodies.

18. The Government policies on the rights of the child operate through the State administration system from the centre to the province, city(district), country or *ri* and the state of execution is synthetically reviewed and reassigned in the framework of the administration system. The decisions, recommendations or requests of the NCRC, once they are presented to the central organ concerned, go down to all local units of the country through the administration system to be carried out or referred to. If need be, the NCRC goes out to a local unit in person. For example, in case a natural disaster occurs in an area, the NCRC instantly goes to the area to cooperate with the local power organ in taking measures for the protection of the child.

19. Besides the NCRC, the machinery specializing in the implementation of the CRC, there are such Governmental child-related organs as the Ministry of Education, the Ministry of Labour, the Ministry of Public Health, the Ministry of Commerce, etc. There are the department of kindergarten guidance and the department of general education guidance in the Ministry of Education, the department of vocational education guidance in the Ministry of Labour, the department of nursery guidance and the department of guiding maternity hospitals and children's wards in the ministry of Public Health, the department of guiding supply work for nurseries and kindergartens and the department of supplying school uniforms and school things in the Ministry of Commerce. The provincial people's committee has the departments of education, public health and commerce administration and the country people's committee has the

divisions of education, public health and commerce. There are such Government supervisory bodies of the implementation of the CRC as the supervisory departments of the ministries concerned, the State Ministry of Inspection as well as the procuratorial and the people's security organs. The Government organs are in close contact with the NGOs in establishing policies related with the child. The institutions including the Research Centre of Child Public Health Organization, the Research Centre of Child Nutritional Care, the Research Centre of Educational Method, the Institute for the Research of Human Rights, the Democratic Lawyers' Association, etc, are active in proposing recommendations and requests for the rights of the child, which are seriously considered in the framing of policies and activities of the Governmental organizations. In the reporting period, the Research Centre of Child Nutritional Care and the Research Centre of Education Method played an important role in enhancing the nutritional care of children in the areas affected by natural disasters and in taking educational steps to develop the personal characteristics of the children with special gift and talent.

20. The DPRK has a network of grievance machinery which includes all Government organs from the centre to local areas. The machinery is set up in service establishments, judicial, procuratorial and people's security organs as well, without exception. The machinery deals broadly with general human rights issues and the protection of child rights. This machinery has much in common with the office of an Ombudsperson or a commissioner in its function. No one is permitted to interfere in the work of the grievance machinery, and the conclusive dealing with complaint or petition is reliably guaranteed by the Law on Complaint and Petition. In the reporting period the complaint on sunlight condition of a nursery, the complaint on the supply of milk and bread to schoolchildren and tens of other similar complaints or petitions were dealt with.

21. The statistic data on children and their rights are gathered at the Central Statistics Bureau and the statistic departments of the people's power organs of province (or municipality directly under central authority), city(or district) and county each month, quarter and year to be reported to

the due office of the Cabinet and the NCRC. The NCRC goes into selective details of the indexes necessary for the assessment of the national or local assessment of the realities or trend of the child right protection. The statistics collected and confirmed, the results of research and the data serve as the basis of mapping out child-related policies of the Government. The statistic data of local statistics bureaus and the research results of the organs concerned have been effectively referred to in taking educational steps to enhance the nutritional care of the children affected by flood damage and develop the personal characteristics of the children with the extraordinary gift and talent.

22. The DPRK Government collects and assesses every quarter the achievements of units or districts in the implementation of the CRC and distributes them to the whole country so that they may be referred to in the activities to materialize the CRC. These achievements are presented to the Presidium of the Supreme People's Assembly to be evaluated.

23. In the collection and assessment of the achievements in the implementation of the CRC, the opinions of the NGOs like the teachers' organization, branches of medical association, the youth league or the women's union of the unit or district were highly considered during the reporting period.

D. Resource mobilization (Paragraph 20 of the Guidelines).

24. The destructive natural disasters repeated one after another for several years following the flood damage in July~August and the hailstorm in October of 1994 hugely damaged the facilities of education and public health which were directly related with the child. The total value of damage to education and public health in 1995~1996 was no less than 700 million USD. Hospitals, clinics, nurseries, kindergartens and schools floated down in whole and the facilities of medical care and education were tremendously lost so that millions of children were severely affected in

education and medical service. The Government, to cope with this situation, paid primary attention to the realization of the economic, social and cultural rights of the child and made no alteration at all in its fundamental stand for the child (refer to paragraphs 1~4 of the initial report) even if everything was insufficient and the situation was hard.

25. The DPRK Government adopted the economic and social policy of taking special care of the welfare and rights of the children who were vulnerable in material support in the period of successive natural disasters. For rice production, above all, the Government saw that the cultivated land be extended, double cropping introduced, high-yielding races of potato planted in suitable land and all of the community mobilized to help the farming in busy seasons. On the other hand, the Government roused the people's power organs at all levels and the public organizations to the protection and stabilizing the life of the children in the damaged areas.

26. The DPRK Government appropriated a large sum of money for the public health, welfare, education and other sectors related with the child in the reporting period.

27. In the reporting period, the budget for the child declined at first due to natural disasters but gradually recovered its normal orbit from the end of 1998.

Table 1: Yearly budgetary expenditures on the child (Unit:1 million won)

Year	Total national budgetary expenditure	Expenditure on education(kindergarten, primary school, senior middle school)
1994	29,476	2,018
1995	24,224	1,822
1996	20,624	1,402
1997	20,174	1,439
1998	20,015	1,436
1999	20,018	1,436

□. The expenditure for the child was 62~63% of the expenditure on education each year.

28. For the correct assessment of the budgetary expenditures on the child, the method of analyzing the budgetary proportion of education, public health, etc. and the proportion for the child in the total sum of state budget was applied.

29. Even in the days of natural disaster, the DPRK Government did its all to secure a stable life for children in conformity with the principle of the best interests of the child. The local people's power organs at all levels allotted much of their budget to supplying suffering children with such primary necessities of life as food, medicaments and provisional home, restoring child-related facilities and incessant proceeding of education and medical service.

30. In the reporting period, the state care for the child went preferentially to the districts of natural disaster and were focused on the suffering children. This was a measure effective for narrowing the gap between districts and child groups of the country.

31. Thanks to the measures taken, equal conditions have been arranged on a nation-wide scale for the existence and development of the child and the situation of children is getting gradually better. The nutritional state of children has been improved to be nearly twice as good as in 1996, the year of worst situation and new ways are being encouraged to provide the children who have lost their parents with family environment. The child immunization system is being recovered gradually and the system to bring out the gift and talent of the child further developed in the field of education.

E. International cooperation (paragraph 21 of the Guidelines).

32. The DPRK Government, while taking active measures to mobilize every possible resource at home, appealed for international assistance in 1995 for the first time in its history in view of the vastness of damaged areas and the huge amount of loss. Since 1995, a lot of valuable assistance came each year from such governmental or non-governmental organizations as UNICEF, WEP, WHO, the International Federation of Red Cross and Red Crescent Societies, Caritas etc. and from governments. About 60% of the assistance rendered was directed to the sectors of education, health and welfare of the child. The humanitarian cooperation by the governments, international organizations and non-governmental organizations at the time of temporary difficulties caused by natural disasters was a great help and encouragement to the DPRK Government and people in their efforts to preferentially protect and recover the child. The DPRK Government and people appreciate it.

33. The average annual international aid amounted to 200 million USD during the reporting period, which was allocated to health, education, social and other sectors in due proportions.

34. Legislative and administrative measures were taken for the implementation of the Declaration and Action Programme of the World Summit for Social Development. The DPRK amended and supplemented the Constitution, newly adopted and supplemented 50 odd laws including the Civil Law, the Family Law, the Law on National Economic Planning, the Labour Law, the Public Health Law, the Law on Joint-venture, the Law on the Rason Economic and Trade Zone, etc. to create a more favorable environment for social development.

35. The State, while reorganizing the state organs, took practical measures to do away with the aftermath of the natural calamities. In particular, the State paid attention to rice production, revitalization of the economy and

recovery of people's livelihood by reclaiming new land and conducting on a large scale the land leveling and rezoning project, as the crop area was restricted and much of it had been lost to the flood.

F. Dissemination of the CRC (Paragraph 22 of the Guidelines).

36. The DPRK Government took measures to disseminate the CRC during the reporting period, too.

37. The CRC was translated and 5,000 copies of it were published by the Foreign Languages Books Publishing House in 1991, and in 1995 and 1998 the Social Sciences Publishing House produced the Compilation of the International Instruments on the Rights of the Child and the CRC totaling 26,000 copies in Korean.

38. As there was no language minority of refugees or immigrants in the DPRK, no other language translation was needed.

39. To publicize the CRC and create widespread awareness of its principles and provisions, the reporting period scored 5 session of the NCRC, 8 governmental consultative meeting, 5 lecture meetings, 5 odd sectoral or seminars and workshops. Radio and television broadcasted about the CRC over 20 times in all on the occasion of the International Children's Day and the anniversary of the adoption of the CRC, and 25 article about the CRC were carried by publications including various newspapers during the reporting period.

40. For wide dissemination of the CRC among children, 10 hours were allocated to special lectures on the CRC in the curricula of the elementary and senior middle schools and the principles and requirements of the CRC were explained to school parents at their meetings held more than twice a year. During the reporting period, 20,000 copies of the CRC were distributed to educational institutions and 5,000 copies to the public at large.

41. 5 short courses were organized to provide education on the CRC to education, health, law enforcement officials and others working with and for children, and the teacher-training institutions taught about the CRC obligatorily.

42. The principles and provisions of the CRC are an essential subject in the education of teachers at elementary level, kindergartens and nurseries, maternity doctors and paediatrists, and are embodied in the work norms concerned.

43. Mass media, information and publishing organs initiate various work to disseminate the principles and provisions of the CRC. They broadcast, for example, the explanation or interviews of experts concerning Article 4 and Article 2, 3, 6 and 12 of the CRC.

44. Non-governmental organizations take an active part in awareness and advocacy campaigns on the CRC. The youth league and the women's union include the work to make the CRC widely known in their programmes for children's extra-curricula activities. The number of such NGOs goes beyond 20 on the national scale.

45. Children also take an active part in the work to disseminate the CRC. Schoolchildren publicize the principles and requirements of the CRC in various ways and means suitable to their age and psychological characteristics, including through their extracurricular circle activities or literary and artistic activities.

46. The NCRC has been exerting itself to make the CRC widely known to the public as was recommended by the Committee on the Rights of the Child at its session for the consideration of the initial report. But due to the natural calamities, paper which is essential for the publication work is insufficient in spite of the effort to mobilize every possible domestic resource.

G. Availability of the report (paragraph 23 of the Guidelines).

47. The DPRK Government, for the preparation of this periodic report, organized the Report Drafting Group consisting of the officials of the Presidium of the Supreme People's Assembly, the Cabinet, the Ministry of Education, the Ministry of Public Health, the Ministry of Foreign Affairs, the Central Court, the Central Statistics Bureau and other organs concerned, the officials of the public organizations including the youth league, women's union, etc. and the officials of child-related academic research organs. The group comprehensively surveyed the realities of the CRC implementation in all sectors of the country relying on the assistance of the people's power organs at all levels, public organizations, school parents, youth, students and children and drafted the report based on it. 20 odd non-governmental organizations including the Institute for the Research of Human Rights, the Democratic Lawyers' Association, the Medical Association and various research institutes were involved in the preparation.

48. The report drafting was based on the General Guidelines Regarding the Form and Contents of the Periodic Reports (CRC/C/58 of 20 November 1996) issued by the Committee on the Rights of the Child. As was required by the General Guidelines, the major legal provisions, statistics, indexes and research facts have been included and analyzed in due parts of the report. The basic information contained in the initial report have not been repeated but indicated duly.

49. The Government took measures to make this periodic report widely used by the institutions and organizations concerned subject to article 44, paragraph 6 of the CRC. The report was considered at a conference of the Presidium of the Supreme People's Assembly, the Cabinet and central administration organs and informed to the public organizations and the local administrative organs. The report was prepared in Korean, translated into English and 2,000 copies will be printed in Korean after it is

submitted to the UN to be distributed to all power and supervisory organs, educational and public health institutions, youth league, women's union and other public organizations at the central and local levels. Various non-governmental organizations actively participate in the publication and dissemination of the report.

50. After the consideration of the initial report in May, 1998, the DPRK Government reported the news to the whole nation through mass media. The summary records and the concluding observations adopted by the Committee in relation to the report was translated into Korean and 2,000 copies were published and distributed to state organs and public organizations from the centre to the lowest local units.

□ . DEFINITION OF THE CHILD

(Article 1 of the CRC, paragraph 24 of the Guidelines)

51. (Difference between national legislation and the CRC on the definition of the child) Please refer to paragraphs 38 and 39 of the initial report. The basic object of the definition of the child in the CRC might be to set limits to children who are the ones to be specially protected by the state and society among the different strata of population and to fully ensure them the rights set forth by the CRC. This is fundamentally in line with the object of defining the child in the DPRK national laws. The DPRK provides duly in the laws the definition of the child considering whether such legal definition is favourable or not for the protection of the child's political, economic, cultural and other rights, to guarantee every possible right of the child.

52. (The minimum legal age for legal and medical counseling, medical treatment or surgery without parental consent) In the DPRK, the legal or medical counseling, medical treatment or surgery of a child without parental consent depends on the mental maturity and the independent ability of a child to express his or her intention. The minimum legal age, therefore, has not been fixed.

53. (The minimum legal age for the end of compulsory education and admission to employment or work) The Education Law of DPRK does not stipulate the age of finishing the compulsory education but provides that the compulsory secondary general education system is of 11 years. The compulsory education begins at the higher class of kindergarten when children are at the age of 5~6, which means that the compulsory secondary general education is over for most children when they are at the end of 16 years of ages. Very few children whose education is delayed for illness or other reasons finish their compulsory education when they are 17 or 18 years old. After the compulsory secondary general education, children either continue their studies at a higher level or are admitted to vocational technical education for 1~2 years before they are employed as workers. The Constitution provides in article 31 that the minimum working age is 16 years in view of the fact that great part of the vocational technical education is practical labour for skill and so it may be considered as working life. In the DPRK, the minimum working age coincides with the age of finishing compulsory education. In other words, employment is possible when compulsory education is over. The legal provision of working age does not, therefore, influence the realization of children's right to education.

54. (The minimum legal age for marriage or sexual consent) Article 9 of the Family Law provides that the minimum age for marriage is 18 years for males and 17 years for females. This is no more than the legal definition of the minimum standard age for marriage, whereas people usually marry at the later half of their twenties in fact. The DPRK has not provided separately the minimum legal age for sexual content but regards it as coinciding with the minimum legal age for marriage. The slight difference between male and female in the marriage age provided by the Family Law does not reflect sexual discrimination but the traditional custom where a female mates with a male who is older than she is. Under article 153, paragraph 1 of the Criminal Law, a man who has sexual intercourse with a girl under the age of 15 is committed to a reform

institution for up to five years. This does not mean that the minimum legal age of a female for sexual consent is 15 but is a provision on criminal sexual behavior in view of the standard of female adolescence. Sexual relation with a minor is considered extremely immoral and is severely denounced by society.

55. (The minimum legal age for voluntary enlistment in and conscription into the armed forces, participation in hostilities) In the DPRK, a citizen finishes his or her compulsory secondary general education at the end of 16 years of age and is entitled to volunteer to join the army when he or she gets 17 years old. Those who are healthy, well-build, intellectual and have no family problem are selected among volunteers and are educated in full-time military or technical educational institutes for 1-2 years before posted to due units as serviceman on active duty. Enlistment is based on voluntarism and there is no system of forced conscription.

56. (The minimum legal age for criminal responsibility, deprivation of liberty, capital punishment and life imprisonment) The NCRC reviewed the criminal responsibility system for the child keeping in full consideration the concluding observation of the Committee on the Rights of the Child at the consideration of the initial report of the DPRK. Article 11 of the Criminal Law provides that punishment shall be imposed only on offenders who are over 14 years of age when they commit an offence, and for offenders between the ages of 14 and 16 public education measures may be adopted. In March, 1995, the Standing Committee of the Supreme People's Assembly added to the provision of article 11 that even if an offender is over 17 years of age public education measures may be adopted at the stage of prosecution or court hearing when those measures are regarded as acceptable in view of the offender's repentance. This additional provision means that the legal institution to implement the recommendation of the Committee on the Rights of the Child to extend the special protection for children to everyone between 17 and 18 years of age has already been arranged. The investigation and preliminary examination of young offenders are conducted in conformity with the principled requirement of imposing

public education measures on minor offenders. In other words, children are not arrested or detained except extremely flagrant delictors and necessary investigation is taken briefly by calling them to the organ concerned. In March, 1995, when the Criminal Law was revised, the minimum legal age for capital punishment in article 23 was changed from 17 to 18. This was one of the fruition of the sincere effort to meet the requirements of the CRC. Article 24 of the Criminal Law defines that the maximum period of reform through labour is 15 years, which means that there is no basis of life imprisonment.

57. (The minimum legal age for giving testimony in court, lodging complaints and seeking redress before a court and participating in administrative and judicial proceedings) Minors are entitled to give testimony in court, in civil and criminal cases. Article 42, paragraph 1 of the Civil Proceedings Act provides: "The witness shall be the person who knows important facts related to the case." and article 140, paragraph 1 of the Criminal Proceedings Act provides: "All the persons who have heard about, have seen or have an impression of a crime may be witnesses." These provisions mean that anybody including a minor may be a witness and give testimony in court, in civil and criminal cases if he or she is capable of independently understanding and expressing the fact he or she has seen or heard about. Article 108 of the Civil Proceedings Act reads: "If a minor is called to the box, the court shall let the parents, guardian, teacher and patron attend." and article 147 of the Criminal Proceeding Act reads: "The questioning of a witness under the age of 14 should be attended by a teacher, parent, guardian or other protector." These provisions are to prevent the testimony of a minor from being twisted by pressure or other illegal means and to ease the possible psychological tension of a minor. Article 32, paragraph 3 of the Civil Proceedings Act states: "The minor and invalid shall perform the act of litigating through parents or a guardian." This means that minor's act of civil litigating is conducted only by parents or a guardian. But in lodging complaints and seeking redress before a court or other relevant authority a minor does not necessarily need to be represented or consented by parents or a guardian.

This is guaranteed by the Law on Complaint and Petition. By virtue of the above mentioned legislation, a minor may participate in all civil and criminal as a witness or an interested party.

58. (The minimum legal age for giving consent to change of identity) The identity of a citizen may not generally be changed without a reasonable ground under the Law on Registration of Citizens. If the change is unavoidably needed the citizen registration or population administrative organ examines the reason in detail. When the name, family relation, adoption, guardianship and other identity of a child is going to be changed, the opinion of the child concerned should be examined and confirmed. In case a child is incapable of vividly expressing his or her independent intention, the opinion of the parents, supporter, teacher or other legal guardian who can represent the interest of the child is followed. A child living in his or her family environment grows up to know spontaneously the blood relationship by the parents or relatives. But for the child who has become an orphan at an early age or who does not know his or her kinship for other reasons, the population administrative organ concerned sees about the kinship and notifies the child when he or she is grown up.

59. (Legal capacity to inherit, to conduct properly transactions) Article 44 of the Family Law provides: "When a citizen dies, his or her property shall be inherited by his or her partner, children or parents." By this provision, children have the right to inheritance regardless of their age. Article 20, paragraphs 2 and 3 of the Civil Law stipulates that when a citizen reaches 17 years of age he or she may act under the Civil Law independently, when a person reaches 16 years of age he or she may act under the Civil Law independently within the bounds of his or her ability to pay, when the act under the Civil Law goes beyond his or her ability to pay he or she may conduct it with the consent of his or her parents or guardian, but a minor of over 6 years of age may conduct such act as buying school things or sundry daily necessities. This serves as a legal guarantee of a minor's capacity to conduct property transactions.

60. (The minimum legal age to create or join associations) The DPRK has not defined by law the minimum legal age to create or join associations. By the constitutional principle of freedom of association, children have no legal restrictions on creating and joining associations. The youth league and children's corps, the public organizations joined broadly by children define the joining age in their rules. According to them the children's corps is generally joined by volunteers of 8~9 years of age and the youth league by volunteers above 13 years of age.

61. (The minimum legal age for choosing a religion or attending religious school teaching) The DPRK has not defined by law the age for choosing a religion or attending religious school teaching. Religionist parents may let their children choose a religion and believe in it. The children who have finished the secondary general education under the universal compulsory free education system may enter the course of religion at higher education system to be educated in religion according to their wish.

62. (The minimum legal age for consumption of alcohol and other controlled substance) Schools, families and society strictly control consumption of alcohol or smoking among children. Parents generally permit their children to take alcoholic soft drink when they are 16~18 years old but guard against their being overcome with liquor. Although education is being strengthened in various aspects, it is reported that some schoolboys tend to smoke for amusement at the graduation year of senior middle school.

□ . GENERAL PRINCIPLES

A. Non-discrimination (article 2)

63. The initial report reviewed how the requirement of article 2 of the CRC had been met historically in the DPRK (refer to paragraph 40, a~e of the initial report).

64. (Paragraph 25 of the Guidelines) Article 65 of the Constitution provides: "Citizens enjoy equal rights in all spheres of State and public activity." Based on this, the Education Law enacted on July 14, 1999 provides in article 12: "Every citizen shall have the obligation to get secondary general education and the right to get education free of charge." When the education bill was being drafted, there was a serious debate on whether to denote the detailed grounds for discrimination spelled out in article 2 of the CRC. But upper hand was gained by the opinion that the denotation would rather limit the indiscriminate reality, as there is no discrimination at all in fact. Following this opinion, the term "every citizen" was chosen in the most comprehensive and completely indiscriminate sense.

65. (Paragraph 26 of the Guidelines) The DPRK is the state of one and single nation and does not, therefore, have such social issue as discrimination based on race, colour, language and national origin. Before August, 1945, the Korean nation was subjugated by severe national discrimination and humiliation under the colonial rule of the Japanese imperialists. The Korean children had no access to school to learn Korean language and letters. During the Second World War, about 200,000 Korean women, many of whom were minor girls, were carried away as "comfort women" for Japanese soldiers and forced into sexual slavery. The national liberation eradicated the basis of national discrimination. In the DPRK, there are no refugees from other countries except the children of Chinese emigrants. Under the legislation of the equal right to everybody, the children of foreigners are also guaranteed the CRC rights without any discrimination. They are provided with every benefit of the state including free medical care and compulsory free education on the same level as the Korean children. In the reporting period, the Government looked into the operation realities of the Chinese schools existing in each province to enhance state supply for them and took the measures that local governmental organs indiscriminately help the graduates go up to the senior level of education or get a job according to their wish and ability.

66. (Paragraph 27 of the Guidelines) Article 15 of the newly adopted Education Law provides for the measures to be adopted by local governmental organs to ensure compulsory secondary general education for the children in deep mountains, isolated islands and other remote areas and the disabled children including the blind and the deaf and dumb. This is the provision that has legally fixed the state policy of supplying educational conditions indiscriminately to the children in remote areas and disabled children. The State has long been introducing such steps as operating school bus for 5~6 children in deep mountains or setting up a branch school in an isolated island and allocating a teacher for 4~5 children there to provide the children in rural areas with educational conditions equal to urban areas. Thus, a school bus or train is seen in remote mountain areas and a school boat on the coast. The blind, the deaf and dumb children have schools for them learn communication and other vocational skills suitable to their physical characteristics, but other disabled children mix with other children without any discrimination to go to school. One schoolmistress carried a cripple due to poliomyelitis on her back to 6 km-far school for several years for his education without pay. There are many example of a true human being or an excellent teacher who sincerely cares for children and mutely devotes himself or herself to others. The Government brought to light and praised a number of such true persons, and disseminated their examples widely for encouragement during the reporting period.

67. (Paragraph 28 of the Guidelines) As was mentioned in the initial report (refer to paragraph 40, b of the initial report), sexual equality has been firmly rooted as a social consciousness and there is no discrimination against girls.

68. (Paragraph 29 of the Guidelines) It was seen to that the state bodies of statistics brought together the statistical data of different child groups on monthly, quarterly and yearly basis according to the due indexes of the country; the Ministry of Education, the Ministry of Public Health and other organs related with the child synthesized their own branch statistical data;

and the public organizations including the youth league or the women's union also collected the data concerned. These were reported to the NCRC so that it might grasp the realities.

69. (Paragraph 30 of the Guidelines) The DPRK Government develops its relations with other countries under the ideal of independence, peace and friendship, opposing any tendency of inspiring groundless antagonism between social or ethnic groups, racism and xenophobia. The DPRK people who have experienced the national maltreatment and humiliation, having been a colony of a foreign force for nearly half a century have a stronger feeling of opposition to racial or national discrimination and antagonism.

70. (Paragraph 31 of the Guidelines) There has not been any report of a child being subjected to a form of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members. Such a tendency is thoroughly prohibited by legislation and policy of the country and does not exist in reality.

71. (Paragraph 32 of the Guidelines) The principle of indiscriminate has been broadly reflected in the laws and regulations and is being efficiently realized. But there are still some issues to be solved. The rural nurseries and kindergartens are not so modernized in their facilities for intelligence education as those in urban areas and the clinics attached to rural schools are not so well equipped as those in urban areas. Besides the rural child-related establishments have been more severely struck by the recent natural disasters. The Government is determined to narrow the gap between the urban and rural areas in the material foundation of child-related establishments in the course of carrying out the line of eliminating the difference between urban and rural areas in ideological, technical and cultural fields. The Government focused State investment and social assistance in the stricken rural areas during the reporting period to rapidly eradicate the aftereffects of the damage from the child-related establishments.

B. The best interests of the child (article 3)

72. (Paragraph 33 of the Guidelines) The principle of the best interests of the child and the need for it to be a primary consideration in all actions concerning children is fully reflected in the Constitution and relevant national laws and regulations (refer to paragraphs 41~43 of the initial report).

73. (Paragraph 34 of the Guidelines) The DPRK has institutionalized that the principle of the best interests of the child is preferentially considered in the work of the courts of law, population administrative authorities and other child-related establishments (refer to paragraphs 44~47 of the initial report). During the reporting period, the regional people's courts dealt with 121 divorce cases and the population administrative authorities under country people's committees 113 adoption cases and 12 cases of annulment of adoption on the basis of the legislation providing for the principle of the best interests of the child.

74. (Paragraph 35 of the Guidelines) The best interest of the child have been given primary consideration in family life, school life and social life. In step with the state policy of preferentially protecting the child every family as well as the parents in flood stricken regions made active efforts to maintain the health of children and not to interrupt their school attendance in the difficult conditions, and school teachers made a searching inquiry into school-aged children to register and educate all of them without exception. The Government let local inns and public catering establishments care for the children with no parents on voluntary basis and encouraged such traits to be widely displayed in the community. The principle of the best interests of the child was primarily considered in budgetary allocations, planning and development policies, immigration, administration of juvenile justice and in the work of the child institutions, as well.

75. (Paragraph 36 of the Guidelines) As was stated in the initial report, the DPRK has an efficient legal and institutional system whereby parents, legal guardians and those legally responsible for children assume the duty of protection necessary for the well-being of the child and direct primary attention to the child. But due to the difficulties caused by natural calamities, state measures were needed in action for the materialization of the best interests of the child. The state let orphans in stricken regions reared free of charge at baby farms, orphanages and educational institutions and arranged adoption or foster placement to supply more favourable living conditions and family environment to a number of children.

76. (Paragraph 37 of the Guidelines) Schools, baby farms, orphanages, children's libraries, wards and other child-related institutions and facilities have the standard established by the state in relation with the number of teacher, nurse or governess per a certain number of children and other conditions. During the reporting period, the state paid a great attention to the obedience of the standard. For example, it was seen to that a class of a primary school did not exceed 30 children and had one teacher in charge. And under the policy of running school clinics, a clinic consisting of a doctor, a junior doctor and a nurse was attached to each school. Following the city construction standard of building more than one children's park in each region of about 1,000 inhabitants each urban district built children's parks. Under the state requirement of setting up one children's library in each urban district and rural country, 30 odd counties and districts newly built children's libraries.

77. (Paragraph 38 of the Guidelines) There are some problems to be solved for the best interests of the child. Although the legal requirement to consider the best interests of the child is explicit, the material and technical foundation for its full realization needs to be improved and some individual officers working for the child prove to be irresponsible. These partial shortcomings and mistakes are related with the aftermath of the natural disasters as well. The Government is making every effort to

consolidate the material and technical foundation of all child-related institutions and facilities in the city and countryside, allocating more resources to the work and mobilizing social assistance. At the same time, the Government educates the officers concerned to let them keep in mind high responsibility towards their job and preferentially solves the problems arising in their life so that they may feel honoured and proud of their social duty and devote themselves to the work for the child.

78. (Paragraph 39 of the Guidelines) The DPRK Government invariably required that the officials dealing with children's rights arm themselves firmly with the principle of the best interests of the child during the reporting period as in the previous days. The principle was applied in 2 basic ways to the education of the officials. One was to teach or supply material on the fundamental requirement and content of the principle, its validity, significance, etc. so as to raise their consciousness and responsibility and the other was to adopt detailed legislation embodying the principle and let them deal with everyday everything work in accordance with it by improving the atmosphere of law obedience among them. These methods were widely applied to the training of professionals dealing with children's rights during the reporting period and showed satisfactory results.

C. Right to life, survival and development (article 6)

79. (Paragraph 40 of the Guidelines) As was described in the initial report, the DPRK has a sufficient legislation to guarantee the right to life and ensure the physical, mental, spiritual, moral and psychological development proper to the dignity of the child. The Education Law enacted during the reporting period provides for the thorough embodiment in education of the pedagogical doctrine to bring up children into reliable talent possessed of noble ideological consciousness, profound scientific and technical knowledge and healthy body (article 3), the close combination of education with practical activities in order to train talents equipped with both useful knowledge and practical ability (article 4), the establishment of a proper

genius education system to assure the satisfactory education of the children with outstanding gift or quality (article 6). The law on Medical Care enacted in December, 1997 provides for the universal and complete free medical care system (article 3), the section doctor system that responsibly takes care of the health of the population (article 4), keeping prevention ahead of treatment and carrying out regularly the hygienic and anti-epidemic work and the environmental protection work (article 5). The Infectious Diseases Prevention Law enacted in November, 1997, provides that preventive inoculation work should be carried out in a planned way by establishing the inoculation system for the prevention of infectious diseases (article 5 and Chapter 4). These legislative measures were the ones that were urgently needed for the environment more favourable to the maximum ensurance of the life, survival and development of the child and the preparation of the child for an independent life when he or she is grown up (refer to paragraphs 120~135 of the initial report for the legislative, institutional and policy-based measures for the survival and development of the child and their realization).

80. (Paragraph 41 of the Guidelines) The child mortality rate increased in the reporting period as against the early 1990's. The major reason was the natural disasters successive for years and the aftereffect that is the shortage of food and medicament. In recent years, due to the active efforts to eradicate the aftereffect of natural disasters, the child mortality rate was reduced. These statistical data are regularly grasped through the work of population and public health statistics to be reported to the NCRC (refer to the table). During the reporting period, no incident of adolescent suicide or child suicide was reported. The Government taking the view that suicide is usually based on the feeling of inferiority, frustration, exclusion, failure of love in case of adolescents and other psychological weakness, tried to do away with such bases while training children to be confident and cheerful in various ways. As a result, the youth and children of the DPRK are filled with pride, joy and optimism of life, even though they run short of many things and are in a difficult situation.

Table: Child (1~5 years of age) mortality rate (per 1,000)

Year	Infant	Child
1993	14	27
1996	19	40
1998	24	50
1999	23	48

D. Respect for the views of the child (article 12)

81. (Paragraph 42 of the Guidelines) The right of the child to express views freely and the provision for those views to be given due weight have been incorporated in legislation (refer to paragraphs 53~55 of the initial report). The Constitution revised and supplemented in September, 1998, maintained the provision of the former Constitution that all citizens of 17 or more years of age have the right to vote and to be elected. The Election Law stipulates the same. This means that the DPRK offers young male and female of 17 years of age the legal opportunity to express their political will and fully respects it in framing state policies.

82. (Paragraph 43 of the Guidelines) Various measures have been taken to ensure the right of the child to express views in a manner consistent with his or her evolving capacities. In most of the families, children have no problem in expressing their views. The population administrative bodies paid deep attention to whether or not the adopted or the children in foster placement had any trouble in their freedom of expression. The local population administrative organs graped the adoptive or foster families, provided them with extraordinary conditions and met the children more than once a month to collect and solve their opinions on a regular basis. The major means by which children express their will in school is the organizational life of the youth league and the children's corps. During the reporting period, the youth league and children's corps organized the life of the youth and children at school in a diversified and interesting way

proper to their psychological characteristics. In the reporting period, the baby farm, orphanage and other institutional child-care facilities organized life groups of children and elevated their role so that the will and requirements of children might be collected and satisfied in the administration of the facilities. No child proposed the intention of asylum-seeking during the reporting period.

83. (Paragraph 44 of the Guidelines) The legislation concerning the opportunity for a child to take the floor in a court or intervene in legal proceedings is stated in paragraph 55 of the initial report. There has not been any case of restricting access to such legislation during the reporting period.

84. (Paragraph 45 of the Guidelines) Children participate in making decisions on school administration through their organizations such as the youth league or the children's corps as well as mothers' board, parents' board class meeting or children's circles organized in schools and reflect their will in the decisions of their local people's assemblies through the representatives of the youth league or students.

85. (Paragraph 46 of the Guidelines) The State took various measures to encourage children to exercise their right to express their views and to let the public respect the views of the child. Children's access to publications and periodicals as well as different organizational life was prompted to enable children to fully exercise their right to express their views and the women's union, the youth league and local power organs were brought to strengthen enlightenment or agitation work to let each family respect the views of the child. The annual hours of child development courses provided for child-related staff were as follows:

Table 3: Annual hours for child development courses

Judges	6 hours
Public procurators	6 hours
People's security officers	6 hours

Teachers	12 hours
Health workers	12 hours
Other professional	6~12 hours

The annual courses about the CRC included in the curriculum of due educational institutions were as follows:

Table 4: Annual courses about the CRC

Law university	24 hours
Educational universities	24 hours
Medical universities	12 hours
Nurse training schools	12 hours
Departments of social sciences	12~24 hours

86. (Paragraph 47 of the Guidelines) The views of the child obtained through public opinion, consultations and assessment of complaints are taken into consideration in the legislative work and judicial decisions, and are positively reflected in the child-related policies. Examples of the provisions added to the bill by the opinions of school children and parents are article 31, paragraph 1 of the Education Law: "Educational institutions shall determine their educational content and method in view of the object of education and the characteristics of persons and progressively develop them along with the evolving educational stages." and article 42, paragraph 1 of the same law: "Transport institutions and the organs, enterprises and organizations concerned shall preferentially ensure the conditions for

practice, visit or exploration of pupils and students." There were many cases wherein judicial decisions were made considering the views of the child obtained through consultation with and complaints of the child. And a number of public opinions related with the requirement of the child were embodied in the state policy. The examples are the new measures of recommendation for a higher grade school by the genius education schools and general schools on an equal footing according to everybody's ability, and the measures adopted after natural disasters for free supply of school uniforms and school things to all school children.

□ . CIVIL RIGHTS AND FREEDOMS

(Articles 7; 8; 13~17 and 37 a)

A. Name and nationality (article 7)

87. The details of the DPRK legislation for birth registration, family name, given name and nationality of a child were described in paragraphs 57~61 of the initial report.

88. (Paragraph 49 of the Guidelines) There has been no case reported in the reporting period of a child non registered or registered not immediately after birth. Since all sorts of social benefits are allocated by birth registration, there is no evasion, negligence or interruption of birth registration even in rural or remote areas.

89. (Paragraph 50 of the Guidelines) During the reporting period, short training courses were organized once every year (for 2 days) for the full-time officers of population registration organs on birth and other identity registration.

90. (Paragraph 51 of the Guidelines) The particulars of a child's identity in birth registration are family name, given name, birth data, parents' names, birth place, nationality, citizenship, etc. There has not been any kind of stigmatization or discrimination of the child by the distinction of registered identity.

91. (Paragraph 53 of the Guidelines) Since the DPRK Nationality Law applies both the principle of kinship (*jus sanguinis*) and the principle of birth place(*jus soli*), the children born in the DPRK have no ground to be stateless. The children born out of wedlock are fully entitled to acquire nationality, as well. It is not permitted for a child to concurrently acquire two different nationalities of parents. In this case one of the two nationalities is given to the child under the agreement of the parents.

B. Preservation of identity (article 8)

92. Refer to paragraphs 62~66 of the initial report.

C. Freedom of expression (article 13)

93. Refer to paragraphs 67~71 of the initial report.

94. (Paragraph 55 of the Guidelines) The restrictions mentioned in article 13, paragraph 2 of the CRC are provided by law. A person who insults another or who impairs his or her honour by abusing freedom of expression (article 152 of the Criminal Law), a person who causes social disruption by spreading false or unconfirmed rumors that might cause social disorder or discredit the state (article 105 of the Criminal Law) is committed to a reform institution if he or she is a major and is placed under the education by public organization if he or she is a minor. These legal provisions are intended to let freedom of expression be exercised in a justifiable way and not disturb the social interest. There was no case reported abusing freedom of expression in the reporting period.

D. Freedom of thought, conscience and religion (article 14)

95. Refer to paragraphs 79~80 of the initial report.

96. (Refer to paragraph 61 of this report for part of the paragraphs 56 and

57 of the Guidelines) Article 68, paragraph 2 of the Constitution states: "Religion must not be used as a pretext for drawing in foreign forces or for harming the state and social order." Foreign forces in the provision means the foreign aggressive forces that invade other countries to violate their sovereignty. The Korean people still remember the facts that those under the cloak of religion stole into the country to perpetrate espionage, subversion, sabotage and ideological disintegration acts doing great harm to their independent development in the past days. The state fully ensured freedom of religion while keeping it from infringing upon the security of the country during the reporting period.

E. Freedom of association and peaceful assembly (article 15)

97. Refer to paragraphs 81 and 82 of the initial report.

98. (Part of paragraph 58 of the Guidelines) Article 151 of the Criminal Law provides for the strict punishment of a person who illegally restricts freedom of another. This provision is unexceptionally applied to the restriction of children's freedom of association and assembly. No case of restricting such freedom was reported during the reporting period.

F. Protection of privacy (article 16)

97. Refer to paragraphs 83~85 of the initial report.

100. (Part of paragraph 59 of the Guidelines) There was no arbitrary or unlawful interference with the child's privacy during the reporting period according to the report. For the protection of privacy of the children placed in institutions, reference pamphlets were edited and distributed to the officials concerned.

G. Access to appropriate information (article 17)

101. Refer to paragraphs 72~78 of the initial report.

102. (Part of paragraph 60 of the Guidelines) The DPRK exchanged a memorandum of understanding with the Children's Aid Direct, a UK non-governmental organization, in September 1996 and began close cooperation with it in the exchange and dissemination of the information data that give social and cultural benefits to the child. The DPRK has received assistance for education, public health and well-being of the child from the international organizations including the UNICEF, the UNESCO and the governmental or non-governmental organizations of other countries, much of which was the information useful for the children's spiritual and moral cultivation, physical training and health.

103. (Part of the paragraph 60 of the Guidelines) In the dissemination of the information, the DPRK was watchful against the elements that might disturb state security, public order and the sound spiritual and moral development of the child. Serious attention was particularly paid to preventing pornographic, immoral, anti-ethical, chauvinistic and dishonest ideology, literature and art from penetrating into the country, and the rules on export and import of publications were introduced. These measures proved to be effective in educating children in the noble spirit of loving people, motherland and nation and in protecting their sound ideological and spiritual quality.

**H. Right not to be subjected to torture or other cruel,
inhuman or degrading treatment or punishment (article 37 a)**

104. Refer to paragraphs 86~89 of the initial report.

105. (Paragraph 61 of the Guidelines) The Criminal Law provides that a person who, in duty bound to protect the old, children and disabled people, causes grave consequences by deliberately not doing so (article 136), a person who damages the health of a person who is his or her subordinate or of a person under his or her protection, or who causes a person to commits suicide because of maltreatment (article 137), and a person who commit violence by such means as beating (article 149) shall

be committed to a reform institution. The Law on Complaint and Petition adopted in June, 1998 stipulates that a citizen who has a justifiable reason or ground may submit a complaint or petition to individual officials and the institution, enterprise or organization at all levels up to the highest power organ (article 8, paragraph 2) and that a citizen shall submit a complaint personally, or through a guardian or a representative in unavoidable cases (article 9). Under these provisions, administrative or penal punishment is imposed on a person who maltreats or irresponsibly cares for a child according to gravity and a child may submit a complaint in person or through a guardian or representative to a population administrative, people's security or public procuratorial organ when his or her interest is encroached upon. No case was reported of torture or other cruel, inhuman or degrading treatment or punishment of children during the reporting period.

106. (Part of paragraph 61 of the Guidelines) Article 12, paragraph 6 of the Regulation on Primary and Senior Middle Schools provides that education of children shall be conducted by positive influence, explanation and persuasion. The Ministry of Education published and distributed education materials by positive influence for the class teachers of kindergartens, primary and senior middle schools and the nurses or educational personnel in child-care institutions, and the women's union disseminated the family education materials to mothers so that they might refer to them in their education of children.

107. (Part of paragraph 61 of the Guidelines) The population administrative and public procuratorial organs regularly inspect the realities of child treatment. The NCRC selectively looks into the situation for due measures if need be.

108. An old Korean proverb says: "Spare the rod and spoil the child." According to report, some parents under the influence of outdated idea controlled their children in a more than necessary strictness and applied corporal punishment in some cases. At the consideration of the initial report, the Committee on the Rights of the Child recommended adoption

of a comprehensive strategy to completely do away with corporal punishment in families and child-care institutions. During the reporting period, the NCRC saw to it that education materials by positive influence and family education materials containing the advanced methods of child education be published and disseminated (refer to paragraph 106 of this report). If public opinion betrays that some specific families resort to more than necessary strictness in child education, the officials of dong (village) office or the members of the people's neighborhood unit take steps to educate the parents or legal guardians.

□. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

(Articles 5; 18, paragraphs 1~2; 9~11; 19~21; 25; 27, paragraph 4; and 39)

A. Parental guidance (article 5)

109. For the legislative measures on the guidance of parents and legal guardians, refer to paragraphs 90~91 of the initial report.

110. (Paragraph 62 of the Guidelines) The general family structure of the Korean society is parents plus children. Many families have old parents together but there is no custom of extended family. Under article 27 of the Family Law, parents assume the duty of educating children. The Ministry of Public Health and the Ministry of Education drew up and published the guidelines for enhancing the education level of nursery school and kindergarten teachers. The Central Committee of the Korean Democratic Women's Union called the conference of the union activists and discussed the issue of improving the responsibility and role of parents and legal guardians. By these measures, the moral traits of children were improved and their mental development further accelerated.

111. (Paragraph 63 of the Guidelines) Refer to paragraph 93 of the initial report. In 1998, lectures were given in all local areas by teachers and lawyers on the theme of "The position and role of mothers in child

education", "Parents are the model in child education", etc. and the women's union gave explanatory talks on the same subjects in people's neighborhood units. The public opinion collected after the work showed that the lectures and talks brought parents to have a higher responsibility towards child education and know better the ways of the child education.

112. (Paragraph 64 of the Guidelines) Refer to chapter □ of this report. The remarkable progress in the implementation of article 5 of the CRC is that more materials of child education including education readers or guidelines were supplied to parents to let parents acquire the pedagogical methods of child education on a higher level. Some parents, however, are still negligent in parental guidance(refer to paragraph 92 of the initial report).

B. Parental responsibilities (article 18, paragraphs 1~2)

113. (Paragraph 65 of the Guidelines) Refer to paragraphs. 94~95 of the initial report.

114. (Paragraph 66 of the Guidelines) Refer to paragraph 96 of the initial report. The state paid much attention to child-rearing institutions during the reporting period as well. The child-rearing institution includes the weekly nurseries and kindergartens for the women working in the fields of scientific research, art and education, orphans' nurseries, kindergartens, primary schools and secondary schools which are for rearing the children who have no parents or cannot be cared for by their parents, etc. The children of the institutions are supplied free of charge by the state all of the clothing, food, school things and daily necessities.

115. The following is the statistics of the orphan children who have benefited from the above-mentioned measures:

Table 5: Child-rearing institutions

Kind of institution	Age	Number of institution	Number of children
Orphans' nursery	0~4	15	1,863
Orphans' kindergarten	5~6	12	1,544
Orphan's primary school	7~11	17	1,529
Orphan's senior middle school	12~17		2,881

For the progress and deviation in the implementation of article 18 of the CRC, refer to paragraph 112 of this report. The DPRK Government is willing to develop more efficient methods of performing parental responsibility in child education in cooperation with the UNICEF and other international organizations while generalizing the advanced experiences.

C. Separation from parents (article 9)

116. (Paragraph 68 of the Guidelines) Refer to paragraphs 98~101 of the initial report for the legislative and judicial measures for the implementation of article 9 of the CRC. The issue of separating children from their parents occurs generally in a court hearing adjudicating a divorce case or in taking treatment measures of the parents who suffer from infectious or mental disease. The statistics of the children in some specific counties and cities who were separated from either or both of the parents by divorce in 1998 is as follows:

Table 6: Children separated from their parents

Country/City	Either/both of parents	Male/female
Junghwa country	7/0	4/3
Hamju country	9/1	4/6
Wansan city	12/1	6/7
Kaechon city	3/0	1/2

117. (Paragraph 69 of the Guidelines) The information on the legislative measures taken to ensure to all interested parties, including the child, an opportunity to participate in any proceedings and to freely make their views known has been described in paragraph 57 of this report.

118. (Paragraph 70 of the Guidelines) The DPRK does not have any legislative restrictions on the rights of the child who is separated from one or both parents to maintain personal relations and direct contacts with both parents on a regular basis, except if it is contrary to the best interests of the child. The children of divorced parents are free to take personal contact with their parents who live apart at any time.

119. (Paragraph 71 of the Guidelines) There is no problem at all in providing children with the information on the whereabouts of their parents when they are dispatched abroad. But the information may not be provided to children when the parents are under reform through labour or have been punished with death for an extremely serious crime, and the information would be detrimental to the psychology of children. If parents are seized with a severe illness in the institution for reform through labour, the organ concerned informs the children or relatives of the fact as far as it is not detrimental to the young children.

120. (Paragraph 72 of the Guidelines) The following is the selective statistics of the children whose parents are in servitude:

Table 7: Number of children whose parents are in servitude

Country/City	Single parent/both parents	Male/female	Number of family
Janggang county	3/0	2/1	1
Tongchon county	1/0	0/1	1
Kimchaek city	5/0	3/2	2
Songrim city	7/0	3/4	2

D. Family reunification (article 10)

121. (Paragraph 73 of the Guidelines) Under the Immigration Law enacted on January 19, 1996, the DPRK citizens and foreigners may enter or leave the DPRK with proper immigration certificate. Minors accompanying a guardian do not need a separate certificate for immigration. Foreigners go through immigration procedures personally but for minors their guardians may do it. There is no restriction on entering and leaving the DPRK except the special case where the person has committed a crime. The Chinese residents in Korea leave and enter the country for the purpose of family reunification or visit to parents and relatives under the permission of their consular representative mission.

122. At the consideration of the initial report, the Committee on the Rights of the Child expressed its concern about family reunification and recommended taking due measures. Following this, the NCRC organized a close national review of the facts of family division. Some families were found to have been divided by the war not knowing each other's life or death. By the family reunification work conducted by the Ministry of People's Security, 12 families including 83 persons have been emotionally reunited since 1996 after about 45 years of separation. Those separated when they were children met each other in their fifties or sixties.

123. The Korean war (1950~1953) produced a number of families artificially divided to the north and the south not knowing each other's life or death. The DPRK Government is making strenuous efforts to put an end to the tragedy as soon as possible.

124. The DPRK has no legal restrictions on family reunification. The divorced families may be reunited any time only if the parties concerned agree to it and the parents under penal punishment may be freely reunited with their children when the penalty is over. No restriction is imposed on the reunion of foreign children with their parents abroad either. During the reporting period alone, 247 divorced families were reunited bringing 603

children into the families with their both parents and 1,543 parents came to live with their children after their reform through labour. And many children of Chinese residents visited China to see their relatives.

E. Illicit transfer and non-return (article 11)

125. Refer to paragraph 113 of the initial report.

F. Recovery of maintenance for the child (article 27, paragraph 4)

126. Refer to paragraphs 104~106 of the initial report.

127. In a divorce case of a couple with children, the issue of child maintenance is considered primarily. If a family rears a child with no parents, the state secures the recovery of maintenance. In this case, all of the nursery, kindergarten or school fees are free and the money for food and daily life is given to the child-rearing family.

128. The selective statistics of the sector in 1998 are as follows:

Table 8: Number of children whose maintenance is recovered

County/City	Number of children whose maintenance is recovered by divorced opposite Male/Female	Number of children whose maintenance is recovered by the State Male/Female	Number of children whose maintenance is recovered form divorced opposite Male/Female
Jonchon county	4/4	109/121	0/0
Hwangju county	6/7	42/37	0/0
Sunchon city	12/11	58/61	0/0

G. Children deprived of their family environment (article 20)

129. For the legislative measures adopted, refer to paragraph 107 of the initial report.

130. At the consideration of the initial report, the Committee on the Rights of the Child recommended more supply of family environment to the children deprived of it. For this, the NCRC widely propagated the importance of family environment in child rearing to the families of different strata and the children deprived of their family environment. As a result, not a few orphans in the child-rearing institutions run by the state harmonized with families of new parents. But some of the children who are used to the benefit from the state and are as close to the nurses and teachers as to their blood parents refused the recommendation of an unfamiliar family environment.

131. (Paragraph 81 of the Guidelines) The Korean nation is a homogeneous nation constituted and consolidated through a long history, and has one and the same cultural background. Equality is the basic principle in the social life of the Koreans. In caring for the children deprived of their family environment, too, there is no national, social or ethnic discrimination.

132. (Paragraph 82 of the Guidelines) According to the national survey by the NCRC, hundreds of families are rearing children who have lost parents by natural disaster or other reasons. The NCRC, while more actively conducting the agitation activities to provide family environment to the children who have been deprived of it, will see to it that more money is allocated by the State to the improvement of the living conditions of the child-rearing institutions.

H. Adoption (article 21)

133. (Paragraph 83 of the Guidelines) The legislation on adoption is described in paragraphs 109~111 of the initial report. The State authority competent to authorize the adoption of a child is the local people's power organs that deal with population administration. Adoption of a child requires the consents including the agreement of parents, relatives, nurse,

teacher, etc. Adoption of a child who has the capacity of independent expression of will is established only under the consent of the child concerned. There is no separate monitoring mechanism in the DPRK, but *ri* or *dong* office grasps the situation of adoption on a regular basis through people's neighborhood units correct deviations. In principle, the identity of a child is not changed by adoption. The family name of a child, however, may be changed into that of the adoptive parents when the maintenance of relations with his or her own parents is detrimental to the best interests of the child or the child himself or herself requires so. The right of the child to know his or her biological parents is guaranteed in the principle of the best interests of the child.

134. (Paragraphs 84 and 85 of the Guidelines) Refer to paragraph 112 of the initial report for the international adoption. The DPRK does not prohibit nor encourage international adoption. Children do not tend to leave their own country where universal free medical care system and compulsory free education system are introduced, their parents and relatives live and to which they are so attached in life.

I. Periodic review of placement (article 25)

135. (Paragraph 86 of the Guidelines) The legislative measures for periodic review of child placement and the authority of the reviewing bodies are described in paragraphs 116~119 of the initial report.

136. (Paragraph 87 of the Guidelines) As was described in the initial report, the periodic review bodies of child placement are the due departments of such child-related ministries as the Ministry of Education and the Ministry of Public Health as well as local power organs. The Presidium of the Supreme People's Assembly supervises the review or inspection activities of the public procuratorial, people's security, and inspection organs and of the ministries and people's power organs concerned. The NCRC also selectively reviews the placement of the child according to necessary indexes and coordinates it. The Cabinet puts review

materials together to adopt administrative and organizational measures of the Government. The placement of the child is reviewed periodically according to plan. The review is taken monthly at *ri* or *dong* level, quarterly at county or district level, biannually at provincial or municipal level and annually by the Cabinet and the Central Statistics Bureau.

137. The state statistics collected in 1998 under the indexes stipulated in the Guidelines are given below:

Table 9: Child placement

Age	Gender Male/Female (thousand)	Children of worker or peasant (thousand)	Institutional care	Rural resident (thousand)	Foreign national
0~4	805/765	1,127	1,863	721	330
5~6	346/331	501	1,544	325	150
7~11	852/807	1,218	1,529	793	410
12~17	1,119/1,076	1,891	2,881	1,047	650

There were no asylum seeking or refugee children during the reporting period. The children who offended against the law were put to public education under the Criminal Law. 3,850 children without parents due to natural disasters and other reasons were either adopted, fostered or put to child-rearing institutions.

138. Some progresses were achieved in the periodic review of child placement during the reporting period. The indexes of review were remarkably broadened by the introduction of the international standards to the realities of the country in cooperation with the UNICEF, whereas the previous reviews had been conducted only on basic indexes. But there is much to be improved in the use of statistical index or of up-to-date technical means. The DPRK is willing to solve this problem by actively mobilizing its own resources and through exchange and cooperation with

international organizations and other countries.

J. Abuse and neglect (article 19) including physical and psychological recovery and social reintegration (article 39)

139. At the consideration of the initial report, the Committee on the Rights of the Child expressed its concern about the DPRK's way of dealing with child abuse in families and recommended a comprehensive research to grasp better the characteristics and range of the acts mentioned in article 19 of the CRC. In view of this, the NCRC, while taking national education measures to prevent child abuse, organized research for the existence and characteristics of it, and influenced the organs concerned so that the state attention was focused on this issue. Especially the DPRK Government reviewed the legislation to prevent child abuse, enhanced the role of population administrative, child care and education organs and conducted campaigns to educate the personnel concerned and the parents of families.

140. The penal measures to prevent child abuse are described in paragraph 114 of the initial report. The Family Law, the Law on the Nursing and Upbringing of Children and other laws concerned provide for the progressive methods of child education (refer to paragraph 12).

141. A child is entitled to lodge complaints directly or through a representative with the local power organs at all levels and the competent state authority against violence, right infringement, maltreatment, neglect, etc. This right is guaranteed by the Law on Complaint and Petition. The damage caused by violence, abuse, negligence or right infringement is compensated by various indemnification procedures. In case a child asks for protection from violence, abuse or negligence, the population administrative authority takes various strict measures including the alteration of care responsibility. With regard to educational or other measures taken to encourage non-violent punishment, protection and treatment of the child, refer to paragraphs 111 and 112.

142. The law obedience supervision department of the Presidium of the Supreme People's Assembly and the public procuratorial organs at all levels monitor on a regular basis the existence of the elements of violence, injury, abuse, neglect, maltreatment or exploitation within the family or penal institutions. The NCRC grasps the state of supervision from time to time and if need be conducts direct investigation work. According to report, there was no abuse in the special child care facilities during the reporting period but some in the step-parent families of local areas. Some selected statistics of social concern are shown below.

Table 10; Selected statistics of social of child abuse

County	Violence	injury	abuse	Neglect	Maltreatment	Exploitation
Sonchon			1		1	
Bukchong	1					
Unryul			2			

143. (Part of paragraph 89 of the Guidelines) The teachers and medical doctors who work for the child report daily to due organs on their work under the obligatory report system. The local power organ or school concerned gives advice and takes a warm care of the child who suffers from violation, injury, abuse, etc. Special lectures on the protection of the child are given more than once every year to people's security workers, teachers, doctors and other personnel who work with and for children.

144. (Paragraph 90 of the Guidelines) Refer to paragraph 115 of the initial report. The Physical and psychological recovery and social reintegration of the child victim of any form of neglect, exploitation or abuse referred to in article 19 of the CRC, if any, is undertaken by local power organs. Until now, there has been no case requiring special recovery measures.

145. (Paragraph 91 of the Guidelines) The progress achieved in the implementation of article 19 of the CRC is that the consciousness of the

officials of local power organs and the child-related organs concerned as well as of parents has been improved and child maltreatment has disappeared except in very few step-parent families. As violence, abuse, neglect, maltreatment or exploitation of children is no longer a social issue, so is the social reintegration of the victim not a matter of great concern any more. The DPRK Government is willing to generalize the advanced methods of child education to the whole society to do away with the outdated neglect or maltreatment of children among some step-parents in the near future.

□. BASIC HEALTH AND WELFARE

(Articles 6; 18, paragraph 3; 23; 24; 26; 27, paragraphs 1~3)

A. Disabled children (article 23)(paragraph 92 of the Guidelines)

146. The special benefits by state policy for disabled children and the actively encouraged social traits to help them were basically described in paragraphs 135~140 of the initial report. The NCRC, in view of the concern and recommendations of the Committee on the Rights of the Child at the consideration of the initial report, reinvestigated the details of whether there was any factual discrimination against disabled children, whether they fully got the health, educational or social services, how they integrated with the society and how the workers dealing with the disabled children were being trained. It also looked into the realities of the early diagnosis programme for the prevention of congenital deformity at maternity hospitals and of the supply to the disabled children of alternative care conditions that take the place of special care institutions, and studied the measures concerned. These investigations showed that the rights of disabled children were being basically guaranteed in reality.

147. It was reviewed and reconfirmed that there were no legislative nor social grounds for discrimination or disregard of disabled children in the DPRK. But some children of kindergarten or primary schools showed the tendency of unwillingness to harmonize with disabled children, which might bring disabled children to feel discriminated or isolated. The

measure taken to overcome this tendency was to enhance the role of parents and teachers. It was promoted that parents and teachers paid more attention to disabled children and children did not differentiate but warmly accepted their disabled friends. At present, there is no discrimination or disregard of disabled children among senior middle school children or the young people who have gone out to the society.

148. As was stated in the initial report, for the special disabled children like the deaf and dumb or the blind, special schools for them are separately set up to develop their personality and independent living ability by the educational conditions suitable to their individual characteristic, but other disabled children have no difference at all in education or everyday life and completely integrate with the society.

149. Local power organs grasp the families with disabled children to pay state subsidy. The education or health services for disabled children are all offered free of charge by the systems of free education and free medical care.

150. The situation of disabled children was evaluated basically by the method of putting together the state benefits given to them.

Table 11: State benefits for disabled children

Food	Twice a month
Clothing	Twice a year
School things	Once a quarter
Medicaments and Medicare	When necessary

151. The NCRC developed a new system of surveying and grasping the realities of disabled children. It was to bring together and compare the results collected by the public health organs of the whole country with the results by the population administration departments of local power organs and by educational institutions. On July 29, 1998, the Korean Association to

Assist the Handicapped was organized. This organization surveys and grasps the handicapped of the whole country to take measures for their recovery and treatment, and looks after their health and life.

152. It was seen to that the local power organs concerned investigated the education and life security for disabled children and the NCRC finally generalized the deviations so as to recommend to the Government the measures to correct them.

153. Many positive experiences were reported during the reporting period, of medical psychological and functional treatment of disabled children. A woman doctor in Sonchon County, North Pyongan Province recovered the eyesight of 40 odd blind children by applying a new operation method of cornea transplantation and a doctor of the Hamheung Medical University Hospital treated 20 odd deaf and dumb mutes by special acupuncture and moxocautery art. The Pyongyang Koryo Medicine General Hospital treated 30 odd cripples caused by poliomyelitis by properly combining manual, acupuncture and moxocautery arts. The Ministry of Public Health plans to exchange internationally their good experiences in the treatment of disabled children in cooperation with the WHO, the UNICEF and the Handicap International. It is also willing to take advantage of every possible international cooperation in the realization of the early diagnosis programme under the standard rule on equal opportunity of the handicapped (UN General Assembly resolution 18/96-1993).

154. The employment rate of disabled children was about 90% during the reporting period. The average state assistance offered to a disabled child of 11~17 years of age was over 3,200 Won a year.

B. Health and health service (article 24)

155. (Paragraph 93 of the Guidelines) Paragraphs 141~148 of the initial report state the details of the legislative situation and the invariable state policy connected with the recognition and ensurance of the right of the

child to the enjoyment of the highest attainable standard of health and to facilities for treatment and rehabilitation. No child had his or her right to health service violated during the reporting period.

156. (Paragraph 94 of the Guidelines) The major change occurred since the submission of the initial report was the weakened material and technical foundation for child health service and the lowered standard of some of the child health indexes due to the severe natural disasters. Child mortality and child morbidity increased and the qualitative standard of health service lowered as against the period covered by the initial report. But now by the concerted efforts of the Government and people to do away with the aftereffects of natural disasters and the international cooperation in different forms, the general health situation of children is getting better and the standard of health service being recovered to that of the early 1990's.

157. (Part of paragraph 95 of the Guidelines) In 1998, the mortality rate per 1,000 newly born infants was 24 and that of under 5 years of age 50. The infant and child mortality rate decreased in 1999 and 2000.

Table 12: Infant and child (under 5) mortality rate

Index	1993	1994	1995	1996	1997	1998	1999
Infant	14	15	15	19	21	24	23
Child	27	28	32	40	43	50	48

158. (Part of paragraph 95 of the Guidelines) Every child is provided with primary health care. This is offered by the cooperation of the paediatrists of city, county or *ri* people's hospitals and the doctors in charge of households. In the primary health care during the reporting period, major attention was directed to taking measures to prevent diarrhea and respiratory disorder especially pneumonia.

159. (Part of paragraph 95 of the Guidelines) As of 2000, the general immunization system is as follows in the DPRK: immunization is regularly

conducted according to the state immunization calendar and through the regular preventive inoculation system established from the centre down to province, city, county and *ri*. The preventive medicine produced by the well-arranged local bases in a planned way is supplied to all regions through the fixed supply system after being checked by provincial examiners. The immunization doctors totaling more than 700 in the central, provincial, municipal or county sanitary and anti-epidemic centres certify the immunization realities. At present, 10,000 odd non-standing inoculation groups organized across the country work regularly and make efforts to strengthen the refrigeration chain of preventive medicine. The reporting period witnessed partial breakdown of the immunization system due to the irregularization of the production of preventive medicine caused by natural disasters, but it is now being progressively recovered.

160. (Part of paragraph 95 of the Guidelines) Local power organs and the institutions concerned took various steps to improve nutritional state of the child during the reporting period. Although the situation was hard, every possible domestic resource was mobilized and the international assistance was effectively made use of under the principle of the best interests of the child. Nutritious foods for the child include nutritious rice powder, rice powder for babies, nutritious protein powder, milk, fish, meat, egg, corn powder, fruit, sweets, vegetable, etc. The supply centres for nursery and kindergarten under the Ministry to Commerce and the provincial, city or county commercial administration and the rice supply centres in local population districts under the Ministry of Food Administration regularly supply nutritious foods and rice to nurseries and kindergartens. Children up to 17 years of age are supposed to be supplied with 110 cal/kg a day, but the diminished rice production by natural disasters obstructed the regular supply. The officials concerned are making every effort to regularize this supply.

161. The proportion of children with low birth weight (less than 2.5kg) was 8% in 1998. Among the children of 6~11 years of age, the proportion of those with goiter was 15.5% and that of those with vitamin A deficiency

9.3% in 1996.

162. The most frequent child diseases were diarrhea, pneumonia, large and small intestines disease, etc. The mortality of 5 or less years old children by diarrhea was 17.5 per 1,000 in 1998.

163. The natural disasters produced a number of chronically malnourished children. By the active efforts of the whole nation to do away with the aftermath, the number of such children is being remarkably diminished. The proportion of malnourished children under the age of 5 was 16.5% in 1998.

164. At the consideration of the initial report, the Committee on the Rights of the Child recommended the DPRK to pay special attention to the influence of environmental pollution to the child. The DPRK is presently known as a non-pollution country. There has not yet been any report of a fact that the health of a child is affected by pollution or any other environmental problem. But some local reports show that the lack of disinfectant prevents proper sterilization of drinking water. This may cause child diarrhea. The state will direct more attention to this issue in the near future.

165. Article 66 of the labour law provides that working women are entitled to maternity leave, 60 days before and 90 days after child birth, irrespective of the length of their service. The proportion of pregnant women who had the benefit of birth assistance by professional medical institution was 87.8% in 1997. The proportion of pregnant women who had access more than once to prenatal health care by professional medical institution was 100%. Every province, city and county has a comprehensive childbirth facility totaling 563 in the whole country. *Ris* have elementary childbirth facilities totaling 4,416. nutritional insufficiency causes anemia by shortage of iron among women. According to the analysis of women between 15~49 years of age in 1997, non-pregnant women (less than 12g/100ml) took up 11.2% and pregnant women (less than 11g/100ml)

23%. The number of women who died of pregnancy before or within 42 days after childbirth was 105 per 100,000 in 1997.

166. During the reporting period, the institutions and public organizations concerned conducted educational work to give to all segments of society, in particular, parents and children the basic knowledge of health, sanitation, rational nutrition, the variety of nutritional food, the advantage of breast-feeding, treatment by rational physical exercises, environmental sanitation, etc. A lot of pamphlets on the basic knowledge were published and disseminated to the parents. The women's union organized lectures for all women on child health, nutrition and the advantages of breast-feeding. Each city or county sanitary and anti-epidemic institution strictly inspects and controls the ensurance of public health conditions at a bath-room, a barber's shop, a beauty salon, a restaurant or a hotel. The educational institutions of health have hygienics and dietetics as the essential subjects.

167. There was no early pregnancy reported during the reporting period. Sex education is given to adolescents at the stage of the 5th~6th years of senior middle schools, distinguishing between girls and boys.

168. (paragraph 96 of the Guidelines) The 3 national surveys by the sanitary and anti-epidemic institution confirmed that HIV/AIDS has not yet come into the DPRK. Adults and children are well aware of the danger, cause and effects of HIV/AIDS through repeated lectures for different segments.

169. (Paragraph 97 of the Guidelines) The DPRK does not have such prejudicial tradition as forced marriage or genital mutilation.

170. (Paragraph 98 of the Guidelines) Pursuant to article 24, paragraph 4 of the CRC, the DPRK encouraged international cooperation and exchange in the fields of child health and medical service. Particularly, the DPRK was provided by the WHO and the UNICEF with new scientific and technical materials and experiences as well as a great deal of medicine, medical

appliance and nutritional food.

C. Social security and child care services and facilities
(articles 26 and 18, paragraph 3)

171. (Paragraph 99 of the Guidelines) The right of the child to benefit from social security including social insurance is guaranteed by the Constitution article 72 (right to medical care), article 73 (right to education), article 77, paragraph 2 (right of mothers and children to special protection by the provision of maternity leave, special benefit for mothers with several children, a wide network of maternity hospitals, creches and kindergartens and other measures) as well as the laws and regulations concerned. For the full realization of the right to state and social benefit, there exists such legislation as the Education Law, chapter 2 (universal compulsory free education system), the Public Health Law, chapter 2 (complete and universal free medical care system), the Insurance Law (insurance system for the child). etc. The resources for the realization of the benefits are the state and local budgets, the insurance money on deposit, etc. The state and social benefits for the child are realized either intensively or additionally according to the actual situation of the child concerned. For example, the children affected by natural disasters were additionally provided with food, medicament, clothing and bedding free of charge besides disaster insurance money.

172. (Paragraph 100 of the Guidelines) The parties of social benefit are determined primarily by the people's power organs concerned, the householder of people's life, through their investigation of people's livelihood and by the application of the person concerned or his/her representative in addition to those provided for by law. The standard of benefits offered is stipulated in detail in the Regulation on State and Social insurance and Social Security and the parties are selected without any discrimination. The State and social benefits one child gets from birth to the end of senior middle school totals 5,888 Won. This is equal to average worker's salary of several years.

State and social benefit for a nursery child	1,244 Won
State and social benefit for a kindergarten child	662 Won
State and social benefit for a primary school child	1,368 Won
State and social benefit for a senior middle school child	2,514 Won
State and social benefit for a baby and its mother at a maternity hospital	1,300 Won
State and social benefit for a bereaved child	1,406 Won

173. (Paragraph 101 of the Guidelines) The measures taken to supply child-care services and facilities to the children of working parents pursuant to article 18, paragraph 3 are described in paragraphs 150 and 151.

174. (Paragraph 102 of the Guidelines) The progress achieved in the implementation of article 26 and article 18, paragraph 3 of the CRC is that the rights set forth in the provisions are reliably guaranteed by law. Especially, the social consciousness that "A child is the king of the country" is now firmly rooted and the principle of "Everything best to the child" has become popular. Every member of society considers it as an honorable duty and pride to give first priority to children and actively work for them. When the aftermath of natural disasters is overcome and the facing difficulties of economy are settled the rearing service for the child will be realized better upon solid material basis.

D. Standard of living (article 27, paragraphs 1~3)

175. National legal measures were taken to ensure the standard of living adequate for the survival and development of children. Every child is supplied food nearly free of charge under article 7 of the Food Administration Law (enacted in February 1997), article 15 of the Law on the Nursing and Upbringing of Children, article 18 of the Education Law and other enforcement regulations concerned. The free medical care system is enforced for all children under chapter 2, articles 9~17 of the Public Health Law and the compulsory

free education system is introduced for all school-aged children under chapter 2, articles 12~18 of the Education Law. Children get the benefit of the State house-providing system together with their parents under article 11 of the City Administration Law (enacted in January 1992) and the Regulation on Providing House and are supplied at a low price their school uniforms, school things and daily necessities under articles 16 and 19 of the Law on Commerce (enacted in January 1992) and article 15 of the Price Law (enacted in January 1997) which states that the price of mass consumer goods and the goods for children and pupils shall be deviated from their value to be fixed lower than other goods. Since legislative and institutional environment has been created, the real livelihood of the child depends exclusively upon the expansion of material productivity and the increase of national income. During the reporting period the successive natural disasters and various other difficulties remarkably lowered the per capita national income as against the early 1990's. This caused a turn for the worse of the nutritional situation of the child and prevented the regular supply of the conditions for living. The per capita national income was 988 USD in 1992, but 457 USD in 1998.

176. Parents and legal guardians assume an important responsibility in ensuring the living conditions for the child. But in the DPRK where the people's power organs at all levels are the householders responsible for people's life, the livelihood of the child largely depends on the role of the State. The State will creditably discharge its role and responsibility to secure living conditions for the child as it used to, if the current economic difficulties are overcome.

177. The existing economic difficulties and the measures taken by the State to overcome them are described in paragraphs 24~31 of this report. And the international cooperation offered to do away with the aftereffects of the natural disasters are stated in paragraph 32 of this report. By the State measures and international cooperation, the livelihood of the child is being recovered to the level that existed before the natural disasters and will develop further more in the 2000's.

□. EDUCATION, LEISURE AND CULTURAL ACTIVITIES
(Articles 28; 29; 31)

A. Education including vocational training and guidance (article 28)

178. (Paragraph 105 of the Guidelines) The constitutional and governmental measures adopted to recognize and ensure the right of the child to education on the basis of equal opportunities are described in paragraphs 154 and 155 of the initial report.

179. (Part of paragraph 106 of the Guidelines) The factory colleges as well as the creches and kindergartens attached to factories, enterprises or cooperative farms are financially supported by the units concerned, which mean that the practical expenditure on education far surpasses the official State budget for education. The DPRK, proceeding from its policy of not sparing anything if it is for the child, has systematically increased the expenditure on education each year in accordance with the laying of the independent economic foundation. Between 1990 and 1994, the educational and cultural expenditure by State budget and the educational expenditure by factories, enterprises and cooperative farms grew up each year. However, during the reporting period, the practical expenditure on education including the educational budget decreased to about 69% in 1996 as against 1994 (refer to paragraph 27 of this report). As all school-age children are under compulsory free education system, there is no need to particularly support the family of the child's education. But the State provides the families with 3 or more school-children with text books and school things free of charge and school uniforms either free or at half price so that the families may not be burdened by the children's schooling.

180. (Part of paragraph 106 of the Guidelines) The DPRK consists of a single nation with a long history, and has on need to teach children in local, indigenous or minority languages. The Chinese emigrants run their own schools to educate their children in Chinese.

181. (Part of paragraph 106 of the Guidelines) Coeducation is general at the

stage of compulsory education. At the 5th and 6th grades of senior secondary schools, practice of domestic cares, female hygienics and some sexual education is given to girls as their "optional" (practical) subjects. No child is in particularly difficult circumstances and, therefore, there has been no need to take the steps for such children.

182. (Part of paragraph 106 of the Guidelines) A new progress has been made during the reporting period in the educational system and method for the enhancement of education quality and the development of individual characteristics. Accordingly, the children who have genius for art or sports are educated separately from kindergarten to university. And those with extraordinary brain are strictly selected to be enrolled in the No 1 senior secondary schools of each city or county which are the genius education establishments within the compulsory free education system. The extracurricular educational institutions such as school children's palaces and halls, after-school sports schools, etc. have been set up in all parts of the country to develop children according to their aptitude, talent and taste. Children are educated by due experts in music, fine art, dance, sports, physics, chemistry, computer, etc. in the extracurricular educational establishments after school in accordance with their choice. The extracurricular education is a supplementary course but proves to be very effective. The members of the children's Art Troupe that has been loudly applauded in many countries are the children who have developed their talent from early age through such extracurricular activities.

183. (Part of paragraph 106 of the Guidelines) The DPRK has a well-organized teacher training system to ensure that there are sufficient teachers. There are teacher training colleges for kindergarten and primary school teachers, and the educational universities for senior secondary school teachers. University or college teachers are sufficed by the graduates of post graduate courses. Each province has 2~3 educational universities and teacher training colleges and determine the number of teachers needed in view of the number of children. Education has not been hindered by the shortage of teachers during the reporting period. Teachers are regularly

reeducated lest they lag behind the developing science and technology as well as the pedagogical requirement of the times. For this there are the central, provincial, city or county teacher retraining centres. All teachers are reoriented for 3~6 months once every 5 years and for a short term twice every year in the teacher retraining centres. The short-term courses deal with the content and method of education for the following term. The central centre makes and distributes teacher retraining programme and lecture plans. Another way of improving the quality of teachers in active service is the national examination for teacher's degree organized once every 3 years. These who have passed the examination have their degrees elevated, which is accompanied by the due social treatment. Teacher's degree is of 4 classes.

Table 13: Number of teachers (as of 1999)

Category	Number
Primary school	69,000
Senior middle school	112,000

184. (Part of paragraph 106 of the Guidelines) The DPRK has an orderly system of supplying adequate educational facilities to the schools at all levels. There is the department for the production and supply administration of educational facilities in the Ministry of Education and under it there are the factories of experimental equipments and educational apparatus and materials. Each province has the supply agency of educational apparatus and materials and each city or county the supply centre. Ordinary factories and enterprises, too, produce teaching tools, experimental equipments and educational apparatus under State plan or contract. By virtue of the Education Law, the newly produced machinery or facilities are preferentially supplied to the universities or colleges concerned. The Research Institute of Educational Apparatus and Experimental Equipments serves to secure the quality of the educational apparatus, materials and facilities. This institute makes research on the development of educational apparatus and experimental equipments and

prepares new designs to send them to the factories or enterprises concerned.

185. (Part of paragraph 106 of the Guidelines) When the country was liberated in August 1945, the northern half of the Korean peninsula had more than 2,309,000 illiterate adults, among whom 81.3% was female and 90% peasants. The Government put forward the motto: "First step to people's civilization is the abolition of illiteracy!" and led the whole people to conduct the anti-illiteracy campaign under the coordinated plan and guidance of the State. The task to completely do away with illiteracy was elaborated in the Decision No 113 of the Provisional People's Committee of North Korea: "On the rural anti-illiteracy campaign in winter season" (November 25, 1946) and the decision of the 52nd session of the North Korean People's Committee: "On the promotion of the anti-illiteracy campaign" (November 12, 1947). As a result of the energetic campaign, there remained no unlettered person in March 1949. Those who learned letters were educated continuously in adult schools and adult secondary schools to be above the level of primary school graduates. Illiteracy is no longer produced as all children receive primary and secondary education by the introduction of the compulsory education system.

186. (Part of paragraph 106 of the Guidelines) Non-formal education system is not needed in the field of general education as the 11 year compulsory education is being enforced. But there are such establishments for social education as the school children's palaces and halls, children's union camps, children's parks, children's libraries, extracurricular sports schools, etc that contribute to the after school activities and study of children. Those who go out into the society after their secondary general education are trained for 1~2 years in the skill-training schools or vocational training centres which belong to non-formal education system. Steps were taken in the reporting period to increase the number of skill-training schools and expand their enrollment capacity. The graduates of senior secondary schools are trained in special technical skill in the skill-training schools or vocational training centres without fail before they go out to work.

187. (Part of paragraph 106 of the Guidelines) The handicapped young children and the disadvantaged children without the support of their parents for different reasons are also fully guaranteed education for future development. There are 12 schools for the blind or the deaf and dumb in the country. These schools have the primary classes for elementary education and the higher classes for secondary education to give the handicapped children vocational as well as general education in conformity with their age. They are all boarding schools and are run exclusively at the expense of the State. Other mentally or physically handicapped children are educated at the ordinary schools of the residential district with no discrimination (refer to paragraph 66). There are the boarding schools for the children with stepparent in several places. The children whose father or mother is a stepparent may go to the school if the children and the parents hope so, in case the children are not attached to the family and are not devoted to their schooling. These schools lead the children to be harmonious with their teachers and friends, study hard and be of good conduct. Those who have no parents or are unable to be supported by either of their parents go to the nursery schools, kindergartens, primary schools or secondary schools for orphans according to their age. There used to be many such educational establishments for orphans during or after the Korean war (1950~1953) but now there are only 29 on a national scale as there are not many orphans. The sons and daughters of the patriotic martyrs who have sacrificed themselves for the people while serving in the people's army or such laborious fields as coal or ore mining, fishing, etc. are brought up by the State at the school for the bereaved children of revolutionary martyrs. They are educated there from primary to senior secondary schools enjoying the special attention of the nation and the Government to proceed to universities or due jobs.

188. (Part of paragraph 106 of the Guidelines) Education is administered by the Ministry of Education under the unified guidance of the Cabinet. The provincial, city or county people's committees also direct the general education and the educational institutions concerned. The universities of education and the teacher training colleges are directly under the provincial people's committees and the railways university, the music and dance university, the

fine art university, the drama and cinematic university and the arts colleges directly under the ministries and central organs concerned including the Ministry of Railways and the Ministry of Culture. The skill-training schools for skilled workers are administered by the Ministry of Labor. The planning of the education-related construction, material supply, labour, etc. is comprehensively undertaken by the State Planning Commission based on the initiatives of the Ministry of Education, the ministries concerned and the provincial people's committees. The State Ministry of Inspection and the procuratorial organs inspect the implementation of the education-related laws State policies to put things right.

189. (Part of paragraph 106 of the Guidelines) The DPRK has long been enforcing the universal free education system and the 11 year compulsory education system and set up the spare time higher education system together with the full-time higher education system. The quantitative scale of education may be said to have reached the level of advanced countries, fully satisfying the demand. But the quality of education especially the scientific and technological level is not satisfactory. Therefore, the Government pays a great attention to the improvement of quality rather than quantitative expansion of education. In the sector of general education, up-to-date scientific and technological instruments should be developed and more books and references for children published and disseminated to enhance further the efficiency of education and study. In the sector of higher education, more scientists and technicians should be brought up in higher quality to work out the up-to-minute fields of science and technology. To this end, the Government ought to increase the State investment in education. But the economic difficulties caused by the successive natural disasters in recent years stand in the way of this effort. The Korean people and educational workers are trying hard to overcome the difficulties for themselves. Thus the economy of the country is gradually reviving and the difficulties encountered in education are being surmounted.

190. (Paragraph 107 of the Guidelines) The primary and secondary education has long been compulsory and every education is free in the DPRK (refer to

paragraphs 156~164 of the initial report). Every 5~6 year old child is enrolled by the 1 year preschool compulsory education system and 4~5 year old children are enrolled according to the wish of the parents. As of April 1999, the total number of kindergartens was 14,167 and that of the kindergarteners 677,000. The minimum age for enrolment in the primary school was 6 and the proportion of children enrolled 99.6%, of whom more than 90% continued their studies at a higher level. The total number of primary school was 4,886 and that of primary school children 1,659,000. The duration of compulsory education is 11 years and the proportion of graduation 100%. Those who are ill or have some special reason may rest from schooling for 1 year or so and proceed with the compulsory education after it. The graduates of primary schools are enrolled in the secondary school 100% and the number of senior middle school children was 2,195,000 as of 1999. The proportion of enrolment in vocational technical schools among the graduates of senior secondary schools is 100% except those who proceed to higher education and who join the people's army. The proportion of proceeding to higher education is about 35% of the senior secondary school graduation. There is no dropout among the children up to 16 years of age since expulsion or withdrawal from compulsory education is not permitted. Those who fail in the graduation examination at the last grade of compulsory education are given termination certificate instead of a diploma. They may be examined again the following year and receive the diploma if they pass it.

191. (Paragraph 108 of the Guidelines) The DPRK does not have the category or group of children who do not enjoy the right to education. There is no legislation by which children may be excluded from compulsory education temporarily or permanently. The disabled children may rest from schooling temporarily but are not excluded. There has not been any case of liberty deprivation, pregnancy, HIV/AIDS infection among the children up to the senior secondary school stage.

192. (Paragraph 109 of the Guidelines) The legislation has been mentioned in paragraph 106 of this report by which in the primary and senior middle schools education is given by explanation, persuasion and influence by

positive examples. Educational institutions strictly prohibit all forms of violence including corporal punishment as well as any other disciplinary measures which are not consistent with the child's human dignity. The frequent disciplinary measures at schools are teacher's admonition, deprivation of the right to school attendance or examination, etc. Even such measures are subject to the strict control of the educational administration organs when they are applied. School children are entitled to lodge complaints with the school authorities or the population administrative organ concerned against disciplinary measures and participate in the law suits that may affect themselves either directly or through a proxy on the codes of legal procedure.

193. (Paragraph 110 of the Guidelines) The DPRK Government actively promoted and encouraged international exchange and cooperation in matters relating to education during the reporting period. The exchange and cooperation was encouraged in particular with a view to facilitating access to scientific and technical knowledge and modern teaching methods. The Government directed a deep attention to popularizing the experiences of such advanced educational method as the combination of theoretical education with practical education, the combination of the school education with the social education, the simultaneous carrying on of the preschool education, the school education and the adult education, etc. In lectures, the basic form of school education, heuristic method is widely introduced instead of cramming teaching so that school children may be encouraged in their independent active thinking capability to assimilate what they learn. By the assistance of the UNICEF the creation centre of videotaped text materials has been established and by the cooperation of the UNESCO paper has been supplied for the production of text books and a computer hall is being set up in the Grand People's Study House for the vocational technical education. The introduction of computers in education may be said to be a step forward in educational method. But still videotaped text materials are not supplied enough to rural schools and the dissemination rate of computers and other modern educational instruments is much lower in rural schools than in the schools of urban areas.

B. Aims of education (article 29)

194. (Paragraph 112 of the Guidelines) The DPRK Government invariably maintained the aims of education mentioned in the initial report during the reporting period as well (refer to paragraphs 171~177 of the initial report). The Education Law and its enforcement regulations which were newly enacted in the period clearly defined as the basic aims of education the harmonious mental and physical development and possession of noble character and virtue. The stipulated aims are fundamentally consistent with the provisions of article 29 of the CRC.

195. (Part of paragraph 112 of the Guidelines) New important measures were adopted in the reporting period to develop respect for the child's personality, talents and mental and physical abilities to their fullest potential. In the previous days too, the children talented in music, dance, fine art or sports were educated in a special education system supplied with all conditions and those with extraordinary brain were enrolled in the genius education system. But with the rapid development of society, it was practically required that the genius education should expand its scope and further develop its qualitative level. To settle this issue, measures were taken at the end of 1999 to expand the capability and improve the curriculum of the NO. 1 senior middle schools of each city (or district) and county.

196. (Part of paragraph 112 of the Guidelines) It has been mentioned in paragraph 40 of this report that the CRC is taught about as a part of the curriculum. Education of the CRC is given in close relation with that of the human rights in general. The latter does not constitute an independent subject but is included in the socio-political subjects and the subject of jurisprudence. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are also taught about in special lectures in the higher educational institutions, university or college like the CRC.

197. (Part of paragraph 112 of the Guidelines) The Government consistently

encourages the development of respect for the culture of other nations, the spirit of understanding, peace, tolerance, equality and friendship and of respect for the natural environment (refer to paragraph 176 of the initial report).

198. (Paragraph 113 of the Guidelines) All educational institutions within the regular educational system follow the curriculum approved by the Ministry of Education. The ministry prepares and sends to the schools at various levels the curricula reflecting the aims of education stipulated in article 29 of the CRC. Teachers conduct teaching activities creatively to realize the aims. The schools at various levels decide the content and method of education subject to the aims and organize the school machinery within the framework defined by the Ministry of Education.

199. (Paragraph 114 of the Guidelines) In the DPRK there is no need to establish private schools as schools have been set up in every place where there are children and free education system is being enforced by the State. Therefore there exists no private school. There are some centres established and run by overseas compatriots for computer or foreign language education in the Rason economic and trade zone. In this situation the State does not need to adopt the measures to ensure respect for the liberty of individuals or bodies to establish and direct educational institutions. No legislation prohibits the establishment or operation of private schools.

C. Leisure, recreation and cultural activities (article 31)

200. The initial report has described the legislation to ensure leisure, recreation and cultural activities in paragraphs 178 and 179.

201. In the reporting period, the Government paid attention to the development of the plays and recreational activities appropriate to the age and mind of the child. Above all, the recreational grounds in different places of the country including the Mangyongdae Fun Fair and the Taesongsan Fun Fair, wading pools and swimming places were encouraged to be made use of. Nurseries and kindergartens set up separate play and recreation rooms and schools widely

organized folk sports games in the classes of physical exercise. Children are encouraged to play kite-flying, Korean shuttlecock, swinging, jumping seesaw, rope jumping and other folk-games. The play and recreation facilities that have been arranged in nurseries and kindergartens account for more than 150 kinds. The facilities for primary schools are basically arranged in fun fairs or amusement parks and such sports games as dabbing in water or ice-skating are incited. The secondary school children, too, use the play and recreation facilities at fun fairs or amusement parks. Popular among children at this stage are chess, koni game, electronic game and other intellectual or study games. Schools widely develop study games of different subjects to help children in their schooling. Until now 100 odd kinds of study games have been developed.

202. Children take part in cultural, art and sports activities in various forms and methods. Music, fine art and sports are the subjects on school curriculum from kindergarten to primary and secondary school. Each school has after-school sports activities for more than one hour every day and operates music, fine art and sports circles. The State organizes kindergartener's art contest, school children's singing contest and school athletic games every year. Different kinds of art contest and sports games are held on the nation-wide scale as well at the expense of the State. School children frequently go out to factories, enterprises and residential districts for art performances. What is of special importance is the life for about 15 days out at the camps built in scenic spots or on seaside. The camping is organized in spring, summer and autumn and every expense including travel and amusement cost is borne by the State. Besides, schools organize picnic, mountaineering and visit to places of scenic beauty and historic interest in consonance with their conditions.

203. The invariable policy of and the measures taken by the DPRK Government for the leisure, literary, art and sports activities have been reported in paragraphs 180~184 of the initial report, and the broadcasts, publications and films for children in paragraphs 185~187 of the initial report.

II. SPECIAL PROTECTION MEASURES
(Articles 22; 38; 39; 40; 37(b)~(d); 32~36)

A. Children in situations of emergency

1. Refugee children (article 22)

204. The legislative measures to ensure that refugee children receive appropriate protection and assistance have been described in paragraph 188 of the initial report. In the reporting period, there has not been any child who seeks refugee status or who is considered a refugee for political or other reasons (refer to paragraph 189 of the initial report). Hence, the issue of protecting or assisting refugee children has not arisen in practice.

2. Children in armed conflicts (article 38) including physical and psychological recovery and social reintegration (article 39)

205. Since the Korean war, there has not been any war or armed conflict that greatly affects the rights of the child. Children are legally prohibited from serving in the army (refer to paragraph 191 of the initial report). The legal minimum age to be voluntarily enlisted into the army is 16, the age of graduating senior middle school, but in practice the volunteers swear the military code of conduct and begin their regular service at the age of 17 after their pre-service military education for 6 months or more, on selective basis in view of their health.

206. The policy maintained by the Government during the Korean war for the physical and psychological recovery and social reintegration of war orphans and other children is mentioned in paragraph 192 of the initial report. In the reporting period, such issue has not arisen.

B. Children involved with the system of administration of juvenile justice

1. The administration of juvenile justice (article 40)

207. Refer to paragraph 193 of the initial report.

208. The DPRK was recommended by the Committee on the Rights of the Child at the consideration of its initial report to bring its juvenile justice system into line with articles 37, 40 and 39 of the CRC, the Beijing Rules, the Riyadh Guidelines, the UN Rules for the Protection of Juveniles Deprived of their Liberty, etc. In fact, the juvenile justice system of the DPRK embodies at a high level the principle of preferentially treating children in justice put forward by the CRC and various international instruments, as it applies public education measure to all juvenile crimes irrespective of the gravity. The court hears a case, ascertains the crime and institutes legal proceedings against the offender but the decision for a child is always public education. The reason is that the DPRK penalty system aims at education and remolding instead of reprisal for the offence and considers public education as much more effective and proper than punishment especially in remolding a juvenile offender. It is stipulated in article 11, paragraph 2 of the Criminal Law that "For offenders between the ages of 14 and 16, the public education measures may be adopted. The same measures may be adopted at the stages of prosecution or trial even for those over the age of 17 if it is acknowledged that they may be rehabilitated by public education in consideration of their repentance, the gravity of the crime, etc." and in article 13, paragraph 1 of the Criminal Procedures Act that "In cases where there is solid ground for believing that the examinee or the accused can be reformed through social education, the measure of social education may be applied instead of punishment." (Refer to paragraph 56 of this report)

209. The judges, prosecutors, lawyers, law enforcement officials and people's security officers rely in their activities on the provisions of the CRC, the Beijing Rules, the Riyadh Guidelines and the UN Rules for the Protection of Juveniles Deprived of their Liberty. The justice professionals and others whose work is related with children get short training courses of the above mentioned international instruments more than once a year.

2. Children deprived of their liberty including any form of detention,

imprisonment or placement in custodial settings (article 37(b)~(d))

210. Refer to paragraph 194 of the initial report.

211. In the DPRK, the arrest, detention or imprisonment of a child is not used in principle, even as a measure of last resort. If necessary, a child is confined in his or her house or a certain area after school under article 104 of the Criminal Procedures Act. And the period of such confinement may not exceed one month.

212. No person may be arrested or confined without following the legal procedures. When a person is arrested for an unavoidable reason, the reason should be informed to the family, organization and the public prosecutor within 48 hours according to law. Any complaint against the arrest or confinement may be lodged with the public prosecutor, who examines it and releases the person when it is objectively proved that the arrest or confinement is illegal. If the party of arrest or confinement is a child, the legal procedural requirement is more strict.

213. In the DPRK, those who have been convicted are reformed at the institution for reform through labour. There is no imprisonment of children as they are not tried even if they have committed a crime. Children are put to public education in all cases under article 168 of the Criminal Procedures Act before they face a trial. There are various concrete methods of public education. It is undertaken by the youth league or the children's union, by the school concerned and by the parents or guardians.

3. The sentencing of children with particular reference to the prohibition of capital punishment and life imprisonment (article 37(a))

214. Refer to paragraph 195 of the initial report and paragraphs 56 and 117 of this report. No criminal punishment was applied to a child during the reporting period, as public educational measures are adopted for a crime by a child. Nor was capital punishment imposed, for it is forbidden by the Criminal

Law for offences committed by persons below 18 years of age. The DPRK does not have life imprisonment and the term of reform through labour is up to 15 years.

215. Refer to paragraph 196 and 197. The issue of social reintegration does not arise in the DPRK as the public education measure does not mean any separation from the community.

C. Children in situation of exploitation including physical and psychological recovery and social reintegration

1. Economic exploitation of children including child labour (article 32)

216. Child labour has long been eradicated both legally and practically (refer to paragraph 198 of the initial report). The minimum age for admission to employment has been mentioned in paragraph 53 of this report.

2. Drag abuse (article 33)

217. Refer to paragraphs 199 and 200 of the initial report.

218. It has been reported that some schoolboys at the 5th~6th grades of senior middle schools smoke or drink alcohol. The schools and parents take educational measures against them (refer to paragraph 62 of this report).

3. Sexual exploitation and sexual abuse (article 34)

219. Refer to paragraphs 201 and 202 of the initial report.

220. Prostitution and unlawful sexual practices are strictly prohibited by the Criminal Law. So is pornography.

4. Sale, trafficking and abduction (article 35)

221. Refer to paragraph 204 of the initial report.

6. Other forms of exploitation (article 36)

222. Refer to paragraph 203 of the initial report.

**D. Children belonging to a minority or an indigenous group
(article 30)**

223. Refer to paragraph 205 of the initial report.

THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

<북한인권자료 V> **북한인권 보고서**

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