

# White Paper on Human Rights in North Korea 2014

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The human rights violations in North Korea stem from a number of unique structural factors and policy decisions that flow from its political ruling structure, discriminatory social class structure, and skewed economic distribution system. The types of human rights violations also vary: from State agencies' broad and systematic breaches of individual rights to individual bureaucrats' routine violations at all levels. In order to have a good grasp of the true picture of human rights situations in North Korea, it is important to understand how and where human rights violations are taking place under what structural circumstances and policies and by whom, as well as what they mean in terms of overall human rights environment in North Korea.

#### ■ Kim Jong-un's Consolidation of Power and the Breach of Right to Life

The most salient feature of North Korean human rights in 2013 was the systemic and deliberate human rights violations, such as purges and executions of power elite in the process of consolidating power around Kim Jong-un. This is evidence that instability of power will worsen human rights violations due to political necessity. By publicly revealing the process of Jang Song-taek's execution, North Korea tried to infuse psychological fear in the minds of ordinary North Korean citizens and tighten the functioning of its society. But, this policy has led to a further deterioration of its human rights situation. In view of its process and procedures, the

brutal arrest and execution of Jang Song-taek had served as a symbol of North Korean style of human rights violations, and aroused a serious concern and mounting worries of the international community.

### ■ Continuing Public Executions on Narcotics Charges

Public executions by the government are the most violent, direct, and horrific deprivation of right to life. According to testimonies of North Korean escapees in South Korea, until 2010 most public executions were carried out on economic crimes and crimes of disruptive or disorderly social behaviors. From 2011, however, most public executions were carried out on charges of narcotics use (“ice” or methamphetamine). Many public executions carried out in 2012 and 2013 were also on charges of dealing in or using narcotics. This is clearly indicated in revised Penal Code in 2012 that imposes death penalty for crimes involving smuggling and selling. The widespread use of narcotics and their circulation are largely due to the poor medical system, the corrupt bureaucrats behind illegal circulation, and socio-psychological frustration of the people. Public executions represent the most degrading breach of human rights. The absence of more humane alternatives and open and frequent recourse to violent punishments like public execution present serious human rights problems.

### ■ Mistreatment in Detention Facilities and ‘Crimes against Humanity’

North Korea’s “political prison camps (*kwanliso*),” and ordinary prison camps called *kyohwaso*, which literally translates to “Reform and Edification Center” plainly exhibit features of the most serious human rights abuses perpetrated by the State. During the 2013

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survey on North Korea's *kyohwaso*, numerous cases of physical mistreatment were reported at Jongori and Gaechon *Kyohwaso*. Numerous witnesses testified to cases of death owing to physical mistreatment, malnutrition, and inferior medical facilities. These political prison camps showed all kinds of human rights abuses. In a written report released on February 17, 2014, the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea has determined that the human rights violations inside North Korea's political prison camps amounted to 'crimes against humanity' under International Law. In the process of investigation in 2013, there were a number of testimonies on the unusually strict surveillance and control at No. 16 Myonggan *Kwanliso*. Despite the rising concerns of the international community, degrading physical mistreatment seems to persist inside various detention facilities in North Korea. For this reason, the international community needs to step up its pressures on North Korea to improve the human rights situation.

#### ■ Polarization of Food Availability and Accessibility

In 2013, North Korea's total amount of grains has increased and the people's nutritional level has improved thanks to good harvest and continuing international humanitarian assistance. However, ordinary people's accessibility to grain has not improved, and the polarization of food availability has exacerbated, due to the government's discriminatory grain distribution policy. Most people are denied the official or regular rations, and so they must purchase food and grains from the market. In 2013, the farmers' grain shares were reduced due to excessive public rice quota that the government imposed on collective farm. In 2012, the so-called '6.28 measure' (guaranteeing the autonomy of each production unit) was introduced to improve

the productivity of agriculture and industry sectors. As part of this measure, a new ‘patch-land system’ was implemented, which granted a portion of output to individual farmers. As a result, the price of grain saw a little drop in 2013. It would be useful to watch if this patch-land system would be expanded so to improve the individual’s right to food situation. However, the State’s taxation for public grains and corrupt bureaucrats in the process of grain collection are likely to have negative impact on the farmers’ right to food.

#### ■ Persisting Human Rights Violations on Overseas Workers

North Korea had dispatched lumber jacks to Russia for the first time in 1967. As of August 2013, some 45,000 North Korean workers are dispatched abroad to earn foreign currency, including 25,000 in Russia, 8,000 in the Middle East, 1,700 in Mongolia, 500 in Poland, and so on. These workers live together near the worksite and put in 16-hour workdays on average. The State will deduct 80–90 percent of their wage as part of State-plan fund (or, loyalty fund) and the workers will get the remainder. As for overtime wages, the supervisors on site will skim off or pocket them. Work-related injuries are not properly treated, and on-site staffers will also embezzle the (insurance) compensation payments. If any worker was to lodge protest or complain, local State Security Department (hereinafter referred to as SSD) agents would beat him/her up, and would even send him/her back to North Korea. Amid continuing isolation, North Korea is likely to dispatch more workers abroad for more foreign currency. For this reason, the international community will need to pay keen attention on this aspect of human rights violations.

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## ■ Streamlining Human Rights Laws under International Pressure and Tightening of Social Control

For the first time, North Korea has inserted human rights provisions in its Constitution during the April 2009 revision. Ever since, North Korea has been updating, upgrading, and streamlining its human rights laws, including the laws designed to protect persons with disabilities, women, children, senior citizens, and the like. A notable example was that in 2013 North Korea has signed the Convention on the Rights of Persons with Disabilities, and updated and revised its Law on the Protection of Persons with Disabilities. At the same time, however, North Korea has revised its Penal Code and Administrative Penalty Law to tighten surveillance and social control. On April 1, 2013, North Korea has enacted the so-called ‘Kumsusan Sun Palace Law’ to tighten the ideology control through the idolatry of the Kim family. In June of 2013, North Korea has for the first time in 39 years revised ‘Ten Principles’ that it had implemented in 1974. The upshot was to rename the ‘Ten Principles for Unitary Ideology System’ into the ‘Ten Principles for Unitary Leadership System,’ thereby reinforcing Kim Jong-un’s ‘leadership’ and his reign.

## ■ Chapter I

### Purpose of Publication and Research Methods

In order for the international community to bring about effective results in North Korea's human rights situation, it is important to collect accurate facts, provide objective descriptions, and produce solid analyses on North Korean human rights. For that purpose, the Korea Institute for National Unification (KINU) opened the Center for North Korean Human Rights, in December of 1994, to collect and manage professionally and systematically all source materials and objective data concerning North Korean human rights; and from 1996, KINU has been publishing every year the 'White Paper on Human Rights in North Korea' in Korean and in English. The "White Paper on Human Rights in North Korea 2014" consists of several chapters; including International Human Rights Standards and North Korean Human Rights, the human rights situation of North Korean citizens in the areas of Civil and Political Rights as well as Economic, Social and Cultural Rights, the reality of human rights of vulnerable groups of citizens, and escapees and other humanitarian issues.

Each chapter of this White Paper will first present relevant international human rights standards, then review North Korea's municipal laws, and then carefully analyze the reality of human rights situation in North Korea. Since it is unfeasible to visit North Korea to investigate human rights realities and cooperation of any

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type is impossible with any human rights organizations in North Korea, KINU has decided to come to grips with North Korea's human rights situation through in-depth personal interviews with North Korean escapees who came to South Korea. The White Paper on Human Rights in North Korea 2014 reflects, among other things, the results of in-depth personal interviews with 237 North Korean escapees who came to South Korea during the year 2013. These samples were selected out of all escapees in 2013, based on initial questionnaires and on meaningful demographic features and social background (such as location of their residence, time of defection, experiences in detention facilities, etc.). The in-depth interviews were conducted over a two-hour period, in which the interviewees were asked to fill out professionally developed questionnaires focused on various individual rights we discuss throughout the White Paper.

KINU has assigned our unique testifier ID numbers (ex. NKHR 2013000000) to each and every person (escapee) who participated in our interviews, so that we may manage the data more systematically, and to protect the personal information of the testifier in case his/her testimony is quoted in the White Paper. The KINU staff has also consulted published North Korean books, documents, and other sources, as well as official UN reports and other human rights publications in and outside of Korea. We have also relied on a variety of comparative analysis and verification techniques to approach as closely as possible to the human rights reality on the ground despite inherent restrictions and limitations of information on North Korea.



## ■ Chapter II

## International Human Rights Standards and Human Rights in North Korea

### 1 International Human Rights Standards

The international human rights regime has seen tremendous progress since the end of the 20th century. Since then, the 1948 Universal Declaration of Human Rights is recognized worldwide as an international customary law, as well as the two international human rights covenants adopted in 1966 (the ‘civil and political rights’ and the ‘economic, social and cultural rights’). The human rights issue is no longer a domestic problem but a common concern of the international community as a universal value. All ‘Member States’ that have signed and ratified the international human rights treaties are committed to bear full international responsibility as signatories. Most basic to this responsibility are the government’s duty not to infringe upon but to respect fundamental rights of its citizens, the duty to protect the rights of its citizens from third parties, and the duty to actively promote and fulfill these rights. These state responsibilities to protect individual human rights are stipulated in detail in the two international human rights covenants cited above, although the level of emphasis may slightly vary from one provision to the other.

As a member of international community, North Korea has signed and become a signatory to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women, and has been filing regular reports with the rel–

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evant authorities. On July 3, 2013, North Korea also signed the International Convention on the Rights of Persons with Disabilities. Based on its “collectivist outlook,” North Korea tends to emphasize the rights of collectivity over individual rights and the society’s rights over individual freedoms. For this reason, North Korea will emphasize the primacy of sovereignty over individual human rights, and point out that international human rights norms are only recommendations. In light of universal values and international human rights standards, the international community has been trying to promote constructive dialogue with North Korea to improve the human rights situation there. Since these efforts have not produced satisfactory results, the international community has stepped up its endeavor to improve the human rights situation in North Korea. Since 2012, the UN General Assembly and the UN Human Rights Council have been adopting resolutions calling for the improvement of human rights in North Korea without voting. In March 2013, the UN Human Rights Council also established the Commission of Inquiry on North Korean Human Rights, and the Commission released its written report containing the results of investigation on February 17, 2014.

## 2 North Korean Laws on Human Rights

North Korea has enacted and has been enforcing various laws and regulations pertaining to the rights prescribed in the Universal Declaration of Human Rights and other international human rights covenants and conventions. However, the reality too often does not comply with the laws. Due to the economic hardship, most of the laws and regulations concerning labor rights, social security, and medicine are not observed. But, various legal provisions stipulated

in the Penal Code, Administrative Penalty Law and other laws designed for regime maintenance and social control are relatively well enforced. Furthermore, under North Korea's unique power structure, the Supreme Leader's "instructions" always take precedence over laws and regulations. Most of the rights prescribed in the Universal Declaration of Human Rights and other international human rights covenants and conventions are properly reflected in individual laws of North Korea. However, there is no provision concerning freedom of the press, freedom of peaceful assembly or association. Given the North Korean reality, it would be difficult to approve of these freedoms, however fundamental they might be.

Since North Korea inserted human rights provisions during the Constitutional revision of April 2009, North Korea has been streamlining various law provisions concerning human rights. The upgrading of laws is particularly noteworthy in the area of protection of vulnerable people in North Korea. For example, North Korea has enacted the Law on the Protection of Persons with Disabilities, the Law on the Protection of Elderly Persons, the Law for the Protection of Women's Rights, and the Law for the Protection of Children's Rights. It has also revised the Law on the Protection of Persons with Disabilities on November 21, 2013. Various laws designed to protect the citizens' health and promote their cultural life have also been enacted in recent years; including the Law on Natural Protection Zone, the Forest Preservation Law, the Mineral and Hot Springs Law, and the Cultural Heritage Protection Law. In addition, the Labor Protection Law, Elementary School Law, and High School Law have also been enacted. On the other hand, North Korea has been constantly tightening domestic surveillance and public control. Through the revision of its Penal Code and Administrative Penalty Law, North Korea has tightened internal controls, particularly the

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prevention of escapees and their punishment. It has also reinforced the ideology education and ideology control in order to maintain its public order. On April 1, 2013, North Korea enacted the “Kumsusan Sun Palace Law.” The purpose of this law was to enforce an ideology control over the people through the idolatry of Kim Il-sung and Kim Jong-il. This is clearly in violation of freedom of thought and conscience of North Korean people. The so-called Ten Principles as revised in June of 2013 is designed to firmly safeguard Kim Jong-un’s unitary leadership system and has been fine-tuned to stabilize Kim Jong-un’s power base. At the same time, the Kim Jong-un regime is emphasizing the promotion of people’s living standards as well as economic development. For the purpose, North Korea has streamlined various labor laws and laws related to foreign investment and economic relations. On May 29, 2013, North Korea has enacted the Law for the Economic Development Zones. Despite all these efforts, it is hard to expect any economic development so long as North Korea does not renounce the parallel policy of nuclear power and economic development.

Following the execution of Jang Song-taek, North Korea is likely to concentrate on ideology control and the maintenance of public order with a view to consolidating its internal unity. To support this policy, North Korea will again attempt to streamline its laws and regulations, and in the process it is feared that North Korean human rights, particularly civil and political rights, will be seriously breached.

## ■ Chapter III

# The Reality of Civil and Political Rights

## 1 The Right to Life

As a signatory to the International Covenant on Civil and Political Rights, North Korea has a duty to respect, protect, and fulfill the right to life of its citizens. North Korea has been trying to keep its people under control and safeguard the regime through the Penal Code and Addendum to the Penal Code (General Crimes), in which capital punishment is prescribed. Another tool is the so-called “proclamation” in which capital punishment is often publicly set forth. All these are in violation of various provisions of the Civil and Political Rights Convention that prohibit “arbitrary deprivation of life.”

On December 8, 2013, North Korea arrested Jang Song-taek, Deputy Chairman of National Defense Commission, during an expanded meeting of ‘Polit-Bureau’ of the Party Central Committee. On the 12<sup>th</sup> of December, Jang was tried at a Special Military Court under the State Security Department (hereinafter referred to as SSD). His crime was treason against the State “for having attempted to overturn the People’s Sovereignty of the Republic in ideological collusion with the enemy.” He was sentenced to death according to Article 60 of the Penal Code of the Republic, and was immediately executed. The short duration of investigation and the single court trial, as well as the immediate execution, were all anti-humanitarian and cruel punishment that blatantly ignored the fundamental human rights of the accused.

The public execution has been on the increase since North Korea enacted the Addendum to the Penal Code (General Crimes) in 2007,

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which provides the background of increasing public executions in North Korea along with revision of Penal Code in 2009, official appointment of Kim Jong-un as successor in September of 2010 and ensuing power succession process. Even though the actual scene of Jang Song-taek's execution in 2013 was not revealed, the speedy execution was clearly a case of an obvious infringement of the individual's right to life.

The causes for public execution appear to have undergone some changes over the years. Until 2010, public executions were carried out on charges of economic and social crimes. In 2011, the most frequent charge was the use of narcotics ("ice"). In 2012, North Korea revised its Penal Code so that dealing in large amounts of drug could be subject to capital punishment. Subsequently, narcotics-related public executions were confirmed in 2012 and 2013. Particularly, in February of 2013 there were a great number of drug-related public executions across North Korea, and successively, in October there were public executions on charges of foreign videos.

In North Korea, serious breaches of individual rights are quite common, but the more serious problem is that the frequency of public execution has been on the increase since the botched currency reform. Some North Korean escapees testified that public executions have recently been replaced with "secret executions" or "life-term" correctional labor penalties. However, the statistical records based on escapee testimonies indicate that the peak of public executions was in 2009. Then, there was a downward trend until 2012. But, in 2013 the frequency of public execution suddenly jumped. Given the Kim Jong-un regime's tightening of internal controls, this upward trend is not likely to change anytime soon. Compounded by other types of human rights violations, the serious threat to North Korean people's right to life is likely to persist for some time to

come.

## 2 The Right to Liberty and Security of Person

The internationally guaranteed right to liberty and security is stipulated in North Korea's Constitution, Penal Code and Criminal Procedure Law. However, the provisions contained in these laws are often not observed in practice.

In 2013, it was revealed that North Korea had revised its Penal Code on May 14, 2012 and lowered the level of punishment for human rights violations in the course of illegal interrogation, unlawful arrest, detention and searches. And, in the process of our research into the *kyohwaso* in 2013, it was confirmed that there had been a number of cruel and inhuman treatment inside the Gaechon *Kyohwaso*, in addition to the Jongori *Kyohwaso*. Furthermore, there were many cases of death in these centers due to mistreatment, and inferior medical facility. And, even if a detainee were to die in the facility, the agents would not, in most cases, inform his/her family (or, next of kin), and arbitrarily dispose of the dead bodies. Furthermore, forcible abortions were still taking place in the detention facilities in 2013. Sex violence cases in the detention facilities have also been reported. In 2013, researchers have also uncovered the fact, that the right to visit with the inmate was restricted to once every 3 months at most *kyohwaso*. Our research in 2013 has also confirmed that No. 22 Hoeryeong *Kwanliso* was closed down and No. 18 Bukchang *Kwanliso* has been relocated. Another result of 2013 investigations was the detailed description of strict surveillance and control system at No. 16 Myonggan *Kwanliso*, and the situation at Myonggan *Kwanliso* was said to be far inferior to other similar facilities. A North Korean escapee has also testified that Myonggan *Kwanliso* was maintaining a "riot-

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police” unit just in case of protest rallies inside the center. The rights of women were routinely abused inside the *kwanliso*, including sex offenses and forced abortions. However, at some facilities the rules for pregnant women, such as relief from duty 3–months before and 7–months after childbirth, were well observed. And, some detention centers have received instructions from the higher authority not to lay hands on inmates.

The problems found inside political prison camps contain all possible elements of human rights abuse. The UN Commission of Inquiry on North Korean Human Rights, in its written report released on February 17, 2014, has determined that North Korea’s human rights abuses amounted to “crimes against humanity” under International Law.

### 3 The Right to Due Process of the Law

North Korea’s court system is run according to its Constitution and the Law on Constitution of Court, but most North Korean citizens do not seem to benefit from fair trials. This is because the court structure and trials are not independent, and trial procedures are mostly unfair. North Korea’s courts, judges, and people’s jurors are all under the control of Korean Workers’ Party (hereinafter referred to as KWP).

There are certainly cases in North Korea in which criminal trials and appeal procedures are enforced according to the Penal Code, Criminal Procedure Law, Law on Constitution of Court, and other legal procedures. But, in many cases the legal procedures are not followed. Some escapees testified that the defense lawyer (attorney) did try to defend the defendant(s), and others said the attorney(s) visited him/her before the trial. But, most escapees testified that



the attorney system and the appeals system were operated as a mere formality, and there was little change in this reality in 2013.

The so-called “on-site open trials” are known to persist in North Korea. Specific crimes are not pre-determined or prescribed in the law for “open (public) trials.” These trials will take place at the Party’s instruction when there is a need to alert citizens for certain crimes or “public education” is thought to be necessary on certain social issues. For example, “public trials” are often conducted these days on such crimes as foreign videos, dealing in narcotics (“ice”), or human trafficking. In connection with escapees, public trials would be conducted on those who, while living in China, attempted to flee to South Korea, or led a Christian life, or worked for entertainment outlets or video chatting.

Public order or social control is a standing policy in North Korea. Throughout 2012, North Korea was under the grips of security (police), and in 2013 “politics of terror” reigned over North Korea in the wake of Jang Song-taek’s execution. As part of social control, Kim Jong-un has been stressing the so-called politics of law. But the politics of law that Kim Jong-un emphasizes is not “rule of law” as we know it, but rather “rule by law.” This Kim Jong-un style politics of law has become more prominent after the death of Kim Jong-il.

In 2014, North Korea is likely to concentrate on internal stability. In its 2014 New Year Address, North Korea emphasized the imperative of safeguarding the Unitary Leadership System. For this purpose, North Korea stressed that it was important to reinforce political ideology education on military personnel and strengthen the posture to safeguard and protect the leader by firmly establishing an “outstanding military system” within the People’s Army. It has also emphasized “the faithful implementation of laws and

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Party's policies" and the "enforcement of law and order." In view of these policy emphases, North Korea is likely to double down on social control and ideology control throughout 2014, and the citizens' right to due process of law will be largely neglected.

#### 4 The Right to Equality

Personal wealth and financial capability trump personal background in North Korea today, and discriminations based on family (personal) background are gradually weakening. Although its impact has been growing weaker, family background is still important. In our survey on North Korean escapees who came to South Korea during 2010–2013, some 63 percent replied that discriminations based on personal background were still widespread in North Korea. However, this percentage is a significant decline compared to the same questionnaire of 2012, which showed 75 percent. Discriminations based on family background were particularly notable in the process of hiring the Party staff. Over 87 percent of our respondents said discriminations based on personal background were severe, and 66 percent of them said discriminations also existed in the course of admission to Party membership. Compared to Party affiliation, discriminations based on family background were not as significant in cases like college admission, job assignment, or marriage.

Discriminations based on reasons other than family history also exist in North Korea. For example, if a member of the family defected or was missing (presumed defection), the remaining family member(s) are excluded from military service or Party affiliation. If any member of family were sent to a political prison camp or *kyohwaso*, it would be a reason for discrimination in marriage, college admission, promotion, and military service. Having a relative in South Korea would be another reason for discrimination in

Party admission, military service, and promotion. If a person had relatives or any local ties in China, especially if one or both parents were Chinese, he/she would be subject to discrimination in college admission, Party membership, promotion to staff positions, and marriage. There also existed legal and social discriminations between Pyongyang citizens on one hand, and between Pyongyang citizens and provincial residents on the other.

Corruption has a serious negative impact on North Korean citizens, particularly in terms of guaranteeing equality and fundamental human rights for them. There are numerous cases of corruption in all aspects of North Korean life: For example, some people accused of anti-socialist behavior will avoid penalty or get exemption from investigation or pre-trial by offering bribes; others will bribe their way out of correctional facilities or get an early release from detention or correctional facilities such as *kyohwaso*, *jipkyulso*, detention centers, or labor training camps (*Rodongdanryundae*). Bribery also works in the criminal trial process to reduce the terms of service or to get less serious charges. Bribery is also essential for a woman to get a divorce, or for someone to get an overseas assignment. In fact, North Koreans recorded the lowest score in the world in terms of “corruption awareness” index. North Korea has revised its Penal Code and lowered the punishment levels for the crime of bribery. In fact, the penalty provisions for accepting bribes by “supervisory workers” have been deleted altogether. This is a reflection of North Korean reality, in which bribery is so widespread that legal sanctions alone are unable to eradicate the practice. However, social control for regime maintenance and tight punishments for violators of security laws are likely to remain firm in 2014. Also expected to continue in 2014 are the vending activities on the markets, marketization based on smuggled goods, increases

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in overseas workers, and rising divorce rates due to economic hardship. Likewise, corruption and bribery are likely to persist in North Korea in 2014. The relaxation of penalty levels for bribe taking in the Penal Code will also contribute to the exacerbation of corruption in North Korea.

## 5 Freedom of Residence, Movement and Travel

This freedom is one of the most fundamental freedoms related to a person's movement in life. Under North Korea's Constitution, freedom of residence and travel is guaranteed as one of the fundamental freedoms of its citizens. But, the reality is quite different. If a North Korean citizen wishes to move outside of his/her city or county of residence, he/she will need a travel permit or a transfer (relocation) permit. Once he arrives at the travel destination, he must register with the Local branch of MPS. And if he does not carry a travel permit, the Neighbourhood Watch (*Inminban*) chief will report to the Local branch of MPS. In this manner, movements of citizens are controlled by way of travel permits. One of the changes taking place in recent years is the crumbling of the travel permit system. Under the economic hardship, many citizens have begun to travel without permits, relying only on cash. Moving around within a province is possible based on citizen ID. The "bed check" system, which has been used to control the people's travels, appears to have weakened, and even if one were caught in a security check cash or cigarettes would be enough to avoid penalties.

In North Korea, citizens are not permitted to move the residence at will. Recently, however, houses are openly sold between individuals, which also signifies change. In connection with freedom of residence, movement and travel, forced relocation is a typical violation of this freedom by the authorities. Since the founding, North Korea

has been forcibly relocating all anti-regime elements and their family to remote areas. In the 21<sup>st</sup> century, however, most relocation cases are related to defection, smuggling, and illegal circulation of information. The remaining family member(s) of escapees are, in most cases, banished to remote locations. Be that as it may, many relocated families have been able to return to their hometown after offering some bribes, indicating the widespread corruption in North Korea today. Many North Korean escapees have testified that in 2010 sex crimes were the main reasons for forced relocation, but since 2012 dealing in drugs (narcotics, or “ice”) was the leading cause of forced relocation. Since there are many conflicting testimonies about the rise or fall of the number of forced relocation, it is not easy to arrive at a conclusive observation. But, it is clear that the practice of forced relocation persists to this day under the Kim Jong-un regime.

## 6 Freedom of Religion and Conscience

North Korea’s Constitution approves freedom of religion. In reality, however, North Korea actively clamps down on all religions, in the belief that “religion is opium for the people.” North Korea considers religion to be the spiritual tool of imperialist invasion, and launched a major campaign of religious oppression during the Korean War, taking advantage of anti-American sentiment of the people at the time. The regime had conducted a nationwide scrutiny of personal propensity, and classified religious practitioners and their families as “hostile class” of people and suppressed them as “anti-revolutionary elements.” In the 1970s when inter-Korean dialogue began, North Korea began to reorganize religious organizations for purposes of external propaganda. For example, through a Constitutional revision North Korea prescribed that “Citizens

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shall have freedom of religion and the freedom of anti-religious propaganda” (Article 54). Prescribing the freedom of religion was a step in the right direction, but by allowing the anti-religious propaganda the regime did not fully approve the freedom of religion. In addition, there existed few religious organizations in North Korea, while the regime began to reorganize three formal religious organizations: namely, the ‘Chosun Christian Federation,’ the ‘Chosun Buddhist Federation,’ and the ‘Chosun Chondokyo Central Guidance Committee.’ The upshot was to form a ‘united front’ with the more progressive South Korean religious organizations in an effort to promote anti-government struggles and advertise North Korea’s unification policy. In short, religion was mobilized as a tool of political propaganda at the time.

From the 1980s, international criticism against North Korea’s religious repression began to mount and contacts between religious organizations increased worldwide. Under the circumstances, North Korea began to relax its policies on religion and revised its laws to allow construction of religious structures and religious ceremonies, as well as operation of religious educational institutions. In tandem with these changes, North Korea in its 1992 Constitutional revision deleted the ‘anti-religious propaganda’ provision and prescribed a new provision, “Citizens have freedom of religious beliefs. This right is granted by approving the construction of religious buildings and the holding of religious ceremonies. Religion must not be used as a pretext for drawing in foreign forces or for harming the State and social order” (Article 68). But, this last sentence prohibiting the use of religion as a means of harming the State and social order is still utilized as a tool of oppression of religious freedom in North Korea, where only Juche Ideology is approved as a religious belief.

Religious facilities do exist in North Korea, but they are primarily

used as the government's propaganda tools, and most North Koreans are not aware of their existence. North Korea completely suppresses religious activities of individual citizens. A 'public lecture' (July 2005) stressed, "Let us resolutely destroy the enemy's dark conspiracy to spread religion among us." Meanwhile, superstition is widespread in North Korea. North Korean authorities penalize the followers of superstition by classifying them as a 'wavering class' of citizens. But, given the harsh reality and difficult daily routine, followers of superstition are on the increase. In fact, many North Korean escapees have testified that Party staff and their family are no exception to this general trend.

Freedom of conscience relates to the freedom of forming independent ideas and the moral compass that undergird the internal values and self-respect, as well as the right not to reveal such values against one's will. Article 19 of South Korea's Constitution unequivocally states; "All citizens shall enjoy the freedom of conscience." But, there is no mention of "freedom of conscience" in the North Korean Constitution. The main reason for not guaranteeing this freedom is the idolatry rooted in the Suryong Unitary Ruling System. In North Korea, Kim Il-sung and Kim Jong-il are 'gods.' The main reason North Korea regards religion as the main cause of foreign influence and disruption of social order, is because religious beliefs tend to challenge the Suryong Unitary Ruling System. Likewise, allowing any other ideology than the Juche Ideology, that Kim Il-sung created and Kim Jong-il succeeded, is to allow a challenge to the Unitary Ruling System.

The "Suryong Unitary Ruling System" of Kim Il-sung and Kim Jong-il is revered and solidified through the practice of 'Ten Principles for the Party's Unitary Leadership System. In this document, it is stipulated as a principle that everyone must pay un-

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conditional allegiance to Kim Il-sung and absolutely support Kim Il-sung's instructions. In an effort to inculcate absolute loyalty to Suryong (leader), North Korean authorities are trying to internalize these Ten Principles in the minds of the people through such occasions as political study sessions. Since the Ten Principles are open to arbitrary interpretations, North Korean authorities are utilizing these principles as tools to identify those with political grudges as violators of these rules and punish them as political or ideological criminals. Some North Korean escapees said that the Ten Principles for North Koreans were similar to 'Ten Commandments' for Christians. And, many escapees have testified that especially under the economic hardship ordinary North Korean inhabitants would not willfully violate the Ten Principles, but they do not pay too much attention to them, either.

## 7 Freedom of Speech, the Press, Assembly and Association

Freedom of speech and the press means that individuals are free to hold opinions and express these views freely in a variety of ways. North Korea constitutionally recognizes the freedom of press and publication, but in reality the government restricts these freedoms in a number of ways. Since the 1990s, many North Korean citizens have been listening to or watching South Korean radio programs or TV shows through a variety of channels and means. Many also enjoy South Korean movies and drama series that they have acquired on CD-ROMs or USBs. This is a combined result of North Korean people's apathy to their official propaganda and untruthful news media and the influx of a variety of smuggled electronic media from outside sources. An increasing number of North Koreans are coming in contact with fresh external news. The government is enforcing strict rules against circulation or use



of foreign videos or CDs, and if anyone is caught for violation, labor training penalty or correctional labor penalty will be imposed. However, many ordinary citizens in violation of these rules are able situation by offering bribes. A great majority of North Koreans appear to have been exposed to outside information through various electronic media, and this trend is likely to continue despite government efforts to stem the tide.

In connection with the freedom of press and publication, it would be useful to assess the extent of cell phone use among North Korean people. Outside information is flowing into North Korea through the use of cell phones, and the increasing use of cell phones by North Koreans will certainly contribute both to the circulation of outside information and to the people's right to know. In an effort to slow down the rapid increase in the use of cell phones, North Korea had installed electronic firewalls and jamming devices along the border regions in Hyesan, Yangang Province, in the aftermath of Kim Jong-il's death. Some North Korean escapees have testified that it was impossible to completely cut off the cell phone communication in these areas because of heavy trade volumes with China. And, even if cell phone uses were detected, people could avoid punishment by offering bribes, which is a widespread practice in North Korean society today. The crime of using cell phones is normally subject to 6 months of labor training penalty, but if anyone is caught talking to a South Korean counterpart, it would be handled as a political crime, and bribery usually does not work. In most cases, the illegal use of cell phones within North Korea is related to livelihood, especially along the border regions, so the use of cell phones is likely to continue. This trend is the same deep inside North Korea, as many people engaged in vending have to rely on the use of cell phones.

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With regard to the freedom of publication, North Korea's Publication Law clearly approves the freedom of publication. In reality, however, the authorities are conducting arbitrary censorship on all publications, and all literary works are subject to final screening by the Propaganda and Agitation Department of the KWP. So, the freedom of publication is strictly under State censorship. Many North Korean escapees have testified that good family background is an absolute requirement for creative activities of writers. Even the limited opportunity of writing offered by the Party is assigned differently to different class of writers. Meanwhile, ordinary citizens could obtain a variety of books at the marketplace, and as a result the citizens living in the border regions do not believe in official reports coming from the central government.

As for the freedom of assembly and association, North Korean Constitution says freedom of assembly and association is guaranteed. In reality, however, only those assemblies and associations sanctioned by KWP are allowed, and other assemblies initiated by the people are not permitted at all. North Korea legally and institutionally blocks all assemblies and associations through its Penal Code and Administrative Penalty Law. However, North Korea's systemic foundation has begun to show signs of cracks everywhere, and the control over the population is weakening as such political units as "harmonious living" and political study sessions are rapidly failing. Despite the weakening controls, ordinary people do not dare form any type of voluntary associations except for those sanctioned by the authorities.

## 8 The Right of Political Participation

As a fundamental principle of ruling structure, North Korea has adopted a representative form of government, and accordingly it has

been electing people's deputies for the people's assembly of the province, as well as the Supreme People's Assembly (hereinafter referred to as SPA). According to North Korea's election laws, the deputies for the SPA are elected once every 5 years, and those for state and the people's assembly of the province is elected every 4 years through direct, equal, and secret ballots.

In reality, however, elections in North Korea are utilized as propaganda tools to justify one-party dictatorship. This is obvious when candidate nomination and voting procedures are closely examined.

Candidates are limited to one person per electoral district, i.e., a single-candidate system. The KWP will pre-screen each candidate carefully and assign the electoral district. The voting is an up-or-down style, and the election is conducted under a strict supervision of the SSD. The ballot procedure is simple: the voter at the polls will receive a ballot and place it into the ballot box. Elections in North Korea are not a process of open competition based on ideas and policies between political forces, but a formal approval procedure of the power structure and elite class pre-determined by KWP. Most North Koreans believe elections not as part of their right but a mandatory duty. If anyone refuses to participate in elections, he/she would be branded as reactionary. So, everyone will participate in elections, apart from the unavoidable exceptions.

North Korea also legally respects the individual's right to vote and to be elected to an office through a general, equal, direct and secret vote. In reality, however, North Korean citizens are forced into an election in which they have to cast a yes/no vote on a candidate carefully selected by KWP and under a strict supervision of the agents of the SSD and MPS. The voters are mobilized for elections, and for fear of retribution they cannot cast a negative vote, nor could they refuse to participate in the elections. Instead of

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guaranteeing the voter's right to political participation, the State is actively infringing upon their inherent right. In 2014, this situation is not likely to change.

## ■ Chapter IV

### The Reality of Economic, Social and Cultural Rights

#### 1 The Right to Food

As a result of increased grain output, North Korea's total grain availability has increased last year. And yet, the grain shortage persists in North Korea. This shortage comes from the unequal and unbalanced access to grains between various classes of people and discriminations based on family background. In addition to the chronic shortage of grains, the policy failures have also contributed to the food shortage in North Korea. The government has allocated priority budgets on military-first politics and defense industry, which depleted much of the budget for other sectors, including the grain supply. This is evidence that the North Korean government has failed to fulfill its duty to guarantee the citizens' right to food.

In 2013, the total grain availability has increased. But, due to the discriminatory distribution policy ordinary citizens' access to grain did not improve, and the polarization of grain access has exacerbated. Grain rations are distributed on a priority basis to party members, MPS officers, SSD agents, and other elite class of people. Recently, teachers, health workers and security workers have also been receiving grain rations. Despite the increased grain availability, most ordinary inhabitants have to purchase grains

from the market as they were excluded from the government ration benefits. In 2013, many farm workers had to suffer from excessive government grain taxes. Soldiers, too, suffered from the food shortage. Even though they would benefit from the military-first politics, many soldiers were suffered from food shortages, such that they had to resolve the food shortage by purchasing grains with the money they received from home. Many North Korean escapees testified that they had seen starvation deaths in 2013. Regarding the right to food in North Korea, one characteristic was that North Korean authorities have released military reserve grains in 2012, which temporarily had improved the grain rations in North Korea.

## 2 The Right to Health

Ordinary North Koreans' right to health has not seen any improvement in 2013. The fair and equitable resource distributions were distorted by economic hardship and the military-first politics, and as a result the overall medical system experienced a rapid collapse. North Korea is experiencing an absolute shortage of medicines and medical equipment. There is development of extreme polarity between Pyongyang, large cities and provincial towns in terms of physical and economic accessibility to medical treatment. Rather than reduce this disparity, the government is expanding medical facilities for elite and select class of people in Pyongyang, including the Pyongyang Children's Hospital and Pyongyang Oral Clinic. In short, the polarization is being accelerated rather than reduced under the current North Korean policy. And, North Korea is not fulfilling its duty to guarantee the citizens' right to health. The preventive medicine system, like the home-doctor system, that North Korea used to advertise, has long ceased to operate, and as the physicians are occupied with extra work for his own livelihood,

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the nurses are known to perform the role of physicians, instead.

Due to the economic hardship, basic infrastructure for good health, such as electricity, highway network, and emergency service, has been deteriorating. The collapse of free medical treatment and the deteriorating access to medical service have resulted in a polarization of medical service between the privileged few and the underprivileged masses. The right to health of ordinary citizens, who rely on neighborhood clinics and people's hospitals, has been deteriorating, while the right to good health of privileged class of people, such as middle class and Party staff, who mainly use 3<sup>rd</sup> or 4<sup>th</sup> level medical facilities, has been improving by contrast. Many North Korean escapees have testified that the preventive medicine North Korea has been boasting about was not functioning properly. The free medical treatment was non-existent, and if a patient needed an emergency operation, he/she had to pay for all expenses. In many cases, the patients, who could not afford the medical expense, have died, because he could not get proper treatment in time. So, the vulnerable group is being deprived of their right to health, as they lack the access to proper medical facilities or medicines. Again, the North Korean government is failing to fulfill its duty to provide its people with proper environment for health. Another serious problem is that in the absence of free medical treatment and inability to purchase proper medicines in time, a growing number of North Koreans have become known to rely on opium as an alternative.

### 3 The Right to Work

North Korea guarantees the people's right to work, including labor rights, working conditions, protection of workers, and rules against discrimination. These rights are enumerated in detail in North Korea's Constitution, the Labor Law, the Labor Protection

Law, and other labor-related laws. But, the reality of the right to work in North Korea is significantly different from what the law provisions call for; this is due to the deteriorating economic conditions since the economic hardship period and the Socialist working styles like collective farms.

The most serious problem is that most enterprises are unable to pay regular wages or rations to the workers on hand, and even when the workplace is operating normally the wages fall far short of minimum amounts needed to maintain or support the family's livelihood.

According to a survey of North Korean escapees, over 60 percent of respondents said wages were not paid in time in 2013, as it has been in recent years. Over 90 percent of respondents also answered that the wage level was not satisfactory at all. Under the circumstances, most North Korean citizens have to support themselves through additional work outside of their official duties. With respect to the worker's right to choose jobs, all North Korean workers are assigned jobs by the government, and individual workers are not allowed to freely choose jobs of their choice. In the process, the individual's wishes are ignored in most cases, and job transfers are not easy either. In North Korea, it is a crime not to report to work assigned by the government. Known as the 'jobless behavior,' if anyone remained jobless (or, not report to assigned work) for over a month, he would be given a labor training penalty, which is in violation of the principle prohibiting forced labor. Furthermore, in the process of job assignment there are discriminations based on one's family background. Discriminations based on sex or physical disabilities, etc. are prohibited under the Labor Law, Law for the Protection of Women's Rights, and Law on the Protection of Persons with Disabilities. In reality, however, it is hard to know how well

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these laws and principles are observed in North Korean workplaces today. The three labor rights, namely, the right to have freedom of association (trade unions), collective bargaining, and collective action, are not guaranteed in North Korea, but in the implementation rules of Business Law for Foreigners, there are provisions guaranteeing the protection of workers' rights.

#### 4 The Right to Education

North Korea offers a 12-year free compulsory education based on the Education Law, the Elementary School Law, and the Law for the Protection of Children's Rights. The government is responsible for the implementation of this education, and the national budget is allocated on a priority basis. All North Korean parents are responsible to send their children to school to receive the compulsory education, and the provincial governments and educational departments are charged with the supervisory duties. In reality, however, the right to education is not properly guaranteed in many respects.

In terms of availability of educational opportunity, the central government's investment in primary and secondary educational sectors has greatly diminished since the economic hardship period. Consequently, free education has lost its meaning and the quality of education has significantly deteriorated. In September 2012, North Korea changed its school system, extending the elementary education from 4 to 5 years and the total compulsory education from 11 to 12 years. This was an attempt to normalize public education, but as of 2013 there was no sign that the central government's investment in public education had significantly increased. According to a survey on North Korean escapees in 2013, most North Korean parents felt heavy burdens by the expenses they had



to pay for their children's education at public schools. In terms of accessibility, North Korea has stressed the equal educational opportunity and enacted laws guaranteeing educational rights for the vulnerable groups like women and persons with disabilities. However, discriminations still persist in North Korea in terms of handicapped children's accessibility to education or teenage girls' accessibility to higher education. Since the economic hardship period, the parents' financial burden for public education has grown tremendously and the accessibility to education for poor children has rapidly deteriorated, and many of them are forced to drop out of public education altogether. In terms of acceptability, many students find certain courses burdensome; for example, the excessive political ideology education, the hard labor above and beyond the call of educational purpose, and military drills. In terms of adaptability, the students' and parents' rights to choose courses and curricula are highly restricted and the changing social trends are hardly reflected in school education, given the inherently closed nature of North Korean society.

## ■ Chapter V

### The Reality of Human Rights of the Vulnerable Groups

#### 1 Women

In February 2001, North Korea signed the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and submitted its first implementation report on CEDAW in September of 2002. In this report, North Korea stated, "Discrimination against women has been eliminated over a long history, and gender

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equality is reflected in our policies and laws as a concept that emphasizes the role of women beyond simple equality.” In fact, North Korea’s women-related laws and systems clearly confer equal civil and political rights on women and men. So, it is possible to say that women’s social status and roles have seen some improvement. In reality, however, the social status and roles of women have not seen as significant improvement as North Korea seems to insist. There still exists a sense of social discrimination against women such as the ‘man leads, woman follows’ kind of social ethos that was formed in the by-gone centuries. Some 75.1 percent of the respondents (North Korean escapees), who participated in our survey from 2010 to 2013, said the status of women in North Korea was unequal, and 68.3 percent of North Korean escapees who came to South Korea in 2013 said the status of women in North Korea was unequal.

Chosun Democratic Women’s Union is composed of all women 31 years to 60 years of age, and it is mandatory to join so long as they do not belong to other organizations. Chosun Democratic Women’s Union is not a voluntary organization for the promotion of women’s rights or interests, and it does not exercise any political or critical influence as a social organization. The main activities of Chosun Democratic Women’s Union since the economic hardship period were to mobilize its members to meet manpower needs or to impose non-tax financial burdens.

As economic hardship continues, North Korean women are suffering from excessive workload of household chores, such as raising children as well as financial burdens. And the husbands do not share their burdens. In addition, the government’s socialization policies, such as child care, are not functioning properly. The housewives’ workload has greatly increased particularly because

they also have to play the breadwinner roles in the wake of the economic hardship period.

On December 22, 2010, North Korea's Presidium of the SPA adopted and released the Law for the Protection of Women's Rights, and explained that this law was an important step towards guaranteeing the rights and interests of women in all sectors. This new law tried to reflect various recommendations of the UN Committee on Elimination of Discrimination against Women (CEDAW) and added or specified various provisions in the law. The enactment of this law was an indication that North Korea was actively reacting to the deep concerns of the international community and calls for the improvement of deteriorating women's rights. In reality, however, North Korea's women-related laws and systems are not properly realized as yet, and to that extent the women's rights are being infringed upon. In the aftermath of economic hardship, the breadwinning responsibility fell on housewives in many cases, and as a consequence many women were charged with petty crimes and illegal activities. Chosun Democratic The Women's Union is known to concentrate on manpower mobilizations and volunteer activities, instead of representing the rights and interests of women in general. The Maternal Mortality Rate (MMR) still remains high in North Korea, as various measures to protect motherhood were not working properly. Pregnant women, if they registered with local clinics or hospitals, could receive regular checkups and various benefits related to childbirth. Yet, under the collapsing free medical treatment system, most pregnant women would have no choice but to give birth to a child at home with the help of a mid-wife. Preventive measures against domestic violence and social protection measures for battered women are not properly functioning, either.

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## 2 Children

From the founding years, North Korea has been maintaining the position that children were the future of the country and they were ‘kings.’ North Korea insists that children’s rights are guaranteed under the law, including the Constitution, Education Law, the Public Health Law, Law on the Nursing and Upbring of Children, Social Safety Law, the Law on the Protection of Persons with Disabilities, and Family Law. In fact, North Korea’s position is prescribed in detail in its Law for the Protection of Children’s Rights enacted on December 22, 2010. A person is treated as a minor “up to 16 years of age” (Article 2). It is a consistent policy of North Korea to “respect children and guarantee on a priority basis the rights and interests of children” (Article 4). And, the law further stipulates, “The State shall guarantee on a priority basis, the best of everything that are needed for children’s health, education, and daily lives under the principle that ‘the best item goes to the child!’” The UN Committee on the Rights of the Child expressed concern over the fact that North Korea would treat 17-year olds as adults, and the legal age for marriage is 17 for girls and 18 for boys. Since the minimum legal age is disparate, the committee recommended North Korea to reconcile the age difference uniformly to 18 years of age. Since the 17-year olds are treated as adults in North Korea, unlike the Rights of the Child Convention, drafting them for military service or assigning regular adult jobs for them could amount to a serious breach of their human rights.

The nutrition level of North Korean children has been improving thanks to the continuing humanitarian assistance of the international community. However, the chronic malnutrition is hampering the children’s normal growth. In September of 2012, UNICEF and North Korea’s Central Statistical Bureau conducted a joint nutrition

survey over North Korean children (0–59 months) and female (15–49 years of age).<sup>1</sup> According to this survey, 15.2 percent of North Korean children under the age 5 were underweight, and 27.9 percent was suffering from chronic malnutrition, and 7.2 percent of them were very serious. And, 4.0 percent of them were suffering from acute malnutrition, and 29 percent of them were suffering from anemia. There was a huge difference in nutrition levels between the children in Pyongyang and those along the Chinese border regions. Under the worsening economic hardship, various children’s education and nursing facilities, such as nursing centers, kindergartens, and schools, have not been functioning properly. In 2013, Kim Jong–un had shown a special interest in children’s health by constructing the Okryu Children’s Hospital in Pyongyang. But, the malnutrition of North Korean children and the high death rate of newborn babies are still serious problems.

### 3 Persons with Disabilities

In 2013, North Korea has signed the Convention on the Rights of Persons with Disabilities, and revised its Law on the Protection of Persons with Disabilities, to improve the rights of these persons. North Korea has also become a full member of International Paralympics Committee. It has also conducted a survey on the reality of persons with disabilities, in addition to taking various measures to protect and improve the rights of persons with disabilities, including the construction of Chosun Rehab Center for Children with Disabilities, and Dongdaewon Gymnasium for Persons with

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1\_ This survey was conducted from approximately 7,600 households that were randomly selected from 10 cities and provinces including Pyongyang.  
UNICEF, “CBS: Democratic People’s Republic of Korea Preliminary Report of the National Nutrition Survey 2012” (October 2012).

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Disabilities. It has also opened the Chosun Disabled Persons Vocational Classes. There are also Factories for Persons with Disabilities, and Honored Veterans' Factory, as well as other special schools for them. However, there were reports that groups of persons with disabilities have expressed some complaints and protests.

Despite these positive measures, persons with disabilities are known to experience discriminations and infringement of their liberty rights and family rights. The segregation and sterilization of midget persons seem to persist in parts of North Korea. Even though North Korean authorities have been trying to improve the public image of persons with disabilities, most North Koreans were not aware of such organizations as Chosun Federation for Protection of Persons with Disabilities. Most of all, the government assistance and support for the equipment and facilities for persons with disabilities were woefully insufficient, and the factories and special schools for the disabled persons were in urgent need of repairs and upgrading. One very positive and encouraging sign is that North Korea is trying to improve the rights of persons with disabilities in cooperation with the international community.

## ❏ Chapter VI

### North Korean Escapees and Other Humanitarian Issues

#### 1 North Korean Escapees

KINU and Johns Hopkins University's Bloomberg School of Public Health have conducted a joint survey in 2012 on the estimated number of North Korean escapees and the number of children by North Korean mothers living in China's Heilong-jiang Province. In 2013, the survey was expanded to include Jilin Province and

Liaoning Province, along with the Yanbian Korean Autonomous Region. In the 2013 survey, the total estimated North Korean escapees and the children of escapees were 8,708 (minimum 4,402–maximum 13,706) persons and 15,675 (minimum. 11,028–maximum. 21,214) children, respectively.

The reasons the number of North Korean escapees suddenly decreased were the tightened border patrols, on-going forced repatriations, decreasing number of potential escapees due to increasing defection costs, increases in the number of legal visits to China (or, increases in the number of border travel permits), and increases in the number of escapees finding new homes in South Korea. Since the SSD launched special emergency measures in 2009 to cut off defections, the surveillance and control have been tightened in all aspects of defection since 2010, including the surveillance on escapee families and relatives, reinforcing ideology education, increased bed-checks and travel permit inspections along the border regions, and more frequent inspections of Border Guard Commands. North Korea will also punish those using cell phones along the border regions, and coast guard patrols have been increased to prevent defection by sea. The areas in Hyesan, in Yanggang Province became a new defection route, and the authorities have newly installed electronic firewalls in the area to jam the use of cell phones and tightened the phone-tapping activities there. As a result, it has become very difficult to contact potential escapees from outside of the border.

Since 2012, while the authorities intensified border patrols, they also resumed grain rations in the areas like Hoeryeong where defections were rather frequent. In the 2012 Great Amnesty, North Korea decided to exclude those involved in human trafficking or those who had children in China. In December of 2012, Kim Jong-

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un's instructions came down to the effect that "Bring the escapees back and offer them a chance to settle down." Subsequently, the SSD agents began to give lectures for the "returning escapees" at the Neighbourhood Watch (*Inminban*) levels, and proposed escapee families to bring them back home.

During the grain shortage, defections were very frequent along the border regions. And the punishment for escapee families, which had been lenient, has become tight again. For example, the remaining family of an escapee would now be forced to relocate to deep mountainous villages away from border regions. In a very rare case, a family was sentenced to banishment at a public trial, and after a petition the banishment was canceled. In most cases, however, the families would be forcibly relocated to the remote areas, and later return to their hometown. In some cases, a local supervisor would be fired because of defection in his area. For this reason, some supervisors would, upon bribery, rather discard the documents or forge relevant facts to avoid his responsibility over local residents' defection. According to a 2013 survey, surveillance over defection was tightened, but unless it was confirmed that the escapee had gone to South Korea, the remaining family would not be banished to remote areas. If a majority of the family defected, the remaining members would be charged with rather simple misdemeanors, like labor training penalty for illegal use of cellphones, etc. If, however, it were confirmed that the remaining family had contacted with the escapee in South Korea, then the family would be forcibly relocated to remote villages. The family member of the forcibly deported escapee would be discharged from military service on charges of '(poor) family environment crime.' Some families that received remittances from outside would also be penalized.

The international community has raised the issue of human traf-



ficking of North Korean women. Subsequently, North Korea has enforced very stern punishments on human trafficking crimes. The North Korean authorities had publicly executed the criminal who had human trafficked a North Korean woman, and issued a stern public warning against similar crimes.

North Korean authorities will enforce capital punishment for crimes like human trafficking. Simple border-crossing guides are not subject to capital punishment, but if the case involved trafficking of many individuals, or if it involved dealing in narcotics or historical treasures, then the criminal(s) would be subject to public execution.

In 2013, a total of 1,516 North Korean escapees arrived in South Korea, and the cumulative total number of North Korean escapees in South Korea as of the end of 2013 was 26,124 persons. Escapees accompanied with the family, and the families coming to South Korea from China or North Korea with the support of their family already in South Korea were on the increase. However, the increasing escapee trend slowed down in 2013.

Some North Korean escapees, after receiving South Korean nationality, passport and special grants for re-settlement, will attempt to relocate to the United States, United Kingdom or a third country, and apply for political asylum or refugee status. Most of these former escapees would end up returning home to South Korea because their 'disguised asylum' had failed. In another case, an escapee would smuggle himself into North Korea and live with his family for a while. Then, he would return to South Korea and be charged with a violation of South Korea's National Security Act. Some North Korean escapees will try to return to North Korea, and it is not unusual. But, North Korea appears to be trying to utilize them as part of an attempt to suppress or prevent other North

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Koreans from attempting to flee. In Kim Kwang-ho couple's case, they re-entered into North Korea, appeared in a news interview, and later re-defected with the rest of their family. Unfortunately, they were all arrested by the Chinese security after defection. The Kim couple and their daughter, who had South Korean passports, were not forcibly deported to North Korea. But their relatives, wife's sister and her husband, were reportedly deported to North Korea. Another escapee, who had a fraudulent bank loan in South Korea, was punished by South Korean law for attempting to re-enter into North Korea with lots of personal information on escapees in South Korea.

The forced repatriation of North Koreans is a major human rights issue that needs improvement. North Korea does have a passport system, but movement or travels outside the country would be allowed on a very limited basis. Crossing the border without a permit is punished as a political crime in North Korea. And, it threatens not only one's life, but also the safety of the entire family, which will amount to a serious breach of human rights. Since the death of Kim Jong-il, North Korea has tightened the movement of its inhabitants, and raised the level of punishment for escapees. In an effort to discourage re-defections, the local supervisors would be held jointly responsible if such re-defection occurred. In addition to simple surveillance, the authorities were enticing potential escapees by offering them grains and clothes. The authorities have installed electronic firewalls along the border regions and increased tapping device to prevent and discourage the activities of defection brokers. The border guards are also assigned on a rotation basis to prevent them from coming into contact with escapees or their bribery. Since 2012, the control along the border has become somewhat relaxed compared to the immediate aftermath of Kim

Jong-il's death, but another layer of border guards called Red Guards were added to the patrol task against defection. In short, North Korea continues to beef up controls and punishment on border-crossing brokers.

As North Korean escapees continued to increase, there are many North Koreans in China who have formed families— in—fact. But, their lack of legal status is another serious human rights issue. And, if they were forcibly deported back to North Korea, the raising and education of their Chinese—born babies would be very difficult. The danger of human trafficking is still lurking around escapees, and various fraudulent and deceptive practices are luring them, including forced marriage, entertainment outlets, voice phishing scams, and other criminal traps. As in 2012, surveillance in China was tightened in 2013. As a result, the activities of brokers, who would help escapees move to South Korea or to a third country, appear to have diminished significantly.

## 2 Separated Families

As of the end of December 2013, the Integrated Information System for Separated Families reported that there were 129,264 separated family members registered in South Korea, with 71,480 living and 57,784 deceased. Compared to the end of 2012, the number of deceased increased by 3,841 persons. A total of 82 percent of living were over 70 years of age as of the end of 2013.

The Geneva Convention IV mandates the protection of civilians (families) in time of war. At the time of the Korean War, the two Koreas were not signatories to this convention, but through separate procedures the two sides accepted the terms of the convention. So, both sides have been parties to the convention from the Korean

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War, and the terms are also reflected in their respective Constitutions. On August 23, 2013, the two sides held the Inter-Korea Red Cross talks and agreed to have a separated family reunion meeting, attended by 100 individuals from each side, from September 25 to 30, 2013, at Mountain Kumgang resorts. The two sides also agreed to hold a separated family televised meeting on October 22–23; and an additional reunion meeting in November. On September 16, the final lists of family meeting candidates were exchanged, but on September 21, North Korean side suddenly announced that it was postponing the meeting. Subsequently, a separated family reunion meeting was held on February 20–25, 2014 at Mountain Kumgang resorts. This was the first such meeting in 3 years and 4 months. This 19<sup>th</sup> reunion meeting was held in two stages: during the first stage (February 20–22) 82 South Korean family members met with 178 North Korean relatives, and during the second stage (February 23–25) 88 North Korean family members met with 357 South Korean relatives.

The South Korean government has been supporting civilian sector exchanges such as the separated family reunion meetings, in addition to the promotion of government-level exchanges. However, civilian-sector exchanges are gradually decreasing in recent years. In 2013, there were only 34 cases, including 9 cases of status confirmation (alive/deceased), 3 personal meetings and 22 exchanges of letters.

The continuation of exchanges at official and civilian sectors, particularly the separated family reunion meetings are highly desirable in view of the aging issue of separated family members. The reunion and exchange of separated families will, however, depend on a number of variables. Most of all, since the execution of Jang Song-taek, Kim Jong-un will likely concentrate on the consolidation

of his power base and internal political stability, rather than promotion of inter-Korean relations. Should North Korea take provocative steps toward the South, including nuclear testing, it would be difficult to expect any progress in humanitarian issues. All inter-Korean issues, including official and civilian-sector exchanges, will depend on North Korea's sincere and genuine attitude. The policies of South and North Korea as to whether the separated family issue should be linked with the re-opening of Mountain Kumgang tourism will also be an important variable.

### 3 The Abductees

The accurate number of abducted persons to North Korea during the Korean War is unknown. There exist 7 separate lists of names of abducted persons, but the numbers vary between them. And, there has been no official confirmation as to the number of persons who have returned to South Korea after the abduction during the Korean War. No one among the tens of thousands, who had been abducted during the war, has returned to South Korea. It means that most of them had to follow the regimentation of the North Korean system.

North Korea's abduction of civilians in time of war is in direct violation of the Geneva Convention IV that prohibits forcible transfer or detention of civilians in time of war. The South Korean government has been trying to find out the status of those who had been forcibly taken to North Korea during the Korean War. But, there has been no progress since 2010 when North Korea informed it was unable to confirm the status of five persons abducted to North Korea during the Korean War.

A total of 3,835 South Korean citizens were abducted to North

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Korea after the armistice agreement of July 1953. Depending on their usefulness, based on educational levels and physical conditions, many of them were detained in North Korea regardless of the individuals' personal wishes. A total of 3,310 (86.5 percent) persons have returned home within 6 months to a year from abduction. Eight persons have successfully defected and returned to South Korea after the year 2000. As of the end of 2013, a total of 516 South Korean citizens are believed to be in detention in North Korea. A few of them are mobilized for propaganda radio programs or as instructors in espionage training. Others are working in projects related to South Korea. The rest of the abducted persons were detained in political prison camps. Abduction of civilians in peacetime constitutes crimes against humanity and war crimes under international law. It also violates their family rights.

The issue of abducted persons during the Korean War has not seen any progress since North Korea informed the South that it was unable to confirm the status (alive/deceased) of 11 persons, whose names South Korea presented to the North earlier. And, no progress was made in 2013 in the abducted persons issue. During the 19<sup>th</sup> separated family reunion meetings held at Mountain Kumgang resorts on February 20–25, 2014, South Korea included two names of war-time abducted persons, but their families were unable to meet them because both of them had passed away. However, two post-war abducted persons in North Korea were able to meet with their South Korean families. In any case, it would be difficult at this point to expect any further progress in the abducted persons issue. But, if the two Koreas were to make some progress in the separated family reunion issue, the abducted persons issue could also be included as a matter for bilateral consultation.

## 4 Korean War POWs

At the end of 2012, it was estimated that about 500 Korean War POWs were still alive in North Korea. As of December of 2013, a total of 80 Korean War POWs have returned home to South Korea and their family members were over 400. After 2011, no Korean War POW has returned home to South Korea. Of the 80 who have returned, 30 of them have since passed away. The remaining Korean War POWs are all older than 80 years of age.

Most of the Korean War POWs had been assigned to coal mines located in North and South Hamgyoung Provinces. At the time, North Korea desperately needed coal mine workers, and most North Koreans did not want to work at coal mines. In addition, it was relatively easy for the North Korean supervisor to oversee and control the POWs at coal mines. The South Korean POWs and their families were discriminated against in many areas of life, including the Party membership. But, some escapees have testified that even former POWs were admitted to Party membership, and their ordinary life was no different from other North Koreans.

The United Nations Command has repeatedly demanded the resolution of the Korean War POW issue to the North Korean side at the Military Armistice Commission meetings since the ceasefire to the 1960s. However, the North Korean side insisted it had turned over all South Korean POWs to the Neutral Nations Supervisory Commission at the time and there was no POW forcibly detained in North Korea. And, this North Korean position has not changed to this day. During the inter-Korean Ministerial Meeting and inter-Korean Red Cross meeting held following the June 2000 South-North Summit Meeting, the two sides agreed to discuss and resolve the POW issue together with the separated family reunion

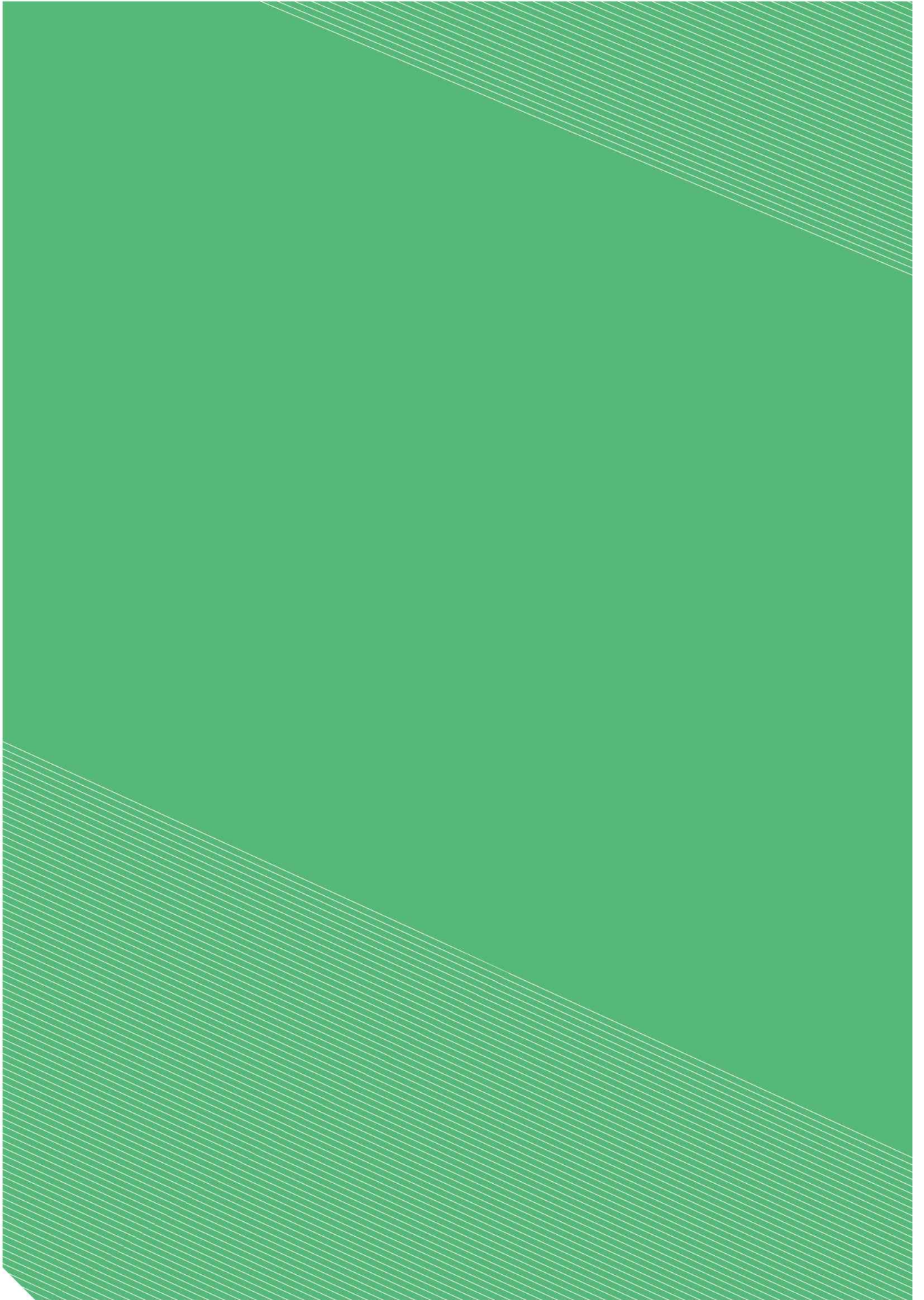
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issue. Through the 2<sup>nd</sup> to 18<sup>th</sup> Inter-Korean Red Cross Separated Family Reunion Meetings, the status of 126 Korean War POWs was confirmed. And, 19 of them were confirmed living, 14 deceased, and 93 unable to confirm the status. And, 17 of them were able to meet with the South Korean families. However, there has been no progress in this area since 2011.

Since the execution of Jang Song-taek, Kim Jong-un is likely to tighten the surveillance and control along the border regions and the surviving POWs are growing old by the day, so it would be difficult to expect to see more POWs defecting from North Korea. Furthermore, Kim Jong-un will likely concentrate on the consolidation of power and internal stability rather than the improvement of inter-Korean relations. For these reasons, the possibility of confirming the status of surviving POWs and reunions with them appear to be remote. However, should the separated family reunion issue make some progress between the two Koreas and should the POW issue become the subject of discussion, the status confirmation and reunion of POWs and their family would also be possible.







Chapter

# I

## The Purpose of Publication and Research Methods

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- 1 The Purpose of Publication
- 2 Research Methods

# 1

## The Purpose of Publication

North Korea is one of the nations with the worst human rights situation. The international community has repeatedly urged North Korea to improve their human rights situation as systematic and widespread human rights abuse continues to mount. Since 2005, the international community has expressed serious concerns on this issue and adopted a series of resolutions at the UN Human Rights Council and the UN General Assembly. Resolutions on North Korean human rights have been adopted unanimously at the UN Human Rights Council for the first time without formal voting. In March 2013, the UN Human Rights Council decided to establish and operate within the Council a year-long Commission of Inquiry (COI) on North Korean human rights. However, in order for the intervention of international community to produce effective results, a detailed investigation plan and objective analyses must be supported.

The Korea Institute for National Unification (KINU) established the Center for North Korean Human Rights Studies in December 1994 to develop a scientific and systematic collection and management of reliable data on North Korean human rights issues. Since 1996, the Center annually published the White Paper on Human Rights in North Korea in Korean and English. In effort to examine the reality of human rights situation in North Korea and to develop basic materials for the White Paper, the Center has been conduct-

ing series of in–depth interviews with North Korean escapees arriving in South Korea. The Center maintains the highest level of professionalism of research staff to ensure reliability and objectivity of interviews and questionnaires. This White Paper on Human Rights in North Korea 2014 consists of chapters on International Human Rights Standards and Human Rights in North Korea, the Reality of Civil and Political Rights, as well as their Economic, Social and Cultural Rights, the Reality of Human Rights of Vulnerable Groups, and North Korea Escapees and Other Humanitarian Issues. The goal of this report is to contribute to a more productive discussion on the issue, instill serious concerns domestically and internationally and also serve as an essential reference for research and activities to improve the human rights situation in North Korea.

## 2

# Research Methods

This White Paper attempts to describe the realities of human rights situation in North Korea based on two perspectives: First, in 1991, North Korea became a member of the United Nations and the State party to the following four international conventions on human rights: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC), and a signatory to the Convention on the Rights of Persons with Disabilities. For this reason, we tried to analyze North Koreans' realities from the perspective of various fundamental rights stipulated in the Universal Declaration of Human Rights and five other international human rights covenants and conventions. Specifically, this White Paper describes and analyzes the reality of North Koreans' civil and political rights based on International Covenant on Civil and Political Rights, and their economic, social and cultural rights from the perspectives of International Covenant on Economic, Social and Cultural Rights. In addition, we will describe the realities of women's rights, the rights of a child, and the rights of persons with disabilities.<sup>1</sup> Second,

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1\_ This White Paper does not deal with the so-called "third generation" human rights such as the 'right to peace' and 'right to development,' nor with 'cultural rights' when discussing "economic and social rights" and the rights of "senior citizens" in the

North Korea has been enacting and revising their domestic laws designed to protect human rights of its people, and so this White Paper seeks to assess whether North Korean authorities are abiding by their own domestic laws when evaluating human rights situations. Accordingly, each chapter of this report will begin with 1) a description of international human rights standards and 2) a review of North Korea’s domestic laws. Following the introduction, 3) a detailed discussion / analysis on the reality of North Korean human rights will be addressed. At the end of each section, a brief assessment of North Korea’s current human rights situation will be offered in light of international human rights standards.

The human rights situation of a specific country should, in principle, be described based on firsthand observations and on-site investigations in that country. In the meantime, the international community continues to request North Korea for more transparency on their human rights situations since direct access to the country should precede any report on the human rights situation. However, the United Nations Special Rapporteur on the Situation of Human Rights, international human rights organizations, and international NGOs are still barred from entering the Democratic People’s Republic of Korea, making it impossible to conduct an independent monitoring of North Korea’s human right violations or gain direct access to inside information.

Although these limitations make research more challenging, alternate methods of research has made it possible for KINU to assess the reality of North Korean human rights and publish the White Paper. First, in-depth interviews with North Korean escapees

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“Vulnerable Groups” chapter. As we accumulate more relevant information and data as discussions continue, these issues, too, will certainly be included in this report.

who have settled in South Korea are KINU's primary source of information. For example, the 2014 edition of the White Paper on Human Rights in North Korea is largely based on information obtained from in-depth personal interviews with 237 North Korean escapees, or carefully selected samples drawn from pre-interview questionnaires conducted on all North Korean escapees who came to South Korea during the year 2013. The questionnaires were developed to reflect significant demographic characteristics and social backgrounds (in terms of regions, residences, recent escapees, detention experiences, etc.). Professionally composed questionnaires were distributed to them to answer for two hours on major human rights issues. Then, a total of 237 individuals were selected for in-depth personal interviews, and a significant portion of this White Paper is based on their personal testimonies. The interviewees' demographic profile is as follows:

| Table I-1               |             | Demographic Data on In-depth Interviewees in 2013 |       |
|-------------------------|-------------|---------------------------------------------------|-------|
| Category                | Details     | Events (Persons)                                  | Ratio |
| Gender                  | Male        | 83                                                | 35.02 |
|                         | Female      | 154                                               | 64.98 |
| Subtotal                |             | 237                                               | 100   |
| Year of final defection | Before 2000 | 6                                                 | 2.53  |
|                         | 2001-2006   | 18                                                | 7.59  |
|                         | 2007-2010   | 15                                                | 6.33  |
|                         | 2011        | 17                                                | 7.17  |
|                         | 2012        | 67                                                | 28.27 |
|                         | 2013        | 114                                               | 48.10 |
| Subtotal                |             | 237                                               | 100   |



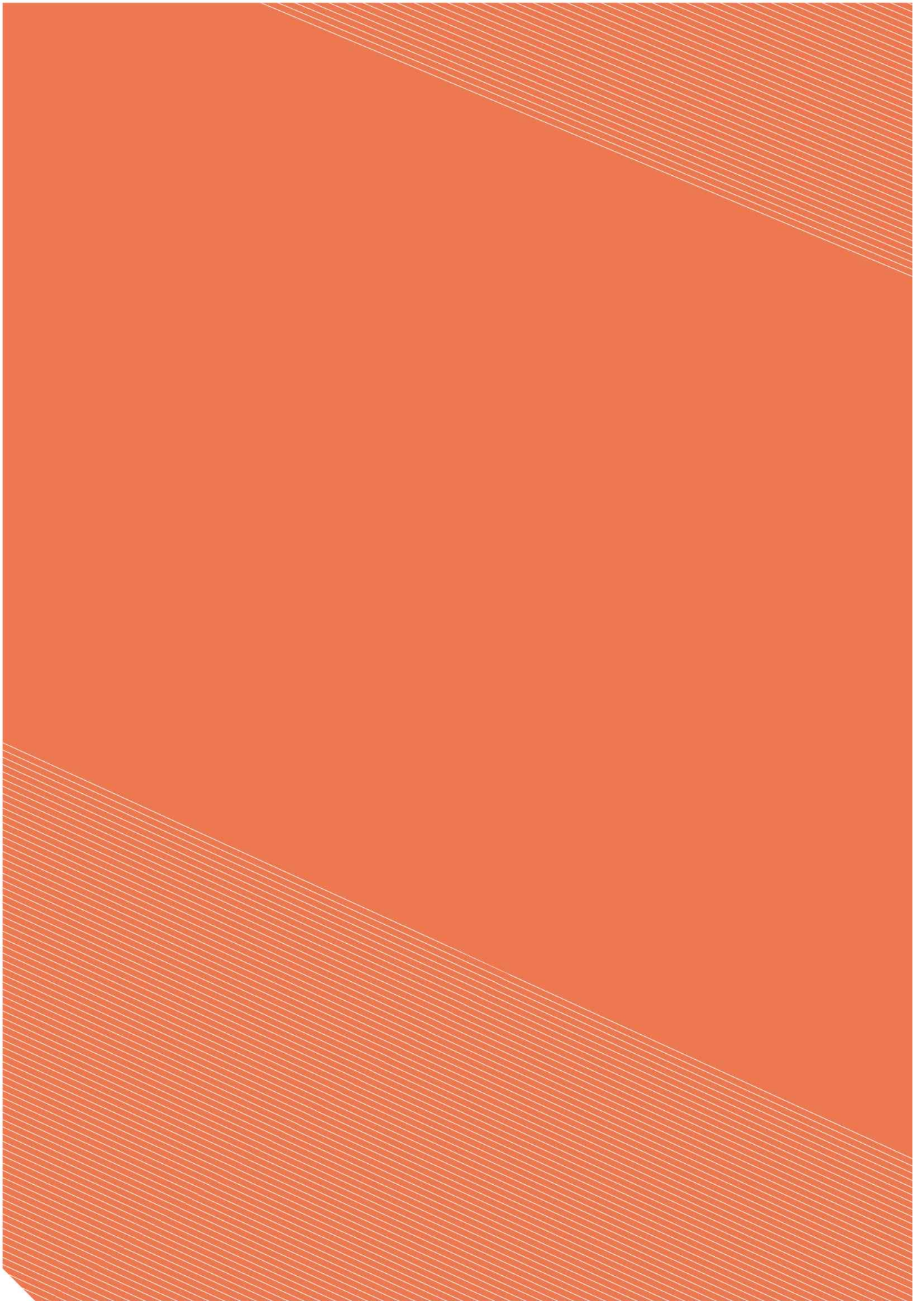
|                              |                       |     |       |
|------------------------------|-----------------------|-----|-------|
| Date Arriving in South Korea | 2011                  | 3   | 1.27  |
|                              | 2012                  | 37  | 15.61 |
|                              | 2013                  | 196 | 82.7  |
|                              | No response           | 1   | 0.42  |
| Subtotal                     |                       | 237 | 100   |
| Age Groups                   | Teens (Since 1995)    | 9   | 3.80  |
|                              | 20s (1994–1985)       | 72  | 30.38 |
|                              | 30s (1984–1975)       | 63  | 26.58 |
|                              | 40s (1974–1965)       | 55  | 23.21 |
|                              | 50s (1964–1955)       | 29  | 12.24 |
|                              | Over 60s (Up to 1954) | 9   | 3.80  |
| Subtotal                     |                       | 237 | 100   |
| Number of River–Crossing     | Once                  | 168 | 70.89 |
|                              | Twice                 | 51  | 21.52 |
|                              | 3 times               | 11  | 4.64  |
|                              | 4 times               | 5   | 2.11  |
|                              | 5 times               | 1   | 0.42  |
|                              | No response           | 1   | 0.42  |
| Subtotal                     |                       | 237 | 100   |

KINU (Korea Institute for National Unification) has been storing its data systematically by assigning unique personal ID numbers (e.g. NKHR2013000000) to every individual who has participated in in–depth personal interviews, and when we have cited their responses in the White Paper we have also identified our sources by citing the individual ID numbers to protect their personal information. In addition to the initial personal interviews conducted during the initial stages of arrival in South Korea, we have conducted additional special interviews if more detailed interviews were needed for other aspects of human rights. In each of these surveys, the

respondent is referred to as North Korean escapee XXX, date–month–year, interview in Seoul. Memoirs by North Korean escapees were also used as an additional source of information. In addition, this report utilized reference documents obtained from North Korea, including proclamations from the Inmin Boanbu, the Ministry of People’s Security (hereinafter referred to as MPS). For comparison and verification, KINU used reports published domestically and internationally on North Korean human rights situation. KINU also utilized documents from the UN concerning North Korean human rights, including reports submitted to the UN by North Korean authorities, reports by the Special Rapporteur on the Situation of Human Rights in DPRK, UN resolutions on North Korean Human Rights, and concluding observations by the UN Human Rights Committee. Furthermore, KINU also reviewed surveys and statistical data compiled by WHO, UNICEF, UNFPA, and Statistics Korea. Finally, when necessary, KINU referred to information garnered directly from North Korean sources such as the Korean Central News Agency (hereinafter referred to as KCNA), the Rodong Shinmun and other relevant North Korean literature to describe the reality of North Korea.

Despite various limitations on information and research on North Korea, the Center for North Korean Human Rights Studies at KINU has prepared this 2014 White Paper on Human Rights in North Korea, and tried our best to describe and report on the realities of human rights situation in North Korea as accurately as anyone outside North Korea could, based on scientific research methods and verifiable methods.





Chapter

# II

## International Human Rights Standards and Human Rights in North Korea

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- 1 International Human Rights Standards
- 2 North Korean Laws on Human Rights

# 1

## International Human Rights Standards

### A International Human Rights Law

Historically, the international community viewed issues concerning individual citizens as a domestic problem. However, after witnessing the horrific Holocaust perpetrated by the Nazis during the World War II, the international community led by the United Nations came together and began a series of discussions on human rights at a global level. The international human rights regime has seen remarkable progress in the latter half of the 20<sup>th</sup> Century. The Universal Declaration of Human Rights (1948) is now recognized as an international customary law, and the international community has since adopted a large number of human rights treaties, including the two human rights covenants adopted in 1966 (on civil and political rights and on economic, social and cultural rights). As a result, the human rights issue today is no longer a domestic problem; it has now become a universal value and a common concern of the entire international community.

Nations today freely sign and ratify human rights treaties, thereby becoming signatories bounded by the terms, and carry out pertinent obligations. Under these treaties, nations not only have the obligation to respect human rights of individual citizens, but also to protect their rights from infringement by third parties and to ac-

tively fulfill their human rights.<sup>2</sup> Nations may place different levels of emphasis in carrying out these duties, but they also apply equally in regards to civil, political, economic and social rights.

Each state (government) holds primary responsibility of ensuring fundamental human rights of their citizens. However, the state, which has the primary responsibility for protection, can become the main source of harm at any time. In such case, because human rights can no longer be treated as a domestic problem, the international community has developed a variety of mechanisms for enforcement and supervision. These mechanisms are found in two broad categories: a series of human rights treaties designed to oversee the implementation of various treaty terms and requirements, and the UN system spearheaded by the UN Human Rights Council, which enforces special procedures, complaint procedures, and Universal Periodic Review (UPR). The following table shows various monitoring mechanisms:

| Table II-1 |                                                                                | Monitoring Mechanisms under the Six Core Human Rights Treaties |                                                          |                                        |                                                          |
|------------|--------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|----------------------------------------|----------------------------------------------------------|
| Treaty     | Monitoring Body                                                                | Periodic Report                                                | Inter-State Complaint                                    | Individual Communication               | Confidential Inquiry                                     |
| ICESCR 66  | Committee on Economic, Social and Cultural Rights (ECOSOC Resolution. 1985/17) | YES (Articles 16-17)                                           | YES (Optional Protocol Article 10, Declaration Required) | YES (Optional Protocol Articles 1 ff.) | YES (Optional Protocol Article 11, Declaration Required) |
| ICCPR 66   | Human Rights Committee (Article 28)                                            | YES (Article 40)                                               | YES (Articles 41-43, Declaration Protocol)               | YES (1st Optional Required)            | No                                                       |

2\_“Obligations to fulfill” are positive duties, and they include duties to “facilitate, provide, and promote.” Daniel Moeckli, et al. (eds.), *International Human Rights Law* (Oxford: Oxford University Press, 2010), pp. 130-132.

|             |                                                                           |                  |                                        |                                        |                                       |
|-------------|---------------------------------------------------------------------------|------------------|----------------------------------------|----------------------------------------|---------------------------------------|
| ICERD<br>66 | Committee on the Elimination of Racial Discrimination (Article 8)         | YES (Article 9)  | YES (Articles 11–13)                   | YES (Article 14, Declaration Required) | No                                    |
| CEDAW<br>79 | Committee on the Elimination of Discrimination against Women (Article 17) | YES (Article 18) | No                                     | YES (Optional Protocol)                | YES (Optional Protocol Articles 8–10) |
| CAT<br>84   | Committee against Torture (Article 17)                                    | YES (Article 19) | YES (Article 21, Declaration Required) | YES (Article 22, Declaration Required) | YES (Article 20)                      |
| CRC<br>89   | Committee on the Rights of the Child (Article 43)                         | YES (Article 44) | No                                     | No                                     | No                                    |

## B North Korea and International Human Rights Law

As a member of the international community, North Korea has joined and ratified international human rights treaties. As a party to these treaties, North Korea has the responsibility to respect, protect and faithfully fulfill the terms of political and social rights. After joining the political and social rights covenants (ICCPR and ICESCR) in 1981, North Korea also became party to the Convention on the Rights of the Child in 1990 and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2001, submitting periodic reports and participating in related international activities.<sup>3</sup> North Korea has also received Universal Periodic Review conducted by the United Nations Human Rights

3\_ In fact, North Korea has undergone the reviews of these supervisory systems by submitting three periodic reports to the “Committee on Economic, Social and Cultural Rights” in 1984, 1989 and 2002, two reports to the “Human Rights Committee” in 1984 and 2000, one to the CEDAW committee in 2002, and three to the “Committee on the Rights of the Child” in 1996, 2002 and 2007, respectively.



Council. In addition, on July 3, 2013, North Korea has signed the UN Convention on the Rights of Persons with Disabilities. Since 2004, the UN Special Rapporteur on North Korean Human Rights has been carrying out his mission under special procedures of the Council, but North Korea has refused to accept the need for Rapporteur's activities and denied his entry into North Korea.

Table II-2

The Six Core Human Rights Treaties and North Korea

| Treaty    | North Korea                      | Periodic Report | Inter-State Complaint                     | Individual Communication                  | Confidential Inquiry                      |
|-----------|----------------------------------|-----------------|-------------------------------------------|-------------------------------------------|-------------------------------------------|
| ICESCR 66 | Accessed in 1981                 | YES             | No (Not a Party to the Optional Protocol) | No (Not a Party to the Optional Protocol) | No (Not a Party to the Optional Protocol) |
| ICCPR 66  | Accessed in 1981 <sup>4</sup>    | YES             | No (No Declaration)                       | No (Not a Party to the Optional Protocol) | N/A                                       |
| ICERD 66  | Not a Party                      | N/A             | N/A                                       | N/A                                       | N/A                                       |
| CEDAW 79  | Accessed in 2001                 | YES             | N/A                                       | No (Not a Party to the Optional Protocol) | No (Not a Party to the Optional Protocol) |
| CAT 84    | Not a Party                      | N/A             | N/A                                       | N/A                                       | N/A                                       |
| CRC 89    | Signed in 1990; Ratified in 1990 | YES             | N/A                                       | N/A                                       | N/A                                       |

Based on their collectivist world view, North Korea stresses

4\_ When the UN Sub-Commission on the Promotion and Protection of Human Rights adopted a North Korean human rights resolution for the first time in 1997, North Korea notified in protest that it was withdrawing from the Civil and Political Rights Covenant. However, there was no withdrawal provision in the Covenant, thus the withdrawal was not approved. Subsequently, North Korea resumed its activities in the Human Rights Committee, and its previous status as a signatory was restored automatically.

rights of collectivity and social rights over individual rights and political rights. Similar to other socialist states, the importance of state sovereignty overshadows individual human rights in North Korea, and most international human rights laws are only recommendations.<sup>5</sup> Nonetheless, North Korea has been trying to organize their legal structure and improve the realities on the ground to meet international standards. This type of development was especially apparent since North Korea has inserted a human rights provision in its Constitution at the time of revision in April 2009. A detailed review of North Korea's human rights provisions is contained in Chapter II.

| Organizations             | Document Number    | Date Adopted | Voting Results                 |
|---------------------------|--------------------|--------------|--------------------------------|
| UN Human Rights Committee | E/CN.4/Res/2003/10 | 2003.04.16   | Yea 28, Ney 10, Abstention 14  |
|                           | E/CN.4/Res/2004/13 | 2004.04.15   | Yea 29, Ney 8, Abstention 16   |
|                           | E/CN.4/Res/2005/11 | 2005.04.14   | Yea 13, Ney 9 Abstention 14    |
| UN General Assembly       | A/Res/60/173       | 2005.12.16   | Yea 88, Ney 21, Abstention 60  |
|                           | A/Res/61/174       | 2006.12.19   | Yea 99, Ney 21, Abstention 56  |
|                           | A/Res/62/167       | 2007.12.18   | Yea 101, Ney 22, Abstention 59 |
|                           | A/Res/63/190       | 2008.12.18   | Yea 94, Ney 22, Abstention 63  |
|                           | A/Res/64/175       | 2009.12.18   | Yea 99, Ney 20, Abstention 63  |
|                           | A/Res/65/225       | 2010.12.21   | Yea 106, Ney 20, Abstention 57 |
|                           | A/Res/66/174       | 2011.12.19   | Yea 123, Ney 16, Abstention 51 |
|                           | A/Res/67/181       | 2012.12.20   | Adopted without voting         |
|                           | A/Res/68/183       | 2013.12.18   | Adopted without voting         |

5\_ Soo-am Kim, et al., *White Paper on Human Rights in North Korea 2012* (Seoul: Korea Institute for National Unification, 2012), pp. 49–53; Young-suh Han, “Understanding International Legal System concerning Human Rights Guarantees,” *Kim Il-sung University Press: A History of Laws*, Vol. 56, No. 4 (Pyongyang: Kim Il-sung University Press, 2010), pp. 132–136.

|                               |                 |            |                              |
|-------------------------------|-----------------|------------|------------------------------|
| UN Human<br>Rights<br>Council | A/HRC/Res/7/15  | 2008.03.27 | Yea 22, Ney 7, Abstention 18 |
|                               | A/HRC/Res/10/16 | 2009.03.26 | Yea 26, Ney 6, Abstention 15 |
|                               | A/HRC/Res/13/14 | 2010.03.25 | Yea 28, Ney 5, Abstention 13 |
|                               | A/HRC/Res/16/8  | 2011.03.24 | Yea 30, Ney 3, Abstention 11 |
|                               | A/HRC/Res/19/13 | 2012.03.22 | Adopted without voting       |
|                               | A/HRC/Res/22/13 | 2013.03.21 | Adopted without voting       |

At its 22<sup>nd</sup> session held in March 2013, the UN Human Rights Council has set up a new Commission of Inquiry (COI) on North Korean Human Rights.<sup>6</sup> This was the first ever such commission established when there was no armed conflict in progress.<sup>7</sup> The newly established commission has subsequently made oral updates before the 24<sup>th</sup> UN Human Rights Council on September 17, 2013 and the 68<sup>th</sup> UN General Assembly on October 29, 2013. It has also released a written report to the public on February 17, 2014.<sup>8</sup> In its written report, COI reported that serious, systematic and wide-spread human rights violations have taken place in North Korea and are still on-going today, and that such human rights abuses constituted “crimes against humanity.” The commission then informed the situation to North Korea, China, South Korea, the international community, and other human rights organizations. The commission has also submitted its recommendations to the UN Security Council to refer the question of North Korea’s human rights violations to the International Criminal Court.

6\_ UN Doc.A/HRC/Res/22/13.

7\_ Soo-am Kim, et al., *A Case Study on the Operation of UN Commission of Inquiry*, (Seoul: KINU, 2013), p.113.

8\_ The written report consists of two parts: A summary report (UN Doc. A/HRC/25/63) and a detailed report (UN Doc. A/HRC/25/CRP.1).

## 2

# North Korean Laws on Human Rights

### A Current Status of Human Rights Laws

Included in North Korea's normative documents or positive laws are the Constitution, laws of the Supreme People's Assembly (SPA), and other normative documents such as political directives, decisions, orders and instructions. The Constitution is at the top of legal hierarchy, followed by the laws of the SPA. All other normative documents must remain within the purview of these higher laws.<sup>9</sup> Most North Korean laws and regulations are enacted in the form of political directives issued by the Presidium of the SPA but at times they are enacted in the form of laws and regulations by the SPA.<sup>10</sup>

North Korea has enacted and enforced a number of laws and regulations in connection with the UDHR and other rights stipulated by international human rights regime. In their efforts to comply with the mandates of the right to life, the right to liberty and security of person stipulated by the UDHR and ICCPR, North Korea has enacted and enforced laws to maintain law and order,

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9\_ Kyong-chol Lee, "On Upholding DPRK's Principles in Resolving Legal Source Problems," *Kim Il-sung University Press: A History of Laws*, Vol. 46, No. 1 (Pyongyang: Kim Il-sung University Press, 2000), pp. 48-49.

10\_ A typical law enacted by the SPA would be the 1946 Gender Equality Law in North Korea.

as well as political control over their people. Some of these laws include the Penal Code, Addendum to the Penal Code (General Crimes), Administrative Penalty Law, People’s Security Enforcement Law (formerly Social Safety Control Law), and Prosecution and Surveillance Law. In connection with the right to due process of the law, there are laws such as the Criminal Procedure Law, Lawyer’s Law, Law on Constitution of Court, Law on Complaints and Petitions, and Sentence and Decisions Enforcement Law. In terms of the right to equality, North Korea has put in place the Gender Equality Law. In addition, North Korea has given the city of Pyongyang a special status under the Law for the Management of Capital City of Pyongyang. As for the freedom of residence, movement, and travel, North Korea has the Immigration Law, Law on City Administration and the Law on Dwellings. For the freedom of publication, they enacted the Publication Law, and in connection with the right of political participation, they established the Delegates Election Law for All Levels of People’s Assembly.

Furthermore, the UDHR stipulates the right to have nationality and the right to have personal property as part of civil and political rights. The UDHR and the ICCPR also stipulate the right to have family and government protection. In connection with these rights, North Korea has enacted a series of laws, including the Nationality Law, Personal Property Law, Family Law, Civil Law, Civil Procedure Law, Law on Inheritance, and Law on Compensation for Damages.

North Korea has also legislated multiple laws in connection with the International Covenant on Economic, Social, and Cultural Rights (ICESCR). For example, in the area of the right to enjoy a healthy life, they have established the Public Health Law, Law on Prevention of Epidemics, Law on Medical Care, Medicine Control

Law, and Mineral and Hot Springs Law. In the social security area, they have put in place the Social Insurance Law, the Law on the Nursing and Upbringing of Children and the Social Security Law. In regard of the right to work, North Korea has enacted the Labor Law, Labor Protection Law, Labor Output Standards Law, People's Economic Planning Law, and the Law on Basic Standards for Consumption of Materials. In the area of education, they have established the Education Law, Elementary School Law, and High School Law. On September 25, 2012, the sixth session of the 12<sup>th</sup> SPA promulgated a supreme people's law (entitled "on implementing a 12-year compulsory education"), extending the previous four year elementary school curriculum to five years and the six year middle school education into a three year preliminary middle school (intermediate) and a three year advanced middle school (high school). In the field of cultural rights, they have established the Cultural Heritage Protection Law, Natural Assets and National Parks Protection Law, Forest Preservation Law and Law on Natural Protection Zone.

In connection with the protection of vulnerable groups, North Korea promulgated the Gender Equality Law in 1946. Subsequently, it has enacted the Law for the Protection of Women's Rights and the Law for the Protection of Children's Rights, thus reflecting the requirements under the CEDAW and the CRC. They have also established the Law on the Protection of Persons with Disabilities and the Law on the Protection of Elderly Persons in order to protect disabled persons and senior citizens. The following <Table II-4> summarizes the laws mentioned above.

Table II-4

North Korea's Human Rights Laws

|             | Rights                                                                | Relevant Laws                                                                                                                                                                                                                    |
|-------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ICCPR       | Human dignity, Right to life, Right to liberty and security of person | Penal Code, Addendum to the Penal Code (General Crimes), Administrative Penalty Law, People's Security Enforcement Law, Prosecution and Surveillance Law, Law on City Administration                                             |
|             | Right to equality                                                     | Gender Equality Law, Law for the Protection of Women's Rights, Law for the Management of Capital City of Pyongyang                                                                                                               |
|             | Right to due process of the law, Right to presumption of innocence    | Penal Code, Lawyer's Law, Law on Constitution of Court, Law on Complaints and Petitions, Sentence and Decisions Enforcement Law                                                                                                  |
|             | Right to fair trial                                                   | Criminal Procedure Law, Civil Procedure Law, Maritime Litigation Law                                                                                                                                                             |
|             | Freedom of residence, movement and travel                             | Immigration Law, Law on City Administration, Law on Dwellings                                                                                                                                                                    |
|             | Right to political participation                                      | Delegates Election Law for All Levels of People's Assembly                                                                                                                                                                       |
|             | Right to have nationality                                             | Nationality Law                                                                                                                                                                                                                  |
|             | Freedom of opinion and expression                                     | Publication Law                                                                                                                                                                                                                  |
|             | Right to have family and personal property                            | Family Law, Civil Law, Law on Inheritance, Law on Compensation for Damages                                                                                                                                                       |
|             | Economic rights                                                       | Free Economy Zone Law                                                                                                                                                                                                            |
| UDHR/ICESCR | Right to healthy life                                                 | Public Health Law, Law on Prevention of Epidemics, Law on Medical Care, Medicine Control Law, Mineral and Hot Springs Law                                                                                                        |
|             | Social security                                                       | Social Insurance Law, Social Security Law, Law on the Nursing and Upbring of Children, Law on the Protection of Elderly Persons, Law on the Protection of Persons with Disabilities, Law for the Protection of Children's Rights |
| UDHR/ICESCR | Right to work                                                         | Labor Law, Labor Protection Law, Labor Output Standards Law, People's Economic Planning Law, Law on Basic Standards for Consumption of Materials                                                                                 |

|                                                          |                                            |                                                                                                                                                                          |
|----------------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                          | Right to have education                    | Education Law, Elementary School Law, High School Law, “On Implementing 12-year Compulsory Education” by SPA                                                             |
| UDHR/ICESCR                                              | Right to enjoy cultural life               | Natural Assets and National Parks Protection Law, Forest Preservation Law, Law on Natural Protection Zone, Mineral and Hot Springs Law, Cultural Heritage Protection Law |
| CEDAW                                                    | Protection of women’s rights               | Gender Equality Law, Law for the Protection of Women’s Rights                                                                                                            |
| CRC                                                      | Protection of rights of the child          | Law on the Nursing and Upbringing of Children, Law for the Protection of Children’s Rights                                                                               |
| UN Convention on the Rights of Persons with Disabilities | To protect the rights of disabled persons. | Law on the Protection of Persons with Disabilities                                                                                                                       |

Even though North Korea has established laws related to human rights, provisions of these laws are not properly enforced. Due to the persisting economic hardship, most of the laws related to labor rights, social security and medical treatment are not enforced. However, laws involving political and social controls, such as the Penal Code and Administrative Penalty Law, are strictly enforced. Due to North Korea’s unique political system, instructions by the supreme leader are often treated more seriously and stringently executed.

This is because North Korea considers that law is but a political tool. A North Korean legal scholar once defined the concept of law as “expressions of our Party’s policies, and it is an important weapon to carry out national policies.”<sup>11</sup> Kim Jong-il also said, “Our laws are important weapons for the realization of our na-

11\_Yon-soo Jeong, “To Firmly Establish Law and Order is an Essential Precondition for a Good Protection and Management of National and Social Assets,” *Social Science*, Vol. 1 (1983), p. 60.



tional policies.”<sup>12</sup> Accordingly, the words of Kim Jong-il and Kim Il-sung’s instructions are treated as supra-legal norms. The “Ten Principles for the Firm Establishment of Party’s Unitary Leadership System” (or, the “Ten principles”) stipulates that all North Koreans must strictly observe the Ten Principles because the teachings of Kim Il-sung and Kim Jong-il, party guidelines, policies, and instructions are the laws of North Korea (Principle No. 5). In 2011, a survey was conducted on 80 North Korean escapees in Seoul. The survey asked what they thought law was when they were still in North Korea. Approximately 90.5 percent of participants said Kim Jong-il’s words and instructions. 86.5 percent stated proclamations issued by the MPS as law, while 79.7 percent mentioned state laws such as the Constitution and the Penal Code. In addition, 77 percent of the participants stated orders of the National Defense Commission (NDC) as laws, while 74.3 percent participants chose Party’s directives. 71.6 percent stated the Ten Principles, and 56.8 percent said cabinet decisions and instructions. In terms of hierarchy or power that influences people’s daily lives, 52.9 percent said the impact was in order of Kim Jong-il’s words → Party’s orders → Cabinet decisions → Party cadre’s instructions → Constitution (other laws).<sup>13</sup> Currently, Kim Jong-un’s instructions are viewed as the penultimate.<sup>14</sup>

Although most of the provisions from the UDHR and international human rights covenants are reflected in various laws in

12\_ Jong-il Kim, *On Strengthening Socialist Lawful Life* (Pyongyang: Korean Workers’ Party Publishers, 1989), p. 11.

13\_ Bong-dae Choi, *A Case Study of Legal Awareness of North Korean Escapees* (Seoul: A Policy Report Submitted to the Ministry of Unification, 2011), pp. 10–12.

14\_ Kyu-Chang Lee and Gwang Jin Chung, *A Study of North Korea’s Criminal Trial System: Characteristics and Reality* (Seoul: Korea Institute for National Unification, 2011), pp. 37–45.

North Korea, no law on freedom of press and freedom of peaceful assembly has been established. It may be difficult to grant freedom of press or freedom of assembly and association in light of the unique nature of North Korea's political system.

## **B** Streamlining North Korea's Human Rights Laws

Since Kim Jong-un came to power, North Korea has been streamlining many of its laws. First, it has been revising its Constitution almost every year, which is quite unusual considering that constitutional revisions should be prudence. In fact, North Korea has revised its Constitution four times, since the revision in April 9, 2009. The Constitution has been revised again on April 9, 2010, April 13, 2012, and April 1, 2013. In connection with human rights, North Korea has newly inserted a human rights provision during its constitutional revision in April 2009, and declared that the Military-first Ideology was a leading guideline along with the Juche Ideology. During its April 2012 constitutional revision, North Korea has changed the names of its Central Court and Central Prosecutor's Office into Supreme Court and Supreme Public Prosecutor's Office, respectively. Accordingly, the Law on Constitution of Court was revised on April 28, again on December 21, 2011, and the Criminal Procedure Law was revised on October 19, 2011, then again on May 14, 2012. During its constitutional revision in April 2012, North Korea added a new position of "First Chairman" of National Defense Commission (NDC) to reflect the position of Kim Jong-un. North Korea has also inserted a new sentence in its preamble, declaring that North Korea is a "nuclear state." In the April 2013 constitutional revision, North Korea has added another sentence, declaring that the "Kumsusan Sun Palace"

(where the bodies of Kim Il–sung and Kim Jong–il are preserved in state) is the symbol of respect and everlasting sacred site for all Korean people.”

Second, North Korea has been streamlining its human rights laws. When North Korea revised the Constitution on April 9, 2009, it stipulated respect and protection of human rights for the first time. Article 8, Para. 2 states the state shall safeguard the interests, respect and protect the human rights of the working people. In the past, human rights was only stipulated in lower level laws such as the Lawyer’s Law (Article 2), Criminal Procedure Law (Article 5), and People’s Security Enforcement Law (Article 6). The current North Korean Constitution specified human rights of the citizens in Chapter 5, Basic Rights and Responsibilities of Citizens. But, North Korea’s concept of human rights is not focused on the protection of rights for the individuals, but rather on the principle of collectivism, namely, all for one, and one for all. (Article 63 of the North Korean Constitution)

Since introducing human rights provisions to the Constitution in April 2009, North Korea has streamlined various human rights laws. Particularly noticeable law–making and streamlining were in the area of protecting the vulnerable group of people. North Korea has enacted Law on the Protection of Persons with Disabilities on June 18, 2003 and the Law on the Protection of Elderly Persons on April 26, 2007. It then enacted Law for the Protection of Women’s Rights and Law for the Protection of Children’s Rights. It has also signed the UN Convention on the Rights of Persons with Disabilities on July 3, 2013 and revised Law on the Protection of Persons with Disabilities on November 21, 2013. The stream–lining of these laws by itself would not be a great burden on the North Korean system, but it would give North Korea a significant

propaganda effect externally in terms of its endeavor to improve the human rights situation. North Korea has also revised its Law on Complaints and Petitions on February 23, 2010, reinforcing the Law on Complaints and Petitions. The new revisions<sup>15</sup> of the law stipulate that “the contents of a petition should be interpreted based on objective facts and evidence, and the decision should clarify whether the problem raised was proper or improper” (Article 27 of the Law). In addition, the law prohibits any acts of intervention, harming or threats against the petitioner (Article 42). North Korea has also enacted the Labor Protection Law, Law on Natural Protection Zone, Forest Preservation Law, and other laws related to the promotion of human rights of its people. Education laws were also streamlined as it enacted Elementary School Law and High School Law. Also noteworthy are the laws related to health and cultural rights. In January 2013, North Korea has enacted the Mineral and Hot Springs Law, which pertains to hot-springs and mineral water. KCNA reported on this law on February 5, 2013, saying that the purpose of this law “was to contribute to actively promoting and protecting people’s health.” In November 2012, North Korea has also enacted the Cultural Heritage Protection Law. This law incorporates both the tangible and intangible cultural assets. With the new law, the old Cultural Relics Protection Law was abolished.<sup>16</sup> It must be noted that these revisions in human rights laws are significant, although improvement of human rights cannot be expected by revising laws alone. Most important in this context is North Korean authority’s willingness to faithfully en-

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15\_ On July 24, 2000, it was revised as per Political Directive No. 1676 of Presidium of the Supreme People's Assembly.

16\_ *Minju Joseon* (Democratic Chosun), November 8, 2012.

force these laws.

In connection with the freedom of residence and movement, North Korea has revised its “Law on Dwellings” and “Immigration Law.” The Law on Dwellings was enacted on January 21, 2009, then revised twice on August 4, 2009 and October 25, 2011, respectively. The Law on Dwellings is restricting freedom of residence and movement by strictly regulating housing transactions taking place behind the scenes between the inhabitants.<sup>17</sup> The Immigration Law, as revised on April 10, 2012, both expands and restricts the foreigners freedom of residence and movement. Article 23 of the law allows foreigners carrying border exit/entry permits to enter or exit North Korea on personal/private business. However, more cases were added designed to restrict the movement of foreigners in or out of North Korea. For example, international terrorists, narcotics users, mentally challenged persons, and foreigners carrying forged or damaged travel documents have been added to the list of persona non grata. (Article 25)

Third, social control continues to get tightened. In the April 2009 Constitutional revision, North Korea declared that the Military-first Ideology, along with Juche Ideology, shall be the leading guidelines of daily activities of individuals (Article 3). And so, the Military-first Ideology has legally become part of the ruling ideology. Subsequently, North Korea has tightened internal controls over potential escapees and raised the level of punishment for them by revising the Penal Code and Administrative Penalty Law.<sup>18</sup> Chapter

17\_Eun-jeong Lee, *An Analysis and Evaluation of the Meaning of North Korea's Enactment of Law on Dwellings*, (Seoul: A research paper presented at the 192<sup>nd</sup> Monthly Seminar of Research Association on North Korean Laws, August 29, 2013), pp.15–16

18\_Kyu-Chang Lee, "The Regime Maintenance and North Korea's Streamlining of Laws

III deals with more details on internal controls and tightening law provisions.

Fourth, North Korea is stepping up ideology education and ideology control over its citizens as part of social control efforts. The main purpose of enacting Elementary School, High School Law, and the SPA laws such as “On Implementing 12–year Compulsory Education” is to train adequate manpower necessary for its economic development. At the same time, however, the government also wants to infuse its desired political ideology in the younger generation.<sup>19</sup> In this context, it would be useful to pay attention to the law “Regarding the Implementation of 12–year Compulsory Education.” Unlike other laws, this particular ‘law’ was enacted as law by the SPA, which is North Korea’s highest sovereign body. As such, the 12–year education is very important for North Korea. On April 1, 2013, North Korea has enacted the so–called “Kumsusan Sun Palace Law.” The purpose of this law is to enforce ideology control over its people through the adulation (or, “idolization”) of Kim Il–sung and Kim Jong–il. Clearly, this law would conflict with the freedom of thought and conscience of North Korean people. In June of 2013, North Korea has revised the official name of the so–called “Ten principles” from “Ten Principles for the Firm Establishment of Party’s Sole Ideology System” which was enacted on April 14, 1974, to “Ten Principles for the Firm Establishment of Party’s Sole Leadership System” after 39 years of practice. The revised Ten principles format is focused on “firm establishment”

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concerning Citizen Control," (Seoul: KINU Online Service, CO 12–45, 2012.12.31)

19\_ *The Chosun Ilbo daily* (Seoul) November 1, 2012

of Kim Jong-un's "sole leadership system," thus supporting the stability of Kim Jong-un's power base.<sup>20</sup>

Fifth, the Kim Jong-un regime is attempting to provide an additional support for the dual goals of "nuclear and economic" development through the streamlining of various laws and regulations. During its Party Central Committee Meeting on March 31, 2013, North Korea has adopted a strategic guideline that claims to pursue a "dual goal of economic development and construction of nuclear power." In connection with the construction of nuclear power, North Korea has inserted the sentence "North Korea is a nuclear state" in the preamble of its Constitution in April 2012. Again, on April 1, 2013, during the 7<sup>th</sup> session of the 12<sup>th</sup> SPA, North Korea has adopted "On Further Reaffirming the Status of Self-defensive Nuclear State" as an SPA enactment.

The Kim Jong-un regime is emphasizing the economic development and improvement of citizens' daily lives. North Korea has consistently advertised the slogan of "strong and prosperous nation." As part of this effort, it has revised many laws, including the Law on Basic Standards for Consumption of Materials, Labor Output Standards Law, and People's Economic Planning Law. In an effort to reinvigorate its economy through the expansion of foreign investment, North Korea has also enacted or revised 14 laws and regulations on foreign trade around the time of Kim Jong-il's death on December 17, 2011 (See Table II-6). On May 29, 2013, North Korea has also adopted the Law on Economic Development Zone. In accordance with a government order issued by the

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20\_Kyung-sop Oh, "Main Contents of Revised Version of Ten Principles and their Political Significance," *The Political Development and Policy*, (Seoul: Sejong Institute, 2013), p. 13.

Presidium of the SPA on October 16, 2013, the Central Bureau for State Economic Development was upgraded to the State Economic Development Committee and a new civilian organization called the Chosun Economic Development Association was established. The enactment of a new International Freight Rail Transportation Law on December 14, 2011 was also aimed at aiding the economic development. North Korea has also expressed its intention to maintain the Gaeseong Industrial Complex by signing in 2013 a number of agreements with South Korea aimed at re-opening the Gaeseong Complex. The agreements included the 'Agreement on the Normalization of Gaeseong Industrial Complex' (2013.8.14), the 'Agreement on Formation and Operation of Inter-Korean Joint Committee on Gaeseong Complex,' (2013.8.29) the 'Agreement on Formation and Operation of a Secretariat of the Joint Committee,' (2013.9.11) the 'Agreement on the Formation and Operation of an Inter-Korean Commercial Arbitration Committee for Gaeseong Complex,' (2013.9.11) and 'An Annex Agreement on the Secretariat for the Joint Committee on Gaeseong Complex.' (2013.10-23)

North Korea's various efforts for economic development would be noteworthy since they would have significant impact on 'economic rights' of ordinary citizens, as well as on their 'liberty rights.' In the process of economic development and attraction of foreign investment, openness and reform would be inevitable, which in turn would entail introduction of foreign culture and information. Ultimately, these developments could contribute to the improvement of human rights. But, unless and until North Korea drops the idea of pursuing dual goals of 'nuclear and economic development,' it is difficult to expect any economic development. Furthermore, the killing of Jang Song-taek in December 2013 sent a shock-wave through the minds of potential foreign investors,



and added a negative factor on the North Korean economy.

Sixth, North Korea has been expanding a ‘special court’ system. In the civil court sector, North Korea added a new Maritime Litigation Law to protect maritime petition rights. A new administrative trial system was also adopted, including the Rason Economic Zone Law and the Hwanggumpyong–Wihwado Economic Zone Law. But, further details on these new maritime and administrative laws remain unknown. On the face of it, however, the expansion of these new trial systems could be construed as contributing to the protection of North Korean people’s property rights and their rights to court trials. North Korea is also operating a few other special court systems such as the military logistics trial system and the railroad trial system. It has instituted the ‘military logistics’ trial system by revising the Criminal Procedure Law and the Law on Constitution of Court. The Military Logistics Court will handle various crimes perpetrated by workers in the military logistics industry sector as well as the crimes arising from corruptions in the logistics business. (Criminal Procedure Law Article 52) The need to set up the Logistics Court appears to have arisen in the process of tightening the Military–first Ideology or the military–first politics. In this respect, these new courts could impede the efforts to improve the human rights of North Korean people.

Since the killing of Jang Song–taek (Kim Jong–un’s uncle–in–law), North Korea is likely to tighten social and ideology controls in an effort to promote domestic stability. The North Korean regime will also try to streamline laws and regulations to facilitate political and social stability. In the process, the citizens’ human rights, particularly the liberty rights, will likely be further breached.

| Table II-5                   |                                           | Realigning Human Rights Systems under the Kim Jong-un Regime                                                                                                                                                                               |                                                                                                                                                                                                    |
|------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Laws                         | Time Enacted/Revised                      | Main Contents                                                                                                                                                                                                                              |                                                                                                                                                                                                    |
| Constitution                 | April 9, 2009                             | <ul style="list-style-type: none"> <li>• Stipulated respect and protection for human rights</li> <li>• Declared guiding instructions on Military-first Ideology; Inserted new provisions on "Military-first revolutionary line"</li> </ul> |                                                                                                                                                                                                    |
|                              | Revised on April 9, 2010                  | Renamed Central Court and Central Public Prosecutor's Office into Supreme Court and Supreme Public Prosecutor's Office                                                                                                                     |                                                                                                                                                                                                    |
|                              | Revised on April 13, 2012                 | Inserted "Nuclear State" in the Preamble of Constitution                                                                                                                                                                                   |                                                                                                                                                                                                    |
|                              | Revised on April 1, 2013                  | Inserted a new article about Kumsusan Sun Palace                                                                                                                                                                                           |                                                                                                                                                                                                    |
| Laws relating to ICCPR       | Penal Code                                | Revised on April 28, 2009; July 21, 2009, October 19, 2009                                                                                                                                                                                 | Strengthened penalties and updated regime maintenance provisions                                                                                                                                   |
|                              | Penal Code                                | October 1, 2010 – Revised on June 7, 2011                                                                                                                                                                                                  | Labor Training penalty: from 6 months–2 years → to 6 months–1 year                                                                                                                                 |
|                              |                                           | April 24, 2012 – May 14, 2012                                                                                                                                                                                                              | Arrest 1 day: Days at labor training counted as 2 days → Counted as 1 day                                                                                                                          |
|                              | Criminal Procedure Law                    | October 19, 2011 – Revised on May 14, 2012                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Introduced Logistics Trial System</li> <li>• Changed special trial system: Appeals allowed only in Rail trials → Appeals allowed in all trials</li> </ul> |
|                              | Law on Dwellings                          | Enacted 2009.10.19 – Revised 2009.08.04 and October 25, 2011                                                                                                                                                                               | Restricted the transaction of right of use of apartment units                                                                                                                                      |
| Law on Constitution of Court | 2009.04.28 – Revised on December 21, 2011 | Set up a new Military Logistics Court                                                                                                                                                                                                      |                                                                                                                                                                                                    |

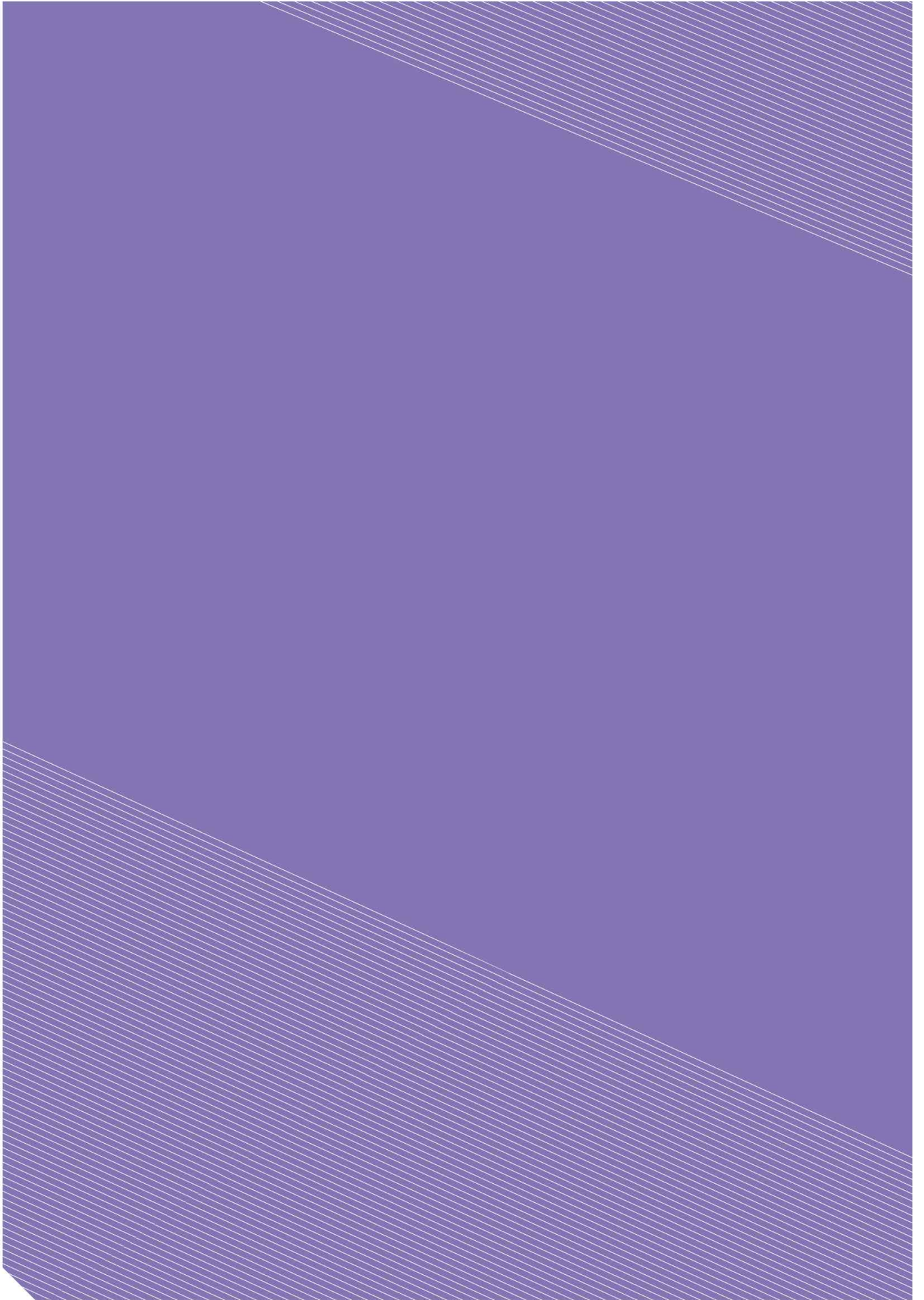
|                         |                                                     |                                          |                                                                                                                   |
|-------------------------|-----------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Laws relating to ICCPR  | Law on Complaints and Petitions                     | Revised on February 23, 2010             | Strengthened people's petition rights                                                                             |
|                         | Railroad Car Law                                    | Enacted on December 22, 2010             | Detailed penalties against crime against railroad operations                                                      |
|                         | Maritime Litigation Law                             | Enacted on January 19, 2011              | Protection of maritime claims, Set up a maritime tribunal                                                         |
|                         | Law on City Administration                          | Enacted on July 8, 2010                  | Organized the Neighbourhood Watch ( <i>Inminban</i> ); Set up Supervisory districts; Regulations on Guest-housing |
|                         | Administrative Penalty Law                          | Revised on October 16, 2011              | New provisions on crimes against defense facilities and enhanced surveillance                                     |
|                         | Immigration Law                                     | Revised on April 10, 2012                | Expanded and/or restricted foreigners' freedom of residence or movement                                           |
|                         | Kumsusan Sun Palace Law                             | Enacted on April 1, 2013                 | Idolized Kim Il-sung and Kim Jong-il                                                                              |
| Laws relating to ICESCR | People's Economic Planning Law                      | Revised on August 4, 2009; April 6, 2010 | Strengthened legal duties and speedy work in economic planning                                                    |
|                         | Law on Basic Standards for Consumption of Materials | Enacted on November 11, 2009             | Regulations on application and guidance control on standards for consumption of materials                         |
|                         | Labor Output Standards Law                          | Enacted on December 10, 2009             | Regulations on application and guidance control on labor output standards                                         |
|                         | Labor Protection Law                                | Enacted on July 8, 2010                  | Updated labor protection system and regulations                                                                   |
|                         | Elementary School Law                               | Enacted on January 19, 2011              | Regulations on establishment and operation of elementary schools, and training of education workers               |
|                         | High School Law                                     | Enacted on December 14, 2011             | Enforce high school education; Regulations for educational rules and facilities                                   |

|                                                      |                                                    |                              |                                                                                                 |
|------------------------------------------------------|----------------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------------|
| Laws relating to ICESCR                              | Law on Natural Protection Zone                     | Enacted on November 25, 2009 | Set up Natural Areas Protection Law, and provisions on surveys, management and guidance control |
|                                                      | Forest Preservation Law                            | Enacted on November 25, 2010 | Develop, supervise, and control guidance of forests                                             |
|                                                      | Social Security Law                                | Revised on April 3, 2012     | Social Security procedures; Regulations for disbursing social security funds                    |
|                                                      | Cultural Heritage Protection Law                   | Enacted on November 2012     | Reported by The Minju Chosun (2012.11.8)                                                        |
|                                                      | Mineral and Hot Springs Law                        | Enacted on January 2013      | Reported by KCNA (2013.02.05)                                                                   |
|                                                      | Free Economy Zone Law                              | Enacted on May 29, 2013      | Regulations for investment in economic development zone, freedom of activities                  |
| Laws relating to the Protection of Vulnerable Groups | Law for the Protection of Children's Rights        | Enacted on November 22, 2010 | Broad regulations on the protection of the rights of the child                                  |
|                                                      | Law for the Protection of Women's Rights           | Enacted on November 22, 2010 | Broad regulations on the protection of women's rights                                           |
|                                                      | Law on the Protection of Persons with Disabilities | Enacted on November 21, 2013 | New regulations for support funds for disabled persons                                          |

Table  
II-6

Realigning North Korea's Foreign Economic Laws

| Laws                                               | Date enacted or revised | Remarks                  |
|----------------------------------------------------|-------------------------|--------------------------|
| Business Law for Foreigners                        | Revised 2011.11.29      | Preceding law 2007.09.26 |
| Investment Law for Foreigners                      | Revised 2011.11.29      | Preceding law 2008.08.19 |
| Land Leasing Law                                   | Revised 2011.11.29      | Preceding law 2008.08.19 |
| Joint Business Law                                 | Revised 2011.11.29      | Preceding law 2008.08.19 |
| Joint Production Law                               | Revised 2011.11.29      | Preceding law 2008.08.19 |
| Rason Economic-Trade Zone Law                      | Revised 2011.12.03      | Preceding law 2010.01.27 |
| Hwanggumpyong-Wihwado Economic Zone Law            | Revised 2011.12.03      | —                        |
| Foreigner-invested Business Labor Law              | Revised 2011.12.21      | Preceding law 2009.01.21 |
| Foreigner-invested Business Finance Management Law | Revised 2011.12.21      | Preceding law 2008.10.02 |
| Foreigner-invested Business Bankruptcy Law         | Revised 2011.12.21      | Preceding law 2000.04.19 |
| Foreign Investment Business and Foreigners Tax Law | Revised 2011.12.21      | Preceding law 2008.08.19 |
| Foreign Investment Business Registration Law       | Revised 2011.12.21      | Preceding law 2009.08.04 |
| Foreign Investment Business Accounting Law         | Revised 2011.12.21      | Preceding law 2008.04.29 |
| Foreign Investment Bank Law                        | Revised 2011.12.21      | Preceding law 2002.11.07 |



Chapter

# III

## The Reality of Civil and Political Rights

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- 1 The Right to Life
- 2 The Right to Liberty and Security of Person
- 3 The Right to Due Process of the Law
- 4 The Right to Equality
- 5 Freedom of Residence, Movement and Travel
- 6 Freedom of Religion and Conscience
- 7 Freedom of Speech, the Press, Assembly and Association
- 8 The Right to Political Participation

# 1

## The Right to Life

### A The Right to Life and North Korea's Laws on Capital Punishment

Article 6, Paragraph 1 of the International Covenant on Civil and Political Rights (herein after referred to as ICCPR) stipulates every human being has the right to life, and this right is protected by law. No one is voluntarily deprived of his or her life. In countries where capital punishment is still upheld, Article 6, Paragraph 2 of the covenant specifies that capital punishment may be carried out only for the gravest crimes and only by the final sentence of the court with such authority, provided that the relevant laws at the time of crime did not violate the ICCPR and the Convention on the Prevention and Punishment of the Crime of Genocide. Although placing limitations on the right to life such as capital punishment may at times be justified, arbitrary deprivation of life is forbidden, and the criteria for arbitrariness should be based on necessity and proportionality.

Since the overall revision on April 29, 2004, North Korea has been revising its Penal Code every year from 2010 to 2012. And since North Korea revised its Penal Code on April 24, 2012, it revised the code again on May 14, 2012. The revised 2012 Penal Code also lists categories of crimes subject to capital punishment. According to this list, the following crimes are subject to capital punishment: conspiracy to overturn the state, terrorism, treason



against the fatherland, treason against the people, and premeditated murder, narcotics, crimes involving smuggling and selling. North Korea has expanded the list subject to capital punishment in the 2009 Penal Code by adding crime of clandestine destruction (Article 64). In 2012 North Korea revised its Penal Code allowing capital punishment on crimes involving smuggling and selling of large amounts of narcotics (Article 208). In addition, the 2009 revised Penal Code prescribes a 20 year period of criminal prosecution for crimes subject to capital punishment (Article 56).<sup>21</sup> The crimes subject to capital punishment are listed in the following <Table III-1>.

During an expanded meeting of the Party Central Committee Political Bureau on December 8, 2013, Jang Song-taek, Deputy Chairman of National Defense Commission, was arrested. And, at a trial held at the Special Military Court of State Security Department (SSD), he was given a death sentence based on Article 60 of the Penal Code, and the sentence was carried out immediately. He was charged with a crime of attempting to overturn the state by “ideologically conforming with the enemy with the purpose of overturning the Republic’s people’s sovereignty.”<sup>22</sup> Such a swift investigation and execution based on a quick trial without appeals would amount to an anti-human rights punishment that completely ignored the fundamental rights of the accused.

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21\_ In Article 57 of the 2012 revised Penal Code, the statute of limitation is clearly prescribed for criminal indictments. But, Article 58 prescribes criminal responsibilities without statute of limitation in cases of anti-state and anti-people crimes and premeditated murders.

22\_ *Rodong Shinmun*, December 13, 2013.

| Table<br>III-1                                     | Crimes Subject to Capital Punishment in North Korea's<br>Revised 2012 Penal Code                                                                                                                                       |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conspiracy to Overturn the State (Article 60)      | Participation in political revolt, civil disturbance, demonstrations or violent attacks, and conspiracies thereof; applies to extremely serious cases.                                                                 |
| Terrorism (Article 61)                             | Murder, kidnapping or harming of officials or citizens for anti-state purposes; applies to extremely serious cases.                                                                                                    |
| Treason against the Fatherland (Article 63)        | Those who betray the Fatherland by fleeing and surrendering to another country; those who betray the Fatherland or turn over secrets to the enemy; applies to extremely serious cases.                                 |
| Crime of Clandestine destruction (Article 65)      | Disloyal destruction for anti-state purposes; applies to extremely serious cases.                                                                                                                                      |
| Treason against the People (Article 68)            | Korean nationals who, living under imperialist rule, engage in persecution of North Korea's National Liberation Movement or hinder the struggle for unification of the fatherland; applies to extremely serious cases. |
| Crime of Smuggling/Selling Narcotics (Article 208) | Smuggling and selling large amounts of narcotics – in particularly serious cases.                                                                                                                                      |
| Premeditated Murder (Article 266)                  | Premeditated murder based on greed, jealousy or other despicable motivations; applies to extremely serious cases.                                                                                                      |

On December 19, 2007, North Korea added a unique law called Addendum to the Penal Code (General Crimes). At the time of the Penal Code revision in 2004, North Korea had a smaller scope of crimes subject to capital punishment, such as conspiracy to overturn the state, treason against the Fatherland, terrorism, treason against the people, and premeditated murder. The fact that North Korea added an Addendum to the Penal Code (General Crimes) in the 2007 revision is negative in terms of human rights protection. Capital punishment reinforces control over the citizens and protects the system. All 16 articles in the Addendum contain vague statements such as the gravest cases or extremely serious cases when discussing capital punishment, which leaves room for arbitrary decisions to be made by the authorities. This unclear defi-

dition of the Addendum permits capital punishment for various crimes as long as the authorities determine the crime in question was extremely serious (Article 23). The crimes subject to capital punishment in the Addendum to the Penal Code (General Crimes) are listed in <Table III–2> below:

| Table III–2                                                                                    | Rules for Capital Punishment in the Addendum to the Penal Code (General Crimes)                                                       |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Extreme act of willful destruction of combat equipment and military facilities (Article 1)     | Willful destruction of technical combat equipment and military facilities (extremely serious cases)                                   |
| Severe plundering of state property (Article 2)                                                | Plundering of state property (extremely serious cases)                                                                                |
| Severe acts of theft of state property (Article 3)                                             | Theft of state property (extremely serious cases)                                                                                     |
| Severe acts of willful destruction or damaging of state property (Article 4)                   | Willful destruction of state property (extremely serious cases)                                                                       |
| Severe acts of engraving or printing counterfeit currency (Article 5)                          | Engraving or printing counterfeit currency (extremely serious cases)                                                                  |
| Severe acts of smuggling or selling precious or colored metals on the black market (Article 6) | Smuggling or selling precious or colored metals on the black market (extremely serious cases)                                         |
| Severe acts of smuggling state resources (Article 8)                                           | Unlawful export of underground resources, forest resources or fishery resources for sale in other countries (extremely serious cases) |
| Severe acts of smuggling or dealing with narcotics on the black market (Article 11)            | Acts of smuggling or dealing with narcotics on the black market (extremely serious cases)                                             |
| Extreme instances of prisoner escape (Article 14)                                              | Cases in which a prisoner serving a heavy prison term flees before the term ends                                                      |
| Extreme instances of gangster–like behavior (Article 17)                                       | Acts of gangster–like behavior (extremely serious cases)                                                                              |
| Unlawful business operation (Article 18)                                                       | Cases in which sexual services are organized at restaurants or boarding houses                                                        |
| Extreme instances of deliberate infliction of serious injury (Article 19)                      | Taking deliberate actions to inflict serious injury to others (extremely serious cases)                                               |

|                                                                                                                    |                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Severe acts of kidnapping (Article 20)                                                                             | Kidnapping of a person (extremely serious cases)                                                           |
| Severe acts of rape (Article 21)                                                                                   | Acts of rape (extremely serious cases)                                                                     |
| Severe acts of theft of private property (Article 22)                                                              | Acts of theft of another person's private property (extremely serious cases)                               |
| Other exceptional crimes subject to an unlimited term of correctional labor penalty or death sentence (Article 23) | Cases in which a criminal has committed multiple crimes and displayed no remorse (extremely serious cases) |

In North Korea's 2009 Universal Periodic Review (UPR) report to the UNHRC,<sup>23</sup> they stated that capital punishment is carried out only in five categories of extreme crimes (Paragraph 34 of the report). Not added to this list is the crime of clandestine destruction, which was inserted as a crime subject to capital punishment during the 2009 Penal Code revision. More importantly, the North Korean authorities did not officially announce the revisions made to the Addendum to the Penal Code (General Crimes). Perhaps North Korea deliberately avoided mention of this Annex for fear of international criticism.

North Korea's Penal Code stipulates, "Criminal liability shall be confined to those acts of crime stipulated in the Penal Code" (Article 6, North Korean Penal Code). Despite the Penal Code's stipulations, various forms of punishment, including capital punishment, are enforced through means such as proclamations and instructions. For example, as seen in <Figure III-1>, the North Korean authorities in one decree strictly forbid the circulation of

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

foreign currency and warn that anyone who violates this law can be publicly executed. This proclamation was released on December 28, 2009 by the MPS (formerly People’s Security Agency), immediately after the currency reform. North Korea’s Penal Code stipulates that illegal dealing in foreign currency shall be given a maximum of a three-year labor correctional penalty, but does not authorize capital punishment (Article 104). It is not clear whether these decrees are intended for temporary or continuous application. However, based on the content, it is reasonable to conclude that they are applied on a continual basis. Thus, such decrees in reality undermine the Penal Code.<sup>24</sup>

Figure III-1 Proclamation of the Ministry of People’s Security (Formerly People’s Security Agency)

[Proclamation]

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

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

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

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

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

24\_ Myung-sub Han, “Application Reality of North Korean Criminal Act,” *2010 White Paper on Human Rights in North Korea* (Seoul: Korea Bar Association, 2010), pp. 176–178.

1. All citizens, agencies, enterprises, and social cooperative organizations must refrain from circulating foreign currencies in North Korea.
  - (a) All businesses, including restaurants, service outlets, and foreign merchandise shops must conduct all transactions in North Korean currency and cease all service of foreign currencies. All professional foreigner service units, including airports and international hotels, must provide service only when foreigners present North Korean currency, after exchanging foreign money at an exchange booth.
  - (b) State agencies which formerly accepted foreign currencies must now accept North Korean currency only when collecting fees, fares, and prices.
  - (c) All trading agencies (including cooperatives and joint ventures) must supply imported merchandise strictly according to State plans. They must not engage in hoarding or profit by transferring imported merchandise to private citizens, agencies, enterprises or social cooperative organizations, thus encouraging the illegal circulation of foreign currencies.
  - (d) All citizens must exchange all foreign currencies in their possession into our currency through official currency exchange booths to safeguard our currency circulation system. They must not, with their foreign currency, engage in black market trade, private dealings, loan-sharking, cheating, brokering, smuggling, bribing or swindling.
  - (e) All agencies, enterprises, and social cooperative organizations must obtain the foreign currencies they require in accordance with state plans.
2. Except for those units approved by the state, the domestic export targets for all other units shall be abolished. All domestic agencies, enterprises, and social cooperative organizations must not engage in illegal foreign currency credit transactions.
3. All related banking organizations must properly establish the exchange rate system between our currency and foreign currencies, and responsibly engage in exchange business.
4. All citizens, agencies, enterprises, and social cooperative organizations must not interfere with or hamper the activities of supervisory and control agencies and workers engaged in the enforcement of control over illegal foreign currency circulation.
5. All agencies, enterprises, and social cooperative organizations in violation of this proclamation shall be penalized with suspension of business or management activities or dissolution of business, and all cash and merchandise transacted shall be confiscated. All individuals involved in buying and selling things with foreign currency, black market trade using foreign currency, loan-sharking, brokering, and bribing, as well as those who illegally circulated foreign currencies or organized or tacitly encouraged such activities, shall be subject to strict legal punishment ranging in severity up to the death penalty, and all cash and merchandise involved shall be confiscated, depending on the nature and level of crime.

6. This proclamation shall go into effect on January 1, 2010, and shall apply to all citizens (including foreigners), agencies, enterprise units, and social cooperative organizations (including special and military units) in North Korea.

December 28, Juche Year 98 (2009)  
The Ministry of People's Security  
The Democratic People's Republic of Korea

## B Public Execution

The most reprehensible violation against an individual's right to life is the public execution, and capital punishment imposed under the proclamations and the Addendum to the Penal Code (General Crimes). ICCPR in its preamble declares that all human rights derive from the respect of human beings. Public executions are a clear violation of the right to die with dignity.

The Article 32 of the Sentence and Decisions Enforcement Law stipulates that death sentence shall be carried out by a firing squad. Accordingly, public executions are carried out, in most cases, by the firing squad.<sup>25</sup> Public executions usually take place amongst an assembly of people. The schools, farms, and enterprises are notified of the public execution in advance. Regarding the procedures of public execution, the escapees have described the following: The Republic's flag is draped in the background, and people from the Prosecutors' Office come to the site. The people of County branch of MPS, the SSD, a relevant court official, and others also attend. The trial is conducted openly.<sup>26</sup> A court

25\_NKHR2012000087 2012-05-22.

26\_NKHR2012000101 2012-06-05; NKHR2013000204 2013-11-12; NKHR2013000225 2013-12-10.

official will read out criminal charges and hand down the sentence.<sup>27</sup>

On December 7, 2009 the UN Human Rights Council conducted a UPR on North Korean human rights. During this review session, the North Korean delegation admitted the practice of public execution. This was an unusual admission on the part of North Korea. The delegation further explained that “In principle, executions are carried out undisclosed to the public, but in the case of heinous murderers or if the victim’s family demanded confirmation, public executions were carried out as exceptions.” North Korea has officially admitted the practice of public execution at an international forum reviewing North Korea’s human rights situation.

#### Public Execution Procedures and North Korean Criminal Law

As illustrated in <Table III-1> and <Table III-2>, crimes punishable by the death penalty are listed in the Penal Code and the Addendum to the Penal Code (General Crimes). The procedure for capital punishment is provided in the Criminal Procedure Law and the Sentence and Decisions Enforcement Law. The death penalty is carried out after the judgment is finalized, and executions require the approval of the Presidium of the SPA (Article 419, Criminal Procedure Law). From the rule of law standpoint, it is important to determine whether North Korea conducts public executions only for crimes described in the Penal Code and in accordance with legal procedures.<sup>28</sup> Documents presented below indicate that public executions are ordered for crimes stipulated in the Penal Code and

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27\_NKHR2012000065 2012-04-07; NKHR2013000138 2013-07-23.

28\_Kyu-Chang Lee and Gwang Jin Chung, *A Study of North Korea’s Criminal Trial System: Characteristics and Reality* (Seoul: Korea Institute for National Unification, 2011), pp. 81-88.



the sentences are carried out in accordance with certain procedures. For example, the Pyongyang Court of Justice sentenced Lee Seong-cheol to death for the deliberate destruction of state property in accordance with Article 4 of the Addendum to the Penal Code (General Crimes). On September 2010, the Supreme Court requested approval for the public execution of defendant Lee Seong-cheol as sentenced and confirmed by the Pyongyang Court of Justice (Figure III-2). In addition, the North Pyongan Province Court of Justice sentenced Kim Chun-nam to death applying Article 4 of the Addendum to the Penal Code (General Crimes). The Supreme Court requested approval for the public execution of defendant Kim Chun-nam as sentenced and confirmed by the North Pyongan Province Court of Justice (Figure III-3).

Figure III-2

The Supreme Court's Request for the Approval of Execution (1)

- Seong-cheol Lee  
(age 40, the crime of intentional destruction of state property)
- On the Criminal Acts of Defendant Lee Seong-cheol
  - Case Name: The crime of intentional destruction of state property  
(Article 4 of the Addendum to the Penal Code)
  - Defendant: Seong-cheol Lee, male
  - Residence: The Hyongjesan District of Pyongyang
  - Work Position: Hyongjesan District laborer
  - Personal Background: Farmer
  - Party Affiliation: Not affiliated
- Substance of Crime  
Defendant Seong-cheol Lee, in conspiracy with joint defendant Jeong-gil Kim (male, age 44, Daedong County farm worker) and two others, committed eight severe acts of destruction of state property from 2006 to 2010 in stealing eight laboring cows (valued at 401,410 KPW) from Hyongjesan and surrounding districts and slaughtering them in secret. In addition, they stole and illegally sold six laboring cows and one candidate cow (341,900 KPW), and also committed the crime of personal commercial activity.

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

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

Yeong-sik Kim, who stole two laboring cows and two candidate cows and delivered them to the defendant was sentenced to six years of correctional prison labor under Article 89 (2) of the Criminal Act.

- Opinion of the Supreme Court

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

Figure  
III-3

The Supreme Court's Request for the Approval of Execution (2)

□ Chun-nam Kim

(age 36, the crime of willful destruction of state property)

- On the Criminal Acts of Defendant Kim Chun-nam

- Case Name: The crime of willful destruction of state property  
(Article 4 of the Addendum to the Penal Code (General Crimes))
- Defendant: Chun-nam Kim, male
- Residence: Yeomju County, North Pyongan Province
- Work Position: Yeomju County laborer
- Personal Background: Soldier
- Party Affiliation: Labor Party

- Substance of Crime

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

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

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

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

- Opinion of the Supreme Court

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

The documents above are the first evidence illustrating that North Korea adheres to the provisions of the criminal law in carrying out public executions. However, it is difficult to confirm if all public executions are carried out in accord with the procedures described above. The documents presented above do not indicate that the agency had requested the Supreme Court for approval. Furthermore, the institution to which the Supreme Court requested approval was not specified, leaving uncertainty as to whether this approval came from the Presidium of the SPA as provided in the North Korean Criminal Procedure Law or from some other body. As discussed above, and confirmed in the testimonies by North Korean escapees described below, public and private executions are conducted within *kyohwaso*, execution by summary trial are routine in the political prison camps, and arbitrary secret executions are carried out by the SSD.

Testimonies from North Korean escapees provided the following details regarding public executions.

## Public Execution for Anti-regime Activities

- Resistance Activities against the Regime

North Korea executes those charged with anti-regime activity or treason against the Fatherland. Public executions are carried out to the criminal caught selling items of historic or revolutionary relics or receiving cash or bribery from South Korea's National Intelligence Agency. Among the newly confirmed testimonies in 2012 was a case of public execution in which a person was publicly executed for allegedly stealing and hiding rice at the instruction of South Korea's National Intelligence Agency. In addition to the crimes described, the death penalty was also enforced for religious proselytizing. In 2013, a public execution was carried out on charges of assisting a family to defect to South Korea.

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                          | Testifier ID                                                           | Remarks  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|----------|
| In 2007, a man and a woman living in Yonsa County had sold legally protected trees to China through an intermediary under the tacit consent of military, party, and County branch of MPS. North Korea was protecting the trees by law as relics of revolutionary history. When this incident was revealed during an inspection, the two individuals were publicly executed at the Sunam Marketplace. | NKHR2008000007<br>2008-07-30<br>and 6 other testimonies. <sup>29</sup> | Informed |
| On October 2009, a North Korean escapee heard a rumor that a woman who used to live in Junghwa County, Pyongyang, was executed in early 2009 for the possession of a Bible.                                                                                                                                                                                                                          | NKHR2011000209<br>2011-09-20                                           | Informed |
| It was said that the director of Nagang Sales Office in Chongjin was publicly executed at a marketplace in Chongjin, North Hamgyong Province in October 2009 for taking money from South Korea's National Intelligence Agency.                                                                                                                                                                       | NKHR2012000143<br>2012-07-17                                           | Informed |
| It was said that a man was publicly executed in Chongjin in 2010 on a charge that he threw rice into the sea at the instruction of South Korean Intelligence Agency, thereby causing increase in price of rice and exacerbating economic difficulties of the people.                                                                                                                                 | NKHR2012000153<br>2012-07-24                                           | Informed |

|                                                                                                                                                                                                                                                                                                                    |                              |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|
| In the summer of 2010 at Yonsa County, North Hamgyong Province, a guide assigned to collect foreign currency sold lumber to China as directed by the Safety Agency. But, included in the lumber were some lumber reserved for emergencies. So, he was executed by a firing-squad by direct order of Central Party. | NKHR2013000109<br>2013-06-11 | Informed |
| A North Korean escapee testified he/she had heard that a farm supervisor, a local party secretary, and an accountant at Sunchon County, North Pyongan Province were publicly executed in front their colleagues assembled in Sunchon County in March 2011.                                                         | NKHR2012000152<br>2012-07-24 | Informed |
| A former border patrol squad leader (35 years old) assisted the defection of a family of five to South Korea. He was publicly executed at Samjiyon County, Yanggang Province in August 2013.                                                                                                                       | NKHR2013000226<br>2013-12-10 | Informed |

- Murders of the MPS officers and SSD agents

There are some testimonies indicating that public executions were carried out in connection with murders of the MPS officers and SSD agents. It appears that some North Korean residents discontent with tighter social control measures were involved in the process of building a political succession system, and murdered the MPS officers and SSD agents. The North Korean government responded mercilessly to these acts of resistance to the regime.

| Testimonies                                                                                                                                                                                                                                                               | Testifier ID                 | Remarks  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|
| A North Korean escapee testified to hearing a rumor that two brothers convicted of killing an MPS officer in July 2010 during a crackdown on bingdu (a type of drug trafficked in North Korea) and viewing South Korean compact discs were executed at Hoeryeong Stadium. | NKHR2011000099<br>2011-04-26 | Informed |
|                                                                                                                                                                                                                                                                           | NKHR2011000187<br>2011-08-16 |          |

29\_NKHR2008000007 2008-07-30; NKHR2008000013 2008-08-19; NKHR2008000027 2008-12-02; NKHR2009000011 2009-03-03; NKHR2012000095 2012-05-29; NKHR2012 000164 2012-08-08; NKHR2012000196 2012-09-25.

|                                                                                                                                                                                                                                                                                                                             |                                                                                      |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------|
| <p>A North Korean escapee testified that he/she had witnessed a public execution by a firing squad at the Sanup-dong Stadium in Hoeryeong, North Hamgyong Province in August of 2010. The charge was that two brothers, XXX and XXX, had murdered a security agent with an axe when they were caught using cell phones.</p> | <p>NKHR2013000202<br/>2013-11-12,<br/>and 11 other<br/>testimonies.<sup>30</sup></p> | <p>Witnessed</p> |
| <p>At Kungsim-dong, Hoeryeong, two brothers killed a MPS officer, and disposed the body near the river. The two brothers were publicly executed. A witness pointed out that the two brothers did not burn the body but disposed of the body along the river.</p>                                                            | <p>NKHR2013000095<br/>2013-05-14</p>                                                 | <p>Witnessed</p> |

- Dissemination of Information about the Outside World

Occasionally, public executions are carried out on charges of circulating foreign information through South Korean leaflets or videos. With the introduction of computers, cell phones, MP3s, and USBs, North Koreans seem to be developing a new culture of communication. And, many of them seem to enjoy watching South Korean movies and TV drama series. Accordingly, North Korean authorities are trying to tighten information circulated in an effort to restrain the influence of capitalist culture and block people's access to information.

| Testimonies                                                                                                                                                                                                         | Testifier ID                         | Remarks          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------|
| <p>A North Korean escapee testified to witnessing an execution of a woman in October 2008 at the Sinpung Stadium at Sinpung-dong, Wonsan, Gangwon Province for the crime of selling South Korean compact discs.</p> | <p>NKHR2011000158<br/>2011-07-05</p> | <p>Witnessed</p> |
| <p>A North Korean escapee testified to hearing a rumor that a man who lived in Wonju, Gangwon Province, was shot in May 2010 at the market in Chongjin for selling South Korean compact discs.</p>                  | <p>NKHR2011000094<br/>2011-04-12</p> | <p>Informed</p>  |

30\_ NKHR2011000037 2011-01-11; NKHR2011000151 2011-06-28; NKHR2012000020 2012-02-07; NKHR2012000025 2012-02-21; NKHR2012000041 2012-03-20; NKHR2012000106 2012-06-12; NKHR2012000111 2012-06-12; NKHR2012000128 2012-07-03; NKHR 2012 000159 2012-08-07; NKHR2012000168 2012-08-21; NKHR2012000258 2012-11-27; NKHR 2013000202 2013-11-12.

|                                                                                                                                                                                                           |                              |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified to witnessing a man from Chongjin being shot in May 2010 at the Sunam Market in Chongjin for the crime of watching and distributing numerous South Korean compact discs. | NKHR2011000176<br>2011-08-02 | Witnessed |
| A North Korean escapee testified that he/she had heard that a student was publicly executed in December of 2011 for copying and selling a South Korean video.                                             | NKHR2011000185<br>2012-09-11 | Informed  |

Even among those caught with South Korean videos or propaganda leaflets in their possession, not everyone is subject to public execution. Escapee XXX testified that depending on the case, people may be penalized with fines or sent to a labor training camp, but not always to *kyohwaso*.<sup>31</sup> But through the Penal Code revision in 2009, North Korea made it possible to punish a wide range of cases by adding penalties for possession of corrupt or depraved materials and decadent behavior in an effort to cease the inflow of capitalist culture.<sup>32</sup> The authorities feared that South Korean videos would have a detrimental influence on North Koreans.

- Acts Related to the Currency Reform

When the currency reform in late November 2009 failed, a rumor spread that Park Nam-gi, the former director of Finance and Planning Department of the KWP, who was in charge of the initiative, was executed. During this time, several public executions took place for revealing the currency reform in advance and improperly disposing of the old currency.

31\_NKHR2010000018 2010-10-05.

32\_Baik-gyu Lee, "Overview of North Korea's Revised Penal Code, 2009," (The 157th Monthly Meeting of the Association for Research on the Laws of North Korea, September 16, 2010).

| Testimonies                                                                                                                                                                                                                             | Testifier ID                 | Remarks  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|
| A North Korean escapee testified to hearing a rumor that a woman was executed in December 2009 in Gyeongseong County, North Hamgyoung Province, for divulging the currency reform in advance.                                           | NKHR2011000221<br>2011-06-09 | Informed |
| A North Korean escapee testified to hearing a rumor at the 9501 Military Camp on the Pyongyang Subway that Park Nam-gi was publically executed in March 2010 at a school in Pyongyang.                                                  | NKHR2011000070<br>2011-03-15 | Informed |
| Another escapee also heard a rumor that Park Nam-gi was killed by firing squad for leading the currency reform effort, and testified that the execution took place at the Ganggeon Military Academy in the Sunan District of Pyongyang. | NKHR2011000088<br>2011-04-05 | Informed |
| A North Korean escapee testified to hearing a rumor in July 2010 at the Sunam District of Chongjin that a man was executed for disposing old currency in a river, deeming it to be useless after the currency reform.                   | NKHR2011000217<br>2011-10-04 | Informed |

- Other Anti-State Acts

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

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                      | Testifier ID                 | Remarks  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|
| A North Korean escapee testified to hearing a rumor that two executives of the Jangjin River Power Plant were executed in March 2010 at their workplace for not transmitting electricity to Pyongyang.                                                                                                                                                                                                                                           | NKHR2011000133<br>2011-06-07 | Informed |
| In June 2010, on the banks of Horyongchon in Hamhung, South Hamgyoung Province, three men, including a maintenance mechanic, a repairman, and their supervisor were executed by a firing squad. They were charged with a crime of failing to report in advance and disconnecting a power line which was transmitting electrical power from Jangjin Power Plant to Pyongyang. I have personally heard this story from XXX, a student at the time. | NKHR2013000039<br>2013-03-05 | Informed |



|                                                                                                                                                                                                                                                                                                                                                                      |                              |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In 2012, in the Sapo District of Hamhung, four men, including a supervisor, working for the Jangjin River Power Plant were publicly executed on charges of mishandling electrical power lines that were transmitting power to Pyongyang. Because of this mishandling, national events in Pyongyang were disrupted in January 2012, including Kim Jong-un's birthday. | NKHR2013000229<br>2013-12-24 | Witnessed |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|

### Public Execution of Economic Criminals

Some escapees testified that public executions were also carried out on charges of falsifying economic output reports.

| Testimonies                                                                                                                                                                                                                                                                             | Testifier ID                 | Remarks  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|
| I heard that 5 men, including a supervisor named Kim X and provincial party staff members, were publicly executed on the marketplace in Sunam District, Chongjin for having falsely reported the steel they used was 'Juche steel (Korean-made)' when in fact they used imported steel. | NKHR2013000021<br>2013-02-05 | Informed |

- Stealing Communication Lines or Copper Wires

Most escapees testified that stealing or taking state owned property such as electric wires or communication lines was punishable by public execution.

| Testimonies                                                                                                                                                                                                   | Testifier ID                 | Remarks   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that she witnessed an execution in Sunchon, South Pyongan Province, in October 2007 on charges of stealing factory equipment (a generator).                                  | NKHR2010000093<br>2010-03-30 | Witnessed |
| A North Korean escapee testified that she witnessed an execution by a firing squad in Eunduck County, North Hamgyong Province, in the summer of 2008 on charges of smuggling.                                 | NKHR2011000022<br>2010-06-24 | Witnessed |
| A North Korean escapee testified that she had heard a rumor that in January 2009, a resident in Geumsandong, Hyesan, Yanggang Province was executed by a firing squad for stealing rail spikes (steel nails). | NKHR2010000018<br>2010-10-05 | Informed  |

|                                                                                                                                                                                                                                                               |                              |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that he/she had witnessed a public execution by a firing squad of a 36-year old man in January 2009 at Gilsungpo Harbor in North 3-dong, Sariwon, North Hwanghae Province. He was charged for stealing communication cables. | NKHR2012000072<br>2012-04-26 | Witnessed |
| In early 2009 in Dongpo-ri, Onsung County, North Hamgyoung Province, a man was publicly executed on charges of stealing electrical wires.                                                                                                                     | NKHR2013000123<br>2013-06-25 | Informed  |
| In September 2011 in Sukchon County, South Pyongan Province, two brothers were executed by a firing squad for attempting to steal an electrical generator.                                                                                                    | NKHR2013000134<br>2013-07-23 | Witnessed |
| In 2012 in Chongnam District, North Pyongan Province, brother-in-law of Yoon XX, who was a foreman on 'Yong-o Island', was publicly executed for stealing government funds.                                                                                   | NKHR2013000097<br>2013-05-14 | Witnessed |

- Smuggling and Dealing with Narcotics

Public executions are reported to be increasing on charges of smuggling, as smuggling activities have been on the rise along the Korea–China border. As the 2012 revised Penal Code allowed the imposition of capital punishment on mass smuggling and trafficking of drugs, investigations on smuggling of narcotics are intensified and public executions are carried out frequently.<sup>33</sup>

| Testimonies                                                                                                                                                                                                                                                                | Testifier ID                 | Remarks   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that he witnessed an execution by a firing squad in the marketplace in Hyesan District of Hamhung in the summer of 2008. XXX was a section chief in the provincial Office of Inspection, and his charge was dealing with narcotics (ice). | NKHR2010000036<br>2010-11-02 | Witnessed |
| In the fall of 2008, three men were publicly executed on charges of narcotics (ice) use.                                                                                                                                                                                   | NKHR2013000051<br>2013-03-19 | Informed  |

33\_ Despite the danger of punishment, some North Koreans deal secretly in drugs (bingdu) for high profits. See Good friends, "North Korea Today," No. 404 (May 25, 2011).

|                                                                                                                                                                                                                                                                                                                                                                        |                              |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In 2011 in Chongjin, North Hamgyoung Province, a provincial branch of MPS officer from Gyongwon County, his wife and another person were publicly executed on charges of narcotics use. At the time, all three were identified as “workers.”                                                                                                                           | NKHR2013000103<br>2013-05-28 | Informed  |
| A North Korean escapee testified that he/she witnessed a public execution by a firing squad of a 45-year old man at Hoeryeong-chon, Hoeryeong, North Hamgyoung Province in July of 2011. His charge was secret transaction of narcotic drugs. Anyone selling over 3kg of meth (or so-called ‘ice’) would be subject to execution, and he was caught selling 9kg of it. | NKHR2012000041<br>2012-03-20 | Witnessed |
| A North Korean escapee testified that he/she had heard that two 40 year-old men living in Hoeryeong were executed by a firing squad at Hoeryeong stadium in Hoeryeong, North Hamgyoung Province in November 2011 for dealing with narcotics (ice).                                                                                                                     | NKHR2012000111<br>2012-06-12 | Informed  |
| A North Korean escapee testified that he/she had witnessed a public execution by a firing squad of three men (including a second lieutenant MPS officer) and a woman at Susongchon in Chongjin, North Hamgyoung Province on December 4, 2011 on charges of selling narcotics (ice).                                                                                    | NKHR2012000107<br>2012-06-12 | Witnessed |
|                                                                                                                                                                                                                                                                                                                                                                        | NKHR2012000122<br>2012-06-26 | Informed  |
| On March 1, 2013, a man and a woman were publicly executed on the banks of Susong river, Chongjin on charges of narcotics use.                                                                                                                                                                                                                                         | NKHR2013000109<br>2013-06-11 | Witnessed |
| In 2013 on the banks of Susongchon (river), Chongjin, North Hamgyoung Province, four people (3 men, one women) were publicly executed by a firing squad for narcotics use. One of them was XXX, the witness’s cousin, who was a worker at a “foreign currency out-fit,” and the woman was the cousin’s wife.                                                           | NKHR2013000155<br>2013-08-20 | Witnessed |
| In 2013 on the banks of Susongchon, Chongjin, North Hamgyoung Province, a man (about 45) and a woman (about 50) were publicly executed by a firing squad for dealing 9kg and 12kg of narcotics, respectively.                                                                                                                                                          | NKHR2013000163<br>2013-09-03 | Informed  |
| Heard from a source that two men, including an inspector, who used to help out XXX (male in his 30s), a professional drug dealer with China in Hamhung, were publicly executed by a firing squad at Horyongchon, Hamhung. XXX was well-known in town as a dependable narcotics dealer, but was executed because his name was reported back from China.                 | NKHR2013000039<br>2013-03-05 | Informed  |
| A couple in their 40s were publicly executed for narcotics (ice) use.                                                                                                                                                                                                                                                                                                  | NKHR2013000066<br>2013-04-02 | -         |

- Squandering Public Property

North Korean escapees testified that public executions took place for squandering public property. The enacted Addendum to the Penal Code (General Crimes) in 2007 imposes the death penalty for extremely aggravated cases of embezzlement or theft of public property.

| Testimonies                                                                                                                                                                                                                                                                        | Testifier ID                 | Remarks   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that a man who was a director of a North Korean company earning foreign cash was executed for mis-appropriating government money at Sinpung Stadium, Sinpung-dong, Wonsan, Gangwon Province in October 2008.                                      | NKHR2011000158<br>2011-07-05 | Witnessed |
| A North Korean escapee testified that three men, including a chairman of a management committee of Yonglim-ri, Mundeok County, South Pyongan Province were executed for mis-appropriating public property at Pyongsung Stadium in Pyongsung, South Pyongan Province in July 2009.  | NKHR2011000111<br>2011-05-17 | Witnessed |
| A bank manager in Yanggang Province was caught embezzling the newly reformed currency. He was publicly executed in Pyongyang in front of a group of bank managers assembled from around the country.                                                                               | NKHR2013000054<br>2013-03-19 | Informed  |
| Bank manager XXX (born in 1947) in Yanggang Province was executed by a firing squad for misplacing 1 million KPW and embezzling 200 million KPW during the currency reform. Heard this from XXX (born in 1979), the wife of XXX (born in 1975) who used to work at the 8th Bureau. | NKHR2013000090<br>2013-04-30 | Informed  |

- Stealing Livestock

There are many testimonies of public executions taking place in North Korea for stealing cattle and goats during the period of the Arduous March (the mid-to-late 1990s). Since 2000, the number of similar testimonies have sharply decreased, but others have provided information that public executions took place in 2009 and 2010 for those caught smuggling and selling livestock on the black market.

| Testimonies                                                                                                                                                                                                                                                           | Testifier ID                 | Remarks   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified to hearing a rumor that a male soldier was executed by a firing squad in November 2009 at the Fourth Company of the Fifth Battalion of the Twenty-fifth Brigade of the Kim Hyung-jik County at Yanggang Province for smuggling cows. | NKHR2011000103<br>2011-05-03 | Informed  |
| A North Korean escapee testified to witnessing a firing squad executing five people for smuggling livestock, including a 36 year-old man, in July 2010 at the Weolpo riverside levee in Myonggan County, North Hamgyoung Province.                                    | NKHR2011000213<br>2011-10-04 | Witnessed |

Public Execution for Social Misdemeanors

North Korean escapees have testified on public executions for human trafficking and murder. There have also been continuous reports on public executions for rape in recent years. There also appears to be a few instances of public executions for fraud and larceny.

- Human Trafficking

The North Korean authorities appear to continue public executions for human-trafficking even after 2000, despite strong criticisms from the international community. Newly confirmed evidence in 2012 illustrated that public executions are still taking place on river-crossing brokers for assisting voluntary river-crossing (border-crossing). Their charge was human trafficking.

| Testimonies                                                                                                                                                                                                | Testifier ID                 | Remarks   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In the spring of 2007 in Musan County, North Hamgyoung Province, a woman (about 40) who trafficked 14 persons was publicly executed.                                                                       | NKHR2013000211<br>2013-11-26 | Witnessed |
| In November 2007, on the grounds of Kim Jong-sook Normal College in Yongbong-dong, Hyesan, Yanggang Province, a man and two women were publicly executed by a firing squad on charge of human trafficking. | NKHR2013000141<br>2013-07-23 | Witnessed |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                            |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-----------|
| A North Korean escapee testified that two men living in Hyesan in Yanggang Province were publicly executed in May 2009 at Hyesan on charges of human-trafficking. They helped 27 people, who voluntarily wanted to go to China, cross the river (border).                                                                                                                                                                                                                                                                                                                                                                                                                | NKHR2012000046<br>2012-03-23               | Witnessed |
| In September 2009, while I was detained in the Musan County branch of MPS detention center, a team of 14 detainees were put on a public trial, and four of them were publicly executed. They had trafficked 43 persons, and the Central Court decided and carried out public execution. The four accused were tied on four posts. The leader XXX, a woman XXX, and two other men were publicly executed by a firing squad. Among them, XXX was pregnant, but a Provincial branch of MPS guard forced her to abort the baby, telling her to get pregnant again after serving a prison term, to which she agreed and aborted the baby at a hospital before being executed. | NKHR2013000225<br>2013-12-10               | Witnessed |
| In November 2009, a group of 11 from Musan County, North Hamgyoung Province were indicted for human trafficking. After public trials, four of them were publicly executed by firing squad.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NKHR2013000204<br>2013-11-12               | Witnessed |
| A North Korean escapee testified to witnessing the execution of two men and two women from Musan County, North Hamgyoung Province, on charges of human trafficking in October 2010 in Musan. They had allegedly trafficked thirty-eight individuals, and both were executed by a firing squad after a public trial.                                                                                                                                                                                                                                                                                                                                                      | NKHR2011000160<br>2011-07-12 <sup>34</sup> | Witnessed |
| A North Korean escapee testified that he/she had witnessed a public execution by a firing squad of two men and four women at a marketplace in Musan County, North Hamgyoung Province, in July 2010 on charges of human-trafficking.                                                                                                                                                                                                                                                                                                                                                                                                                                      | NKHR2012000101<br>2012-06-05               | Witnessed |
| In the summer of 2010, while I was serving as a border security guard, XXX, a platoon leader at Jongsong Battalion in North Hamgyoung Province, had human trafficked 17 persons to China, and smuggled and sold 2kg of narcotics. He was executed by firing squad.                                                                                                                                                                                                                                                                                                                                                                                                       | NKHR2013000154<br>2013-08-20               | Witnessed |

- Murder

Despite the policy of enforcement and strict penal provisions

34\_ This case re-confirmed a similar previous case that had slightly different details. NKHR2012000030 2012-02-21.

against the use of violence, incidents of violent crime is on the rise. While social deviation increases in economic crisis, many escapees testified that public executions are still carried out for the crime of murder.

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Testifier ID                 | Remarks   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A woman ax-murdered her illicit lover and disposed the body under a freight train. She was publicly executed in the summer of 2004 in Musan North Hamgyoung Province.                                                                                                                                                                                                                                                                                                     |                              | Witnessed |
| In 2004, in Musan, North Hamgyoung Province, a man brought a woman who was selling socks on the market to his home, robbed her money and murdered her. He hid the body under the fence of a farm-tool repair shop, which was detected by another person. His wife, who helped him, was pregnant at the time, and was released later.                                                                                                                                      | NKHR2013000105<br>2013-05-28 | Witnessed |
| In the winter of 2008, I heard from XXX who had witnessed a public execution on the Namsan Bridge, Onsung County, North Hamgyoung Province. The victim was in his 20s from Gangan-ri, Onsung County. He received money from a woman who asked him to take her across the border to China, and subsequently killed her.                                                                                                                                                    | NKHR2013000100<br>2013-05-28 | Informed  |
| A North Korean escapee testified that in the summer of 2009 at a riverbank in Cheonnae County, Gangwon Province, she witnessed an execution of a student who attended college in Wonsan, Gangwon Province. The student was accused of murdering the mother of a college classmate. The college student on several occasions asked the student's mother, who was affluent, for a loan or food such as tofu, but the mother refused and the student impulsively killed her. | NKHR2011000196<br>2011-09-06 | Witnessed |
| In the summer of 2008, in front of the Bocheon County electricity distribution center, two men (about 40 and 20 years old from Taepyong District, Bocheon County, Yanggang Province) were publicly executed by a firing squad for murdering a middle-aged woman from Hyesan, Yanggang Province.                                                                                                                                                                           | NKHR2013000067<br>2013-04-02 | Witnessed |
| In the summer of 2009, a man in his 40s was publicly executed for murdering his lover at Gapsan-eup, Gapsan County, Yanggang Province.                                                                                                                                                                                                                                                                                                                                    | NKHR2013000120<br>2013-04-02 | Witnessed |
| A North Korean escapee testified that he/she had witnessed a public execution by a firing squad of a 65-year old woman in October 2009 in Kumya County, South Hamgyoung Province, on charges of murdering the chief of the Kumya County clinic.                                                                                                                                                                                                                           | NKHR2012000049<br>2012-03-27 | Witnessed |

|                                                                                                                                                                                                                                                                            |                              |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified to witnessing the death by a firing squad of two men at Dongyeong Mountain, Wonsan, Gangwon Province, in January 2010, who were convicted of murder.                                                                                      | NKHR2011000158<br>2011-07-05 | Witnessed |
| A North Korean escapee testified to hearing a rumor that a thirty-five year old man was executed for murder in Bukcheong County, South Hamgyoung Province, in February 2010.                                                                                               | NKHR2011000128<br>2011-05-31 | Informed  |
| A North Korean escapee testified that he had heard a rumor that XXX was executed by a firing squad at a fish-farm in Gangson-ku, Musan County, North Hamgyoung Province, for having murdered his wife in March 2010.                                                       | NKHR2010000024<br>2010-10-19 | Informed  |
| A North Korean escapee testified that he/she had witnessed a public execution by firing squad of two women (age 30 and 27) on murder charges on the banks of Susongchon near Songpyong District railway station in Chongjin, North Hamgyoung Province on October 22, 2010. | NKHR2012000052<br>2012-03-28 | Witnessed |
| In the fall of 2010, on the banks of Susong river in Chongjin, two persons were publicly executed. One murdered an old bicycle repairman man by mixing poison in his wine, and the other murdered someone who demanded repayment of the money he loaned to him.            | NKHR2013000143<br>2013-08-06 | Witnessed |

## • Rape

Rape is committed against women and even minors in North Korea.<sup>35</sup> It is reported that the crime of rape is also subject to public execution.

| Testimonies                                                                                                                                                                                            | Testifier ID                 | Remarks   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that he/she had witnessed a public execution by a firing squad of a man on charges of rape in June 2009 at the marketplace in Musan County, North Hamgyoung Province. | NKHR2011000155<br>2011-07-05 | Witnessed |

35\_ Documents of People's Security Agency includes punishment guidelines for many kinds of rapes. They imply that crimes related to rapes frequently occur in North Korea. People's Security Agency, *Reference Book for Law Enforcement Officials*. (Pyongyang: People's Security Agency Publishing Company, 2009), pp. 465-473.



|                                                                                                                                                                                                                                                               |                              |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that he/she had witnessed a public execution by a firing squad of a 34-year old shoe-factory worker (living in Suncheon, South Pyongan Province) on charges of rape/murder in July 2009 at Baekam County, Yanggang Province. | NKHR2012000129<br>2012-07-03 | Witnessed |
| XXX, who was a work detail leader at Yong-o Island, was publicly executed in 2012 at Chongnam District, North Pyongan Province for sex violence on an under-aged girl and for listening to South Korean music.                                                | NKHR2013000097<br>2013-07-03 | Witnessed |
| A North Korean escapee testified to witnessing a man who lived in Sadong District of Pyongyang being killed on Tong-il Street (Reunification Street) by a firing squad in February 2010 for raping a minor.                                                   | NKHR2011000085<br>2011-04-05 | Witnessed |
| In the spring of 2010, a 28-year old man was publicly executed in Danchon, South Hamgyoung Province on charge of sex violence and murder.                                                                                                                     | NKHR2013000138<br>2013-07-23 | Witnessed |

- Other Deviant Acts

Some public executions were carried out as a punishment for fraud or large-scale larceny.

| Testimonies                                                                                                                                                                                                                  | Testifier ID                 | Remarks   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In the summer of 2007, two men in their 30s were publicly executed at the Musan County market in North Hamgyoung Province on charges of social disruption (gansterly behaviors and accepting South Korean CIA funds).        | NKHR2013000135<br>2013-07-23 | Witnessed |
| A North Korean escapee testified that he/she had witnessed a public execution by a firing squad of a 23-year old woman on charges of fraud in October 2009 on the banks of Susong River, Chongjin, North Hamgyoung Province. | NKHR2011000118<br>2011-05-17 | Witnessed |
| A North Korean escapee testified to witnessing the shooting of a man who lived in Chongjin at the Sunam Market in Chongjin in May 2010 for stealing 300 bicycles.                                                            | NKHR2011000176<br>2011-08-02 | Witnessed |
| In 2012, in Chongnam District, North Pyongan Province, X Eunkyong's father (nicknamed "Pollack") was publicly executed for violent behaviors toward his neighbors and for use of narcotics.                                  | NKHR2013000097<br>2013-05-14 | Witnessed |
| In Junghwa County, Pyongyang, a milk storage officer was executed by a firing squad for having sold off the milk stock of his division, saying that "I am not afraid of Air Force Command."                                  | NKHR2013000168<br>2013-09-17 | Informed  |

Public and Secret Executions inside *kyohwaso*  
(ordinary Prison Camps)

It has been reported that public and secret executions are carried out inside the *kyohwaso*. Escapee XXX testified that it may appear as though public execution has come to an end in recent years; however, they are conducted in secret. For example, at the Seventh *Kyohwaso* located behind the Sariwon Cigarette Factory,<sup>36</sup> executions were imposed on those charged with attempted flight from the *kyohwaso*. Escapee XXX testified that in April 2007, a man was shot in the leg while attempting to flee from the Jongori *Kyohwaso*. The center's deputy director ordered, "From now on I will shoot and kill anyone trying to flee from this center. Deal with him quickly so that I can publicly execute him within 2–3 days." But the man died from heavy loss of blood before the execution.<sup>37</sup> North Korean escapee XXX testified that when he/she was detained in Gaechon *Kyohwaso*, he saw one female inmate getting arrested while attempting to escape from *kyohwaso*. On the day when she was publicly executed in July 2010 by a firing squad, about 1,500 inmates were assembled and witnessed the execution.<sup>38</sup>

Public and Secret Executions in *Kyohwaso*  
(Political Prison Camps)

Escapee XXX, a former *kyohwaso* security guard testified that executions based on summary trials are carried out on a routine

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36\_NKHR2009000012 2009-03-05.

37\_NKHR2009000059 2009-09-29.

38\_NKHR2013000115 2013-06-11.

basis at these camps. Additionally, the security agents arbitrarily decide to conduct closed executions.<sup>39</sup> Those subjected to public executions are usually people caught trying to escape. Escapee XXX testified that in the fall of 2003, he/she had witnessed a fellow inmate getting public execution under the No. 14 bridge of No. 18 *Kwanliso* (political prison camp) on charges of attempting to escape from the center.<sup>40</sup> Escapee XXX testified that when he went to cultivate a farm at a place called Kungsim in Hoeryeong, he witnessed a female inmate running towards a barbed wire fence to flee from the No. 22 Prison Camp in Hoeryeong. He testified that he believes guards took her away and she was executed.<sup>41</sup> Escapee XXX testified that he was detained in the spring of 2006 at Gaechon Prison Camp in South Pyongan Province. He witnessed XXX getting executed by a firing squad at the Gaechon Prison Camp on charges of attempting to flee North Korea.<sup>42</sup>

Changes in Patterns of Public Execution

Based on overall escapee testimonies, public executions continued on even after the year 2000. But, compared to the “Arduous March” period in the 1990s, the frequency of public execution appears to be decreasing. On the contrary, other escapees testified that the reduction in the numbers was due to the fact that closed and secret executions have increased, rather than a reduction in the

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39\_Interview with escapee XXX in Seoul on July 9, 1996.  
 40\_NKHR2013000126 2013-07-09.  
 41\_NKHR2010000069 2010-10-26.  
 42\_NKHR2010000045 2010-09-07. The witness said the Gaechon “*Kyohwaso*,” but he must have meant the Gaechon “*Kwanliso*.”

number or frequency of executions. It is important to note that North Korean authorities have reacted to the harsh international criticisms on the practice of public executions in North Korea. This response, however, began to change for the worse. Many North Korean escapees testified that public executions were again on the rise since 2007.<sup>43</sup> In fact in 2009, the total number of publicly executed persons jumped to a total of 137, which was the highest number in recent years. The total number recorded was 86 in 2010 and 109 in 2011, 18 in 2012, 9 in 2013 showing rather high figures. Among the 237 escapees responding to in-depth interviews in 2013, only five respondents testified that they heard about or personally witnessed public executions, but this number too could increase as investigations continue.

Table  
III-3Number of Publicly Executed Persons and Testifiers<sup>44</sup>

| Year of Execution | Number of Testifiers |          |       | Total | Number of Persons Executed |
|-------------------|----------------------|----------|-------|-------|----------------------------|
|                   | Witnessed            | Informed | Other |       |                            |
| 2007              | 28                   | 7        | 4     | 39    | 68                         |
| 2008              | 32                   | 19       | 1     | 52    | 107                        |
| 2009              | 28                   | 30       | 4     | 62    | 137                        |
| 2010              | 22                   | 23       | 1     | 46    | 86                         |
| 2011              | 17                   | 22       | 0     | 39    | 109                        |
| 2012              | 6                    | 6        | 2     | 14    | 18                         |
| 2013              | 1                    | 4        | 0     | 5     | 9                          |
| Total             | 134                  | 111      | 12    | 257   | 534                        |

43\_Kook-shin Kim, et al., *2011 White Paper on Human Rights in North Korea*. (Seoul: Korea Institution for National Unification, 2011), pp. 81-84.

44\_The numbers in this table do not accurately reflect the number of persons who were

There are several reasons for the recent increase in the number of public executions: the addition of the Addendum to the Penal Code (General Crimes) in 2007, the 2009 Penal Code revision, and the official appointment of Kim Jong-un as the successor of power and subsequent developments. Even after Kim Jong-un came to power in 2012, public executions seem to persist. In 2013, Jang Song-taek was executed. Even though the scene of his execution was not made public, it was carried out within a very short period of time, which clearly was a grave violation of his right to life.

Second, the majority of public execution testimonies are from Hamgyoung. This is related to the fact that the respondents are predominantly from that area.<sup>45</sup> Furthermore, there were more testimonies on public executions occurring in the border areas than areas further inland, and more in the cities than the countryside. The reason appears to be because more illegal activities take place in urban areas than in rural areas, resulting in a greater need for public executions to instill caution and fear among residents living near the border.

Third, the most common reason for public execution up to 2010

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publicly executed in North Korea. Clearly, there are unavoidable limitations in analyzing the overall trends of execution and their changes. For example, many escapees testified on the same events (for example, the case of Moon-hyok Oh in 2008 and the two brothers case of 2010) and there are reliability issues with their memories. So, it is quite possible that different testimonies may overlap on same case. Furthermore, researchers had difficulty identifying all the differences and draw conclusions on a case given divergent testimonies. But, even though there are certain limitations, the above table clearly shows that public executions continue to persist at a certain level in North Korea and their numbers are not diminishing at a significant rate.

45\_ In connection with public executions that took place in 2011, the number of executions in Musan County, where the number was highest in the past, has significantly decreased, but the number of executions in Chongjin has drastically increased.

was economic and social crimes. However according to the testimonies from escapees, starting in 2011, crime related to narcotics became the most frequent cause for public execution. The 2012 revised Penal Code stipulated capital punishment for smuggling and dealing in large amounts of narcotics, and many cases of drug-related public execution have been confirmed in 2013. In connection with the 2010 public execution case involving the murder of the MPS officers and the SSD agents in Hoeryeong, which was initially confirmed during personal interviews with North Korean escapees in 2011, other escapees also testified during the 2013 interviews indicating that the incident had a significant repercussion in the North Korean society. Testimonies on public execution over crimes involving theft of domestic animals had disappeared in earlier years (mid-2000s), but re-emerged in 2011, illustrating the deteriorating public consensus caused from economic hardship, grain shortage that resulted from the failed currency reform, tightening of social control for leadership succession, and efforts to build a 'strong and prosperous nation.'

## © Other Breaches on the Right to Life

In addition to public execution, there are multiple human rights issues involving breaches on the right to life. In many detention facilities and political prison camps, many inmates are dying due to ruthless hard labor, malnutrition, diseases, and beatings. Poor sanitation facilities and lack of medical treatment further exacerbates the issue (Chapter III. 2. The Right to Liberty and Personal Security). North Korean authorities have directly and flagrantly breached the right to life of their own citizens as evident from the recently reported shooting and killing of unarmed

escapees fleeing from North Korea, forcible abortions upon deported individuals, and murdering of newborn babies. (See VI. The Reality of escapees' Human Rights). North Korean authorities have a duty to actively promote social rights of their people; however, they fail to meet their duty as breaches to the right to life are evident from case of death from starvation. (See IV. 1. The Right to Food.) The recent increase in the death rate of newborn babies and their mothers are evidence that the right to life of North Koreans is not protected. (See Chapter IV. 2. The Right to Health)<sup>46</sup>

## D Assessment

North Korea is a signatory of the ICCPR, and as such, have the duty to respect, protect, and fulfill the terms of the covenant. Adding an Addendum to the Penal Code (General Crimes) to the Penal Code and utilizing proclamations as a means to broaden the scope of capital punishment is in direct violation with North Korea's duty to respect the right to life stipulated in Article 6 of the ICCPR. Article 6 mandates that capital punishment may only be imposed on the 'gravest crimes' and strictly forbids 'arbitrary' deprivation of life. Furthermore, public execution as a means of carrying out capital punishment is a clear violation on the right to die with human dignity, and the same applies to the deaths in detention facilities and political prison camps. Shooting and killing unarmed escapees and murdering newborn babies are blatant breaches of the right to life, as are deaths from starvation and

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46\_ *Yonhap News* (Seoul), "Death Rates of Newborn Babies and their Mothers Higher than in the 1990s," November 26, 2012; Human Rights Committee, General Comment No. 6: Article 6 (Right to Life), para. 5.

deaths of mothers of newborn babies.

More serious is the increasing frequency of public executions since the currency reform, in addition to the already-existing threats to the individual's right to life. Many escapees testified that public executions are being replaced with secret executions and unlimited term of correctional labor penalty. In fact, testimonies relating to this issue has increased in 2013, with a peak in 2009, showing that the practice of public execution continued in 2013 without any sign of decrease. Given the tightening of internal control under Kim Jong-un's regime, this trend does not appear to change in the near future and threats to right to life of North Korean citizens will continue to persist, along with other types of human rights violations. For example, the execution of Jang Song-taek became public in 2013, but given the swift execution, it was clear that proper legal procedures were not observed, and the execution was carried out completely behind the scenes to avoid adverse domestic political impact. This type of swift political execution is clearly a serious breach of the victim's right to life.



# 2

## The Right to Liberty and Security of Person

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

The right to liberty and security of person guarantees everyone to enjoy personal freedom and security as prescribed in the law and due process of the law. The international human rights regime clearly prohibits slavery, forced labor, torture, and other acts of persecution. Articles 3, 4, and 5 of the UDHR clearly stipulate that “No one shall be subject to torture or cruel, inhuman or degrading treatment or punishment.” “No one shall be held in slavery or servitude,” and “No one shall be subject to arbitrary arrest, detention or exile.” In addition, Articles 7, 8, 9, and 10 of ICCPR stipulate that “Any person deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” Furthermore, the United Nations General Assembly adopted the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment on December 10, 1984.

North Korea's Constitution prohibits all arrests and detentions of their people unless prescribed by law. The current constitution revised on April 13, 2012 guarantees rights of liberty by stipulating, “Citizens cannot be detained or arrested and their homes cannot be searched without legal grounds” (Article 79). The constitution revised in April 2009 stipulated for the first time respect for hu—

man rights, saying “The state shall safeguard the interests of the people and respect and protect their human rights (Article 8).” In the past, provisions for the protection of human rights were listed only in Criminal Procedure Law and the Lawyer’s Law.

As stipulated in its constitution, North Korea’s Criminal Procedure Law as revised on May 14, 2012, states, “Citizens shall not be arrested or detained for reasons not prescribed in the laws or legal procedures” (Article 176). And, investigators and pre-trial investigator may arrest citizens only based on arrest warrants (Article 179). If a pre-trial investigator needs to arraign a suspect, he/she must obtain in advance an approval of arrest warrant from a prosecutor (Article 181). Furthermore, Criminal Procedure Law mandates pre-trial investigator to notify the suspect's family or his workplace within 48 hours as to the reasons for arrest and the location of detention (Article 182). The Criminal Procedure Law also contains several provisions prohibiting the use of torture or any cruel and inhuman treatment. In connection with interrogation, the law stipulates, “the pre-trial investigator must not impose leading questions or obtain the suspect’s admission of guilt in a forcible manner (Article 166). And, the law also stipulates, “Witnesses are protected from dangers or duress” (Article 225). North Korean Penal Code stipulates that if law enforcement agents conducted interrogations he would be subject, in serious cases, to 5–10 years of ‘correctional labor penalty’ (Article 242). And, if the agent conducted illegal arrests, detention, or arraignment, or if he conducted illegal search of a person or his home, he would be subject to one year of labor training penalty (Article 241). At least legally, then, North Korea appears to have in place various legal measures to guarantee the citizens’ right to liberty and security of person. The only problem seems to be that the level of penalty has been

lowered from previous levels, leaving the impression that the level of protection of human rights has taken a step back.

| Table III-4                                                                                                         | Comparison of Penal Provisions on Liberty and Security of Person |                                                          |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------|
|                                                                                                                     | Previous Penal Code<br>(October, 19, 2009)                       | Revised Penal Code<br>(May, 14, 2012)                    |
| • In case law enforcement agent falsified or exaggerated a case or interrogation                                    | • Correctional labor penalty up to 5 years                       | • Labor training penalty up to 1 year                    |
| • In case the suspect is seriously injured or died due to above actions                                             | • 5–10 years of correctional labor penalty                       | • Correctional labor penalty up to 5 years               |
| • In more serious cases                                                                                             | • More than 10 years of correctional labor penalty (Article 253) | • 5–10 years of correctional labor penalty (Article 242) |
| • In case law enforcement agent illegally arrested, detained, or arraigned, or searched a person’s body or his home | • Up to 2 years of labor training penalty                        | • Up to 1 year of labor training penalty                 |
| • In case of repeated illegal acts above, or if the acts caused public protests                                     | • Up to 3 years of correctional labor penalty (Article 252)      | • Removed related provision (Article 241)                |

Despite these revisions in the Criminal Procedure Law and the Penal Code, the possibility of human rights violations still remain. However, under the same provisions, the investigators or pre-trial investigators are not required to obtain arrest or search warrants for arrests, investigations, searches and seizures. It is also widely known that laws are not faithfully followed throughout the enforcement process, even though the law clearly prohibits any violation of human rights or the liberty and security of a person. Furthermore, from the standpoint of international human rights standards, it

seems desirable for North Korea to be more concrete and detailed, including the prohibition of slavery and forced labor, prohibition of torture under detention, and a more humane treatment of inmates. These stipulations in the law, however, are meaningless when applied to political prison camps that remain outside the purview of official government structure. The notorious North Korean political prison camps, which will be discussed later in this chapter, contain every conceivable type of human rights violations, including those of personal freedom and security.

## B Detention and Correctional Facilities

### Detention Based on the Type of Crime: Political and General Crimes

Punishment under the North Korean Penal Code are classified as basic punishment or additional punishment. There are four types of basic punishment: the death penalty, an unlimited term of correctional labor penalty, a limited term of correctional labor penalty, and labor training penalty (Article 28). The duration for limited term of correctional labor penalty range from one to 15 years. Convicts sentenced to unlimited or limited term of correctional labor penalty are detained in *kyohwaso* and undergo correction through labor (Article 30). The criminals sentenced to correctional penalty are typically economic or violent criminals, rather than political criminals. Those sentenced to correctional penalty may be detained at *kyohwaso* managed by the Correctional Bureau of the MPS. In addition to the official correctional facilities, North Korea has been criticized for operating *kwanliso*, holding center (*jipkyulso*), and labor training camps. Political criminals are

incarcerated at *kwanliso* operated by the Farm Guidance Bureau of the SSD. These are political prison camps, often called control districts or special districts for dictatorial control. At the MPS, the camps that hold former high-ranking officials are also called prison camps. Depending on the nature of the crime, different agencies exercise control over the convicts. For example, the SSD handles crimes against the state and the people, whereas the MPS investigates ordinary criminal cases. The prosecution handles other crimes involving administrative and economic projects and violations by law enforcement officials and agents (Criminal Procedure Law, Article 46). And, the Military Prosecutor's Office will investigate ordinary crimes committed by soldiers, MPS officers, and employees of military agencies; the Military Logistics Law enforcements agents will handle ordinary crimes committed by employees of military logistics industry sector and logistics-related business sector; the Railroad Prosecutor's Office will handle ordinary crimes related to the railroad transportation sector and administrative and economic business; and, the Railroad People's Security Agency will handle the ordinary crimes committed by employees of rail transportation sector and the railroad business sector (Criminal Procedure Law, Article 47).

| Table III-5 Confinement Facilities                           |                                          |                                                                                                          |
|--------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Type of crime                                                | Supervising institution                  | Confinement facilities                                                                                   |
| Economic criminals and people found guilty of violent crimes | Ministry of People's Security            | Ordinary Prison Camps ( <i>Kyohwaso</i> )<br>labor training camps<br>Holding center ( <i>Jipkyulso</i> ) |
| Political criminals                                          | State Security Department (Bureau No. 7) | Political Prison Camp ( <i>Kwanliso</i> )                                                                |

*Kyohwaso* (Ordinary Prison Camps)

A *kyohwaso* is a type of prison facility in North Korea that is similar to a South Korean prison. The MPS operates these prisons and house convicts who have committed serious crimes. Those sentenced to death or correctional labor penalties by the court are detained here and there is at least one *kyohwaso* in each Province.<sup>47</sup>

The crimes and types of detention stipulated in the Penal Code are outlined in <Table III-6>.

| Category                                                 | <i>Kyohwaso</i> (Ordinary Prison Camp)                                                                              |                                                           | Designated location                                       |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
|                                                          | Unlimited term of correctional penalty                                                                              | Limited term of correctional penalty                      | Labor training penalty                                    |
| Crimes against the state or the people (14 types)        | Conspiracy to overturn the state (5 types)                                                                          | Conspiracy to overturn the state (14 types)               | —                                                         |
| Crimes disruptive to national defense systems (16 types) | Inflicting deliberate damage on weapons, ammunition, technical combat equipment and military installations (1 type) | Neglecting preparedness for wartime production (16 types) | Neglecting preparedness for wartime production (10 types) |
| Crimes injurious to the socialist economy (104 types)    | Taking or robbing state properties (6 types)                                                                        | Stealing or robbing state properties (83 types)           | Stealing or robbing state properties (76 types)           |
| Crimes injurious to socialist culture (26 types)         | Smuggling historical relics and smuggling and selling of narcotics (3 types)                                        | Importing and spreading depraved culture (25 types)       | Importing and spreading depraved culture (16 types)       |

47\_ Well-known *kyohwaso* in North Korea include Gaechon *Kyohwaso*, Jongori *Kyohwaso*, and Hamhung *Kyohwaso*.

|                                                                          |                                           |                                                                       |                                                                                               |
|--------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Crimes injurious to administrative systems (39 types)                    | –                                         | Collective disturbance; Interfering with official business (30 types) | Interfering with official business; Creation or dissemination of false information (29 types) |
| Crimes harmful to socialist collective life (20 types)                   | –                                         | Acts of hoodlumism or racketeering (15 types)                         | Acts of hoodlumism or racketeering (18 types)                                                 |
| Crimes injuring the life or damaging the property of citizens (26 types) | Deliberate murder or kidnapping (4 types) | Deliberate murder (25 types)                                          | Excessive self-defense (13 types)                                                             |

- Structure of the Jongori *Kyohwaso* (ordinary prison camp)

The majority of testimonies regarding *kyohwaso* originate from the Jongori *Kyohwaso*, located in Hoeryeong, in North Hamgyong Province. Additions to this *kyohwaso* was completed in July 2006. The once all-male camp accommodates both males and females.<sup>48</sup> This camp (*kyohwaso*) is divided into five sections. Section No. 1 and No. 3 are within the main facility. Sections 2 and 5 are less than a thirty minute walk from the main facility, in a single story building. Section No. 4 is located at the top of a hill. The main facility houses both male and female inmates. Sections No. 2 and No. 5 are only for male inmates, and their interiors are illustrated in the following diagram.<sup>49</sup> The layout of Section No. 2 and Section No. 5 is illustrated in <Figure III-4>, and <Figure III-5> depicts the layout of Section No. 3. North Korean escapee XXX testified that inside Section 3 there are 12 rooms (about 10-12 square meters each) on either side of the corridor and there are three rooms on the left-end of the row. There is also a “solitary

48\_NKHR2009000059 2009-09-26.

49\_NKHR2011000180 2011-08-09.

room,” next to the guard’s room designed to penalize those who violated rules, such as singing. Placed on the walls of a building across the guard’s room is a bill-board bearing a list of good and bad behaviors of the day. There are two partitioned rooms used as patients’ room, where TB patients are usually housed. The testifying escapee said about 1,200 inmates are housed in Section 3 alone, and a total of 4,000–5,000 inmates are detained in Jongori *Kyohwaso* alone.<sup>50</sup>

Figure III-4 Layout of Section No. 2 and 5 at Jongori *Kyohwaso*<sup>51</sup>

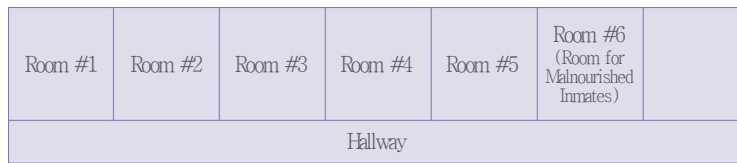
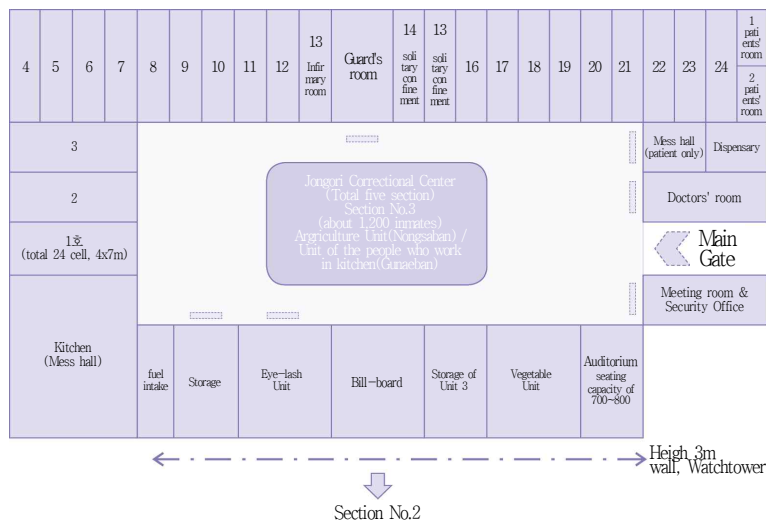


Figure III-5 Section No. 3 of Jongori *Kyohwaso*

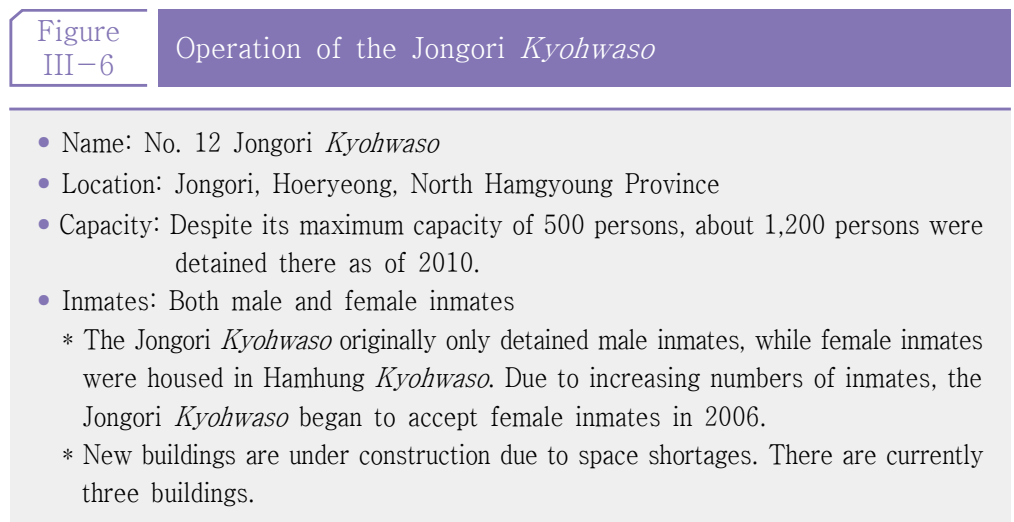


50\_NKHR2014000031 2014-04-15 <Figure III-5> is based on escapee's testimony.  
 51\_ The graphic is based on escapees' testimonies.



According to escapee XXX, visitation rules at Jongori *Kyohwaso* allows for one visit per inmate every 6 months.<sup>52</sup> When the respondents interviewed was imprisoned at the Jongori *Kyohwaso* in 2004, there was a ‘three-man open watch rule’ whereby one inmate was responsible for watching three other inmates. These inmates in turn would each be responsible for the surveillance of three other inmates. It was a system of dog-eat-dog. If any member of the 60 inmates attempted escape, everyone was subject to punishment. All inmates were required to memorize 10 basic rules, and each rule had sub-rules, so there were at least 30 rules to remember. Also, there were six basic rules regarding MPS officers, which expanded into 20 rules altogether. All inmates were required to memorize these rules without making a mistake.<sup>53</sup>

<Figure III-6> and <Figure III-7> show the details of the Jongori *Kyohwaso*, as described in testimony by North Korean escapee XXX.<sup>54</sup>

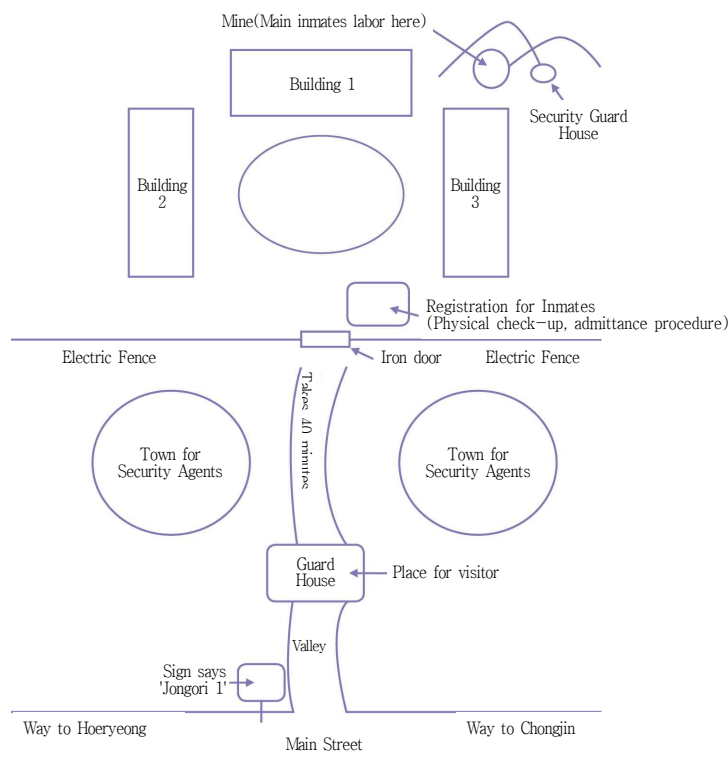


52\_NKHR2009000059 2009-09-26.  
53\_NKHR2009000067 2009-11-12.  
54\_NKHR2011000175 2011-07-26.

- Life Inside: Men work in the mines digging limestone and copper, while women produce wigs for export (under the direction of the Corrections Bureau) and engage in auxiliary work (primarily agriculture).
- Commutation: Those who testify to crimes committed by persons outside the facility or conduct surveillance within the facility are eligible to commute their sentences by three months.
- Restrictions: If an inmate commits a crime within the facility, the inmate responsible for watching him secretly reports it to the Security Office. If the report is determined to be true, the perpetrator is subject to solitary confinement or suspension of visitation rights for six months.
- Visiting: Outsiders are only allowed to enter the sentry post. They are not allowed to access to the rest of the facilities.
- Signage: There is no sign identifying the No. 12 Jongori *Kyohwaso*.

Figure III-7

Overall View of the Jongori *Kyohwaso*<sup>55</sup>



55\_ Graphic based on escapee's testimony.

North Korean escapees testified that there are 10 work units for women at Jongori *Kyohwaso*. The 10 units consist of Potato unit, Vegetable unit, Corn unit, Bean unit, Rock Collection unit, Wig unit, Home-care unit, Firewood unit, Animal Husbandry unit (cows, sheep, goats, pigs, rabbits, chicken, ducks), Eye-lash unit, and the Infirmary unit. Yet, escapee testimonies vary as to which numbered class (Class 1, Class 2, etc) is assigned to do what specific type of work. Group 4 no longer exists. Group 8, the firewood gatherers, is the heaviest labor for those who have less than six months left to serve (excluding the gravely ill).<sup>56</sup>

- Newcomers' Class in the *Kyohwaso* (*Ordinary Prison Camp*)

New inmates at the *kyohwaso* are supposed to receive education during the first month of their prison terms prior to starting work.

Table  
III-7

Testimonies on Newcomers' Class in the *Kyohwaso*

| Testimonies                                                                                                                                                                                                                                                   | Testifier ID                 | Remarks     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that in 2006, during his first month of detention at the Gaecheon <i>Kyohwaso</i> , he attended the Newcomers' Class and received education without doing any work.                                                          | NKHR201000015<br>2010-10-05  | Experienced |
|                                                                                                                                                                                                                                                               | NKHR2011000102<br>2011-05-03 |             |
| A North Korean escapee also testified that once detained in the <i>Kyohwaso</i> , inmates are to receive education in the Newcomers' Class for one month before beginning forced labor.                                                                       | NKHR2011000241<br>2011-11-22 | Experienced |
| A North Korean escapee testified that detainees at the Jongori <i>Kyohwaso</i> stay in the Newcomers' Class for one month. In class, inmates receive education on the regulations of the facility, hygiene, the preparation of prison uniforms, and ideology. | NKHR2011000248<br>2011-12-20 | Experienced |

56\_NKHR2011000248 2011-12-20.

- Outsider Visits

Escapees testified that one visit every 3 months is allowed at Jongori and Gaechon *Kyohwaso*. Because the food shortage at *Kyohwaso* is very serious, outsider visits are almost the only alternative to resolving the food shortage for the inmates. There is a separate grain storage holding the foodstuff outside visitors hand in for the inmates. Escapee XXX testified that in the case of Gaechon *Kyohwaso* regulations, outsider visits are allowed only once every three months, and the time of visit is limited to 5–10 minutes at a time.<sup>57</sup> Escapee XXX also testified that Jongori *Kyohwaso*'s rule is also once every 3 months, but upon offering cigarettes or other bribes to the guards, outsider visits are possible even once a month or once every two months.<sup>58</sup> Escapee XXX testified that on the day of outsider visit, the Gaechon *Kyohwaso* will issue only one half the amount of daily ration to the inmate, and the center has a separate storage room for the excess grains that the inmate received from the visitor.<sup>59</sup>

### Labor Training Camps

- The History and Current Situation of Labor Training Camps

Labor training camps mainly house those convicted of theft or disruption of collective living. Labor training camps have the capacity to hold 500–2,500 people. There is reportedly one facility for each city and county in the country. Labor training camps were

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57\_NKHR2013000130 2013-07-09.

58\_NKHR2013000017 2013-01-22.

59\_NKHR2013000156 2013-08-20.

originally known as education camps and operated as temporary institutions, but they have evolved into permanent labor training camps. These camps are operated by an inspector and an officer from the County branch of MPS, one member from the county level KWP, Three Revolution Team, one member from the county level Youth League’s guidance officer on Deviant Youth, the commander of the labor training camp, one guidance officer, and one rear guard worker.

The following section provides descriptions of the labor training camps. Hamhung labor training Camp No. 55, formerly an educational center, in 2000 changed into a labor training camp. The camp is composed of three sections. Section 1 is the main section, while Section 2 is for agriculture, and Section 3 is for mining.<sup>60</sup> It is reported that an educational labor training camp for youths has been established. According to North Korean escapee XXX, a student named XXX was sent to the Nampo Educational Labor Training Camp for Youth for watching South Korean CD-Roms in July 2003.<sup>61</sup> It was also reported that the military operates their own labor training camps. Escapee XXX testified that there were military labor training camps in Dancheon and Haechang in the South Pyongan Province.<sup>62</sup> There is also a testimony that reveals the existence of labor training camps within the military. North Korean escapee XXX testified that each military base operates their own labor training camps and explained that there was one in Gimchaek labor training camps within the military are operated by the General Staff Department of the KPA.<sup>63</sup>

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60\_NKHR2009000011 2009-03-03.  
61\_NKHR2009000036 2009-06-03.  
62\_NKHR2009000017 2009-03-24.

- Labor Training, Labor Training Penalty and Unpaid Labor

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

Under the revised Penal Code of 2004, North Korea established labor training penalty as a new type of punishment. Labor training penalty is defined as a type of penalty under the Penal Code. Labor training penalty is a form of punishment where the convict is sent to a location for work details. In the past, the duration of labor training penalty was between 6 months to 2 years. But during the 2012 Penal Code revision, the duration was revised and the penalty may now run between 6 months to maximum of a year. And, one day of detention used to be counted as equivalent to two days at the labor training camp, but now one day of detention is counted as one day at the Center (Article 31). In fact, many North Koreans appear to be aware of this change in the Penal Code. Escapee XXX testified that as a result of law revisions in 2012 the 2-year labor training penalty was abolished and replaced by one-year labor training penalty.<sup>64</sup> Article 31 of North Korea’s Penal Code revised in 2004 stipulates, “The citizen’s fundamental rights are guaranteed throughout the period an inmate serves in

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63\_NKHR2011000213 2011-10-04.

64\_NKHR2013000044 2013-03-05.

disciplinary prison labor punishment.” The specified facility mentioned in the Penal Code refers to a labor training camp.

There are two categories of inmates detained in labor training camps. There are general detainees who were brought in for violations of anti-socialist behaviors, and those who were sentenced to labor training. The latter category of detainees are given different types of work. In other words, those sentenced by the court are managed under rules that are entirely different from general detainees.

The Administrative Penalty Law outlines unpaid labor as a form of punishment (Article 14). Unpaid labor is a punishment applied to those who have committed serious crimes related to their work. They serve these sentences by working at difficult and laborious jobs, though in some special cases they can remain in their current work unit. Sentences range from one to six months (Article 16). According to North Korean escapees’ testimonies, unpaid labor as an administrative punishment differs from labor training penalty as a trial sentence in the following ways. While those sentenced to labor training penalty under surveillance, those laboring as administrative punishment work without surveillance and serve their terms at their current workplace without payment. Both forms of labor share certain features. Because terms are less than six months, those convicted tend to perform difficult and laborious jobs, and they are not paid for their work. However, the locations of punishments are different. Administrative labor punishments are completed at the workplace, while disciplinary prison labor is done mainly at the labor training camp. Workers assigned to unpaid labor as an administrative punishment are able to commute to and from their workplace, while those sentenced to disciplinary prison labor are detained for the duration of their term. Among

other things, unpaid work differs from disciplinary prison labor in that it is usually related with work performance.<sup>65</sup>

| Table III-8         |                                                                            | Forced Labor Punishments in North Korea                                                  |                        |  |
|---------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------|--|
|                     | Unpaid Labor                                                               | Labor Training                                                                           | Labor Training Penalty |  |
| Place               | Current workplaces                                                         | Mainly in labor training camps. Also in other places such as factories, farms and mines. | Labor Training Camps   |  |
| Commuting to Work   | Possible                                                                   | Impossible                                                                               | Impossible             |  |
| Service Period      | 1 – 6 months                                                               | Less than 6 months                                                                       | 6 months – 1 year      |  |
| Pay                 | Unpaid                                                                     | Unpaid                                                                                   | Unpaid                 |  |
| Connection with Job | Necessary                                                                  | Not clear                                                                                | Not always necessary   |  |
| Sentencer           | Socialist Law–Abiding Life Guidance Committee, Cabinet, Arbitration Agency | Prosecutor                                                                               | Court                  |  |

- Current Status of Labor Training Penalty

When North Korea revised their Penal Code in 2004, a new type of punishment called labor training penalty was formed. Several North Korean escapees testified that the labor training penalty was in fact handed down at the trials. The punishments stipulated in the Penal Code are now imposed during trials which is a significant development, as it could promote the protection of individual liberty and personal safety in North Korea.

65\_Myung-sub Han, "Application Reality of North Korean Criminal Act," pp. 198–199; Kyu-Chang Lee and Gwang Jin Chung, *A Study of North Korea's Criminal Trial System: Characteristics and Reality*, pp. 92–93.



Escapee XXX was arrested in Yanji (Yeongil), China, on April 2, 2005. He had to undergo investigation and interrogation by the Onsung SSD from April 13 to May 11. He was detained in the provincial collection center at Nongpo-dong, Ranam District, Chongjin from May 11 to July 14. From July 15 to September 20, he was held in the Musan County branch of MPS Detention center. He was tried on September 8, at the Musan County Court, and was sentenced to one year of labor training penalty. He was then imprisoned in Section 3 of the Jeungsan *Kyohwaso* from September 22 to November 2, at which point he was released as his labor training penalty term was completed. Although the term was for one year, the calculation of his term was as follows: Each day at the *kyohwaso* was equivalent to two days of disciplinary prison labor term. The term started from the date of his deportation. Consequently, he was released from Jeungsan *Kyohwaso* after serving approximately 40 days. At the end of his trial, the Musan County Court judge stated, “Serving in a *kyohwaso* is hard and painful. If anyone were to serve there long term, he would almost certainly die and would not be able to support his family afterwards, so they released the inmates as soon as possible so that they can contribute to the welfare of the Musan County residents.” Participating in the trial process was one judge, one defense attorney, four mature men who participated in the sentencing phase (of which one person testified he was from a committee), two indicted persons (of whom one was waiting for his turn), one guarantor, and two guards (one MPS officer and one sergeant). The judge and three out of the four mature men left the courtroom for two to three minutes, and when they returned, the judge said, “Indicted person XXX is hereby sentenced to serve one year of labor training penalty.” Following this, the judge said he would count one day served in the *kyohwaso*

as two days of service in an effort to help local residents of Musan. North Korean escapee XXX testified that he/she received pre-trial in 2005 and received formal court trial before being detained at the Jeungsan Labor Training Camp.<sup>66</sup>

However, detainment at a labor training camp without trial still continues as a general and routine practice. This practice persists even though a significant amount of time has passed since North Korea revised their Penal Code in 2004, requiring labor training penalty to be imposed only through trials. Escapee XXX testified that in general, there is no trial for inmates sent to labor training camps because the penalty does not affect the status of one's citizenship card. Detailed records of one's service at a labor training camp are kept at the MPS, but they do not appear on other documents that are necessary for normal activities.<sup>67</sup> Escapee XXX testified that she was sent to a labor training camp without a trial.<sup>68</sup>

165 of the 245 articles contained in North Korea's Penal Code mentions punishment by labor training penalty. Those convicted of more serious crimes are sentenced to a term at a normal *kyohwaso*. Without exception, the labor training penalty is not given for anti-state crimes. However, more than half of the crimes involving national defense result in labor training penalty. Labor training penalty is the preferred sentence in almost all crimes involving economic, land management, environmental protection, labor administration and socialist culture. Most crimes involving disturbances of social order are also punishable by labor training,

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66\_NKHR2009000018 2009-03-26.

67\_NKHR2009000058 2009-09-24.

68\_NKHR2009000065 2009-11-10.

and such penalties are rendered for newly declared crimes. In fact, the 39 articles in the code relating to new crimes mandate punishments exclusively in terms of labor training penalty.

| Table III-9 Actual Cases of Labor Training Penalty                                                                                                                                                                             |                              |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Testimonies                                                                                                                                                                                                                    | Testifier ID                 | Remarks     |
| A North Korean escapee testified that he and three of his friends had to serve six months in a labor training camp for using drugs (bingdu) in December 2007.                                                                  | NKHR2008000029<br>2008-12-16 | Experienced |
| A North Korean escapee testified that she was locked up in the Hoeryeong labor training Camp for one month in June 2008 on charges of using mobile phones.                                                                     | NKHR2010000069<br>2010-10-26 | Experienced |
| A North Korean escapee testified that when he was detained by the Hyesan City branch of MPS detention center in Hyesan in July 2008 he saw an inmate, XXX, being sent to a labor training camp on charges of for-tune-telling. | NKHR2010000089<br>2010-06-08 | Witnessed   |

*Jipkyulso* (Holding Center)

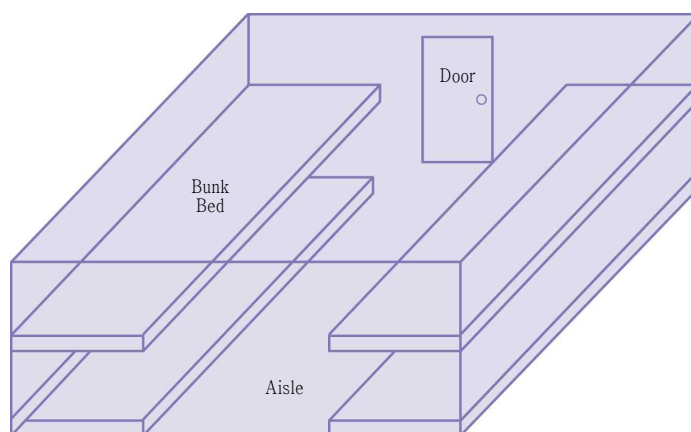
The ‘*jipkyulso* (holding center)’ is a detention facility where the security agents investigate or interrogate the suspects, such as escapees, floaters, those who overstayed permitted duration or designated region, and those whose cases are pending, before they are sent off to their place of residence. Each provincial branch of MPS operates a central holding center. Anyone at these centers caught trying to escape is put to death.

Most testimonies on *jipkyulso* relate to the Chongjin *Jipkyulso*. According to the testimony of North Korean escapee XXX, as of July 2005, there were two prison buildings, one for men and one for women. Each building is approximately 66 square meters in size, and the prisoners sleep in bunks. Approximately 100 male and female inmates are detained at Chongjin *Jipkyulso*. The escapee

said that prisoners had to curl their bodies and squeeze together during sleep, since 70 to 80 inmates were detained in one building. <Figure III-8> shows the layout of the building as described by an escapee.<sup>69</sup>

Figure  
III-8

Detention Room at Chongjin Provincial *Jipkyulso*  
(Holding Center)



### Detention Centers

Detention center is a place where suspects stay during investigation prior to their formal trial. There are two types of detention centers: one is supervised by the SSD and the other is supervised by the MPS. The SSD consists of the central SSD, Provincial Security Department (security agencies at provincial level) and Local Security Department (security agencies at City and County level). Each security department operates their own detention center. The MPS is composed of the central MPS, Provincial branch of MPS, Local branch of MPS, and Dong/ri-branch of MPS. Each

69\_NKHR2010000069 2010-10-26.

MPS operates their own detention center, bringing in suspects for investigation and pre-trial procedures.<sup>70</sup>

The detention center supervised by the SSD consists of five to ten rooms; however, the scale varies depending on the location. Each room is 12 to 15 square meters and houses between nine to fifteen people. The Detention center has a pre-trial investigation room, a room for solitary confinement, and ordinary rooms. According to North Korean escapee XXX who was once detained at the SSD's Onsung Detention Center, there were five to six rooms in the detention center, and around 25 suspects were detained in a three square meter room.<sup>71</sup> Male and female suspects are housed separately, and those waiting to be sent to the *kyohwaso* with prescribed sentences are separated from the ordinary suspects. Detention center supervised by the MPS are similar to those supervised by the SSD. However, SSD detention centers do not allow visitation until the investigation is over, while those with prescribed sentences are not allowed to see anyone, even their family members. On the other hand, the detention centers operated by the MPS allow visitors to some degree, except for sensitive cases. Meanwhile, it has been reported that there are independent detention centers that operate within political prison camps. In addition to the detention center supervised by the SSD and the MPS, detention centers within political prison camps are additional prisons for punishing those who violate prison regulations, disobey instructions or show interest in news from the outside.<sup>72</sup>

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

71\_NKHR2011000040 2011–01–18.

72\_Yun-tae Kim, *Operation of Collective Detention Facilities and Realities of Human Rights*

## C Human Rights Abuses in Detention and Correctional Facilities

In North Korea, arbitrary detention and torture to obtain confessions in the absence of proper legal procedures are common. Horrific mistreatments including forced labor, torture and routine beating take place inside all detention facilities such as *kyohwaso*, labor training camps, *jipkyulso*, and detention centers. Hard labor, torture and beatings often result in serious illness and injuries. In many cases, there are incidents of death due to malnutrition, poor sanitation, and lack of medical treatment.

In their second periodic report to the Human Rights Committee (on civil rights), North Korea insisted that conditions for detention in *kyohwaso* were according to the “rules for corrections program” and were strictly observed. However, torture and beatings in *kyohwaso* are known to be routine, and violations of human rights are extremely serious.

### Arbitrary Detention

According to the testimonies of escapees, inhumane treatment is common throughout North Korea, including detention and torture without due process of the law.

There is a standing organization called the Anti-Socialist Inspection Group (or “Grouppa”) which consists of workers from the Party, government, courts, and prosecution. Because they constantly conduct surveillance and investigations on various localities on violations of law and order, ordinary citizens fear them the most.

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*Violations in North Korea*, (Master’s Thesis, Wonkwang University, 2006), pp. 51–56.

If an individual is detained by them (for anti-socialist behavior), it is extremely difficult to be released (without money to bribe or power to influence), and people are usually charged with crimes subject to correctional prison labor, which is a very serious punishment.<sup>73</sup>

Labor training centers and *jipkyulso* are not official detention facilities. However, the possibility that human rights violations occur at these places is still high which is a fundamental problem. The MPS is solely charged with making the preliminary decision to detain people at a *kyohwaso* or at a labor training camp. In addition, many inmates in labor training camps are detained without formal court trials, which is a violation of human rights. However, since the Penal Code revision of 2004, the individuals are sent off to labor training camps only upon court sentences.<sup>74</sup>

### The Reality of Forced Labor

- *Kyohwaso* (Ordinary Prison Camp)

North Korea's Labor Law defines a normal work day to be 8 hours (Article 16 of the Labor Law, Article 36 of the Labor Protection Law). However, prison inmates work 10 hours per day. According to the testimony of an escapee who was detained at the Jeungsan *Kyohwaso*, all inmates work 10 hours a day and are strictly observed. They wake up at 5:00 a.m., eat breakfast at 5:30, take roll call at 6:30, and begin work at 7:00 a.m. The afternoon work shift runs from 1 to 6 p.m. (or until 9 p.m. during the farming season). Every 15th day, the inmates have a day off, but during

73\_Interview with escapee XXX in Seoul on January 20, 2006.

74\_NKHR2008000004 2008-07-17.

the peak farming seasons (spring and fall), there are no days off. Compared to labor training camps, the level of work at *kyohwaso* is less intense, but the level of discipline is much more intense. Escapee XXX testified that he served at the Jongori *Kyohwaso* from March to November of 2009, and the intensity of work was normal, but the discipline was much more tough.<sup>75</sup>

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

| Testimonies                                                                                                                                                                                          | Testifier ID                 | Remarks     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that his sentence was shortened by twenty days in exchange for intensive farm work and wig making while he was detained in the Jongori <i>Kyohwaso</i> in May 2009. | NKHR2011000080<br>2011-03-29 | Experienced |

But in rare cases some *kyohwasos* do pay wages to the inmates, although the amount is very minuscule. Escapee XXX testified about his personal experience at Gaechon *Kyohwaso*. He said the wages were of two levels: Level 1 used to receive 50 KPW a month, and Level 2 received 70 KPW a month, respectively.<sup>76</sup>

- Labor Training Camps

Although inmates are allowed to keep their Party memberships and citizen IDs, the workload and level of education was extremely intensive over a short period of time that serving at a labor training camp was physically more demanding than at a *kyohwaso*. Most escapees testified that the intensity of labor at labor training camps is much higher than at *kyohwaso*, though the service term in the former is shorter.

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75\_NKHR2010000015 2010-10-05.

76\_NKHR2013000156, 2013-08-20.



Table  
III-10

Examples of Forced Labor at Labor Training Camps

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                     | Testifier ID                 | Remarks     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he was detained at the labor training camp in Gimchaek in January 2010. While there, he was assigned to tunnel construction sites and road construction sites. He had to get up at 5:30 a.m. and worked from 7 a.m. to 8 p.m. After that, he had to attend life-assessment meetings and education programs, so he usually went to bed at around midnight. | NKHR2011000213<br>2011-10-04 | Experienced |
| A North Korean escapee (female, age 35 at the time) testified that she was sent to Daehongdan County (Yanggang Province) labor training camps. She was put through hard labor, and sometimes late night work lasted until 11pm or midnight. If the work site was too far to return to the camp, they pitched tents and spent the night in there.                                                | NKHR2012000088<br>2012-05-22 | Experienced |
| A North Korean escapee testified that when he/she was detained at Musan County People's Committee labor training camp, he/she was forced to work in Musan County, North Hamgyoung Province. He/she had to constantly run around during working hours, which lasted from 7:30am to 7pm.                                                                                                          | NKHR2012000101<br>2012-06-05 | Experienced |
| A North Korean escapee testified that she (female, age 25 at the time) was sent to Hoeryeong labor training camp in January 2011. She was mobilized to work on the hardest tasks the city had to finish, such as high-way projects, rock carrying, and embankment construction.                                                                                                                 | NKHR2012000005<br>2012-01-10 | Experienced |

It is clear that some MPS officers provide manpower to units engaged in foreign currency earning. The security officers make money illegally and are in conspiracy with those units.

Table  
III-11

Examples of Corruption in Labor Training Camps

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                  | Testifier ID                 | Remarks     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he/she saw labor training inmates at work in January 2011 in Hyesan, Yanggang Province. Towns people sometimes bribe the security agents so they can select a few inmates and utilize them to work on building construction or demolishing their homes.                                                                                                                                | NKHR2012000068<br>2012-04-24 | Witnessed   |
| A North Korean escapee testified that if a workplace needed more workers for a construction project, they would submit a request to the County branch of MPS, and the branch of MPS dispatches inmates detained at the <i>jipkyulso</i> ; the company would in turn pay money to the branch of MPS.                                                                                                                          | NKHR2009000024<br>2009-04-20 | Fact        |
| A North Korean escapee testified that the labor at a labor training camp mainly consists of temporary duties at various workplaces which are in need of workers. The inspector's section would step in to pressure the camp to dispatch workers for hard labor. The inmates were also mobilized for the construction of a bean milk facility funded by international assistance groups to help improve children's nutrition. | NKHR2009000031<br>2009-05-12 | Experienced |

- *Jipkyulso* (Holding center)

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

Table  
III-12Examples of Forced Labor at *Jipkyulso* (Holding Center)

| Testimonies                                                                                                                                                                                                             | Testifier ID                 | Remarks     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee, who was detained at the Chongjin <i>Jipkyulso</i> from August 30 to November 18 in 2009, testified that inmates sometimes got up at four o'clock in the morning and worked well into the night. | NKHR2011000040<br>2011-01-18 | Experienced |
| A North Korean escapee testified that he performed forced labor at the Shinuiju <i>Jipkyulso</i> and that he had to endure intense work and long hours because of the contract system.                                  | NKHR2011000018<br>2011-01-18 | Experienced |

|                                                                                                                                                                                                                                           |                              |             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he/she was detained at Hyesan provincial <i>Jipkyulso</i> in September 2011 and was put into construction work. The intensity of work was so severe that an average of 15 inmates died every month. | NKHR2012000174<br>2012-09-04 | Experienced |
| I was forced to work for over 10 hours a day at Chongjin <i>Jipkyulso</i> . Hard labor included plowing, corn-planting, harvesting, and so on.                                                                                            | NKHR2013000132<br>2013-07-09 | Experienced |

*Jipkyulso* implements a contract system to check whether each inmate has completed his/her individual task. This system is thought to affect the intensity of labor in *jipkyulso*.

| Testimonies                                                                                                                                                                            | Testifier ID                 | Remarks     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he performed forced labor at the Shinuiju <i>Jipkyulso</i> and that he had to endure intense work and long hours because of the contract system. | NKHR2011000018<br>2011-01-18 | Experienced |

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

| Testimonies                                                                                                                                    | Testifier ID                 | Remarks     |
|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee, who was once detained in a <i>jipkyulso</i> in Hyesan, in July 2010, testified that he had to pay his living expenses. | NKHR2011000214<br>2011-10-04 | Experienced |

### The Reality of Inhumane Treatment

Harsh treatment methods such as beatings and torture are still reported to be prevalent at various detention facilities, including *kyohwaso*, labor training camps, *jipkyulso* and detention centers. Some escapees witnessed cases where inhumane treatment resulted in serious injuries, illness and even death. Furthermore, there are cases in which the agents may shoot to kill on sight when inmates

attempted to flee. In some cases, they will notify the victim's family, but if an inmate were to die inside the detention facility his/her family will find out only when they pay a personal visit to the facility, because they usually do not notify such death to the victim's family. These inhumane treatment methods are often inflicted by security agents at the detention centers or correctional facilities. According to one testimony, this practice is common because security agents are worried that if they inflict harsh treatment by themselves, complaints may be filed. However, this practice seems to be encouraged by the North Korean authorities who are aware of outside criticism.

- *Kyohwaso* (Ordinary Prison Camp)

Human rights violations, such as beatings and inhumane treatment, are pervasive at all *kyohwaso*; in particular, numerous testimonies centered around the Jongori *Kyohwaso*.

Table  
III-13Examples of Harsh Treatment at *Kyohwaso*

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                      | Testifier ID                 | Remarks     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| While an escapee was detained at the Jongori <i>Kyohwaso</i> of Hoeryeong in April of 2008, he was beaten with a rifle butt for helping a weak fellow inmate.                                                                                                                                                                                                                                    | NKHR2011000172<br>2011-07-26 | Experienced |
| In 2009, a male inmate was shot and killed on sight while attempting to escape from Jongori <i>Kyohwaso</i> in Hoeryeong.                                                                                                                                                                                                                                                                        | NKHR2013000019<br>2013-02-05 | Witnessed   |
| A North Korean escapee testified that while he was detained at the Jongori <i>Kyohwaso</i> in July of 2009, he was unable to work due to fever. Because of this, an officer beat him and he suffered from back pain.                                                                                                                                                                             | NKHR2011000173<br>2011-07-26 | Experienced |
| A North Korean escapee testified that he/she was detained at Jongori <i>Kyohwaso</i> in 2010. At the time, XXX (male, age 27 at the time) from Gyongwon County, North Hamgyong Province, was caught stealing cooked rice from the dining hall. He was forced to carry and bury human waste. When agents found him unable to fulfill the task, they beat him to death, after dragging him around. | NKHR2012000123<br>2012-06-26 | Witnessed   |

|                                                                                                                                                                                                                                                                                                     |                              |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that while he was detained at the Jongori <i>Kyohwaso</i> in March 2010, he witnessed XXX being beaten by a security agent after a note was found which expressed an intent to file a petition against the agent. XXX had quarreled with the agent many times.     | NKHR2011000242<br>2011-11-22 | Witnessed   |
| When I was serving at No. 5 <i>Kyohwaso</i> in Gangwon Province, a total of 11 inmates had died between July and October of 2010 owing to infirmity.                                                                                                                                                | NKHR2013000160<br>2013-09-03 | Witnessed   |
| In the summer of 2010, I have witnessed a MPS officer severely beat up fellow inmate Park XX simply because she was talkative and slow in her knitting work. She died after 20 days.                                                                                                                | KNHR2013000124<br>2013-06-25 | Witnessed   |
| A North Korean escapee testified that he saw a female inmate beaten to death while he was detained at the Jongori <i>Kyohwaso</i> in January 2011. When she died, black-colored water came out from her mouth, so camp officials concluded that she died from eating rubbish, not from the beating. | NKHR2011000248<br>2011-12-20 | Witnessed   |
| In the spring of 2011, a security guard struck hard with a rock the head of a female inmate for stealing a head of cabbage. She later died. She was in Class 3 at Jongori <i>Kyohwaso</i> .                                                                                                         | NKHR2013000019<br>2013-02-05 | Witnessed   |
| In the summer of 2011, fellow inmate Kim XX fell ill due to infirmity, but the lead MPS officer severely beat her up insisting that her illness was an excuse. She later died.                                                                                                                      |                              |             |
| At No. 5 <i>Kyohwaso</i> in Gangwon Province, they will not give you food for 7 days if you violate camp regulations.                                                                                                                                                                               | NKHR2013000160<br>2013-09-03 | Experienced |
| At Oro <i>Kyohwaso</i> in Hamhung, 2-3 inmates died everyday. I have personally seen the dead inmate's work unit put the body in a thatched sack, take it up the hill and bury it.                                                                                                                  | NKHR2013000189<br>2013-10-17 | Witnessed   |

Recently, many horrific mistreatment cases are being reported at many *kyohwaso*, including Gaechon *Kyohwaso*. At many camps, they will not allow food for many days if the inmate(s) violated certain internal regulations.

Table  
III-14Examples of Mistreatment at Gaecheon *Kyohwaso*

| Testimonies                                                                                                                                                                                                                                                                                                                                       | Testifier ID                 | Remarks   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| When I was serving terms at Gaecheon <i>Kyohwaso</i> in May 2009, I have saw 3 inmates die over a period of 20 days.                                                                                                                                                                                                                              | NKHR2013000147<br>2013-08-06 | Witnessed |
| In 2010 at Gaecheon <i>Kyohwaso</i> , I saw a fellow inmate die from beating. He was already infirm, and after the beating he was hospitalized but died after 15 days. The camp did not notify his family of his death.                                                                                                                           | NKHR2013000115<br>2013-06-11 | Witnessed |
| In 2010, an average of 5 inmates died at Gaecheon <i>Kyohwaso</i> .                                                                                                                                                                                                                                                                               | NKHR2013000121<br>2013-06-25 | Witnessed |
| In 2010, I was detained in the Gaecheon <i>Kyohwaso</i> . At the time about 10 inmates had died on average in the “knitting unit.” The fact of death was reported to their superiors and was notified to the family of deceased. Male inmates would put the bodies into thatched sacks and when 30 bodies are collected, they would cremate them. | NKHR2013000191<br>2013-10-17 | Witnessed |
| A guard struck with a hoe on the head of a fellow inmate (about 40). Her head was bleeding profusely. She later died.                                                                                                                                                                                                                             | NKHR2013000156<br>2013-08-20 | Witnessed |

- Labor Training Camps

Similar to the situation at the *kyohwaso*, incidents of beating in labor training camps were also frequent.

Table  
III-15

Examples of Mistreatment at Labor Training Camps

| Testimonies                                                                                                                                                                                                                                                           | Testifier ID                 | Remarks   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that he/she saw the agent beat inmates frequently when he/she was in Onsung County labor training camp in North Hamgyoung Province in February 2009. The inmates had scars from the beating.                                         | NKHR2012000183<br>2012-09-11 | Witnessed |
| A North Korean escapee testified that on February 16, 2010, while he was detained at the labor training camp in Gimchaek, North Hamgyoung Province, he saw a fellow inmate beaten to death by a MPS officer because he had stolen and eaten goats feed (boiled corn). | NKHR2011000213<br>2011-10-04 | Witnessed |

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                      |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------|
| <p>A North Korean escapee testified that during his detention in the labor training camp located in the Mountain Dongheung region of Hamhung in March 2010, he saw fellow inmate XXX beaten. The MPS officers forced inmates to beat fellow inmates for fear that if the agents themselves inflicted the beating, complaints might be filed against them.</p>                                             | <p>NKHR2011000088<br/>2011-04-05</p> | <p>Witnessed</p> |
| <p>A North Korean escapee testified that in August 2010, at the labor training camp in Musan County, North Hamgyoung Province, agents beat inmates while they were engaged in evening classes. If anyone tried to escape from work sites, agents would beat the inmate so severely that he/she could not stand. Agents forced inmates to do squat downs with a heavy piece of lumber on his/her back.</p> | <p>NKHR2012000101<br/>2012-06-05</p> | <p>Witnessed</p> |
| <p>A North Korean escapee testified that while he was detained in the labor training camp in Bocheon County, Yanggang Province in September 2010, he saw his group leader smash a fellow inmate XXX with a club for not following his instructions.</p>                                                                                                                                                   | <p>NKHR2011000076<br/>2011-03-22</p> | <p>Witnessed</p> |
| <p>In 2011, I was serving term at labor training camp at Yonsa County, North Hamgyoung Province. I saw a male inmate die from beating after he was captured while attempting to escape. The agent was not penalized, and the victim was falsely reported to the superiors as having died from illness.</p>                                                                                                | <p>NKHR2013000001<br/>2013-01-08</p> | <p>Witnessed</p> |
| <p>In July 2012, my brother-in-law, XXX, was severely beaten by the work unit leader at Baekam labor training camp. He was beaten with a bat on his head, legs, and they were bleeding. He continued to suffer all his life.</p>                                                                                                                                                                          | <p>NKHR2013000041<br/>2013-03-05</p> | <p>Informed</p>  |

It is also reported that instructions were handed down to stop mistreatments at these facilities. Escapee XXX testified that when he/she was in Musan County labor training camp in February of 2009, instructions “not to beat up” came down from higher authorities, and mistreatment in fact was reduced.<sup>77</sup> And, if any inmate were to die, the agents would have to take the blame for it, so they would send the patient to the hospital or release the person out of the facility. Escapee XXX testified that in 2011 he/she was detained

77\_NKHR2013000135 2013-07-23.

in labor training camp in Hyesan. Since the camp did not want to be blamed for the death of inmates, the camp would send the infirm inmate(s) to the hospital or release from the camp for reasons of illness or infirmity.<sup>78</sup> Escapee XXX testified that he/she was detained in *jipkyulso* in Hyesan. If an inmate were to die from infirmity, the guard would be held responsible for the death.<sup>79</sup>

- Holding center (*Jipkyulso*)

Similar to labor training camps, *jipkyulso* are a type of detention facility not stipulated in the Penal Code. However, the level and frequency of human rights violations such as beatings in these centers is known to be very serious. Most escapee testimonies singled out the situation in the provincial *jipkyulso* in Chongjin, North Hamgyoung Province.

The provincial *jipkyulso* in Chongjin holds only those who are caught after illegally crossing the border. There are approximately 1,500 detainees at the center at any given time. These detainees are held until People's Security agents from their hometown escort them back to their respective hometown. Those from Chongjin, Hoeryeong, and other cities within the Province are released within six months. However, those from distant provinces such as Pyongan and Hwanghae Provinces remain at the *jipkyulso* for almost a year because the inmates' hometown agents, even after they are notified, routinely neglect their duty to escort their own people (the inmates) due to lack of transportation, and because the number of inmates is often so little.<sup>80</sup>

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78\_NKHR2013000195 2013-10-29.

79\_NKHR2013000132 2013-07-09.

80\_Good Friends, "North Korea Today", No. 11 (December 12, 2005).



Table  
III-16

Examples of Mistreatment at *Jipkyulso* (Holding Center)

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                        | Testifier ID                 | Remarks                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------|
| In October of 2007 at Chongjin <i>Jipkyulso</i> , I was beaten by a MPS officer in the 30's. He kicked me, slapped me, and struck me with his fist.                                                                                                                                                                                                                                                                | NKHR2013000185<br>2013-10-17 | Experienced                     |
| A North Korean escapee testified that while she was at a <i>jipkyulso</i> in Sariwon, Hwanghae Province in 2008, she saw a MPS officers order a group leader to beat all of her fellow inmates because a female inmate refused to respond to his instructions to sing a song.                                                                                                                                      | NKHR2011000168<br>2011-07-19 | Witnessed                       |
| A North Korean escapee testified that when she was at Hyesan provincial <i>Jipkyulso</i> in 2009, a female inmate from Hyesan died in June of that year as a result of cruel treatment. Her case was handled as if she had received a formal trial (people's trial), even though there was no trial and her body was buried in secret.                                                                             | NKHR2012000080<br>2012-05-15 | Informed                        |
| A North Korean escapee testified that while he was detained in the provincial <i>jipkyulso</i> in Chongjin from November 2009 to February 2010, XXX (a-21-to-25-year old sergeant) beat him with a club because of his poor work and lack of speed.                                                                                                                                                                | NKHR2011000067<br>2011-03-15 | Experienced                     |
| A North Korean escapee testified that while he was detained at the provincial <i>jipkyulso</i> in Chongjin in 2010, an inmate named XXX was the group leader. One day, after this inmate made an insulting remark about a security agent, some inmates who did not get along with him secretly reported it to the agent. The escapee testified that XXX was beaten by the MPS officers, and died a few days later. | NKHR2011000067<br>2011-03-15 | Experienced                     |
| In 2011 at Hyesan <i>Jipkyulso</i> , a fellow inmate was captured while attempting to flee. A guard severely beat him up and he later died.                                                                                                                                                                                                                                                                        | NKHR2013000186<br>2013-10-17 | Witnessed                       |
| At Chongjin <i>Jipkyulso</i> , two guards beat me and struck my check with a heavy stick, and I ended up falling unconscious.                                                                                                                                                                                                                                                                                      | NKHR2013000132<br>2013-07-09 | Experienced                     |
| The guard beat me up with his fists at Ganri <i>Jipkyulso</i> in Pyongyang, which caused me some irregularity. I have witnessed two inmates die from severe mistreatment.                                                                                                                                                                                                                                          | NKHR2013000134<br>2013-07-23 | Experienced<br>and<br>Witnessed |

- Detention Centers

Beating, torture or harsh treatment as a form of punishment has been routine in the MPS Detention Center.

Table III-17 Examples of Mistreatment at Local Branch of MPS Detention Centers

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Testifier ID                  | Remarks     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|
| A North Korean escapee testified that when he was detained at the MPS detention center in Musan in April 2009, he saw an investigation officer between 36 and 40 years old, kicked and beat XXX, a suspect, with a club. The suspect was detained at the detention facility on charges of bike theft. The investigation officer inflicted inhumane treatment on the suspect, injuring his leg and causing him to limp. Later, the victim was sent to a labor training Camp. After four months of detainment in the camp, he eventually had the injured leg amputated. | NKHR2011000116<br>2011-05-17  | Witnessed   |
| A North Korean escapee testified that when he was detained in the MPS detention center in the Botonggang District of Pyongyang in July 2009, he saw XXX, a fellow detainee, deprived of sleep for three days and beaten by hand for half a day.                                                                                                                                                                                                                                                                                                                       | NKHR2011000085<br>2011-04-05  | Informed    |
| A North Korean escapee testified that in April 2010 at the MPS detention center in Onsung County, North Hamgyoung Province, two security agents forced a young man (age 19) to squat down and quickly stand up (with his hands on the head) repeatedly, and to kneel against a railing to extract certain statements from him.                                                                                                                                                                                                                                        | NKHR2012000184<br>2012-05-07  | Witnessed   |
| A North Korean escapee testified that he/she saw a male detainee (age 50, driver) beaten and kicked by four security agents and die in the detention center on October 14, 2011 at the MPS detention center in Hyesan.                                                                                                                                                                                                                                                                                                                                                | NKHR2012000210<br>2012-10-16  | Witnessed   |
| Security guards struck me in detention center at Gyongwon County, North Hamgyoung Province.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | NKHR 2013000149<br>2013-08-06 | Experienced |
| At detention center in Hyesan, Yanggang Province, I was forced to do 150 times of "pumping" (sit-ups).                                                                                                                                                                                                                                                                                                                                                                                                                                                                | NKHR2013000152<br>2013-08-20  | Experienced |
| While detained in Musan County detention center, North Hamgyoung Province, my father was tied on a block of wood, and so he could not sit or bend his body properly. They beat him with a block of hard wood, and his jaw bone was dislocated and could not eat for days.                                                                                                                                                                                                                                                                                             | NKHR2013000183<br>2013-10-01  | Witnessed   |
| At MPS detention center in Kim Jong-sook County, my brother-in-law was interrogated. He was so harshly mistreated that he became unable to use his leg properly.                                                                                                                                                                                                                                                                                                                                                                                                      | NKHR2013000207<br>2013-11-12  | Witnessed   |

Many escapees have testified that serious incidents of human rights violations have occurred inside SSD detention center in Onsung County, North Hamgyong Province. It appears that strict controls are enforced at the detention centers by the SSD along the border as the number of escapees have increased. Maintaining order is said to have become more difficult but imperative. Other inhumane treatment, such as forcing inmates to remain in fixed positions for long periods of time, are imposed instead of forced labor.

**Table III-18**      **Examples of Mistreatment inside SSD Detention Centers**

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                   | Testifier ID                 | Remarks     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| In 2009 at Musan County SSD detention center, a lieutenant (XXX) beat me up with a hard stick, and kicked me and I fell unconscious.                                                                                                                                                                                                                                                                                                          | NKHR2013000098<br>2013-05-14 | Experienced |
| A North Korean escapee testified that while he was detained at the SSD Detention Center in Onsung in June 2009, a state security agent named Jong-cheol Lee (between 31 and 35 years old) beat him for three days while forcing him to confess on the person who trafficked him.                                                                                                                                                              | NKHR2011000040<br>2011-01-18 | Experienced |
| A North Korean escapee testified that while he was detained in the SSD Detention Center in Onsung in 2010, he saw a SSD agent beat a fellow inmate for not telling the truth. Afterward, he was hospitalized for a month.                                                                                                                                                                                                                     | NKHR2011000183<br>2011-08-09 | Experienced |
| A North Korean escapee testified that he/she was arrested in January 2010 on charges of river crossing near the border region. Every time he/she was transferred from the Security Platoon in Hyesan, Yanggang Province, to the Jagang Provincial Security Department, agents beat him badly and indiscriminately, striking with fists and giving electric shocks. The beating was so ruthless that he lost consciousness and could not move. | NKHR2012000105<br>2012-06-05 | Experienced |
| At Sebyol County SSD detention center, a guard was drunk and beat me up with his fists and hard sticks. Ever since I have been suffering from post-traumatic pains.                                                                                                                                                                                                                                                                           | NKHR2013000132<br>2013-07-09 | Experienced |

|                                                                                                                                                                                                                                                                       |                              |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| An escapee testified that he/she had heard that a mother and daughter were arrested while attempting to defect across the border. The daughter told the agent that her mother went to China. She was severely beat up so she cannot use her legs properly even today. | NKHR2013000141<br>2013-07-23 | Informed    |
| At Onsung County SSD detention center in North Hamyoung Province, I was so severely beaten that my face was swollen and turned dark.                                                                                                                                  | NKHR2013000156<br>2013-08-20 | Experienced |

The Reality of Malnutrition, Poor Medical Service, and Death

- *Kyohwaso* (Ordinary Prison Camp)

Because of the disastrous conditions at the *kyohwaso*, the inmates suffer from poor quality of food, lack of sanitation, and no medicine. In many cases, inmates end up losing their life. As with the various forms of inhumane treatments outlined above, a number of escapees’ testimonies on this topic refer to the Jongori *Kyohwaso*. It seems that a minimum amount of care is given to the gravely ill, namely allowing them to be off-duty. According to the reports, medicine and medical treatment are not provided to inmates.

Table III-19 The Reality of Right to Food and Health at *Kyohwaso* (Ordinary Prison Camp)

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Testifier ID                 | Remarks                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|
| A North Korean escapee testified that many inmates inside the Jongori <i>Kyohwaso</i> died of a high fever during two months period from May to July in 2009. He heard that approximately 300 inmates died from disease in 2009, and the death toll rose higher in 2010. The hygiene situation of female building was better because the building was renovated; however, the building for the male inmates was old and dirty, which in turn raised the death toll. | NKHR2011000184<br>2011-08-16 | Informed and Witnessed |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------|
| <p>A North Korean escapee testified that he saw a fellow inmate die from a fever and physical exhaustion on July 10, 2009, while he was detained in the Jongori <i>Kyohwaso</i>. He said the Jongori <i>Kyohwaso</i> classified gravely ill persons into three categories: Grade 1, Grade 2, and Grade 3. Those classified in Grade 3 were exempted from forced labor and given additional food, but did not receive medical treatment. The sick occupied four rooms, and those with liver disease and tuberculosis were housed separately. The patients had to pay for their own medicine and treatment, but even with payment, all they received were injections of saline solution.</p> | <p>NKHR2011000173<br/>2011-07-26</p> | <p>Witnessed</p> |
| <p>A North Korean escapee testified that when he was detained at the Jongori <i>Kyohwaso</i> in December 2009, he saw a fellow inmate die from disease and overwork. According to his testimony, the body, after being briefly stored in the hospital, was taken away in a cart to Bulmang Hill, where it was cremated. Starting in 2009, the Jongori <i>Kyohwaso</i> established a section for the gravely ill, and that is where many of death reports originated.</p>                                                                                                                                                                                                                   | <p>NKHR2011000242<br/>2011-11-22</p> | <p>Witnessed</p> |
| <p>A North Korean escapee testified that in January 2010 at the Jongori <i>Kyohwaso</i>, he/she saw a female inmate die from high fever and physical exhaustion. No one treated her fever.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>NKHR2012000008<br/>2012-01-10</p> | <p>Witnessed</p> |
| <p>My brother-in-law, XXX, died from illness inside Hamhung <i>Kyohwaso</i> in May 2010, and my sister found out only when she paid a visit to see him.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>NKHR2013000099<br/>2013-05-28</p> | <p>Informed</p>  |
| <p>A North Korean escapee testified that while he was detained at the Jongori <i>Kyohwaso</i> in June 2010, he witnessed many of his fellow inmates die from malnutrition. During his detention, he saw numerous deaths inside the camp.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>NKHR2011000241<br/>2011-11-22</p> | <p>Witnessed</p> |
| <p>A North Korean escapee testified that he saw an inmate named XXX (female, 36 to 40 years old) die from malnutrition while he was detained at the Hamhung <i>Kyohwaso</i> in Hamgyong Province in July 2010. The number of deaths in the camp increased rapidly in 2010, and people died on a daily basis.</p>                                                                                                                                                                                                                                                                                                                                                                           | <p>NKHR2011000066<br/>2011-03-15</p> | <p>Witnessed</p> |
| <p>In November 2010, a total of five inmates in my work unit died from illness inside Jongori <i>Kyohwaso</i>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>NKHR2013000040<br/>2013-03-05</p> | <p>Witnessed</p> |
| <p>In 2011 at Jongori <i>Kyohwaso</i>, I saw two inmates die, one from infirmity and the other from tuberculosis. <i>kyohwaso</i> did not notify the inmates' family. <i>kyohwaso</i> will notify only when family member(s) come to visit the inmate(s).</p>                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>NKHR2013000022<br/>2013-02-05</p> | <p>Witnessed</p> |

- Labor training Camps

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

| Table III-20                                                                                                                                                                                                                                                                                                                    | The Reality of Right to Food and Health at Labor Training Camps |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------|
| Testimonies                                                                                                                                                                                                                                                                                                                     | Testifier ID                                                    | Remarks   |
| While an escapee was detained at the Onsung Labor Training Camp in August 2009, he saw a fellow inmate suffering from severe diarrhea who eventually died because he was not taken to the hospital. Technically, doctors are on duty at the labor training camp, but the patients have to purchase medicines for the treatment. | NKHR2011000045<br>2011-02-08                                    | Witnessed |
| While an escapee was detained at the Hoeryeong Labor Training Camp in October 2010, he heard that XXX (a 27-year-old male) ate poisonous grass. Because the camp did not administer emergency treatment, the man eventually died.                                                                                               | NKHR2011000089<br>2011-04-05                                    | Informed  |
| A North Korean escapee testified that an inmate (who was with her husband) died from pneumonia inside Onsung County labor training camp in February 2010. She heard that a doctor was brought in, but the inmate died without receiving any medicine.                                                                           | NKHR2012000153<br>2012-07-24                                    | Informed  |
| In February 2010, my neighbor XXX died from disease and infirmity at Baekam County Labor Training Camp                                                                                                                                                                                                                          | NKHR2013000042<br>2013-03-05                                    | Witnessed |
| On July 13, 2011, when an escapee was detained at the Baekam labor training Camp in Yanggang Province, he saw a fellow inmate die of malnutrition.                                                                                                                                                                              | NKHR2011000232<br>2011-11-08                                    | Witnessed |
| In November 2011, I saw 3 inmates die from infirmity at No. 88 Labor Training Camp in Wonsan, Gangwon Province.                                                                                                                                                                                                                 | NKHR2013000044<br>2013-03-05                                    | Witnessed |

- *Jipkyulso* (Holding center)

North Korean citizens’ right to life is also jeopardized at the *jipkyulso* just as in other detention facilities. The detainees suffer from malnutrition and poor sanitation. Some simply collapse and die due to physical exhaustion.

| Table III-21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The Reality of Right to Food and Health at <i>Jipkyulso</i> (Holding Center) |           |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------|--|
| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Testifier ID                                                                 | Remarks   |  |
| A North Korean escapee testified that he saw a fellow inmate die of malnutrition at the Chongjin Provincial <i>Jipkyulso</i> in 2010. He heard that the person became physically weak while working at the firewood collecting group in Buryong, North Hamgyoung Province, and eventually died in the Chongjin <i>Jipkyulso</i> . In February 2010, a pregnant female sought treatment for a harsh cough and high fever. However, the <i>jipkyulso</i> would not accept her as a patient. As a result, she came down with tuberculosis and died on her way to a hospital. | NKHR2011000067<br>2011-03-15                                                 | Witnessed |  |
| A North Korean escapee testified that he saw a fellow inmate die of malnutrition in the Shinuiju <i>Jipkyulso</i> on January 3, 2011. The body was wrapped in a blanket and stored in the warehouse. The next day, it was buried after a brief autopsy conducted by a MPS doctor.                                                                                                                                                                                                                                                                                         | NKHR2011000253<br>2011-12-20                                                 | Witnessed |  |
| A North Korean escapee testified that in September 2011 he/she saw an inmate die from physical exhaustion inside the provincial <i>jipkyulso</i> in Hyesan.                                                                                                                                                                                                                                                                                                                                                                                                               | NKHR2012000174<br>2012-09-04                                                 | Witnessed |  |

- Detention Centers

Many detainees also died at the MPS detention centers due to malnutrition and disease.

Table  
III-22

The Reality of Right to Food and Health at Detention Centers

| Testimonies                                                                                                                                                                                                                                     | Testifier ID                 | Remarks   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that in January 2009, when he was detained at the branch of MPS Detention Center located in Kim Hyung-jik County, Yanggang Province, he saw a fellow inmate who was on the verge of death due to malnutrition. | NKHR2010000017<br>2010-10-05 | Witnessed |
| A North Korean escapee testified that he saw a fellow inmate die of malnutrition during his detainment at the branch of MPS Detention Center in Hoeryeong, North Hamgyong Province in December 2009.                                            | NKHR2011000120<br>2011-05-24 | Witnessed |
| At Hyesan MPS Detention Center, there were 3 detainees who were extremely infirm and could not work. The Center left them there without releasing them for illness. Two of them died there.                                                     | NKHR2013000186<br>2013-10-17 | Witnessed |

Nutrition in detention centers supervised by the SSD is no better than that of the detention centers under the jurisdiction of the police. North Korean escapee XXX testified that he was forcibly repatriated to North Korea and detained at the Onsung SSD Detention Center from July 1-14, 2010. There he had three meals a day, but each meal consisted of four to five spoonfuls of boiled corn flour ground with corn husks.<sup>81</sup> Many inmates also died at the SSD Detention Centers from inhumane treatment, disease, and malnutrition.

Forced Abortions, Murdering of Newborn Babies,  
and Sex Violence

The authorities routinely engaged in forced abortions on pregnant women who were deported to North Korea. Forced abortions

81\_NKHR2011000186 2011-08-16.



are usually carried out at *jipkyulso*, where inmates are detained before being transferred to a detention center. Initial interrogations are conducted, then the inmates are sent to the security agency according their area of residence. In most cases, the reason for forced abortion is because she had a Chinese baby. Abortions are conducted by means of forced labor, beating, and injections.

| Table III-23                                                                                                                                                                                                                                                                   | The Reality of Forced Abortions and Infanticide inside Detention Facilities |           |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------|--|
| Testimonies                                                                                                                                                                                                                                                                    | Testifier ID                                                                | Remarks   |  |
| In 2000 at Chongjin Provincial <i>Jipkyulso</i> , a mother (in her 20s) and her newborn baby were detained in separate rooms so she could not nurse the baby. The newborn baby ultimately died there.                                                                          | NKHR2013000139<br>2013-07-23                                                | Witnessed |  |
| In March 2005, at Samjiyon County MPS Detention Center, I saw a guard, named Jon Ho-nam, take a fellow detainee (33 years old at the time) to a hospital for abortion.                                                                                                         | NKHR2013000191<br>2013-10-17                                                | Witnessed |  |
| In 2009, at Shinuiju SSD Detention Center, a female doctor, upon instruction from a City Security Department agent, injected something into XXX who was two-months pregnant, to abort the baby.                                                                                | NKHR2013000026<br>201-02-05                                                 | Witnessed |  |
| A North Korean escapee testified that in August 2009, at the provincial <i>jipkyulso</i> in North Pyongan Province he/she saw a female army physician perform an abortion on a female inmate (age 26, over 24-weeks pregnant) by using a rusty abortion equipment.             | NKHR2012000077<br>2012-05-08                                                | Witnessed |  |
| In November 2009, at Musan County SSD Detention Center, XXX was taken to a hospital for abortion. She was accused of being pregnant with a Chinese baby.                                                                                                                       | NKHR2013000098<br>2013-05-14                                                | Witnessed |  |
| A North Korean escapee testified that in August 2011 at the detention center of Musan County branch of MPS, North Hamgyong Province, he/she saw a female inmate (33 years old at the time) getting forced abortion by beating. A week later, the mother also died.             | NKHR2012000067<br>2012-04-24                                                | Witnessed |  |
| A North Korean escapee testified that on November 20, 2011 at the provincial <i>jipkyulso</i> in Hyesan, Yanggang Province, he/she saw a guard named Guk-chol Kim kick a female inmate in the stomach repeatedly to induce abortion, allegedly because she had a Chinese baby. | NKHR2012000174<br>2012-09-04                                                | Witnessed |  |

|                                                                                                                                                                                                                                                                                          |                              |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In November 2012, at Hyesan MPS Detention Center, a fellow inmate (age 19 at the time) was 6-months pregnant. She was forced to abort the baby at a hospital because she was pregnant with a Chinese baby.                                                                               | NKHR2013000090<br>2013-04-30 | Witnessed |
| A woman I met in China was forcibly deported when she was 3 months pregnant. At Hyesan Labor Training Camp, the camp agents beat her up and imposed forced labor on her to force abortion. Ultimately her baby was aborted, because she was pregnant with a North Korean escapee's baby. | NKHR2013000011<br>2013-01-22 | Informed  |
| The mother of this witness was detained in Samjiyon County Detention Center, Yanggang Province. The mother told her the story of a pregnant woman, who was forced to abort the baby so this woman could serve out the penalty.                                                           | NKHR2013000140<br>2013-07-23 | Informed  |

However, in some cases the detention authorities appear to be giving some considerations for pregnant women who are 3 months prior to delivery or less than 7-months after giving birth to a baby.

| Table III-24                                                                                                                                                                                                       | The Reality of Human Rights of Pregnant Inmates at Detention Facilities |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------|
| Testimonies                                                                                                                                                                                                        | Testifier ID                                                            | Remarks   |
| At No. 88 Labor Training Camp in Gangwon Province, pregnant inmates would remain inside until the 8th month of pregnancy. She would be released until after six months of delivery, when she would be re-detained. | NKHR2013000044<br>2013-03-05                                            | fact      |
| In the case of Bocheon County, Yanggang Province, the rule of releasing inmates 3-month before and 6-months after delivery is well complied.                                                                       | NKHR2013000067<br>2013-04-02                                            | fact      |
| In Ganri <i>Jipkyulso</i> , Pyongyang, they do not assign any workload on the pregnant.                                                                                                                            | NKHR2013000134<br>2013-07-23                                            | Witnessed |
| At labor training camps, considerations are given for pregnant women, and the rule of 3-month prior and 7-month after delivery is well observed.                                                                   | NKHR2013000135<br>2013-07-23                                            | fact      |

There are cases of sex violence and sex harassment inside detention facilities. One escapee testified that she saw one guard

(XXX, 24 at the time) kiss a female detainee (XXX, 23 at the time), and punish her if she refused him.<sup>82</sup> Another witness testified that she was detained in Chongam District Labor Training Camp in Chongjin, and she experienced sex violence by a guard who was 3 years younger at the time.<sup>83</sup>

## D Human Rights Abuses inside Political Prison Camps

### Current Status of the political prison camps

It is reported that North Korea is operating a total of six political prison camps, although North Korea officially deny their existence. The following details are compiled from personal testimonies of recent North Korean escapees.<sup>84</sup> The No. 22 *Kwanliso* in Hoeryeong, North Hamgyoung Province began its relocation in 2009–2010, and was finally closed in May 2012. The reasons for closing No. 22 *Kwanliso* seem to be that it was located in close proximity to the border, thus exposed to the outside world. The inmates were relocated to No. 16 Myonggan, No. 14 Gaechon, and No. 15 Yodok *Kwanliso*. Another change confirmed in 2012 was that No. 18 *Kwanliso* at Bukchang was significantly downsized and relocated to an area near Donglim-ri, Gaechon in South Pyongan Province. The area where No. 18 *Kwanliso* used to operate became a general detention facility after the center was phased out, and the previous inmates were relocated to the Gaechon *Kwanliso* during the

82\_NKHR2013000018 2013-01-22.

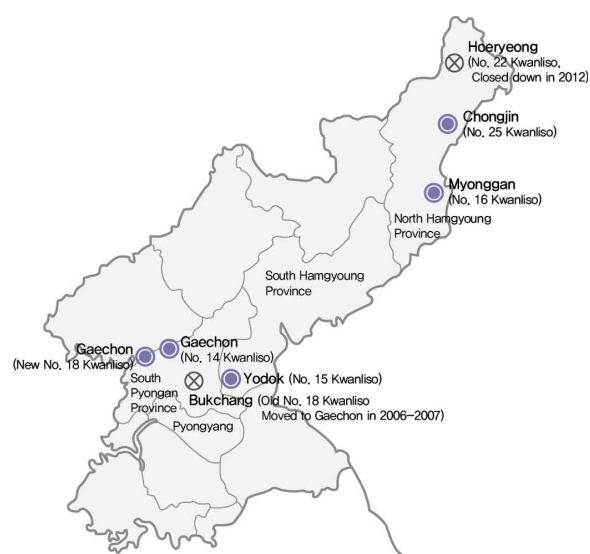
83\_NKHR2013000139 2013-07-23.

84\_NKHR2012000161 2012-08-07; NKHR2012000168 2012-08-21; NKHR2012000185 2012-09-11; NKHR2012000198 2012-09-25.

2006–2007 period.<sup>85</sup> The current number of inmates at No. 18 *Kwanliso* is estimated to be about 2000–5000, dramatically reduced from the previous estimate of 19,000 in 2009.<sup>86</sup>

Figure  
III-9

Locations of *Kwanliso* (Political Prison Camps)



The total number of inmates in all political prison camps is estimated to be between 150,000 to 200,000. On October 16, 2009, the South Korean government reported to the National Assembly Foreign Affairs Committee that there was an estimated 154,000 political prisoners detained in six political prison camps throughout North Korea. At a joint seminar with the Database Center for

85\_ Even in 2013, it was possible to obtain testimonies about the relocation of Bukchang Center to the Gaecheon region. NKHR2013000129 2012-09-11; NKHR2013000126 2013-07-09.

86\_ Keum-soon Lee, et al., *Political Prison Camps in North Korea* (Seoul: Korea Institution for National Unification, 2013), pp. 29-33. In 2013, it was possible to get many reports on the closing down of Hoeryeong No. 22 *Kwanliso*. According to their testimonies, the Center was completely closed down in the summer of 2012, and the facility was turned over to the society. NKHR2013000138 2013-07-23, 10 other testimonies.

North Korean Human Rights in November 2009, National Human Rights Commission of Korea estimated that there were 200,000 political prisoners in North Korea.<sup>87</sup> However, the KINU researchers constructed a new estimate in 2013, based on escapee testimonies and satellite pictures, and the total number of inmates currently detained in the five North Korean political prison camps is estimated to be a minimum of 80,000 and a maximum of 120,000. The reported closing of the Hoeryeong *Kwanliso* and downsizing and relocation of the Bukchang *Kwanliso* seems to support this estimate. Furthermore, many escapees testified that the size of the new detention facilities built during the 1990s are not as large, and that many inmates working in mines and other locations have died as a result of poor working conditions. But the downsizing of detention facilities does not mean that the perception and policy of North Korean authorities are changing. The important point is that Kim Jong-un’s regime continues to maintain a system of political prison camps in order to separate groups and individuals that are either hostile or pose potential threats to the regime.<sup>88</sup>

North Korean political prison camps are said to cover an area of approximately 50 to 250km<sup>2</sup>, holding between 5,000 and 50,000 inmates each. Prisoners are selected and managed by the SSD under the supervision of the Guidance Department of the Secretariat of the Party Central Committee. Each camp under the control of

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87\_National Human Rights Commission of Korea·Database Center for North Korean Human Rights, *An Assessment on Human Rights Situation in North Korea’s political prison camps and International Law and North Korean Law* (Seoul: National Human Rights Commission of Korea·Database Center for North Korean Human Rights, November 24, 2009), p. 23. Meanwhile, the Database Center for North Korean Human Rights has lowered the estimated total number of inmates to 135,000 in 2011. See Yeo-sang Yoon, et al., *The Human Rights Reality and the Operating System of North Korea’s Political Prison Camps* (Seoul: Database Center for North Korean Human Rights, 2011), p. 120.

88\_Keum-soon Lee, et al., *Political Prison Camps in North Korea*, pp. 19–21.

Bureau No. 7 of the SSD is composed of political, security, management, security guards, and supply service sections. The duty of the political unit is to watch the ideological behavior of the people in the security guards unit and punish those who commit a crime. The security unit watches the inmates and identifies any suspicious behaviors, such as attempted escapees, murderers and malingerers, for execution or reassignment to harsh labor. The management unit is organized to maximize the workload and attain the production norms allotted to the camps. The responsibility of the security guards unit is to guard the outer perimeter of the camp and suppress any revolt or uprising inside the camp. In addition, there is a supply service unit responsible for supplying food for the security and guards personnel, a materials section for supplying materials for construction projects inside the camps, and a chemical unit for supplying dynamite to the mines. Other units include finance, transportation, and communications. Most dreaded by the prisoners are the SSD and guard units, as both hold the power to determine the prisoner's fate. As an exception, the No. 18 *Kwanliso* is operating under a guard unit of the MPS, instead of the SSD.<sup>89</sup>

### Total Control Zone and Revolutionary Zone

North Korea operates two types of political prison camps: one is called the 'total control zone' and the other 'revolutionary zone'. The total control zone is for inmates serving a life time sentence.

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89\_Escapee XXX testified that there is another *kwanliso* directly controlled by the MPS in Duksong County, South Hamgyoung Province. This is No. 17 *Kwanliso*. NKHR 2013 000129 2013-07-09. It seems that a more information is necessary to confirm the existence of this camp.

Once an inmate is sent to this facility, he/she can never be released. The inmates will eventually die in the camp after a life of hard labor at mines or lumber yards. These inmates do not receive any ideology education, but rather they only receive training that is necessary for farming or mining. On the other hand, political criminals detained at the revolutionary zone may be released after serving his/her term (from 1–10 years) and upon the decision of review (parole) board. Before the release, the inmate must sign an oath, promising that he/she will never divulge any information about the life inside the camp. Anyone breaking this oath is sent back to the camp. Even after the release, these individuals will be classified as the hostile group, which means that they have to live at the lowest echelon of society. They are put under priority surveillance by the SSD, and their activities, such as jobs and travels, are restricted. If they commit crimes after the release, a 10–year prison term is added to the term of their crime. The return to life from the revolutionary zone is called ‘release’, and the former inmate is referred to as a ‘released person’. If an individual is sent to a political prison camp, he/she is called an ‘immigrant’.<sup>90</sup>

According to North Korean escapee Myung–chul Ahn’s testimony, among all the political prison camps in North Korea, only the No. 15 *Kwanliso* at Yodok, South Hamgyoung Province, has two separate sections: the revolutionary zone and the total control zone. All others have only total control zones. However, David Hawk stated that the revolutionary zone also existed at the No. 18 *Kwanliso*.<sup>91</sup> Hye–suk Kim, who was detained at the No. 18 Bukchang *Kwanliso*,

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90\_Keum–soon Lee, et al., *Political Prison Camps in North Korea*, pp. 13–14.  
91\_David Hawk, *The Hidden Gulag*, 2nd ed. (Washington: Committee for Human Rights in North Korea, 2012), p. 69.

wrote in her autobiography that she was discharged from the camp on February 16, 2001, on the birthday of Kim Jong-il by offering a livestock. She also testified that at the time of her discharge, the entire seventh generation was discharged.<sup>92</sup> Considering these testimonies, it would appear that although the No. 18 *Kwanliso* did not operate a separate revolutionary zone, there were cases of released persons who could return to society. The Chongjin No. 25 *Kwanliso* apparently had both categories of detention: one that did not allow inmates to return to society and the other that released inmates at the end of their term.<sup>93</sup>

In the case of returnees from Japan (and their families) who have had close personal connections with North Korean elites and senior officials of the pro-Pyongyang General Association of Korean Residents in Japan (or “Chongryon”), they are detained in revolutionary zones within the political prison camps. The policy is to have them endure torture and thus make them more obedient to Kim Jong-il’s system before they return to society. Other political prisoners are mostly held for life in the total control zones. Escapees have stated that there are exceptions where prisoners serving a life sentence may be transferred from total control zones to revolutionary zones, though only a small number belongs to this category. Young-guk Lee testified that the level of punishment, as well as the length of detention and the possibility of release, varied depending upon the detainee’s personal background. In extreme cases, inmates mentioned during Kim Jong-il’s on-the-spot inspection and guidance tours were immediately released from the camp and directly returned to society.<sup>94</sup> However in general, no one returns

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92\_Hye-suk Kim, *A Prison Camp Created in Tears* (Seoul: Zeitgeist, 2011), pp. 85–88.

93\_Keum-soon Lee, et al., *Political Prison Camps in North Korea*, p. 14.



home. On the other hand, other escapees testified that in extremely rare cases even those sent to the “total control zone” of the *kwanliso* could return to their homes if the accusations against them were further clarified or proven false. Escapee XXX testified that one of his neighbors had been sent for ten years to the “total control zone” of No. 16 *Kwanliso*, which is known to be one of the strictest political prison camps in North Korea. But, after complete clarifications of his “crime,” he was sent home.<sup>95</sup> Another escapee XXX also testified that the family of her husband was pent up in Yodok *Kwanliso* in 2004, but after it was clarified that the family had been “framed” by others, they were able to return home in 2012 after 4 years and 8 months.<sup>96</sup>

**Table III-25** Status of Operation and Management of Political Prison Camps

|                     | Gaechon<br>No. 14<br><i>Kwanliso</i> | Yodok<br>No. 15<br><i>Kwanliso</i>   | Myonggan<br>No. 16<br><i>Kwanliso</i> | Gaechon<br>(Old Bukchang)<br>No. 18<br><i>Kwanliso</i> | Chongjin<br>No. 25<br><i>Kwanliso</i> |
|---------------------|--------------------------------------|--------------------------------------|---------------------------------------|--------------------------------------------------------|---------------------------------------|
| Type                | Village                              | Village                              | Village                               | Village                                                | <i>Kyohwaso</i>                       |
| Return to society   | Impossible                           | Impossible/<br>Possible              | Impossible                            | Impossible/<br>Possible                                | Impossible/<br>Possible               |
| Accompanying family | With family                          | Single/<br>With family <sup>97</sup> | With family                           | Single/<br>With family                                 | Single                                |
| Operator            | SSD                                  | SSD                                  | SSD                                   | MPS                                                    | SSD                                   |

Source: Keum-soon Lee, et al., *Political Prison Camps in North Korea* (Seoul: Korea Institute for National Unification, 2013), p. 17.

94\_ “A Workshop for Escapees,” sponsored by Korea Institute for National Unification (January 20, 2006).

95\_NKHR2013000189 2013-10-17.

96\_NKHR2013000007 2013-01-08.

97\_ In the case of Yodok No. 15 *Kwanliso*, there are two “sub-districts” and the “singles district” where the criminal alone is detained, and the “family district” where the inmate is detained with his/her family.

## The Reality of political prison camps

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

- No. 14 Gaecheon *Kwanliso*

There is no kindergarten at the No. 14 Gaecheon *Kwanliso*, but there is one school (a 4-year elementary school) and one middle school. The elementary school teaches up to fifth grade. Each grade has three to four classes with each class consisting of 30–40 students. The middle school (junior high and high school) has a six-year course. The students at both the elementary and middle/high schools total over 1,000 students. One teacher is assigned to each elementary school classroom, but there is only one teacher for each grade (class) at the middle/high school. At the middle/high school, the students usually do not study but go to work instead. That is why there is only one teacher assigned for each grade. The teacher's role is not to teach any particular subject, but to lead and supervise students on their way to and from fieldwork.

The reality of Gaecheon No. 14 *Kwanliso* was reported to the outside world after Mr. Dong-hyuk Shin successfully escaped from the camp. According to Mr. Shin, the center is operated under a strict control with ten major laws and regulations. If anyone violates any of these rules, he/she is executed by a firing squad. The ten rules and regulations are as follows: 1) You must not escape. 2) Three or more inmates must not meet together. 3) You must not steal. 4) You must absolutely obey orders of the security agents.

5) You must immediately report if you have seen any outsiders or suspicious persons. 6) All inmates must carefully watch over each other and immediately report in the event of an unusual behavior. 7) You must over-fulfill all tasks assigned to you. 8) Unless needed for the job, no contact between males and females is allowed. 9) You must be truly remorseful of your own mistakes. 10) You will be immediately shot by a firing squad if you ever violate these laws and regulations of the camp. It is certain that anyone violating any of these rules will be put to death by a firing squad.<sup>98</sup> The following is a detailed description of life inside the Gaechon Prison Camp from Mr. Shin’s personal diary:<sup>99</sup>

Table III-26 The Reality of No. 14 Gaechon Prison Camp

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

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

Mr. Shin was born in the Oidong-ri No. 8 Work Unit, which consisted of about 40 housing units. The housing unit was a single-floor home with a kitchen and four rooms, one room for each family. Since heating is not provided in the kwanliso, seniors over 65 have to join the All Seniors Work Unit..The housing unit at the center was built with concrete, so the floors and walls are all concrete. There is no mat on the floor, so people have to sleep on concrete. Coal is used for floor heating. Since coal is produced in the kwanliso itself, heating coal is supplied every day on a ration basis.

98\_Dong-hyuk Shin, *Coming Out to the World* (Seoul: Database Center for North Korean Human Rights, 2007), pp. 60-62.

99\_*Ibid.*, pp. 21-185.

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

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

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

- Yodok No. 15 *Kwanliso* (Political Prison Camp)

The Yodok political prison camp is located in five sub-counties of Kueup-ri, Ipsok-ri, Yongpyong-ri, Pyongjon-ri, and Daesuk-ri, in Yodok County, South Hamgyoung Province. It occupies one third of Yodok County. The Yodok Camp has two districts: the total control zone and the revolutionary zone. Those living in the revolutionary zone are allowed to live with their family and to retain the citizen status. But, those detained in the total control zone lose their citizenship and are not allowed to live with family members and some face execution. In the “revolutionary zone” there are elementary and middle schools, but in the “total control zone” there are only elementary schools.<sup>100</sup> As a precaution, North Korean au-

thorities are maintaining special “counter-riot units” for effective control of emergencies. Escapee XXX testified that a battalion of “riot police” is stationed outside of NO. 15 *Kwanliso* just in case of disturbance or rebellion inside.<sup>101</sup>

- Myonggan No. 16 *Kwanliso* (Political Prison Camp)

The No. 16 *Kwanliso* is located in Buha-ri, Myonggan County, North Hamgyoung Province. It is known to house family units and known as Hwasong *Kwanliso*, Hwasong being the old town name for Myonggan. Some inmates were relocated from Hoeryeong No. 22 camp to No. 16 camp, and the center is still in operation. The Myonggan *Kwanliso* is run as a “total control zone.” Escapee XXX testified that a County Security agent used to come out to the town of Myonggan, and said his workplace consists entirely of “total control zones.”<sup>102</sup> Escapee XXX testified that No. 16 *Kwanliso* is most tightly run, and is divided into Village No. 1, 2 and 3. Village 1 is somewhat loosely run, and if one’s “crime” were reviewed, clarified, and proven false, the inmate(s) could be released. The inmates could also live together with their family. However, Village No. 3 is the most tightly run section, and only most serious “criminals” are pent up here.<sup>103</sup> Escapee XXX testified that when he was a student at Heechon Industrial College there were two transfer students who were discharged from the SSD, named XXX and XXX. They had served as military guards at No. 16 *Kwanliso*. They told him that there were high patrol towers with machine guns in place,

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100\_Keum-soon Lee, et al., *Political Prison Camps in North Korea*, pp. 57–64.  
 101\_NKHR2013000065 2013-04-02.  
 102\_NKHR2013000043 2013-03-05.  
 103\_NKHR2013000189 2013-10-17.

so that in the event any inmate(s) attempted to escape the guards could shoot to kill.<sup>104</sup> As of this writing, we have not met any North Korean escapees who were familiar with the Myonggan *Kwanliso*. So, we need more detailed information on Myonggan *Kwanliso*.<sup>105</sup>

- Bukchang No. 18 *Kwanliso* (Political Prison Camp)

As indicated earlier, the Bukchang No. 18 *Kwanliso* was relocated to the Donglim-ri area in Gaecheon. Some information on the old Bukchang *Kwanliso* which was operated by the MPS is found in the diary of escapee Hye-suk Kim.<sup>106</sup> Hye-suk Kim was detained at Bukchang from the age of 13 in 1975 and spent 27 years inside the camp before her release on August 13, 2002. She defected to South Korea in March 2009.

At No. 18 *Kwanliso*, there are six schools, and the children of inmates and guards attend elementary and middle schools together. But, the inmates' children are not allowed to matriculate to college. And, there is "No. 1 High School" exclusively for the children of people working for the *kwanliso*.<sup>107</sup> Within the *kwanliso* is a school for immigrants (an euphemism for those confined in the camp). Inside the school is a one-story building and each class consists of 28 to 32 students. Staff members at the school are the children of administrative workers or officials of the MPS or the SSD, and they are known for harsh treatment on their students. From the third grade to middle school, students are assigned to night shift guarding the school building from 9 p.m. to 6 a.m. This duty is as—

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104\_NKHR2013000104 2013-05-28.

105\_Keum-soon Lee, et al., *Political Prison Camps in North Korea*, p. 74.

106\_Hye-suk Kim, *A Prison Camp Created in Tears*, pp. 15-58.

107\_NKHR2013000129 2013-07-09; NKHR2013000126 2013-07-09.

signed according to work groups, with each group consisting of four to five students. At the end of each night shift, work groups must complete a night shift log. Without exception, as soon as they graduate, all students become coal mine workers. If a classmate is absent from school, all the classmates go to that student’s house and drag him/her to school. The student is then whipped by the school staff and beaten by classmates. Students in the elementary school study in the morning, and in the afternoon are mobilized to dig mud and transport it to the camp’s coal mine.

There are some coal mines at the Bukchang *Kwanliso*. Hye-suk Kim used to work in a coal mine called the Shimsan Coal Mine, where she worked with unprocessed coal. Each working group consists of 15 persons. Work schedule is composed of three shifts (midnight shift: midnight to 8 a.m.; morning shift: 8 a.m. to 4 p.m.; afternoon shift: 4 p.m. to midnight). However, workers rarely finished work on time. The workload within the Shimsan Mine was more than what could be handled. Disciplinary regulations within the coal mine are very strict. If workers fail to report to work three times, a day’s worth of grain rations are withheld.<sup>108</sup>

- No. 22 Hoeryeong *Kwanliso*

As stated earlier, the Hoeryeong *Kwanliso* closed in May 2012. In the past, the Hoeryeong Camp was also known as Sechori *Kwanliso*. North Korean escapee XXX testified that he had been to the area near the Hoeryeong *Kwanliso*. The camp’s total area is smaller than a county, but he heard that approximately 10 percent of the entire agricultural output of North Hamgyoung Province was pro-

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108\_As for details on Bukchang No. 18 *Kwanliso*, Keum-soon Lee, et al., *Political Prison Camps in North Korea*, pp. 44–50.

duced at this camp.<sup>109</sup> The *kwanliso* in Hoeryeong was built in such a way that mountains block the view in the direction of Kungshim and Sechon. Children in the camp stay with their mothers, but wives are told to divorce their husbands.<sup>110</sup> Escapee XXX testified that there was an elementary school inside the Hoeryeong *Kwanliso*, but children as young as fourth grade were forced to engage in farm work. They study in the morning, and in the afternoon each student takes a container and fills it with weed cut from the field or rice paddies.<sup>111</sup>

According to North Korean escapee XXX, the children confined at the *kwanliso* start their heavy labor at 10 a.m. If a mother helps with her child's work, the child is punished. Each inmate has to complete his or her duty without help from others, and this even applies to parents and their children. Husbands and wives are assigned to opposite work shifts to prevent any physical contact. A waterway is located in the *kwanliso* and some reports indicate it was built to drown inmates who are condemned to execution and save bullets.

Inmates are given three corn meals a day; however, if an inmate is caught helping his/her child or if a MPS officer discovers any information that is against the rules, the inmate's food ration is withheld for two days. There is said to be underground cells which is used if an inmate fails to finish his/her task or if he/she mis-spoke about something. The inmate is placed in confinement in a 3x3 feet cell for 20–30 days, and only half of the meals are given.<sup>112</sup>

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109\_NKHR2009000021 2009-04-13.

110\_NKHR2009000024 2009-04-20.

111\_NKHR2009000067 2009-11-12.

112\_NKHR2011000134 2011-06-07.



The fence is wired with powerful 3,300V electric current, making it impossible to escape. Children in this camp attend school up to fourth grade, and after that they start to join various types of work.<sup>113</sup>

- No. 25 Chongjin *Kwanliso*

The Chongjin *Kwanliso* is sometimes referred to as the Susong *Kyohwaso* but in fact it is a *kwanliso* for political criminals.<sup>114</sup> This No. 25 camp was used as a detention facility for the South Korean POWs after the war. It is not a village type but a fenced facility similar to a *kyohwaso* made for collective living arrangement. Some inmates are released upon completion of his/her term and only political criminals are detained in this facility alone, without their families.<sup>115</sup> Escapee XXX testified that in most cases military personnel are sent off to Susong *Kwanliso* if their “crime” was of political nature, and Chongjin *Kwanliso* is for those serving longer than 10-year terms, but they could return to normal life after serving out their terms.<sup>116</sup> Escapee XXX testified that the father of his friend XXX used to perform the duty of turning over Korean War POWs to South Korea, but he was arrested while attempting to cross the border (by crossing a river) near Namyang, Onsung County, North Hamgyoung Province. He was sent off to Chongjin No. 25 *Kwanliso*.<sup>117</sup>

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113\_NKHR2011000165 2011-07-19.

114\_Interview with escapee XXX in Seoul on January 9, 2008.

115\_Keum-soon Lee, et al., *Political Prison Camps in North Korea*, p. 64.

116\_NKHR2013000154 2013-08-20.

117\_NKHR2013000106 2013-05-28.

## Detention and Punishment of Political Prisoners

The decision to send ordinary criminals to *kyohwaso* is determined through basic review and trial procedures. Cases of individuals charged with political or ideological crimes are unilaterally reviewed by the SSD in a single trial system without judicial trial procedure. Escapee XXX testified that the SSD makes decisions independently, without any court trials, as to whether someone had to go to a political concentration camp.<sup>118</sup> However, it seems as though certain procedures are followed. Escapee XXX testified that decisions regarding the political criminals made at the county, city, or provincial level must be ratified by the Party.<sup>119</sup> The North Korean government punishes not only the political criminals but also their relatives. This is due to the so-called guilt by association system. Escapees XXX and XXX testified that this system usually applies to one's closest family members (next of kin). If a husband is convicted of a political crime, his wife has to divorce her husband and is sent to her hometown; however, if a wife is convicted, her husband does not receive punishment of any kind.<sup>120</sup> North Korean escapee XXX testified that if a married person is sent to a political prison camp, other family members ask the spouse to divorce the detainee in order to avoid being sent to the camp themselves.<sup>121</sup> Others testify that confinement at a political prison camp is determined in secret trials.<sup>122</sup> Escapee XXX testified that when her eldest brother XXX, a low level Party secretary, was detained at a

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118\_NKHR2013000154 2013-08-20.

119\_NKHR2011000165 2011-07-19.

120\_Interview with escapee XXX·XXX in Seoul on November 30, 2002.

121\_NKHR2013000154 2013-08-20.

122\_NKHR2011000196 2011-09-06.

political prison camp in April 2005 on charges of embezzlement of the Party funds, the decision was made through a secret trial.<sup>123</sup>

These are how people are pent up in political prison camps in North Korea. Consequently, ordinary citizens are unable to know who are locked up there or how they live in there. Some escapees said they were able to come in contact with related documents. Escapee XXX testified that he was able to confirm through documentation the fact that two of his uncles were serving terms in the *kwanliso*.<sup>124</sup>

Those who came home after getting discharged from “Revolutionary Zone” or Bukchang *Kwanliso* would be discriminated against because of their personal record related to political prison camps. Escapee XXX testified that those who were released from the Bukchang *Kwanliso* would return to the center within 1–2 years because they could not endure the discrimination stemming from their personal background.<sup>125</sup>

As the number of escapees increased, North Korea began to charge the crime of espionage on individuals caught contacting any South Koreans, arranging meetings with separated families, or attempting to flee to South Korea. Those who came in contact with South Korean videos or made favorable comments about South Korea would be found guilty and sent off to political prison camps. In the event of a family defection, other family member(s) left behind in North Korea would also be sent to political prison camps. Many North Korean escapees in South Korea have testified about the well-known incident in which a ranking secretary of

123\_NKHR2011000085 2011-04-05.

124\_NKHR2013000001 2013-01-08.

125\_NKHR2013000126 2013-07-09.

“League of Socialist Working Youth of Korea” (currently called as Kim Il–sung League of Socialist Working Youth of Korea) defected to South Korea. Subsequently, his family was pent up in a political prison camp.<sup>126</sup> Cases of incarceration on charges of religious activities are also on the rise.

Table  
III–27

Cases of Detention in Political Prison Camps

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                        | Testifier ID                 | Remarks   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| My father told me of a case in 2000. A man (40) living at No. 18 People's Unit, in Kunbong–dong, Danchon, South Hamgyoung Province, was sent off to a political prison camp and his wife divorced him, because one day he made a comment to the effect that "Why should we sing for Kim Jong–il if he failed to distribute grain rations."                                                                                         | NKHR2013000138<br>2013–07–23 | Informed  |
| A North Korean escapee heard that a chief of a Local branch of MPS, named XXX (58–year old man at the time) was detained at Bukchang No. 18 <i>Kwanliso</i> in South Pyongan Province, along with his family (son, daughter, daughter–in–law, and grandson) in 2002. His crime was mishandling state projects in violation of party guidelines. By the time he was released after five years, his daughter and grandson were dead. | NKHR2012000066<br>2012–04–20 | Informed  |
| In December 2002, XXX was living in Limyongsu District, Samjiyon County, Yanggang Province. While watching a movie, he had made a critical comment against Kim Jong–sook (Kim Il–sung's first wife). He was sent off to a political prison camp.                                                                                                                                                                                   | NKHR2013000140<br>2013–07–23 | Witnessed |
| A North Korean escapee testified that his neighbor told him in January 2008 that XXX was sent to the Hoeryeong <i>Kwanliso</i> on charges of having a telephone conversation with his sister in South Korea and attempting to flee North Korea.                                                                                                                                                                                    | NKHR2010000053<br>2010–06–29 | Informed  |
| A North Korean escapee testified that his aunt was confined in the Yodok <i>Kwanliso</i> on charges of exchanging money with a South Korean during the reunion of separated families in October 2008.                                                                                                                                                                                                                              | NKHR2010000068<br>2010–04–27 | Witnessed |

126\_NKHR2013000175 2013–10–01; NKHR2013000180 2013–10–01.

|                                                                                                                                                                                                                                                                                                                               |                               |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------|
| In 2009, a leader at No.49 Power Plant in Gyungsong County, North Hamgyoung Province, was house-searched by the SSD agents in connection with Kim Jong-il's guidance (on-site visit) based on a whistle-blower information. They found a hand-grenade in his house, and he was sent to a political prison camp.               | NKHR20113000066<br>2013-04-02 | Informed  |
| My neighbor XXX in Hyesan, Yanggang Province, was pent up in Yodok No. 15 <i>Kwanliso</i> for having arranged someone to participate in the inter-Korean separated family reunion meeting.                                                                                                                                    | NKHR2013000158<br>2013-09-03  | Witnessed |
| A North Korean escapee testified that he saw four family members (two males and two females), residing in Pohang District of Sinpo, South Hamgyoung Province, sent to a <i>kwanliso</i> in September 2009 because one of their family members fled to South Korea.                                                            | NKHR2011000077<br>2011-03-22  | Witnessed |
| XXX was a brother-in-law of No. 1 Secretary of Youth League in Yanggang Province. In 2010 he was detained in a political prison camp on charges of espionage and hiding smuggled goods at home.                                                                                                                               | NKHR2013000145<br>2013-08-06  | Witnessed |
| A North Korean escapee testified that his mother told him in July 2010 that three family members who lived in Pohang District of Sinpo, South Hamgyoung Province were sent to a political prison camp for holding a worship service.                                                                                          | NKHR2011000196<br>2011-09-06  | Informed  |
| A North Korean escapee testified that he heard that family members of XXX, an agent in the Division of External Affairs in the Musan County Security Department, were taken to the Chongjin <i>Kwanliso</i> because XXX fled to South Korea in October 2010.                                                                  | NKHR2011000058<br>2011-02-22  | Informed  |
| A North Korean escapee testified that he heard from his neighbors that XXX, who had been residing in the Dongmyeong District of Hoeryeong, was sent to the Hoeryeong <i>Kwanliso</i> . He was said to have been arrested for attempting to enter a South Korean Embassy in China and repatriated back to North Korea in 2010. | NKHR2011000187<br>2011-08-16  | Informed  |
| A North Korean escapee testified that XXX who had fled to South Korea came back to North Korea to take his/her family (parents, two daughters and a son) out of North Korea, but was arrested and sent to a political prison camp.                                                                                            | NKHR2012000030<br>2012-02-21  | Witnessed |
| On the day of deputy elections, a phone conversation indicating a family of 8 planned to defect to South Korea was wire-tapped, and they were pent up in a <i>kwanliso</i> .                                                                                                                                                  | NKHR2013000074<br>2013-04-16  | Informed  |

|                                                                                                                                                                                                                                                                 |                              |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Hyesan Chief Inspector XXX and his family had been picked up at night by agents for having said derogatory comments. Heard from XXX who saw this event.                                                                                                         | NKHR2013000090<br>2013-04-30 | Informed  |
| Kumsanbong Company President XXX in Onsung County, North Hamgyoung Province, was detained in No. 25 <i>Kwanliso</i> in Chongjin, for having received illicit funds from South Korea.                                                                            | NKHR2013000100<br>2013-05-28 | Informed  |
| The father of my friend XXX was a repatriated South Korean. He was sent off to a political prison camp on charges of contacting with the South.                                                                                                                 | NKHR2013000128<br>2013-07-09 | Informed  |
| My neighbor XXX and four other families in Sukchon County, North Pyongan Province, had listened to South Korean radio. They were all taken away by plain-clothesmen to a political prison camp for having said good things about South Korea to others at work. | NKHR2013000134<br>2013-07-23 | Witnessed |

In some cases, confinement is imposed at political prison camps as a punishment for deviant behavior. Cases of individuals sent to political prison camps for human trafficking are steadily increasing. Two escapees separately testified that he/she was sent off to a *kwanliso* simply because his/her relative(s) had committed human trafficking crimes.<sup>127</sup> In addition, serious economic criminals are also confined at political prison camps. Escapee XXX testified that in February 2010, the manager, bookkeeper, and secretary working for a fuel oil warehouse in Cheonnae, Gangwon Province, were arrested for privately using and selling fuel oil. He saw not only the culprits but also their family members taken away to a political prison camp. The case was widely reported and was called the major fuel oil incident. It is believed that the oil warehouse located in Cheonnae is a secret oil station reserved for Kim Il-sung and Kim Jong-il.<sup>128</sup>

127\_NKHR2011000068 2011-03-15; NKHR2011000124 2011-05-24.

128\_NKHR2011000196 2011-09-06.

- Civil Right and Family Right

Once a condemned person enters a prison camp, the camp confiscates his/her citizen ID card, depriving him/her of fundamental civic rights such as the right to vote or to run for public office. But there are exceptions. The revolutionary zone in the Yodok No. 15 *Kwanliso* and the Bukchang No. 18 *Kwanliso*, operated by the MPS, do not confiscate inmates' citizenship and allow marriage, childbirth, and even access to Party membership.<sup>129</sup> Hye-suk Kim became an exemplary member of the North Korean Democratic Youth League (currently Kim Il-sung NKDYL) and entered the Party on recommendations from the Primary Party Committee and Primary League of Socialist Working Youth in October 1984 while imprisoned in Bukchang *Kwanliso*. She also married a colleague, and gave birth to his child.<sup>130</sup> Escapee XXX testified that the Bukchang *Kwanliso* would issue citizen ID cards upon release. But, they are identified in the "blood type column" of the card. They would put red mark for "released" residents and black mark for "relocated" residents.<sup>131</sup>

Enjoying a married life inside the camp is something every inmate dreams of; however this decision is permitted by the security department agent. Thus, all inmates try to gain the officer's favor by working hard, volunteering for risky jobs, observing all rules and regulations, and even spying on other inmates. This is the only way to win the highest honor: the so-called marriage

129\_NKHR2012000066 2012-04-20.

130\_Hye-suk Kim, *A Prison Camp Created in Tears*, pp. 60-68.

131\_NKHR2013000126, 2013-07-09.

commendation.<sup>132</sup> Detainees are prohibited from all verbal or written communication with family/relatives and are forbidden to have any contact with the outside world, including relatives.

- Right to Life

Arbitrary executions and public executions are often conducted inside political prison camps. For example, in Gaechon No.14 *Kwanliso* any inmate picking and eating wild berries is killed on site. Guards sometimes force inmates and beat the victim to death, claiming that the victim is not worth the bullet.<sup>133</sup>

- Forced Labor

Most inmates wake up before dawn, eat breakfast, and get ready for work. Security agents and work supervisors conduct roll call and work is assigned to each unit which consists of five workers. To prevent conversation or conspiracy, inmates are put to work until dusk. Approximately two hours are given for lunch and the inmates eat steamed corn rolls that they prepared. At the end of the day, a Security agent or the Neighbourhood Watch (*Inminban*) chief confirms the progress of the work, and if the work is behind schedule, the security agent decides whether to extend the prisoners' work hours.

Inmates usually wake up at 4 a.m., eat breakfast, and leave for work at 5 a.m. By the time they arrive at work it is about 6 a.m.<sup>134</sup> Weekend breaks are never granted in the camp, so everyone works on Saturdays and Sundays. Inmates are given a day off every month,

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132\_Dong-hyuk Shin, *Coming Out to the World*, pp. 63–65.

133\_Keum-soon Lee, et al., *Political Prison Camps in North Korea*, pp. 39, 51.

134\_Dong-hyuk Shin, *Coming Out to the World*, p. 56.



usually at the beginning of each month. They also rest on annual holidays, which include New Year's Day and the birthdays of Kim Il-sung and Kim Jong-il.<sup>135</sup>

Apart from the designated annual holidays, inmates are required to work on the remaining holidays. In the case of the No. 18 Bukchang *Kwanliso*, detainees are mobilized on holidays to work in the houses of coal mine agents or MPS officers. They plow fields, plant potatoes or carry coal to be stored inside the warehouse.<sup>136</sup>

In some cases, forced labor results in death. In the case of the No. 18 Bukchang *Kwanliso*, many of the inmates end up dying from accidents within the coal mines. Hye-suk Kim's brother also lost his life while working at the coal mine.<sup>137</sup> Escapee XXX testified that he/she used to work at a coal-mine operated by Bukchang *Kwanliso*, and about 10 miners died a year on average.<sup>138</sup>

In enforcing forced labor, the agents will routinely wield violent means such as man-handling, mistreatment, and beating. Escapee XXX testified that a coal-mine foreman, XXX, at Bukchang *Kwanliso*, kicked him and struck him with a bat when he failed to come up with the required amount of coal.<sup>139</sup>

It has been revealed that the political prison camps pay wages for forced labor. Hye-suk Kim saved her wages and purchased 80 kilograms of seaweed.<sup>140</sup> Also, her husband received wages. In addition, each coal mine worker is provided with a piece of soap

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135\_ *Ibid.*, p. 45.

136\_ Hye-suk Kim, *A Prison Camp Created in Tears*, p. 38.

137\_ *Ibid.*, pp. 42-44.

138\_ NKHR2013000126 2013-07-09.

139\_ NKHR2013000126 2013-07-09.

140\_ *Ibid.*, pp. 34-35.

and a pair of gloves each month, and a pair of shoes every 6 months in Bukchang *Kwanliso*.<sup>141</sup>

- Housing

In the prison camps, single people or those imprisoned without their spouses live collectively in barracks while families live in huts built with wood, mud, and straw mats. Because the floors and walls are made of natural goods, the rooms are very dusty. Roofs in most cases are made from wooden boards covered with straw mats. Floors may be covered with mats made of bark. These homes do not stand up to poor weather – rain leaks into the house and it is extremely cold in the winter months.

- Right to Health

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases, mainly due to malnutrition and heavy labor. Many suffer from frostbite or hemorrhoids, but everyone, without exception, is forced to work. When a sickness becomes dire and the foreman decides the prisoner can no longer work, the prisoner is sent to a sanatorium and abandoned, since medication and doctors are not available on site.

The mother of North Korean escapee Hye-suk Kim, used to climb hills to catch worms in a bucket to feed hens and ducks while she was confined in a prison camp. The hard labor made her weak. Even though her abdomen swelled from ascites, she was not treated with proper medication. Hye-suk Kim bought nutritional supplements for her mother by selling Chinese rice. After taking

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141\_ *Ibid.*, p. 66.

the nutritional supplements, her symptoms were relieved; however, once the supplements ran out, the symptoms returned. After being confined in her home with the illness for six months, she eventually passed away at the age of 43.<sup>142</sup> Hye-suk Kim's husband contracted pellagra from the Bukchang *Kwanliso* during the Arduous March. Many inmates confined in the prison camp died from pellagra, and many suffered from nutritional deficiencies.<sup>143</sup> Escapee XXX testified that while working at Bukchang *Kwanliso* his father, XXX, and his two sisters died in 1997 from overwork, malnutrition and blood poisoning, respectively.<sup>144</sup>

There is a hospital in the *kwanliso*, but it is very poorly equipped to treat any patient. Escapee XXX testified that in April 2004 he had sustained a broken leg while working in the coal-mine. They took him to the Youngjong hospital in Bukchang *Kwanliso*, but the hospital staff could not give him any treatment except taking X-ray images and told him that the only choice was to amputate his injured leg.<sup>145</sup>

- Human Rights Violation on Women's Hygiene

Hye-suk Kim reported that after her childbirth, she used patches torn from her underclothes as sanitary pads due to lack of fabric. She criticized the political prison camp's inadequate hygiene for women, highlighting that even essential materials for mothers are not provided.<sup>146</sup> Escapee XXX, who used to work at

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142\_Hye-suk Kim, *A Prison Camp Created in Tears*, pp. 27-29.

143\_*Ibid.*, pp. 27-29.

144\_NKHR2013000126 2013-07-09.

145\_NKHR2013000126 2013-07-09.

146\_Hye-suk Kim, *A Prison Camp Created in Tears*, p. 68.

the Bukchang coal–mine, testified that pregnant women would work until the 8th month of pregnancy and would be given leave of absence before and after the delivery of the baby.<sup>147</sup>

Inside the *kwanliso*, women’s human rights are routinely violated, including sex violence and forced abortions. Escapee XXX, who used to work at the Bukchang coal–mine, testified that two women at his mother’s workplace got pregnant after being raped by a party staff, but one of them had to undergo a forced abortion and the other lost the baby after a severe beating. Even if a woman were raped inside the Bukchang *Kwanliso* the rapist would not be penalized because he would be a party staff.<sup>148</sup>

- Right to Food

The daily ration at coal mines and farms amount to 900 grams of corn per person. Since the mid–1990s, the inmates have received only 700 grams, as 200 grams are taken away for grain savings. For side dishes, inmates receive three pieces of salted lettuce and a handful of salt. The work is intensive but the quality of each meal is very poor, thus all inmates constantly suffer from extreme hunger. The most popular activity among inmates is to catch mice for cooking and eating. When inmates are dispatched to work at collective farms, they can easily catch mice. At one point, Shin ate mice every day for a week. Elementary school children receive 300 grams of grain per day. Middle/high school students from first to fourth grade receive 400 grams, and fifth and sixth graders receive 500 grams of grain rations.<sup>149</sup>

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147\_NKHR2013000126 2013–07–09.

148\_NKHR2013000126 2013–07–09.

149\_Dong–hyuk Shin, *Coming Out to the World*, pp. 46–48.

In the case of North Korean escapee Hye-suk Kim, a mere eight kilogram of rice and grains were distributed to her seven-member family each month. She explained there was no other means of obtaining food, thus they had to gather edible wild greens from the mountain to satisfy their hunger. Whenever they had a day off, the entire family went to the hillside to gather edible wild greens and stored them for food.<sup>150</sup>

Traditional holidays are no different than ordinary days. Luckily, Hye-suk Kim's family was able to have rice mixed with corn on traditional holidays without having to use wild edible greens. During the winter, it was extremely difficult to find food. Hye-suk Kim's mother bought a millstone and grinded corn to make porridge for each meal. People suffered from malnutrition to the point where their own relatives could not recognize them because they were so emaciated.<sup>151</sup>

- The Right to Education

At the camp people's school (elementary school), the daily routine is almost the same as other elementary schools across North Korea, except for labor the children are required to do from time to time. However, there is a significant difference between camp schools and schools outside in terms of course subjects, content of instruction, and the teacher-student relationship. At the elementary schools inside the camps, they teach only three subjects: Korean language, math, and physical education. Subjects such as Kim Il-sung, the Party, revolution, North Korean history, geog-

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150\_Hye-suk Kim, *A Prison Camp Created in Tears*, pp. 73-76.

151\_*Ibid.*, pp. 25-26.

raphy, science, music and fine arts are never taught at the camps.<sup>152</sup>

In middle/high school, camp students spend most of their time at factories, farms or coal mines, so most former inmates do not have memories of their middle school years. At schools inside the camp, students do not study in classrooms, but are mobilized for work at farms or factories as soon as they graduate from elementary school and move into middle school. At high schools, no textbooks are available so the students only take notes during political study sessions.<sup>153</sup>

## **E** Assessment

North Korea's Penal Code and Criminal Procedure Law both have stipulations prohibiting arbitrary detainment and mistreatment. North Korea also has taken some positive steps such as reducing the terms of service for labor training penalty. But, researches into this matter in 2013 revealed that beating, man-handling, and mistreatment continued all over the detention facilities in North Korea. Particularly widespread was the mistreatment in detention centers. North Korea has revised its Penal Code on May 14, 2012 and changed provisions pertaining to personal liberty. In the process, the level of punishment concerning illegal interrogation, illegal arrest and arraignment has been lowered or alleviated, which would indicate a step back in terms of human rights. Another salient point in the 2013 researches into *kyohwaso* was

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152\_Dong-hyuk Shin, *Coming Out to the World*, pp. 80–98.

153\_ *Ibid.*, pp. 115–128.

that mistreatment was widespread everywhere, including Jongori and Gaechon *Kyohwaso*. The number of deaths caused by malnutrition, mistreatment, and poor medical facilities continued to increase at all facilities. Also, even if deaths occurred in various detention facilities, they would not notify the family or next of kin. Furthermore, rapes and forced abortions persisted inside various detention facilities in 2013. To add on, the citizens' right to meet with the inmates were also abridged as various prison facilities allowed only one visit every three months. It was also confirmed in 2013 that the No. 22 Hoeryeong *Kwanliso* was abolished and the No. 18 Bukchang *Kwanliso* was relocated. And, the level of strict security management at No. 16 Myonggan *Kwanliso* was also revealed in 2013. From various testimonies, it was clear that the situation at Myonggan *Kwanliso* was far worse than other *kwanliso*. It was also reported that they were maintaining special "riot police" units at some centers. As stated before, rapes, sex harassment, and forced abortions were widespread at these penal facilities.

Only noteworthy humanitarian measures were that the rules of leave of absence for pregnant women (3 months before and 7 months after the delivery) were reasonably well observed, and that instructions were issued in some districts to stop the practice of beating and man-handling.

# 3

## The Right to Due Process of the Law

### A The Right to Receive a Fair Trial

The Article 11 of the UDHR stipulates the principles of right to receive fair trial, presumed innocent until proven guilty, and nullo crimen sine lege (no crime unless prescribed by law). The article states in part, everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial. The ICCPR also prescribes similar principles. It stipulates, for example, the right to receive a “fair and public hearing by a competent, independent and impartial tribunal established by law;” (Article 14, Para. 1) the right to be presumed innocent; (Article 14, Para. 2) and no crime unless prescribed by law (Article 15, Para. 1) In addition, it sets forth the principles of due compensation (Article 14, Para. 6) and prohibits double jeopardy (Article 14, Para. 7).



|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>UDHR<br/>(Article 11)</p>           | <ol style="list-style-type: none"> <li>1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.</li> <li>2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.</li> </ol> |
| <p>ICCPR<br/>(Article 14, Para. 1)</p> | <p>“In the determination of any criminal charge against him or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”</p>                                                                                                                                                                                                                                                                                                                                              |
| <p>ICCPR<br/>(Article 14, Para. 2)</p> | <p>“Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>ICCPR<br/>(Article 14, Para. 3)</p> | <p>“In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality; (c) To be tried without undue delay, (g) Not to be compelled to testify against himself or to confess guilty.”</p>                                                                                                                                                                                                                                                                                                                               |
| <p>ICCPR<br/>(Article 14, Para. 6)</p> | <p>When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reserved or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law.</p>                                                                                                                                                                                                |
| <p>ICCPR<br/>(Article 14, Para. 7)</p> | <p>No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.</p>                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>ICCPR<br/>(Article 15, Para. 1)</p> | <p>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. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.</p>                                                                                           |

North Korea has established its judicial system under the Constitution (revised and streamlined on April 1, 2013) and the

Court Structures Law (revised and streamlined on December 21, 2011). There are three levels of the judicial system: the Supreme Court, court of the province, and people's courts. In addition, there are special criminal courts such as the Military Court, Railroad Court and the Military Logistics Court. North Korea has also enacted the Penal Code (revised and streamlined on May 14, 2012) and the Criminal Procedure Law, and the Penal Code stipulates the “no law, no crime” principle (*nullem crimen sine lege*) by specifying no *ex post-facto* penalties (Article 9). North Korea has revised its Criminal Procedure Law on May 14, 2012. In the past, the appellate court system existed only in railroad trials, but now it has expanded to include all special criminal court systems. This was an improvement in terms of protection of the right to a fair trial. Extension of pre-trial and lower court trial period was also a welcome revision from the point of the accused person if this measure was designed to ascertain the accuracy of investigations and fairness of trials. However, it would appear that extension of trial period was inevitable given the reality that the number of crimes was on the increase in recent years. As a result, more time would be needed for investigation as well as for indictment. New regulations were also added concerning the labor training penalty, including the provisions reducing the time period for detention and pre-trial. This measure, too, may have been inevitable, given the increasing number of petty crimes for which labor training penalty would be appropriate. Same reasoning could be applied to the extension of indictment and detention period for labor training penalty cases and the reduction of time period by adding appropriate labor training provisions to the time period required for appeals, appellate, and review period.

Table  
III-29

Comparisons of Old and New Criminal Procedure Law

|                                | Old Criminal Procedure Law<br>(2006.10.18)                                        | Revised Criminal Procedure Law<br>(2012.5.14)                                                   |
|--------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Special Court                  |                                                                                   | New Military Logistics Court<br>(Article 52-2)                                                  |
| Supreme Court jurisdiction     | Railroad Court district level,<br>Central Court appellate level<br>(Article 29-1) | Special Court district level,<br>Supreme Court appellate level<br>(Article 53-1)                |
| Pre-trial period extended      | Complicated case may be extended up to 4 months<br>(Article 152-1)                | May be extended up to 5 months<br>(Article 151-1)                                               |
|                                | labor training penalty cases may be extended up to 1 month<br>(Article 152-2)     | May be extended up to 5 days<br>(Article 151-2)                                                 |
| Extension of detention period  | Complicated criminal case may be extended up to 1 month<br>(Article 188-2)        | May be extended up to 2 months<br>(Article 187-2)                                               |
|                                | labor training case may be extended up to 1 month<br>(Article 188-3)              | May be extended up to 5 days<br>(Article 187-3)                                                 |
| Indictment period              | Action within 10 days<br>(Article 262-1)                                          | Action within 10 days; complicated case may be extended up to 5 days<br>(Article 261-1)         |
|                                | labor training case – Action within 3 days<br>(Article 262-2)                     | Action within 5 days<br>(Article 261-2)                                                         |
| Detention period for suspect   | Within 10 days<br>(Article 263-1)                                                 | Within 10 days; Complicated case may be extended up to 5 days<br>(Article 262-1)                |
|                                | labor training case – action within 3 days<br>(Article 263-2)                     | Within 5 days<br>(Article 262-2)                                                                |
| Detention period for defendant | labor training case defendant, action within 15 days<br>(Article 282)             | Within 10 days<br>(Article 281-2)                                                               |
| District trial period          | Complicated case, 5 days extension possible<br>(Article 287)                      | Complicated case, 10-day extension possible<br>(Article 286)                                    |
| Appeals period                 | Submit appeals within 10 days<br>(Article 361-1)                                  | Submit appeals within 10 days; labor training cases may submit within 3 days<br>(Article 359-1) |

Chapter I

Chapter II

Chapter III The Reality of Civil and Political Rights

Chapter IV

Chapter V

Chapter VI

|                                 |                                                           |                                                                                   |
|---------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------|
| Complaint period                | Submit complaint within 10 days (Article 362-1)           | Submit complaint within 10 days; labor training case, within 3 days (Article 360) |
| Appellate period                | Action within 25 days (Article 366)                       | Action within 25 days; labor training case, within 7 days (Article 365)           |
| Review period of Appellate case | Prosecutor may review documents for 10 days (Article 368) | labor training case record, within 2 days; Other case 10 days (Article 367)       |

North Korea's Criminal Procedure Law has the following limitations in terms of protecting human rights in the course of due criminal procedure.<sup>154</sup> First, the Criminal Procedure Law allows for people to be arrested and confined during the course of investigation and without judicial deliberation by a court of justice. This raises serious concern in that the right to legal representation is not guaranteed during the investigative phase or during the early pre-trial procedures. Second, opening trial proceedings to the public is essential to the transparency and fairness of trials. Accordingly, Article 270 makes public exposure as the norm, but permits broad exceptions, including the protection of state or personal secrets and the prevention of socially harmful effects. Third, North Korea's criminal procedure still falls short in terms of maintaining the principle of due legal procedures because any provision in terms of legal confinement is omitted and fails to address rules for the presumption of innocence and hearsay.

Although North Korea has been operating the courts in accordance with their Constitution and other laws, their people do not

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154\_ Myeong-seop Han, *Comprehensive Issues on Exchange between North and South Korea* (Paju: Hanul Publishing Company, 2008), pp. 30-32; Ministry of Court Administration, *North Korea's Criminal Law* (Seoul: Ministry of Court Administration of South Korea, 2006), pp. 25-26.

benefit from fair trials, because the composition of courts and the operation of trials are not independent and the proceedings are unfair. The ICCPR stipulates the principle of due compensation in accordance with the law (Article 14, Para. 6), but there are no commensurate provisions in North Korea’s Constitution and criminal laws.

### The Court Structure and Non-independent Trials

- Denial of Independent Trials

North Korea denies the independence of the courts, viewing them as vehicles through which the Party can exert influence or guidance over trials. Legally, judges are elected by North Korean citizens. However, Kim Jong-il or the KWP controls the legislative power of the SPA (Supreme People’s Assembly), the representative organ of the supreme sovereignty, based on the principle of centralism and the Party’s predominance. The Party also supervises the selection and duties of deputies of the SPA. The Cabinet and the Supreme Court members are also selected by the SPA and held accountable. “The Supreme Court shall be accountable for their work to the SPA and to Presidium of the Supreme People’s Assembly when the SPA is in recess” (Article 168 of the Socialist Constitution). North Korean laws stipulate that the courts are to conduct independent judicial proceedings and carry out judicial activities according to the law (Article 166 of the Socialist Constitution, Article 271 of the Criminal Procedure Law). However, these laws do not guarantee an individual judge’s independence, but rather proclaims the independence of the judiciary as an organizational structure. Thus, it cannot be seen as guaranteeing the independence of the judiciary.<sup>155</sup> Article 11 of the Prosecutory

Supervision Law (revised and streamlined on November 19, 1998) stipulates that a prosecutor shall consider each case to determine whether a hearing has been conducted at the right time and in the correct manner as required by law. As such, the prosecution has the authority to consider trials and cases under arbitration and thus participate in the proceedings of a case. Judges appear to be in subordination to prosecutors in North Korea's judicial system.<sup>156</sup>

- The People's Jury System:  
KWP's Control over the Judiciary System

As a part of the trial system, North Korea has adopted a people's jury system. This system would appear, at least in form, to follow the jury system of the Anglo-American courts. However, it is a system employed to exercise the Party's control over the judicial system. Even North Korean scholars support this system. One North Korean scholar argued that the people's jury system is a system that guarantees the revolutionary character of trials, and the trials' roles and functions are smoothly carried out by the people's jury system:

“The People's Jury System is a legal system that guarantees the revolutionary character of the Republic's trials. The Republic's trials legally guarantees the realization of people's democracy of our people's government. The roles and functions of the Republic's trials for the realization of dictatorship of people's democracy will be realized by the People's Jury System.”<sup>157</sup>

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155\_ Kyu-Chang Lee and Gwang Jin Chung, *A Study of North Korea's Criminal Trial System: Characteristics and Reality*, pp. 49–53.

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

There are no specific standards for the qualification of people's jurors except that they must be North Korean citizens who are qualified to participate in elections (Article 6, Law on Constitution of Court). In fact, their primary role is not to provide a fair and objective trial but rather, to rubber stamp the verdict of the accused. There are times when the people's jurors will request for a reduced penalty on behalf of the defendant. In most cases, however, they will not play an active role in the trials due to their lack of legal knowledge, thus their role is limited to confirming the charges against the defendant.

### Unfairness of Criminal Trial Procedures

It is difficult to examine the trial process in North Korea. Thus far, none of the North Korean escapees have experience working as a prosecutor, a judge, a people's juror or an attorney in North Korea. Most escapees do not have special legal knowledge; therefore, there are many contradictory testimonies about the trial process.

- Court Participants

Under North Korean laws, people's jurors are required to participate in all lower court (district court) decisions. A lower court consists of a judge and two people's jurors (Article 9 of Law on Constitution of Court). In general, the judgement is made by the judge and jurors (Article 17). Also, the law requires a prosecutor and a defense attorney to participate in the lower court proceedings (Article 275 of Criminal Procedure Law).

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157\_Duck-il Kim, "The Essence of People's Juror System," *A Study of Law and Politics*, Vol. 2, 2012, p. 34.

Since a judge, a prosecutor, and a defense attorney, as well as the people's jurors all participate in a trial, it may appear as though all criminal law requirements are met; however in most cases, the judge and the prosecutor will lead the trial and the attorney and people's jurors will play only minor roles.<sup>158</sup> Furthermore, in some cases, trials will begin without attorneys or people's jurors in attendance.

- Trial Proceedings

Criminal trials begin with investigations. In North Korea, there is a unique system called pre-trial which is a period between investigation and the indictment. Pre-trial is designed to identify the defendant and the overall picture of the crime (Article 148, Criminal Procedure Law). Unlike these provisions, some North Korean escapees testified that penalties are often imposed at the investigation or pre-trial phase in the absence of judges and people's jurors. North Korean escapee XXX testified that in January 2010, he/she had experienced a pre-trial, and was given a correctional penalty at the pre-trial by a prosecutor and two pre-trial investigators.<sup>159</sup>

A lower court trial consists of five steps: the opening proceedings, examination of facts, prosecutor's charges, attorney's defense, a final statement by the defendant, and decision or sentencing (Article 300, Criminal Procedure Law). In North Korea, some cases can be found from escapee's testimonies where criminal trial procedures are formally observed as stipulated in the Penal Code, the Criminal Procedure Law, the Law on Constitution of Court,

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158\_NKHR2012000052 2012-03-28.

159\_NKHR2010000089 2010-06-08.



and other laws. Escapee XXX testified to undergoing a pre-trial examination for two months at the Musan County Court of Justice in May 2007. Five people, including a vice chief of justice, two people’s jurors, an attorney and a prosecutor, participated in the trial. The trial process consisted of the prosecutor’s argument, the attorney’s defense, and the judgement of the vice chief justice and people’s jurors.<sup>160</sup> However, some testimonies show that trial processes only occur on paper.

| Table III-30 | Cases of Written Decisions without Trials                                                                                                                                                                                                                                                                                                                   |                                                              |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
|              | Testimonies                                                                                                                                                                                                                                                                                                                                                 | Source                                                       |
|              | A North Korean escapee testified that he/she was arrested and deported after failing to enter a Korean consulate in China on March 1, 2004. He/she was sentenced without a trial to a one-year penalty by a written decision at the Bukchang County branch of MPS. No attorney was in attendance.                                                           | escapee XXX during an interview in Seoul on March 7, 2007    |
|              | A North Korean escapee testified that he/she was arrested while attempting to cross the river (border). After a month long investigation at the Hoeryeong City Security Department, he/she was transferred to the security agency of Hoeryeong. He/she did not get a trial, because all escapee cases are disposed of by written decisions without a trial. | escapee XXX during an interview in Seoul on January 16, 2008 |

All trials are conducted pro forma and individuals are declared guilty even if he/she does not answer a question, “XXX, are you guilty of xxx crime?” The defendant is not even allowed to speak or ask questions.<sup>161</sup>

160\_NKHR2008000022 2008-11-05.

161\_NKHR2012000036 2012-03-13.

- Investigation, Pre-Trial and Duration of a Trial

North Korea’s Criminal Procedure Law specifies certain rules regarding investigations, pre-trial and the duration of a trial. When a suspect or a criminal is detained, the investigator must draft a document explaining the detention decision within 48 hours and submit to a prosecutor for approval, and transfer the case to a pre-trial within 10 days (Article 143). Pre-trial investigator must conclude pre-trial within two months after the opening date. Criminal cases subject to labor training penalty must be concluded within 10 days (Article 150). However, in principle, the lower courts must conclude their proceedings within 25 days after the receipt of the docket. Even though proceedings for a suspect subject to labor training penalty must conclude within 10 days, the proceedings may be extended by five days if a criminal case is particularly complicated (Article 286, Criminal Procedure Law). The appellate court must conclude their proceedings within 25 days after the receipt of appeals document. The authorities must conclude labor training penalty cases within 7 days after the arrival of case records (Article 365).

Many North Korean escapees have testified on the irregularity of the duration of investigation and pre-trial.

| Table III-31                                                                                                                                                                                                                        | Cases Exceeding Investigation, Pre-Trial, or Trial Periods |           |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------|--|
| Testimonies                                                                                                                                                                                                                         | Testifier ID                                               | Remarks   |  |
| A North Korean escapee testified that her brother was charged with a crime of meeting a South Korean. He received a pre-trial for a year in 2005 in the Provincial Security Department detention center in North Hamgyong Province. | NKHR2009000066<br>2009-11-11                               | Witnessed |  |

|                                                                                                                                                        |                              |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he/she was sentenced to a labor training penalty, but the duration of pre-trial and indictment was not observed. | NKHR2010000053<br>2010-06-29 | Experienced |
| A North Korean escapee testified that the duration for a pre-trial was not observed in the process of receiving a labor training penalty.              | NKHR2010000102<br>2010-07-13 | Experienced |

On the other hand, in some cases, the proper procedures of investigation, pre-trial and formal trial are observed as stipulated in the Criminal Procedure Law.

**Table III-32** Cases Observing Investigation, Pre-Trial, or Trial Periods

| Testimonies                                                                                                                                                                                                                  | Testifier ID                 | Remarks     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| While the duration for investigation and pre-trial was not observed, the duration for indictment and lower court trial was observed.                                                                                         | NKHR2011000020<br>2010-05-19 | Experienced |
| A North Korean escapee testified that he/she was sentenced to a correctional labor penalty. The duration for investigation was not observed, but the duration for pre-trial, indictment, and lower court trial was observed. | NKHR2011000021<br>2010-06-07 | Experienced |
| Although the duration of investigation was not observed, the duration for additional pre-trial and lower court proceedings were faithfully observed.                                                                         | NKHR2010000015<br>2010-10-05 | Experienced |
| A North Korean escapee testified that he/she was given a correctional labor penalty, and the duration for pre-trial, indictment, and lower court trial was all observed.                                                     | NKHR2010000059<br>2010-11-30 | Experienced |

Overall, the duration for investigation and pre-trial is not observed, but the duration for indictment and lower court trial is observed. This is not necessarily the result of strictly applying criminal law provisions. It is because the scope of the crime and penalties are determined in the course of investigation and pre-trial, and the indictment and lower court proceedings are conducted in a perfunctory manner. One result of this system is that it does not require much time to conduct lower court proceedings. One

escapee testified that the trial took less than 15 minutes.<sup>162</sup> This is because all trials are conducted in a perfunctory manner in the belief that the State laws (of North Korea) cannot be wrong (or, the state laws are fair and just).<sup>163</sup>

### The On-Site Open Trial System

- On-Site Public Trials and the Court Structure

Article 285 of the law stipulates, “In order to prevent crimes and awaken the masses to the issue on trial, the courts can organize trials and deliberations on-site (at any locality). In such instances, the representatives of an agency, enterprise or organization may be asked to reveal the acts of the criminal and accuse him/her.” North Korea adheres to procedures for on-site open trials as well as various formalities of court trials, such as having a judge, prosecutor, and people’s jurors. However, the majority of North Korean residents are not aware of whether the judges, prosecutors, attorneys, and people’s judges participate in public trials.

Testimonies indicate that some ex-convicts are forced to observe public trials. North Korean escapee XXX testified that this frequently happened to drug dealers and individuals who received money from relatives who fled to South Korea. The person who gave this testimony was imprisoned at the Jongori *Kyohwaso* in 2007 for illegal border crossing. After being discharged from the *kyohwaso*, he received a notice from the court requiring that he observe a public trial.<sup>164</sup>

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162\_NKHR2012000036 2012-03-13.

163\_NKHR2012000256 2012-11-27.

164\_NKHR2012000008 2012-01-31.

- On-Site Open Trials and Public Executions

The goal of on-site open trials is to instill fear in residents by publicly exposing and censuring the actions of criminals. Accordingly, on-site open trials frequently lead to public executions.

| Table III-33                                                                                                                                                                                                                                                                                                              | Cases of On-Site Open Trials Resulting in Public Execution        |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------|
| Testimonies                                                                                                                                                                                                                                                                                                               | Testifier ID                                                      | Remarks   |
| There was a trial at the Miners' Hall in Musan County, in March 2007. In attendance were the chief judge of Musan County, chief prosecutor, director (or deputy director) of local people's committee, and political director of Local branch of MPS. He/she testified that the sentence was "XXX shall be put to death!" | NKHR2008000022<br>2008-11-05                                      | Witnessed |
| Two men and 13 women were publicly executed on February 20, 2008 on a bridge in Juwon-ku, Onsung County, North Hamgyong Province. The authorities sent out advance notice to every agency, enterprise, and the Neighbourhood Watch ( <i>Inminban</i> ) to make sure everyone attended the trial.                          | Good Friends,<br>"North Korean News Today,"<br>No. 114 (2008.3.5) | -         |

However, not all on-site open trials lead to public executions.

| Table III-34                                                                                                                                                                                                                                                             | Cases of On-Site Open Trials not Resulting in Public Execution    |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------|
| Testimonies                                                                                                                                                                                                                                                              | Testifier ID                                                      | Remarks   |
| During an on-site public trial in March 2007 at Miners' Hall in Musan County, the judge handed down the sentence, "Death sentence to XXX!" Others were given 15 years, 10 years, 5 years, respectively.                                                                  | NKHR2008000022<br>2008-11-05                                      | Witnessed |
| At an on-site public trial on June 12, 2008 at Hyesan, Yanggang Province, a total of 12 people got sentences for narcotics and colored-metal smuggling. Three of them received life sentence, and four of them received correctional labor penalty for 10 or more years. | Good Friends,<br>"North Korean News Today,"<br>No. 167 (2008.7.1) | -         |
| A North Korean escapee testified that he/she saw a criminal being sent to a <i>kyohwaso</i> .                                                                                                                                                                            | NKHR2011000131<br>2011-06-07                                      | Witnessed |

- Causes of Public Trial

There is no specific crime that triggers ‘Public Trials (or, trials by masses).’ Public trials are usually carried out on the instructions of the Party to alert the public about specific crime(s) or specific need for social education.<sup>165</sup> Usual targets are the criminals who have stolen state properties, human traffickers,<sup>166</sup> or watching or circulating prohibited videos,<sup>167</sup> and more. In connection with China, those who used to lead a life of prostitute, video chatting, Christian life, or attempted to flee to South Korea, would be subject to public trials.<sup>168</sup> Particularly frequent crimes include drug sales, video sales, and human-trafficking, and North Korean authorities are particularly sensitive to these crimes.

| Table III-35 Causes of Public Trials                                                                                                                                                                                                    |                              |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Testimonies                                                                                                                                                                                                                             | Testifier ID                 | Remarks   |
| In March 2012 at Gapsan Marketplace in Yanggang Province, I saw 2 men and women getting a public trial on charges of opium use.                                                                                                         | NKHR2013000120<br>2013-06-25 | Witnessed |
| In September 2012 in front of Musan Rail Station, I saw 17 people getting a public trial. Charges included human-trafficking, listening to South Korean songs, watching foreign movie videos, using narcotics, and using mobile phones. | NKHR2013000057<br>2013-03-19 | Witnessed |
| In February 2013 at Wiyon-dong, Hyesan, Yanggang Province, I saw 3-4 women getting a public trial on charges of opium use and human-trafficking.                                                                                        | NKHR2013000140<br>2013-07-23 | Witnessed |
| In the Hoeryeong stadium, North Hamgyong Province, I saw a man from Hamhung getting a public trial on charges of dealing 9kg of narcotics.                                                                                              | NKHR2013000007<br>2013-01-08 | Witnessed |

165\_ Ministry of Court Administration, *North Korea's Criminal Law*, p. 30.

166\_ NKHR2012000063 2012-04-17.

167\_ NKHR2012000084 2012-05-15.

168\_ NKHR2012000065 2012-04-17.

|                                                                                                                                                            |                              |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| I have experienced a public trial, along with others. Charges were selling narcotics, river-crossing, human trafficking, watching and circulating CD-Roms. | NKHR2013000022<br>2013-02-05 | Experienced |
| I saw a public trial. Charges were drug dealing, videos, and forcibly deported person.                                                                     | NKHR2013000055<br>2013-03-19 | Witnessed   |

- Decisions of Penalty

The time of penalty decision is not clear or consistent. Sometimes it is decided on-site of public trial, other times it is made by the court before the trial. In general, the penalty is determined at the court trial, and at on-site open trials the court decision is loudly read again to the public in order to alert them about the crime. Some escapees, however, testified that the decision is sometimes made at the public trial.<sup>169</sup>

The Comrade Trial System

The ICCPR stipulates that “Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” (Article 14, Para. 1) North Korea’s Comrade (colleague) Trial System breaches the individual’s right to receive a fair trial by an independent tribunal because the system is operated as a part of a quasi-legal system.

- The Legal Basis and Objectives of Comrade Trial

North Korea has abolished the so-called mass trial (or people’s trial) system which was temporarily maintained during the Korean War. Since 1972, North Korea has enforced a system of comrade

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169\_NKHR2013000089 2013-04-30.

trials at the regional level. The legal basis for comrade trials is provided by the Prosecution and Surveillance Law. Article 40, Para. 3 of this law stipulates that in cases where the accused is sent to a pre-trial, comes before the Socialist Law–Abiding Life Guidance Committee, subject to a comrade trial or sent to a detention center or labor training camp, the prosecutor can choose to rectify the behavior or demand further legal restitution.

The individuals targeted for comrade trial include economic criminals, minor violators, those who had unwittingly breached Kim Il–sung’s thoughts (Juche Ideology), and other violators of minor crimes. These violators are given penalties of a six–month labor without pay, a fine amounting to 10 or 20 fold the economic losses incurred by his actions (or deduction of the same amount from their salary), suspension of various administrative rights, demotion, self–criticism, and stern warning. However, there is no appeal system.<sup>170</sup>

- The Reality of Comrade Trials

Comrade–trials are also conducted in the military.

| Table III–36                                                                                                                                                                 |                              | Cases on Comrade Trials |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|--|
| Testimonies                                                                                                                                                                  | Testifier ID                 | Remarks                 |  |
| In the summer of 2008, at No. 91 Training Camp in Pyongyang, Staff Sergeant XXX had deserted the base and committed burglary outside. Thus, he was put on a 'comrade trial.' | NKHR2013000091<br>2013–05–14 | Witnessed               |  |

170\_Ministry of Court Administration, *A Survey of North Korean Judicial System* (Seoul: Ministry of Court Administration, 1996), pp. 630–637.



|                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                           |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------|
| <p>A North Korean escapee testified that he/she had witnessed a comrade trial in October 2008 at the Protective Command in Munheung-dong, Daedonggang District in Pyongyang. A lieutenant colonel who was the platoon leader of No. 10 guard post protecting an entry point to Pyongyang, struck someone for not complying with a pat-down search. He was sentenced to a six-month labor training penalty.</p>       | <p>NKHR2011000209<br/>2011-09-20</p>                                                                      | <p>Witnessed</p> |
| <p>On November 23, 2010 a North Korean military position suffered a retaliatory bombshell attack from South Korean forces in the wake of North Korea's earlier artillery shelling on South Korean island of Yonpyongdo. A North Korean platoon leader was wounded, but three soldiers fled the scene leaving the leader behind and outraged Kim Jong-un issued an order to turn the soldiers to a comrade trial.</p> | <p>Radio Free Asia,<br/>"A North Korean Platoon Leader Wounded; Some Soldiers Flee,"<br/>(2010.11.25)</p> | <p>-</p>         |
| <p>Several soldiers crossed the Military Demarcation Line (in the middle of DMZ) and took pictures, which was a violation of Korean Armistice Agreement. Several of them were put to a comrade trial at the Corps Headquarters in May of 2012.</p>                                                                                                                                                                   | <p>NKHR2012000247<br/>2012-11-20</p>                                                                      | <p>Witnessed</p> |

It appears that North Korea's food crisis is also affecting comrade trials within the military. North Korean escapee XXX testified that more and more soldiers are deserting the military due to economic and food difficulties. He explained that the economic situation was comparatively better between 2001 to 2003, but was strained from 2004 to 2006, and bare minimum from 2007 to 2010.<sup>171</sup> Soldier XXX was from Kyongheung County, North Hamgyong Province. He was at the comrade-trial for having stolen some agricultural produce.<sup>172</sup>

There is also a testimony of illegal border crossings by military personnel, resulting in a comrade trial. North Korean escapee XXX testified that three soldiers received comrade trials for ille-

171\_NKRRH2011000096 2011-04-19.  
 172\_NKHR2013000157 2013-09-03.

gal crossing. He further testified that although the defendants had their insignias removed and were taken away for execution, they were freed after nine days of confinement at a brigade's security platoon.<sup>173</sup>

Comrade trials in the military are conducted at battalion levels. The trials are always conducted in the presence of an officer who is one grade higher than the commanding officer. Decisions are pre-determined at a higher command, and the comrade-trial is conducted to alert other soldiers about the crime, and the heaviest penalty is the discharge from military life.<sup>174</sup>

#### Trials of Political Criminals

North Korea continues to enforce a policy of separating political crimes from ordinary crimes. Political offenders are punished under different terms known as crimes against the state. These crimes are committed by anti-revolutionary hostile elements in opposition to the people's regime while crime against KWP are treated as political crimes, and the SSD handles their investigation as well as the pre-trial (Article 46 and 48 of the Criminal Procedure Law). Unlike ordinary criminal cases, the provincial and major city courts function as the primary (first level) courts for all political crimes (Article 51, Criminal Procedure Law). The jurisdiction of the investigation and pre-trial is defined under the Criminal Procedure Law. If the MPS or the prosecution (or any other agency) arrests a spy or an anti-Party member, anti-system criminal, they are required to transfer the case to the SSD.

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173\_NKRH2011000103 2011-05-03.

174\_NKHR2013000154 2013-08-20.

The SSD conducts pre-trials in all political crime cases, but trials are conducted by the courts. Some escapees have testified that the SSD also conducts trials. Escapee XXX, who previously worked at the SSD, testified that if the Provincial SSD uncovers a political crime, they report the crime to the Prosecution Bureau of the SSD. If the bureau confirms the crime, a trial is conducted in the province where the pre-trial was conducted. A prosecutor under the Prosecutors' Bureau of SSD determines the sentence in the name of Central Court (currently Supreme Court). The proceedings are conducted behind closed doors, and penalties are determined based on the Penal Code. During the session, the SSD decides whether to imprison the criminal for life and whether the criminal's family would also be imprisoned. However, there are no established guidelines for making this decision. The prosecutor, the security agent, and other officials confer to determine the scope and duration of detention for the accused.<sup>175</sup> Escapee XXX, who previously performed related work at the SSD, testified that as soon as the pre-trial is completed, a prosecutor from the Prosecution Bureau of the SSD will come to the local area and declare the sentence. He also testified that a prosecutor from the SSD would come to the Provincial SSD for sentencing (at the City Security Department in the case of Nampo and at the Provincial Security Department in the case of other cities and counties). In short, political criminals do not go through a formal trial procedure.<sup>176</sup>

The most typical political crime case was the execution of Jang Song-taek. On December 8, 2013, North Korea had convened an extended meeting of its Party Central Committee Political Bureau

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175\_Interview with escapee XXX in Seoul on April 19, 2005.

176\_Interview with escapee XXX in Seoul on October 10, 2005.

and relieved Jang of all titles and duties. On December 12th, North Korea conducted a special military tribunal of the SSD, and the tribunal sentenced capital punishment on Jang, based on Article 60 of the Penal Code, and the sentence was immediately carried out.

North Korea's trial of 'political crimes' clearly violates the human rights of its citizens. First, the trial is conducted not by the court but by the executive agency. The ICCPR stipulates that "In the determination of any criminal charge against him, everyone shall be entitled to a fair and public hearing by a tribunal established by law." (Article 14, Para. 1) Second, such trial deprives the right of appeal. The ICCPR stipulates that anyone convicted of a crime has a right to appeal to higher court in accordance with the law. (Article 14-5) And, third, North Korean authorities would arbitrarily expand and enforce the definition of political criminals. North Korea would even charge this crime on ordinary citizens who did nothing political.<sup>177</sup>

### Special Criminal Trials

North Korea has established and is operating military courts, railroad courts and the military logistics courts as special criminal courts (Article 3 of the Law on Constitution of Court). Military courts try criminal acts perpetrated by military personnel, MPS officers, and the employees of military institutions, while railroad courts try criminal acts perpetrated by employees of the railroad shipping sector and criminal acts that infringe upon the railroad shipping industry.

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177\_Keum-soon Lee, et al., *Political Prison Camps in North Korea*, pp.1-2.

The Military Logistics Court will handle crimes committed by the workers in the military logistics industry sector and by those who harmed or hampered with military logistics projects (Article 52 of Criminal Procedure Law). The Military Logistics Court was newly established on Dec. 21, 2011 during the revision of Law on Constitution of Court, and it would appear that it was related to the military–first politics. Following is a brief review of military and railroad trials.

- Military Courts

Escapees testified that trial procedures are followed in the case of military courts (that is, court martials). Escapee XXX testified that he was arrested for going AWOL while serving at the General Bureau of Protective Force. While undergoing pre–trial for four months at the detention center of the SSD of Protective Force, he made an attempt to flee. In the process, he was shot in the leg, caught, and subsequently tortured. He had to undergo a military court (court martial), which sentenced him to 15 years in prison. A prosecutor and a defense attorney were present at the trial. He was imprisoned in a subunit of No. 4 *Kyohwaso* in Hyongjesan District, Gangdong County, Pyongyang. While serving out his sentence, he witnessed inmates serving anywhere from one to 18 years. Meanwhile, the maximum service term was reduced from 20 to 15 years when the Penal Code was revised in 1992, automatically removing five years from all inmates’ terms. His term was also reduced by five years, thus he was released upon completion of 10 years.<sup>178</sup>

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178\_Interview with escapee XXX in Seoul on March 10, 2007.

- Railroad Courts

Railroads play a significant role in North Korea, carrying 60 percent of passenger traffic and 90 percent of freight transport. North Korea's emphasis on railway shipping officially emerged in the 2001 New Year's Joint Editorial and was formalized as a part of the Four Key Industries Policy. In 2007 and 2008, North Korea's New Year Commentaries stressed strong discipline and order regarding rail transport, and this continues today. Furthermore, North Korea stresses the importance of rail transport in the establishment of a strong and prosperous country, therefore urges strong oversight and legal controls over the railroad sector in order to establish an economically strong nation.<sup>179</sup> Accordingly, railroad trials appear to be common. North Korean escapee XXX, who defected on March 4, 2011, testified that rampant corruption and frequent railroad accidents resulted in more railroad trials.<sup>180</sup>

## B Appeals and Petitions

### Appeals

- The Appeals Period

The ICCPR stipulates that “Everyone convicted of a crime shall have the right to have the conviction and sentence being reviewed by a higher tribunal according to law” (Article 14, Para. 5). North Korea's Criminal Procedure Law sets forth that a defendant, an

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179\_Kyu-Chang Lee, “Enactment of the North Korean Railroad Car Law and Human Rights,” Korea Institute for National Unification Online Series CO 11-29, November 7, 2011.

180\_NKHR2011000131 2011-06-07.

attorney or a claimant of compensation, who disagrees with the decision or sentence of the lower court, may appeal to a higher court (Article 356). Anyone who wishes to file an appeal must submit a writ of appeal to the first court within ten days of receiving a copy of the ruling and those sentenced to labor training penalty must submit the appeals papers within 3 days (Article 359). Once the period for the appeal has elapsed, the ruling becomes final (Article 362). However, rulings given by the Supreme Court or by second trial court or rulings resulting from an emergency appeal or retrial, may not be appealed (Article 358). This provision allows infringement on the right to a fair trial. In addition, there is a conflict of interest given that ICCPR is the one that guarantees the right of appeal (Article 14, Para. 5).

According to the testimonies of North Korean escapees, convicts are notified of their right to appeal. In one instance, North Korean escapee XXX testified to being tried and sentenced to a one-year labor training penalty which excluded the pre-trial period. He was given ten days to file an appeal.<sup>181</sup> It appears that the appeals procedure is generally respected. When North Korean escapees were questioned whether the appeals procedure was respected, twenty-two out of twenty-four responded in the affirmative.

- The Reality of Appeals

The purpose of the appeals process in North Korea is not to correct trial errors or to unify legal interpretation, but to monitor how faithfully the teachings of Kim Il-sung, the words of Kim Jong-il and the policies of the KWP are reflected in the ruling.<sup>182</sup>

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181\_NKHR2009000018 2009-03-26; NKHR2009000067 2009-11-12.

Petitions and appeals are sometimes accepted. Escapee XXX testified that XXX received a trial in 1994, but appealed the decision. He heard that his sentence was reduced from three and a half years of correctional prison labor to two years.<sup>183</sup> But this case appears to have been an exception. Petitions and appeals in North Korea are more likely to bring enormous harm to the petitioner(s) and the appellant(s). Due to these factors, it appears that appeals are rarely filed in reality. Recently, there appears to be occasional cases of appeal.<sup>184</sup>

| Table III-37                                                                                                                                                                                                                      |                              | Cases of Giving up Appeals |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------|--|
| Testimonies                                                                                                                                                                                                                       | Testifier ID                 | Remarks                    |  |
| A North Korean escapee testified that he/she had seen a trial of a neighbor who was indicted on charges of human trafficking in July 2009 at a court in Yanggang Province. The neighbor received a heavier penalty on his appeal. | NKHR2011000148<br>2011-06-28 | Witnessed                  |  |
| Only a few defendants requested for an appeal because heavier penalties usually resulted in cases of appeal or petition.                                                                                                          | NKHR2011000021<br>2010-06-07 | Fact                       |  |
| No one asked for an appeal because penalty would increase on an appeal.                                                                                                                                                           | NKHR2010000038<br>2010-11-02 | Fact                       |  |

A North Korean escapee testified that appeals were impossible in the case of defection. Escapee XXX testified that no appeals were allowed for illegal crossing of the border.<sup>185</sup>

182\_ Ministry of Justice, *Systematic Review on North Korea's Law (II)* (Gwa-cheon: Ministry of Justice, 1993), pp. 734-735.

183\_ NKHR2010000096 2010-06-22.

184\_ NKHR2013000166 2013-09-17.

185\_ NKHR2012000184 2012-09-11.



- Appeals on Decisions of On-site Open Trials

A North Korean escapee testified that appeals were not allowed in the case of decisions of on-site open trials. He/she testified that in the case of an on-site open trial for serious crimes, a judge would state, “According to Article XX, Paragraph XX of the law, you are sentenced to death by a firing squad. No appeal is allowed against this decision.”<sup>186</sup> Escapee XXX also testified that appeals were impossible in the case of an on-site open trial, because the decision to conduct an on-site open trial would only be made if there is sufficient evidence to convict the accused.<sup>187</sup>

### Petition

“Petition” is a right stipulated in North Korea’s Constitution (Article 69), and specific petition procedures are prescribed in its Petitions and Claims Law (revised on February 23, 2010). North Korea’s Penal Code also stipulates that if any law enforcement official ignores a petition or a claim and if the official mishandles the case, leading to a serious consequence, he/she would be punished accordingly (Article 250). The Administrative Penalty Law (revised and completed on October 16, 2011) also stipulates administrative penalties if a petition or a claim is ignored or mishandled. Included in the penalties are warning, stern warning, unpaid labor, labor education penalty, demotion, reassignment, and removal from position (firing) (Article 177). The Law on City Administration

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186\_NKHR2011000131 2011-06-07.

187\_Result of a consultation with escapee Hyeon-wook Song, Director of Human Rights Research, Committee for Democratization of North Korea, Date of Consultation: November 8, 2011.

(enacted on July 8, 2010) also stipulates “The people’s committee and relevant agencies shall accept all petitions and claims of citizens and responsibly and accurately dispose of them in a timely manner” (Article 27).

On February 23, 2010, North Korea has revised and updated its Law on Complaints and Petitions. The revised version strengthened people’s petition and claim rights compared to the previous version. The revised version added a section stating, “When taking actions on petitions, the official handling the case must rely on objective facts, and clearly determine the right or wrong of the problems raised in the petition.” (Article 27) Another addition in the revision was the stipulation that prohibits any interference with the petitioning rights and possible retribution against the petitioner(s) (Article 42).

| Table III-38 | Comparisons between Old and New Law on Complaints and Petitions                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                   |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | Old Law on Complaints and Petitions (2000.7.24)                                                                                                                                                           | New Law on Complaints and Petitions (2010.2.23)                                                                                                                                                                                                                                                                                   |
|              | <ul style="list-style-type: none"> <li>• Actions on petitions and claims shall be taken at a meeting on an agreed time and place between the petitioner, defendant, witness, and the official.</li> </ul> | <ul style="list-style-type: none"> <li>• Actions on petitions and claims shall be taken at a meeting on an agreed time and place between the petitioner, defendant, witness, and the official. In handling petitions and claims, the contents must rely on objective facts and the right or wrong should be clarified.</li> </ul> |
|              | <ul style="list-style-type: none"> <li>• No one shall interfere with petitions, or exaggerate or forge documents or actions relating to the petitioning process (Article 27).</li> </ul>                  | <ul style="list-style-type: none"> <li>• No one shall interfere with petitions, exaggerate, forge documents or actions relating to the petitioning process (Article 27).</li> </ul>                                                                                                                                               |
|              | <ul style="list-style-type: none"> <li>• Agencies, enterprises, and organizations must not exert any pressures on any petitioner, ignore any petitions, or lightly handle them (Article 42).</li> </ul>   | <ul style="list-style-type: none"> <li>• Agencies, enterprises, and organizations must not interfere with the petitioning process, ignore any petitions, lightly handle them, exert pressures or take vindictive actions on petitioners (Article 42).</li> </ul>                                                                  |

It appears that the petition system is a part of activities to protect and recognize the independent rights and interests of the North Korean people. But the petitions must comport with the requirements of the laws and KWP policies. Petitions that go against the laws and national policies are not accepted or approved.

“The petition project of the Republic’s courts is essentially an activity to thoroughly protect and realize the people’s independent rights and interests by promoting and controlling the trials so that they will proceed in conformity with Party’s policies and the laws.”<sup>188</sup>

There are some successful cases, but they are the exceptions. Furthermore, the petition system does not function for the protection of human rights of the North Korean people. Anyone who submits a petition in North Korea is labeled as a petitioner and this label is recorded in his family registry, thus affecting the lives of his/her children. He/she will be known as a scary person, and classified as a person with a grudge. Subsequently, people who are trying to become a cadre (staff) will never petition. If one’s petition fails, others mentioned in the petition can retaliate, and sometimes he/she can be reassigned to a worse position/location. People fear that a failed petition can impact as many as three generations of a family.<sup>189</sup> The result of a survey (by questionnaires) of 500 North Korean escapees illustrated similar conclusions. There would be no problem if a petition was approved and one’s position justified, but if not, he/she would be labeled as an accuser,

188\_ Chol-sung Kim, “Essence of Petition Project of the Republic’s Courts,” *A Study of Law and Politics*, No. 4, 2011, p. 40.

189\_ Keum-soon Lee and Hyun-joon Chon, *A Study on the Reality of North Korean Citizens’ Understanding of Human Rights* (Seoul: Korea Institute for National Unification, 2010), pp. 135–138.

trouble maker, or a harmful element. Most escapees testified that people hesitate to even mention a petition in fear of disapproval from the authorities, and for fear that petitioning might harm their family members. As one escapee explained, “Even if one wanted petition, he/she would not do it.”<sup>190</sup> North Korea’s Penal Code stipulates that up to one year of labor training penalty would be imposed on the individual who submits an exaggerated or fabricated petition based on selfish purpose or cowardly motives (Article 233). The Administrative Penalty Law also stipulates various administrative penalties on such petitions, including warning, stern warning, unpaid labor, labor education, demotion, reassignment, and removal from job (firing) (Article 177). For these reasons, North Koreans avoid petitioning.

Another escapee testified that in recent years one has to bribe the authorities in order to have his/her petition approved. North Korean escapee XXX explained, “If you submit a petition it would be nothing but a piece of paper, so you should bribe the person accepting the petition.” He/she testified that he had once given two million KPW.<sup>191</sup>

## © The Right to an Attorney

### The Right to Receive Legal Representation

The ICCPR stipulates that “Everyone shall be entitled to defend himself in person or through legal assistance of his own choos—

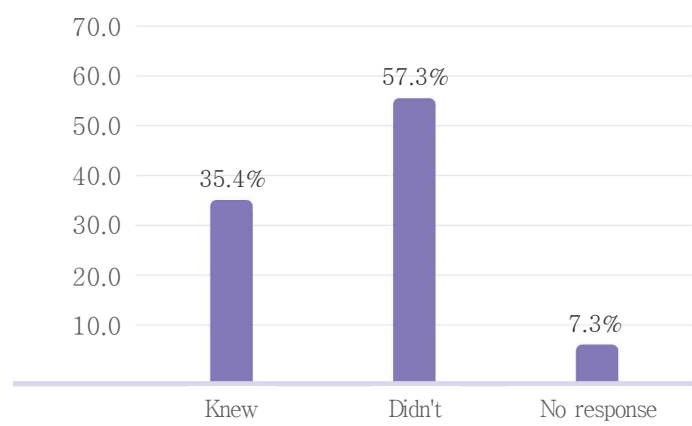
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190\_Dae-gyu Yun, *Research on Legal Awareness of North Korean Residents* (Seoul: Korea Legislation Research Institute, 2005), pp. 56–57.

191\_NKHR2009000021 2009–04–13.

ing” (Article 14, Para. 3 (d)). In North Korea, Article 164 of the Constitution stipulates that “Court cases are heard in public and the accused is guaranteed the right to defend. Hearings may be closed to the public as stipulated by law.” Article 106 of the Criminal Procedure Law also stipulates that “In criminal cases, the suspect’s right to an attorney is guaranteed.” The Criminal Procedure Law further provides that “Accused persons have the right to appoint counsel and receive legal assistance” (Article 58). If a defendant is indicted without his attorney, the judge must request the lawyers’ association to appoint (recommend) an attorney for the defendant (Article 63). Law for the Protection of Children’s Rights, enacted on December 22, 2010, also provides that children fourteen and older have the right to legal counsel (Article 50). However, according to a survey of North Korean escapees who entered South Korea between March and October 2010, 35.4 percent of participants knew they had the right to appoint counsel and receive legal assistance if they were on trial, while 57.3 percent were unaware of this information (7.3 percent did not respond).

**Figure III-10** Awareness among North Korean Residents of Their Right to Legal Representation<sup>192</sup>



## The Role and Duty of Legal Counsel

The role of legal counsel is to “ensure criminal cases are handled and disposed according to the law and to guarantee the rights of the accused” (Article 59 of the Criminal Procedure Law). Article 121 allows the right to an appeal: “If a defense attorney discovers that the suspect’s rights are not fully protected, he can appeal to the prosecutor or the court.” Article 12 of the Lawyer’s Law (enacted December 23, 1993) defines the attorney’s rights and duties by stipulating, “At the request of the court or the client, the attorney must try to protect the legal rights and interests of his client and assist a fair trial by accurately analyzing, assessing, and clarifying the truth of the case.”

Despite these rights stated in the Criminal Procedure Law, the mission of North Korean attorneys is not to protect individual rights, but the promotion and protection of the Party’s and state’s policies. Article 11 of the Attorney Law provides that an attorney’s responsibility is to “explain the nation’s laws and regulations to the people, and help the people obey these laws and regulations.” This indicates that the duties of an attorney in North Korea are to make sure that the policies of the party and government are understood and carried out by the people. Lawyers usually attempt to persuade defendants to confess their crimes. Therefore, the attorney will try to persuade or induce his client to confess the crime, rather than defend the client. Even though Article 6 of the Lawyer’s Law guarantees the attorney’s independence, there appears to be a contradiction, as Article 8 stipulates, “Attorneys shall perform

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192\_Keum-soon Lee and Hyun-joon Chon, *A Study on the Reality of North Korean Citizens’ Understanding of Human Rights*, p. 79.

their work under the guidance of their local Attorney Committees.” Article 30, Paragraph 4 further stipulates that higher level attorney committees are required to exercise routine control and guidance over the lower level committees and the attorneys belonging to them. This clearly indicates that attorneys in North Korea do not work as individual lawyers but serve as a member of a group under various attorney committees.

A North Korean scholar confirmed that at criminal trials in North Korea, an attorney may protect the defendant’s legal rights and interests, but the essence of an attorney’s activity is to extend cooperation to the courts and criminal trial projects and to uphold the judicial policies of the KWP.

*“Of course, in the trials of the Republic, the activity of an attorney is to protect the defendant’s legal rights and interests in the face of prosecutor’s indictment. However, the attorney’s activity in the Republic’s criminal trials is not to protect and support the defendant, but to cooperate with the court, so that the court may resolve the case accurately. In short, the attorney’s role is not simply to protect the defendant’s legal rights and interests based on his desires, but also to help the court, so that all court cases may be disposed of in conformity with the laws, which is the will of the state, and the rules and policies of the Party.”*<sup>193</sup>

In a 2010 survey of North Korean escapees, 25.6 percent of the respondents thought the role of an attorney was defending the defendant, 13.4 percent said it was to explain the Party’s policy, 26.8 percent said it was to expose the crime of the defendant, 6.1 percent responded other, and 28.0 percent did not respond. A to—

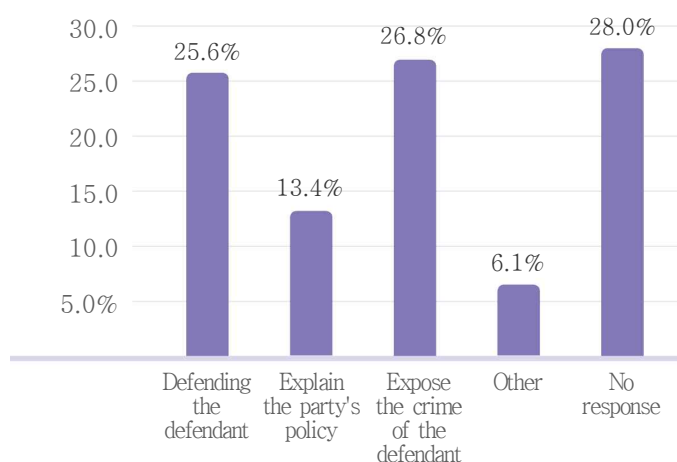
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193\_ Young-tae Yoo, “The Essence of Attorney’s Activity at the Republic’s Criminal Trials,” *A Study of Law and Politics*, No. 1, 2006, pp. 28–29.

tal of 40.2 percent of the participants perceived the role of legal counsel to expose the defendant’s crime or explain the Party’s policy rather than representing or defending the defendant’s position.

Figure III-11

The Role of Legal Counsel in North Korea<sup>194</sup>



### Current Status of Right to Legal Representation

As a rule, legal counsel must attend trial hearings (Article 275 of the North Korean Criminal Procedure Law). In trial proceedings, the defense attorney should correctly clarify the truth about the criminal case, properly analyze and evaluate the actions of the defendant, so that his legal rights are accurately guaranteed (Article 278). Recent North Korean escapees testified that defense attorneys are present at most trials. However, even when they attend the trials they seldom provide legal assistance to the accused or offer strategies for the client. Consequently, most North Koreans are

194\_Keum-soon Lee and Hyun-joon Chon, *A Study on the Reality of North Korean Citizens' Understanding of Human Rights*, p. 80.



not aware of the proper role of defense attorneys.

| Table III-39                                                                                                                                                                                                                                               |                              | Cases Attorneys Did Not Defend the Defendant |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------|--|
| Testimonies                                                                                                                                                                                                                                                | Testifier ID                 | Remarks                                      |  |
| A North Korean escapee testified that he had faced a trial on charges of video circulation in 2007 in Onsung County, North Hamgyoung Province, but no attorney was present.                                                                                | NKHR2010000074<br>2010-04-20 | Witnessed                                    |  |
| Attorneys in North Korea are not for the defendants. They only spoke as directed by the judge, and they never mentioned their defendant, because this is not allowed. I saw many trials, and was convinced that attorney has a useless job in North Korea. | NKHR2011000148<br>2011-06-28 | Witnessed and Fact                           |  |

But some escapees testified that their attorneys actually helped them.

| Table III-40                                                                                                                                                                                                                                                                                                                                                                          |                              | Cases Attorneys Did Defend the Defendant |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------|--|
| Testimonies                                                                                                                                                                                                                                                                                                                                                                           | Testifier ID                 | Remarks                                  |  |
| A North Korean escapee testified that he had faced a trial on charges of border crossing in August 2009 at a people's court in Hyesan. The attorney asked the court to consider the fact that the defendant was only a student (17 year old at the time).                                                                                                                             | NKHR2011000018<br>2010-10-06 | Experienced                              |  |
| A North Korean escapee testified that he was tried in May 2006 on charges of watching and circulating video tapes at a people's court in Hyesan. The prosecutor demanded a three-year term in a <i>kyohwaso</i> , but the defense attorney asked the court to reconsider the penalty given the young age of the defendant. The final sentence was one year in labor training penalty. | NKHR2012000032<br>2012-03-13 | Experienced                              |  |
| A North Korean escapee testified that a judge defended him or her with an intention to reduce the sentence.                                                                                                                                                                                                                                                                           | NKHR2013000186<br>2013-10-17 | Experienced                              |  |

## The Right to Receive Legal Assistance (Attorneys)

In order to receive legal assistance, the right to meet with a defense attorney must be guaranteed. North Korea's Penal Code stipulates that if the accused, defendant or his attorney demanded, the court, pre-trial investigator, and judge would arrange a meeting (Article 69). In addition, North Korea's Lawyer's Law stipulates that defense attorneys are entitled to have personal conversations or private exchange of letters with the defendant or the accused (Article 9, Para. 1). Subsequently, the right to an attorney is enforced in North Korea, at least in part, but this practice appears to be rather perfunctory.

Table  
III-41

Cases of Getting Legal Assistance from Attorneys

| Testimonies                                                                                                                                                                                                                                                                                                          | Testifier ID                 | Remarks     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he was facing an investigation in the branch of MPS detention center in Musan County in 2007. An attorney or someone came over and asked, "Did anyone strike you? If so, you should appeal." But, talking to an attorney did not help, because it was nothing but a formality. | NKHR2012000089<br>2012-05-22 | Experienced |
| A North Korean escapee testified that when he was detained in February 2007, an attorney came to visit him.                                                                                                                                                                                                          | NKHR2012000087<br>2012-05-22 | Experienced |
| On December 1, 2011, I experienced a trial at the Daehongdan County Court, Yanggang Province, on river-crossing charges. During the pre-trial, I met with an attorney.                                                                                                                                               | NKHR2013000027<br>2013-02-05 | Experienced |
| A North Korean escapee testified that during his pre-trial an attorney came to him and asked "Is everything in your (criminal) record accurate?," "Were you harmed during the pre-trial?"                                                                                                                            | NKHR2012000095<br>2012-05-29 | Experienced |
| A North Korean escapee testified that an attorney came to him once to ask whether he was beaten. Because guards were close by, he could not freely disclose the facts.                                                                                                                                               | NKHR2012000184<br>2012-09-11 | Experienced |

## D North Korea's Tight Control over People

### Streamlining the Laws on Inhabitants Control

On July 8, 2010, North Korea enacted Law on City Administration. North Korea's People's Administration Law consists of 39 Articles in four chapters. It has classified rules already in practice among the people, including the registration of personal identification, the usage of living quarters, the Neighbourhood Watch (*Inminban*) activities, and rules about room and board. One particular enactment was that the Neighbourhood Watch (*Inminban*) are now required to have a leader and a deputy leader elected at the Neighbourhood Watch (*Inminban*) meetings. (Article 10) The law also mandated a new area management system, stipulating that "The people's committee shall assign the area of responsibility to various agencies, enterprises, and the Neighbourhood Watch (*Inminban*) within each district so that the areas can be managed" (Article 21). Both the new deputy leader in the Neighbourhood Watch (*Inminban*) and the area management system appear to reflect the plans of North Korean authorities to tighten the control of their citizens.

On October 16, 2011, North Korea revised its Administrative Penalty Law. This was a revision in 3 years since May 20, 2008. The Administrative Penalty Law revised in October 2011 contains a total of 254 articles, which was expanded from a total of 199 articles. The revised law contains remarkable changes in terms of human rights guarantees and improvements. First, it stipulates the 'no-post facto' punishment by stating "For all law-violators, the law at the time of commission of crime shall be applied. However, if the violation or crime is legal under the currently revised law, even though it is under the previous law, and if the penalties

have been lowered under this law, the provisions of this revised law shall be applied” (Article 6). Second, a new provision on prohibiting human rights violations was introduced. It stipulates that “In the event a law enforcement official abuses human rights, he will be given a warning, stern warning, a three month unpaid labor penalty or labor education penalty” (Article 165).

The most remarkable change in the Administrative Penalty Law is the newly installed penalty provisions on crimes against the order and management of national defense, which comprises of 15 provisions in Chapter 2, Paragraph 1. The penalty provisions on crimes against national defense facilities as prescribed in the Administrative Penalty Law are similar to the relevant provisions stipulated in Chapter 4 of the Penal Code. The North Korean Penal Code lists a total of 16 crimes in connection with crimes against defense order and management.

With the revision of the Constitution on April 9, 2009, North Korea declared, “The DPRK considers Juche Ideology and the Military-first Ideology as the guiding principles on all activities” (Article 3). On April 28, 2009, a major revision was made to the Penal Code, incorporating the Military-first ideology in the law. Subsequently, the Administrative Penalty Law was also extensively revised, to accommodate various penalties on violations against defense order and management. In short, the military-first policy was added to the Penal Code, and subsequently it was also incorporated more specifically and extensively in the Administrative Penalty Law. Another new provision was that the prosecutor’s office would supervise the enforcement and implementation of these penalties (Article 254).<sup>195</sup>

Apparently, North Korea has also enacted the Administrative Inspection Law.<sup>196</sup> However, neither the regime nor its news media

reported the time or contents of the law, making it difficult to confirm them. However, a research paper released in early 2011 contains a reference to the existence of this law, making it possible to assume that this law was enacted around September 2010, when Kim Jong-un officially emerged as the successor of Kim Jong-il. From the title of the law, it appears that the law was designed to enforce inspections on administrative agencies and administrative workers (government employees). However, it could have been designed to tighten controls over the inhabitants. Because, the Administrative Penalty Law, despite its title, is also utilized for the purpose of controlling and punishing North Korean inhabitants.

In addition, a new “Law on Dwellings” was enacted and went into effect.<sup>197</sup> In fact, this law is designed to restrict people’s right of residence and movement as it seeks to eradicate behind-the-scene housing transactions among the citizens and to reduce the widespread anti-socialist behaviors.<sup>198</sup> For this reason, North Korea’s new Law on Dwellings is an attempt to tighten social controls, rather than to promote North Koreans’ human rights.

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195\_ Kyu-Chang Lee, "Streamlining North Korea's Citizen Control Laws and the Regime Maintenance," p. 3.

196\_ A North Korean scholar's paper released in 2011 makes reference to the Administrative Inspection Law as one of North Korean laws. Kim Kyong-hyon, "The Sources of the Republic's Administrative Laws," *The Journal of Kim Il-sung University*, Vol. 57, No. 1 (2011), p. 109.

197\_ Enacted on January 21, 2009, and revised on August 4, 2009 and Oct 25, 2011, respectively.

198\_ Eun-jeong Lee, "The Significance, Analysis and Evaluation of North Korea's Enactment of Law on Dwellings," pp. 15-16.

## The Reality of Tightening Control on the Lives of the People

- Interdiction of Inflow of External Information and Culture

In an effort to prohibit the influx of foreign culture and information, North Korea constantly conducts surveillance and control over the use of cell phones, circulation of video tapes, and the flow of merchandise at the marketplace. Authorities have tightened the communication network to control the use of cell phones. North Korean escapee XXX testified that an electronic wall was installed in 2010 in Hyesan to monitor cell phone conversations. As a result, personal cell phone calls to China was effectively cut off. The installation of electronic wall was initiated by Kim Jong-un, and North Koreans refer to this new wall as ‘the shield.’<sup>199</sup>

- Tightening of Control over the People and Politics of Terror

During the power transition from Kim Jong-il to Kim Jong-un, North Korea tightened control over their people. Some news media closely following new developments in North Korea reported that North Korean authorities were using so-called storm corps<sup>200</sup> for a tighter control over the population.<sup>201</sup> In early August 2011, the troops initiated a crackdown on illegal activities, including illegal border crossing, black market dealings, smuggling, and traf-

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199\_NKHR2012000054 2012-04-03.

200\_These are squads made up of soldiers from the Escort Bureau of the KPA, SSD, Kim Il-sung Military University, Security Cadre Training Center, Politics University of the MPS, the National Defense University.

201\_*Radio Free Asia*, “North Korea, Storm Force’s Crackdown Made Residents Terrified,” August 18, 2011.

ficking of drugs and people, specifically targeting officials and military officers stationed near the border.<sup>202</sup> Reports indicate that these troops have executed summary convictions during the crackdown.<sup>203</sup>

Since the death of Kim Jong-il on December 17, 2011, North Korea has imposed a policy of public control in 2012 and tightened reign over their people. North Korea has also reformed their power structure through the Fourth Party Delegates Convention on April 11th and the Fifth Conference of the 12th Supreme People's Assembly on April 13th. In particular, the Fourth Party Delegates Convention decided to appoint a number of experts trained in public safety and population control to frontline positions. Even the National Defense Commission(NDC) was filled with two major groups: the military logistics experts and the public security experts.<sup>204</sup> In addition, for the first time in 13 years, North Korea convened on November 23, 2012 a major conference in which local MPS officers throughout the country had to attend, to reinforce the population control policy.<sup>205</sup> On December 5, 2012 a nationwide legal workers conference was held which emphasized that revolutionary legal order should be established throughout the society. This was the first time in five years (since 2007) that such a nationwide meeting of legal workers was held.<sup>206</sup> Most escapees agreed that social

202\_ Good friends, "North Korea Today," No. 423 (October 5, 2011).

203\_ *Daily NK*, "Storm Force Sent to the Border Has Summary Conviction," August 9, 2011.

204\_ Hyeong-jung Park, "The Inauguration of Kim Jong-un's Ruling Coalition and its Characteristics," Korea Institute for National Unification Online Series CO 12-18, April 23, 2012.

205\_ *Yonhap News*, "Kim Jong-un's First Year Emphasizes Reinforcement of Public Safety Control," news report on November 24, 2012.

206\_ *Yonhap News*, "North Korea Calls for 'Establishment of Revolutionary Legal Order throughout Society,'" news report on December 5, 2012.

control has been tightened since the death of Kim Jong-il. An interesting quip is circulating among North Korean inhabitants: “Wrong moves of your short tongue will cut off your long neck.”<sup>207</sup>

| Table<br>III-42                                                                                                                                                                                                                                                                                                                                            | Cases of North Korea's Citizen Control |         |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------|--|
| Testimonies                                                                                                                                                                                                                                                                                                                                                | Testifier ID                           | Remarks |  |
| A North Korean escapee testified that controls were tightened, and Kim Jong-un delegated all power to the SSD.                                                                                                                                                                                                                                             | NKHR2012000042<br>2012-03-20           | Fact    |  |
| A North Korean escapee testified that gatherings of three or more people were prohibited in the wake of Kim Jong-il's death. Trade along the border was prohibited, surveillance against smuggling was reinforced, and the authorities had complete control over the people during the entire grieving period.                                             | NKHR2012000102<br>2012-06-05           | Fact    |  |
| A North Korean escapee testified that controls at work and the Neighbourhood Watch ( <i>Inminban</i> ) were reinforced, and instructions such as wiping out three generations of escapees were issued. School principals were fired if anyone (students) in his/her school defected.                                                                       | NKHR2012000109<br>2012-06-12           | Fact    |  |
| A North Korean escapee testified that bed-checks became more frequent (from three to four times a year to twice a month), the Neighbourhood Watch ( <i>Inminban</i> ) enforced a new night guard duties, and new informers were assigned within the Neighbourhood Watch ( <i>Inminban</i> ) to follow up on intelligence provided by the local MPS office. | NKHR2012000151<br>2012-07-24           | Fact    |  |

North Korean authorities have tightened citizen controls by shifting the style from public security politics in 2012 to fear politics in 2013. North Korea's fear politics began with the execution of Jang Song-taek and subsequent purges of his followers. Another measure was reinforcing ideology education on its people by revising the Ten Principles. In June 2013, North Korea has revised its Ten

207\_NKHR2013000094 2013-05-14.



Principles to Safeguard the Party’s Unitary Ideology System. The Ten Principles first appeared on April 14, 1974, and after 39 years of practice, North Korea decided to change the old name into Ten Principles to Safeguard the Party’s Unitary Leadership System. Further details will appear in Chapter 6.

- Emphasis on Rule by Law

As part of his public security politics, Kim Jong-un emphasized the ‘rule by law’. North Korean escapee XXX testified that Kim Il-sung implemented the ‘virtuous politics’ and Kim Jong-il enforced the ‘wide-based politics.’ Kim Jong-un advocated the so-called ‘politics of law.’<sup>208</sup> But the politics of law that Kim Jong-un seems to stress is not ‘rule of law’ but rule by law, which he is using as a political tool. In this context, the Administrative Penalty Law, in the October 16, 2011 revision, stipulated that “law abiding education and lawful control shall be reinforced” (Article 2). Discussing the strengthening of legal control functions, a North Korean scholar emphasized that the law was a basic tool of national management and argued that national management would be smoother when the legal control was tightened.

“The reinforcement of legal controls is an indispensable element for the management of a socialist state. The reason is first, because it is the only way law as a basic tool of national management can fulfill its roles and missions. The second reason is that it is the only way national management can proceed smoothly according to the nation’s laws and legal order.”<sup>209</sup>

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208\_NKHR2012000004 2012-01-10.

209\_Chol-nam Sohn, “Tightening Legal Control Functions of the People’s Government is an Indispensable Demand for the Management of a Socialist State,” *A Study of Law*

North Korean escapee XXX testified that since Kim Jong-un assumed power, even those convicted of misdemeanor were all duly punished according to the law.<sup>210</sup> Kim Jong-un's politics of law has been reinforced since the death of Kim Jong-il.

| Table III-43                                                                                                                                                                           | Cases of Politics of Law     |         |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------|--|
| Testimonies                                                                                                                                                                            | Testifier ID                 | Remarks |  |
| Surveillance was tightened because Kim Jong-un declared he would enforce the rule by law.                                                                                              | NKHR2012000041<br>2012-03-20 | Fact    |  |
| Law was tightened after the death of Kim Jong-il, perhaps four times greater.                                                                                                          | NKHR2012000151<br>2012-07-24 | Fact    |  |
| As part of the rule by law, Kim Jong-un articulated his decision to eliminate black markets and smuggling from China.                                                                  | NKHR2012000169<br>2012-08-21 | Fact    |  |
| Since the death of Kim Jong-il, laws and controls have tightened, and inspections have increased.                                                                                      | NKHR2012000214<br>2012-10-23 | Fact    |  |
| As Kim Jong-un began to emphasize "politics of law," enforcement of laws and regulations has been tightened. This is because he can maintain his regime only by a strong grip on laws. | NKHR2013000049<br>2013-03-19 | Fact    |  |

## E Foreigners' Right to a Fair Trial

A number of foreigners have been arrested and put on trial in North Korea, including Kenneth Bae (Korean name Bae Joon-ho), Aijalon Mahli Gomes, and American TV reporters Euna Lee and Laura Ling. So far, no South Korean citizen has been put on trial in North Korea. North Korea's trials on foreigners reveal at least six characteristics.

*and Politics*, No. 1 (2011), p. 31.

210\_NKHR2012000004 2012-01-10.

First, the legal time–line of investigations and trials is observed. Both Euna Lee and Laura Ling were arrested on March 17, 2009, and indicted and tried on June 4, 2009 at the Central Court (currently Supreme Court) on charges of illegal entry into North Korea. The actual trial took 3 days. Gomes crossed the border and entered into North Korea on January 25, 2010. On April 6, 2010, he was tried on charges of illegal entry and hostile acts against the North Korean people. Kenneth Bae was arrested while attempting to enter into North Korea at Rasun on November 3, 2012. He received a pre–trial on April 27, 2013, and was tried at the Supreme Court on April 30 for attempting to overturn the State as stipulated in Article 60 of North Korea’s Penal Code. In all these cases, North Korea has observed the legal time period for pre–trial and main trial. According to the Criminal Procedure Law at the time, the crime of ‘hostile acts against the Korean people’ applied in the cases of Euna Lee, Laura Ling, and Gomes required a period of 4 months of pre–trial, and the lower court trial was supposed to take place within 25 days from the date the court received the case records. The crime of attempting to overturn the State (conspiracy to overturn the state) applied on Kenneth Bae called for 5 months of pre–trial, and the lower court trial was to take place within 35 days from the date the records reached the court.

Second, as a formality the defendants would be advised of the right to get legal assistance from attorneys. But, most foreigners did not seek such legal assistance, because they suspected that North Korean attorneys would not provide substantive legal assistance. In the case of Euna Lee, North Korean officials had advised her of her right to legal assistance, but she declined the offer, and she chose not to get such legal assistance because she was convinced that no North Korean attorney would defend her

properly. Instead, she said she prayed to God for defense.<sup>211</sup> Kenneth Bae had also declined legal assistance.<sup>212</sup>

Third, North Korea also approves the foreign consul's right to meet with the defendant (the right to get assistance from the consul). The right to meet with the consul is part of international customary law.<sup>213</sup> This individual right is very important in the process of investigation and trial. Since there is no consular relations between North Korea and the United States, the U.S. government sought the assistance of Sweden and asked to represent her interest in North Korea. The North Korean government granted meetings between the Swedish ambassador and the two U.S. TV reporters on March 30th, May 15th, June 1st, and June 23, 2009. In the case of Robert Park, a Korean-American, who had entered North Korea without a visa, Sweden had also represented U.S. interests, although he was released after 43 days without a trial. In the case of Jeon Yong-soo, a Korean-American, who was arrested in November 2010, he was also granted the right of consul's assistance.<sup>214</sup> The Swedish embassy staff was also present at the trial of Gomes.<sup>215</sup> Also, in the case of Kenneth Bae, the Swedish embassy staff interviewed him on behalf of the U.S.<sup>216</sup> Although North Korea granted the consul's assistance to foreigners, it did not grant such right to South Korean citizens. In March 2009, North Korea forcibly detained Mr. Yoo XX, a Hyundai-Asan company

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211\_ Euna Lee, *The World is Bigger Now* (New York: Broadway Books, 2010), p. 187.

212\_ *Korean Central News Agency*, May 9, 2013.

213\_ Kyu-Chang Lee and Gwang Jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, pp. 33~34.

214\_ *Ibid.*, pp. 35-36.

215\_ *Korean Central News Agency*, April 7, 2010.

216\_ *Voice of America*, June 1, 2013.

staff who used to work at the Gaeseong Industrial Complex, and released him after detaining him for 137 days. And yet, North Korea did not grant Mr. Yoo his right to meet with a consul.<sup>217</sup> Even though he did not go through a formal trial process, denying a detained South Korean the right to meet with a consul was clearly a discrimination under international law.

Fourth, trials of foreigners are all directly referred to the Supreme Court in North Korea. Euna Lee, Laura Ling, Gomes, and Kenneth Bae were all referred to Supreme Court trials. As pointed out earlier, Euna Lee, Laura Ling, and Gomes were charged for crimes of ‘hostile acts against the North Korean people’ and ‘illegal entry’ into North Korea. Also, Kenneth Bae was charged with a crime of ‘attempting to overturn the State.’ According to North Korea’s Criminal Procedure Law, the anti-state and anti-people crimes should be sent to the court of the province for a lower level trial and then to the Supreme Court for the second and final trial (Article 51, Article 53) There is no further appeals beyond the Supreme Court (Article 358). In light of the impact on North Korean population, it appears that North Korean authorities decided to refer all foreigner trials to the Supreme Court for a speedy decision, which appear to have been a highly political decision. A single level trial, without the opportunity of appeal, of course, is an abridgement of individual's right to a fair trial. The right of appeal is an individual right granted to every person (Article 14–5 of ICCPR).

Fifth, North Korean authorities appear to have applied Penal Code provisions arbitrarily. Euna Lee and Laura Ling were sentenced to 12 years of correctional labor penalty based on ‘hostility

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217\_Kyu-Chang Lee and Gwang Jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, p. 36.

to the North Korean people’ (Article 69) and ‘illegal entry’ (Article 233). Article 69 defines ‘hostility’ as ‘foreigners’ hostile behaviors that cause harm to the person or property of North Koreans staying or visiting a foreign country or caused discord among the North Korean people. The reason for applying ‘anti–people hostility’ was argued as follows: The American TV reporters “were following a guide introduced by XXX and met with those (North Korean escapees) who crossed the border (into China) illegally, and collected various hostile statements made by these criminals, and these behaviors amounted to hostile behaviors stemming from extremely impure political motivations and aimed at harming the Republic.”<sup>218</sup> However, this argument is wrong; because according to North Korea’s Penal Code, ‘hostile behaviors’ can only be applied when there was harm ‘to the person or property of North Koreans staying or visiting a foreign country.’ Furthermore, Article 69 of North Korean Penal Code at the time talks about ‘causing discord’ among North Koreans. On the contrary, ‘causing discord’ is a very abstract concept that is open to arbitrary interpretations.<sup>219</sup> In the case of Gomes, North Korea applied the ‘hostility’ crime and ‘illegal entry’ crime, and sentenced 8 years of correctional labor penalty and a fine of 70 million KPW in North Korean currency, but without any explanation.

Sixth, in enforcing the Penal Code, North Korea discriminated against these foreigner compared to North Korean citizens.<sup>220</sup> It is not known whether or not a ‘special *kyohwaso*’ is different from

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218\_ *Korean Central News Agency*, June 16, 2009

219\_ Kyu–Chang Lee and Gwang Jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, pp. 18–19.

220\_ *Korean Central News Agency*, May 15, 2013.

a ‘regular *kyohwaso*,’ or, whether the ‘special center’ is designed exclusively to house foreigners.<sup>221</sup> Probably, it is the latter. On July 3, 2013, a North Korean newspaper, the Chosun Shinbo, carried a detailed interview report on Kenneth Bae. It also carried two photos of Bae, one at work and the other showing his cell with a desk. But this cell arrangement looked quite different from what the North Korean escapees had described it to be. In the same interview, Kenneth Bae said his workload was not very heavy thanks to kind considerations of prison officials. Euna Lee and Laura Ling were sentenced to labor training penalties, but the sentence was not carried out. During the trial process, Euna Lee had suffered a traumatic stress syndrome. Subsequently, she was treated at a hospital while staying at a ‘guest-house.’ North Korean prosecutors tried to enforce the sentence, but were unable to because of her illness.<sup>222</sup> On August 4, 2009, former President Bill Clinton visited North Korea, and the next day North Korea issued a special pardon for the two American reporters, Euna Lee and Laura Ling. They were released from captivity. According to North Korea’s Sentence and Decisions Enforcement Law, those sentenced to serve the labor training penalty are sent to the *kyohwaso* within 10 days of such sentence (Article 33). However, North Korean authorities did not apply this provision strictly on Euna Lee and Laura Ling. Normally, North Korean inmates in detention facilities, such as *jipkyulso*, detention centers, labor training camps, or *kyohwaso*, would not be able to get proper treatment even when they fall sick. The fact that Euna Lee received hospital treatment while staying at a guest-house clearly was not

221\_ *Voice of America*, June 1, 2013.

222\_ Euna Lee, *The World is Bigger Now*, pp. 212–254.

fair from the point of other North Korean inmates. The reason North Korea treated foreigners differently from ordinary North Korean inmates was not because they were foreigners, but because North Korea did not want the true reality of its correctional facilities revealed to the world outside.

## **E** Assessment

The fact that North Korea did not legislate the ‘Criminal Indemnity according to the Law’ is a violation of Article 14, Para. 6 of ICCPR. The fact that appeals against sentence or decision of preliminary trial of the Supreme Court is in breach of Article 14, Para. 5 of ICCPR, which guarantees the right to appeal. The so-called comrade trial system violates Article 14, Para. 1 of ICCPR, which guarantees that everyone is entitled to a fair trial at an independent tribunal. On the other hand, North Korea has stipulated in their Penal Code the no-post facto punishment clause, reflecting the ‘no crime unless prescribed by law’ defined in Article 15 of ICCPR. They have also guaranteed the right to obtain legal assistance (Article 14, Para. 3 (d) of ICCPR) by inserting a provision in their Lawyer’s Law.

Today in North Korea, certain criminal trial procedures and prescribed durations are observed, which is in accordance with Article 14, Para. 3 of ICCPR, which mandates the right to be tried without undue delay. The testimonies that a defendant who received legal assistance from an attorney, and another defendant interviewed by an attorney, seem to illustrate that some ICCPR provisions are fulfilled. However, North Korea’s criminal trial system is under the control of KWP (party), which runs counter to the interest of individual human rights. In fact, many North Korean escapees have



testified that the criminal trial system, the appeals system, and the attorney system operate in a perfunctory manner.

The Kim Jong-un regime has been streamlining its laws and regulations in an effort to tighten population control and enforce politics of law. In 2013, North Korea had further tightened its control over the people by enforcing the politics of fear. As a result, North Korean people's right to get proper protection through due process of the law has been further undermined. A symbolic evidence of the lack of due process of the law in North Korea was the killing of Jang Song-taek. The first priority of the Kim Jong-un regime in 2014 would be to regain the regime stability.<sup>223</sup> The 2014 New Year's message was an indication that North Korea would concentrate on regaining the internal stability, rather than pursue a new policy direction.<sup>224</sup>

First, North Korea will further strengthen its efforts to solidify the "Unitary Leadership System" around Kim Jong-un.<sup>225</sup> In connection with the killing of Jang Song-taek, the New Year's Message said that a "factional excrement" was eradicated, and stressed that in 2014 as before the Unitary Leadership System should be firmly established:

"Last year when our struggle to build a strong and prosperous nation was facing challenges, our Party has taken a decisive step of eradicating factional excrement."

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223\_Korea Institute for National Unification (KINU), "2014 Annual Prospects," (KINU Online Series CO 13-25, December 30, 2013), p. 1.

224\_Korea Institute for National Unification (KINU), "Analysis of New Year's Address and Policy Prospective of North Korea in 2014" (KINU Online Series CO 14-01, 2014.1.1), p. 1.

225\_Korea Institute for National Unification (KINU), "2014 Annual Prospects," p. 2.

"We must firmly safeguard the Unitary Leadership System within the Party and firmly guarantee the integrity of Party line, as well as enhancing our competent combat capabilities."

In addition, North Korea has been stressing the reinforcement of ideology on ordinary citizens, while emphasizing the need to safeguard the leader and the regime by firmly establishing strong military systems within the People's Army.

*"We must further solidify our base of revolutionary political ideology. The base of political ideology is a critical bulwark that will decide the outcome of our war to safeguard Socialism. Reinforcing our revolutionary line with political ideology is the most important task in front of us."*

*"We must thoroughly train our soldiers as men of ideology and conviction for the protection of Kumsusan Sun Palace and Party Central Committee by reinforcing political ideology and public education among our soldiers..."*

*We must thoroughly infuse revolutionary military spirit and Party's elite military system within KPA's domestic command so that our soldiers could fulfill their sacred mission and duty of safeguarding the leader, the system, and the people."*

Second, North Korea will stress law and order for the purpose of securing social control and regime stability, and seek to use law as a ruling tool. The quotations below from the 2014 New Year's Message also emphasize 'Party's policies and strict enforcement of the law' and 'observance of law and order.'

*"Reinforcing revolutionary law and order is an indispensable element for the promotion of superiority of collectivism in our society and for the fruitful achievement of our endeavors ...  
In all sectors and units, we must fully carry out Party's policies and*

*guidelines, as well as laws and instructions of the State, so that all officials and workers will observe law and order as proud citizens of the Republic and hosts of our society.”*

In view of these emphases, social and ideology control will be strengthened in 2014, and it would be more difficult to expect that ordinary North Korean citizens would be guaranteed their right to due process of the law. Furthermore, North Korean people’s freedom rights would be further restricted, including their personal liberty, security of person, freedom of residence, movement, travel, freedom of religion and conscience, freedom of speech, press, assembly, and association.

Chapter I

Chapter II

Chapter III The Reality of Civil and Political Rights

Chapter IV

Chapter V

Chapter VI

## 4

# The Right to Equality

The Right to Equality is closely related with non-discrimination. Non-discrimination is one of the fundamental principles of human rights – along with equality before the law, and the right to equal treatment under the law.<sup>226</sup> In terms of the right to equality, the most serious breach of human rights for all North Koreans is discrimination based on personal or family background (*Songbun or Todae*). Another serious breach of the right to equal treatment under the law is corruption, such as bribery. Corruption is the most serious impediment in the process of guaranteeing equality, non-discrimination, and fundamental human rights for North Koreans.<sup>227</sup>

We can discuss the issue of equality in terms of discrimination based on gender, disability, and other relevant topics. In this chapter, we will limit our analysis to issues of corruption and discrimination based on class. We will discuss the issues of discrimination based on gender and disability in Section 1 (Women) and Section 3 (the Disabled) of Chapter V.

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226\_Human Rights Committee, General Comment No. 18 (Non-discrimination), para. 1.

227\_Soo-am Kim, et al., *The Relationship between Human Rights and Corruption in North Korea* (Seoul: Korea Institute for National Unification, 2012), p. 190.

## A Discrimination based on Personal Background

### Hierarchical Classification of Citizens

The Universal Declaration of Human Rights stipulates, “All are equal before the law and are entitled without any discrimination to equal protection of the law” (Article 7). In addition, both the ICCPR and the ICESCR specifically mandate non-discrimination in all areas.

| Table III-44              | International Human Rights Norms against Discrimination                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UDHR Article 7            | <i>“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”</i>                                                                                                                                                            |
| ICESCR Article 2, Para. 2 | <i>“The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</i>                                                                                                          |
| ICCPR Article 2, Para. 1  | <i>“Each State Party to the present Covenant undertake to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</i>                                              |
| ICCPR Article 26          | <i>“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or their status.”</i> |

North Korea claims that their people have de jure rights and equal rights as their Socialist Constitution states that “Citizens enjoy equal rights in all spheres of State and public activity”

(Article 65). In reality, however, the DPRK have conducted several *songbun* check projects since 1945 and the regime strictly classifies every individual according to his or her family and social background. North Korea classifies the entire population into three categories: the core, wavering, and hostile classes.<sup>228</sup> The core class, comprising of 28 percent of the population, is the ruling class that spearheads the North Korean system. The wavering class is composed of ordinary workers, technicians, farmers, office workers, teachers and their families who do not belong to the core class and who are not party members. They represent about 45 percent of the population. The hostile class consists of those branded as national enemies, impure elements, and reactionaries. They are alienated from the rest of the society and their human rights are often abused. The hostile class accounts for approximately 27 percent of the population.

The North Korean authorities exercise strict controls over their people according to these classifications. Those classified as part of hostile class are discriminated against in all aspects of their daily lives which includes hiring, education, housing, medical benefits, and criminal punishment. In general, members of the hostile class are limited to laborious and hazardous manual work. For social management purposes, they are classified as targets of dictatorial control, isolation or absorption/ indoctrination. Dictatorial control targets are kept separate from society; isolation targets live in society but are kept under close, round-the-clock surveillance. Absorption/indoctrination targets are intensively indoctrinated for

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

possible absorption back into the system.

As stated above, North Korean authorities define the value of individuals based on his/her personal background.<sup>229</sup> Based on one’s background, the entire population is categorized into classes and treated differently. Therefore, this policy is a clear violation of both ICCPR and ICESCR. As a signatory of these covenants, North Korea has obligations to observe the international human rights standards.<sup>230</sup>

Hereditary Discrimination Based on Guilt by Association

North Korea utilizes guilt by association as a major tool to maintain their ruling system. This is a system by which family members of individuals convicted of political or ideological crimes are also punished. This system works horizontally to include all members of one’s immediate family, and vertically to affect one’s children and grandchildren. The government still keeps these records and uses them as a means to maintain firm control over the people.<sup>231</sup>

One way to assess the extent to which the regime controls the people through this system is to examine families who have been forced to relocate. For example, North Korea has classified a significant portion of the population (25–30 percent) as members of separated families, (i.e. relatives of people classified as traitors

229\_ Robert Collins, *Marked for Life: Songbun, North Korea’s Social Classification System* (Washington, D.C.: The Committee for Human Rights in North Korea, 2012), p. 6.

230\_ *Ibid.*, p. 94.

231\_ Special Rapporteur, Vitit Muntarbhorn, “Question of the Violation of Human Rights and Fundamental Freedom in Any Part of the World: Situation of Human Rights in the Democratic People’s Republic of Korea” (January 10, 2005), p. 11.

who defected to South Korea) and are relegated to the hostile class. These people are discriminated because of the behavior of their ancestors or events that occurred during the Japanese occupation or the Korean War. If one's relative participated in police duties in South Korea during the Korean War or was a former POW, one may be exiled to a remote area or to a coal mine or lumber mill, forced to engage in hard physical labor. POWs formerly held by South Korea have had to endure various forms of repression. Their spouses and children are placed under constant surveillance. Additional disadvantages related to social advancement also takes place. But essentially what exists is a systematic conferring of discrimination to these people's children and grandchildren based on family background.<sup>232</sup>

Officially, North Korea does not agree to any social discrimination based on family background. Nevertheless, the discriminatory practice persists and many people are deprived of their political and social rights due to the background check policy.

#### Systematic Discrimination based on Family Background

In recent years, the importance of personal background is diminishing amongst North Koreans, as corruption is widespread and personal wealth is respected across the society. Some North Korean escapees have testified that people can upgrade their personal background with the use of bribery.

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<sup>232</sup>\_Interview with escapee XXX in Seoul on May 23, 2000.



Table  
III-45

Cases of Family Background by Bribery

| Testimonies                                                                                                                                                                                                                                                    | Testifier ID                 | Remarks |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------|
| A North Korean escapee who fled to South Korea in April 2010 testified that people can change their background by bribing and fabricating documents.                                                                                                           | NKHR2011000243<br>2011-11-22 | Fact    |
| A North Korean escapee who fled to South Korea in September 2011 testified that people who had an escapee in the family can change his/her status into a deceased person by bribing the agent in charge of inhabitant registration at the Local branch of MPS. | NKHR2011000245<br>2011-12-20 | Fact    |

However, personal background still has a significant impact on one's life in North Korea. A survey was conducted with North Korean escapees who came to South Korea during 2010 to 2013. The five-scale survey determined the levels of discrimination based on personal (family) background. A total of 75 percent of responses were concentrated in the severe discrimination categories (including 'very severe'), confirming that discriminations based on personal and family background continue to persist in the North Korean society.<sup>233</sup> On the other hand, looking at the trend by year, the numbers were generally declining; for example, 64 percent in 2010, 64 percent in 2011, 67 percent in 2012, and 54 percent in 2013. This means that the level of discriminations based on personal (family) background is generally declining.

233\_ The statistics contained in the White Paper on Human Rights in North Korea 2014 are different from the 2013 version. The reason is because the 2014 version reflects the interview results of North Korean escapees who arrived in South Korea in 2013. The same is true with other statistics in this White Paper.

| Table<br>III-46      | Level of Discriminations Based on<br>Family Background |      |         |     |          | (Unit: frequency) |
|----------------------|--------------------------------------------------------|------|---------|-----|----------|-------------------|
| Year of<br>Defection | Very High                                              | High | Average | Low | Very Low | Total             |
| 2010                 | 33                                                     | 20   | 12      | 16  | 2        | 83                |
| 2011                 | 42                                                     | 67   | 28      | 23  | 3        | 163               |
| 2012                 | 35                                                     | 80   | 25      | 39  | 2        | 181               |
| 2013                 | 13                                                     | 35   | 16      | 24  | 1        | 89                |
| Total                | 123                                                    | 202  | 81      | 102 | 8        | 516               |

In an effort to clarify the levels of discrimination based on personal background, another survey was conducted focusing on areas such as employment as an official, party membership, college admission, and job assignment.

- Employment as an Official

Most North Koreans prefer to work for state organizations such as the KWP, the MPS and the SSD. However, background checks are thoroughly conducted before anyone is assigned to a security related job. This practice is indistinguishable from social discrimination. For example, in order to work for the MPS, a thorough background check is mandatory, extending to one's second cousins. No relatives up to one's second cousins can have a record of serving in *kyohwaso*. The background checks required to work for the SSD include investigations of an applicant's third cousins because workers at this agency handle classified information. According to escapee XXX, he and everyone in his extended family received patriot's benefits, including the grandfather's siblings, his siblings, and their children and grandchildren. Most of them obtained good jobs such as positions at the party. His own father

was a teacher, but the government provided him with a nice house usually reserved for party secretaries, equipped with telephone service.<sup>234</sup> Another escapee XXX testified that because her grandfather was an anti-Japanese resistance fighter, she was able to attend good schools and receive a number of special benefits while growing up. A provincial party chief secretary once stated at a meeting of bereaved families, “The parents should always remember ancestors and strive to become pillars of the country.”<sup>235</sup>

Personal and family background is important to join the positions of power such as SSD, MPS or to become a party or law enforcement worker. North Korean escapee XXX testified that anyone who had connections with South Korea cannot join any of the party positions, even though background considerations were largely relaxed.<sup>236</sup> Escapee XXX testified that personal background was still important in hiring party officials, even though money (bribery) can play an important role.<sup>237</sup> However, personal background is relatively less important in hiring lower level positions or administrative workers.

In a survey of North Korean escapees, a total of 87 percent of participants responded that discriminations based on personal background was severe. Over a 4-year period, only one respondent said the level of discrimination was “very weak.” This seems to show that the level of discrimination is more severe in this area than in the case of getting a Party membership. (See Table III-48) Some 62 percent said the discrimination was very severe in becom-

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234\_NKHR2009000011 2009-03-03.

235\_NKHR2009000052 2009-08-27.

236\_Interview with escapee XXX in Seoul on January 23, 2007.

237\_NKHR2008000018 2008-09-11.

ing a party staff, while only 32 percent said it was very severe when one tried to become a party member.

| Table III-47      |             | Levels of Discrimination Based on Family Background When Hiring a Party Worker |        |      |           |       | (Unit: frequency) |
|-------------------|-------------|--------------------------------------------------------------------------------|--------|------|-----------|-------|-------------------|
| Year of Defection | Very Severe | Severe                                                                         | Normal | Weak | Very Weak | Total |                   |
| 2010              | 48          | 13                                                                             | 8      | 7    | 0         | 76    |                   |
| 2011              | 94          | 39                                                                             | 12     | 11   | 1         | 157   |                   |
| 2012              | 117         | 50                                                                             | 9      | 4    | 0         | 180   |                   |
| 2013              | 27          | 12                                                                             | 5      | 1    | 0         | 45    |                   |
| Total             | 286         | 114                                                                            | 34     | 23   | 0         | 458   |                   |

- Party Membership

North Korean escapees testified that from the mid-2000s, people could join the party by discreetly providing bribes, even if they had unfavorable personal background. Similar testimonies continue today.

| Table III-48                                                                                                                                                                                                              |                              | Cases of Getting Party Membership by Bribery |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------|--|
| Testimonies                                                                                                                                                                                                               | Testifier ID                 | Remarks                                      |  |
| A North Korean escapee, who fled in March 2009, testified that he/she was able to join the party even though he/she had a very bad personal background given that his/her uncle defected to South Korea.                  | NKHR2011000174<br>2011-07-26 | Experienced                                  |  |
| North Korean escapee who defected in March 2011 testified that personal background was important in becoming a party member, but party affiliation was possible if one provided 2-3 million KPW in North Korean currency. | NKHR2011000205<br>2011-09-20 | Fact                                         |  |
| A North Korean escapee who left North Korea in June 2011 testified that the impact of personal background in the society had declined and one could join the party by paying 500,000 KPW in North Korean currency.        | NKHR2011000216<br>2011-10-04 | Fact                                         |  |

Despite these testimonies, personal background continues to play an important role for anyone wanting to become a Party member. A total of 66 percent of participants stated that discrimination based on personal background was severe. However, the level of discrimination based on personal background in connection with Party membership has been declining: for example, 70 percent in 2010, 63 percent in 2011, 66 percent in 2012, and 66 percent in 2013.

| Table III-49      |           | Levels of Discrimination Based on Family Background When Becoming a Party Member |         |     |          |       | (Unit: frequency) |
|-------------------|-----------|----------------------------------------------------------------------------------|---------|-----|----------|-------|-------------------|
| Year of Defection | Very High | High                                                                             | Average | Low | Very Low | Total |                   |
| 2010              | 39        | 17                                                                               | 11      | 11  | 2        | 80    |                   |
| 2011              | 52        | 52                                                                               | 31      | 22  | 8        | 165   |                   |
| 2012              | 56        | 63                                                                               | 29      | 24  | 9        | 181   |                   |
| 2013              | 19        | 40                                                                               | 9       | 21  | 1        | 90    |                   |
| Total             | 166       | 172                                                                              | 80      | 78  | 20       | 516   |                   |

The following are people who cannot become a party member: family members of escapees to South Korea, wartime South Korean combat police, those who had attempted to flee to South Korea,<sup>238</sup> and former inmates in political prison camps.<sup>239</sup>

Recent North Korean escapees testified that many North Koreans would not seek a party position by bribery because the advantage of being a party member was rapidly diminishing.<sup>240</sup> The value of a party membership has been diminishing since the Arduous March,

238\_NKHR2011000185 2011-08-16.

239\_NKHR2011000184 2011-08-16.

240\_NKHR2011000239 2011-11-22.

so even party members wish they could return their membership card.<sup>241</sup>

- College Entrance, Job Assignment

There is less discrimination based on personal background in regards to college entrance and job assignment compared to party membership or party jobs. Perhaps this has a lot to do with the prevailing social trend in North Korea today which stresses wealth over personal background. Some 40 percent of the participants said discrimination based on personal background was severe in college admissions while 34 percent of participants answered discrimination was weak (including ‘very weak’). Based on these answers, the percentage of “severe” was slightly higher than the percentage of “weak.” As for the impact of personal background in job assignments, 35 percent of respondents said discrimination is severe, while 41 percent of them said it is weak. It shows that a slightly higher number of respondents answered that discrimination was weak.

In the area of job assignment, the 2013 survey showed ‘severe’ was 40 percent and ‘weak’ was 34 percent, indicating ‘severe’ is slightly higher than ‘weak’.<sup>242</sup> However, the 2014 survey showed the opposite result. This indicates that personal background was rapidly becoming weaker in the area of job assignment.

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241\_NKHR2011000233 2011-11-08.

242\_KINU, *White Paper on Human Rights in North Korea 2013*, (Seoul: KINU, 2013), pp.180-181.

Table III-50 Levels of Discrimination Based on Family Background in College Admissions (Unit: frequency)

| Year of Defection | Very High | High | Average | Low | Very Low | Total |
|-------------------|-----------|------|---------|-----|----------|-------|
| 2010              | 15        | 16   | 20      | 15  | 9        | 75    |
| 2011              | 14        | 31   | 47      | 50  | 10       | 152   |
| 2012              | 12        | 62   | 39      | 40  | 17       | 170   |
| 2013              | 17        | 10   | 8       | 8   | 0        | 43    |
| Total             | 58        | 119  | 114     | 113 | 36       | 440   |

Table III-51 Levels of Discrimination Based on Family Background at the Time of Job Assignment (Unit: frequency)

| Year of Defection | Very High | High | Average | Low | Very Low | Total |
|-------------------|-----------|------|---------|-----|----------|-------|
| 2010              | 3         | 27   | 17      | 13  | 11       | 71    |
| 2011              | 7         | 43   | 39      | 42  | 15       | 146   |
| 2012              | 12        | 52   | 40      | 46  | 21       | 171   |
| 2013              | 3         | 17   | 16      | 31  | 11       | 78    |
| Total             | 25        | 139  | 112     | 132 | 58       | 466   |

#### Social Discrimination Based on Personal Background in Court Sentences and Marriage

North Korea implements discriminatory measures on people according to personal backgrounds which can affect sentencing in court. For criminals facing the death penalty, this is particularly crucial for a final judgment on whether or not to reduce a sentence because it may depend upon the person's family background. Criminals who have inferior backgrounds or origins, including orphans are usually sentenced to death without hesitation or consideration. People who have witnessed executions and other sentencing express that they are unfair and arbitrarily decided by authorities based on one's background.

Escapee XXX testified that during the investigation process at SSD, if a criminal charged is deemed to be warranted, the suspect’s family records are returned from MPS from the suspect’s hometown. The records are used as a reference in determining the terms of the penalty. In short, a person’s family background is considered for the degree of punishment. If the suspect has many party members in his family, the authorities may assume that the suspect can be reformed by his good family environment. Escapee XXX testified that a ‘security meeting’ was held prior to a trial. During this meeting, the fate of the accused was decided. If someone (the accused or his family) can produce a so-called certificate of patriotism, then the terms of the sentence are usually reduced.<sup>243</sup>

For research on discrimination in marriages based on personal background, 40 percent answered severe, and 36 percent answered weak.

| Table III-52      |           | Levels of Discrimination Based on Family Background in Terms of Marriage |         |     |          |       | (Unit: frequency) |
|-------------------|-----------|--------------------------------------------------------------------------|---------|-----|----------|-------|-------------------|
| Year of Defection | Very high | High                                                                     | Average | Low | Very low | Total |                   |
| 2010              | 9         | 24                                                                       | 11      | 22  | 8        | 74    |                   |
| 2011              | 9         | 50                                                                       | 37      | 33  | 14       | 143   |                   |
| 2012              | 9         | 56                                                                       | 46      | 35  | 23       | 169   |                   |
| 2013              | 5         | 23                                                                       | 19      | 23  | 11       | 81    |                   |
| Total             | 32        | 153                                                                      | 113     | 113 | 56       | 467   |                   |

### Class Based Discrimination in Housing

North Korea assigns housing to people according to their back-

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243\_NKHR2009000066 2009-11-11.



|                                                       |
|-------------------------------------------------------|
| Chapter I                                             |
| Chapter II                                            |
| Chapter III The Reality of Civil and Political Rights |
| Chapter IV                                            |
| Chapter V                                             |
| Chapter VI                                            |

ground and forcibly relocates people from one place to another. The North Korean authorities fear the possibility that people with unfavorable backgrounds, primarily those from South Korea or those who once belonged to the landlord or capitalist classes, may escape from North Korea because they secretly admire South Korea. For this reason North Korean authorities limit the areas where these people are allowed to live. For example, people with unfavorable backgrounds are not allowed to live in Pyongyang, Nampo, near the coast or in other sensitive areas.

Even people with favorable backgrounds are frequently expelled from urban areas like Pyongyang to secluded places in the mountains because of mistakes made by their family members or relatives. People who are forcibly relocated due to their backgrounds are prohibited from serving as salaried members of the KWP or from holding important positions in administration. Instead, they can only be promoted to low-ranking public service positions. These people frequently gather together to sympathize with one another, complain about their situations, and resent the unfair treatment.

The North Korean authorities forcibly relocate criminals, escapees, and families with unfavorable backgrounds to remote areas in the mountains. According to escapee XXX, people who are ostracized and forcibly relocated to remote places are called ‘Pyongyang evacuees’. These people are deeply despised and discriminated against by the local population.

### Discrimination between Residents

North Korean authorities have divided Pyongyang, the capital city, into two districts: central district and surrounding districts. The surrounding districts are again divided into three zones:

protective zone; satellite cities; and farming area (Article 7 of Law for the Management of Capital City of Pyongyang) In order for a North Korean citizen to live in Pyongyang, he/she must file a resident registration in accordance with methods and procedures spelled out by the Cabinet (Article 30). The authorities will closely examine the personal and family background of each individual before granting the permit to live in Pyongyang. Even Pyongyang residents are subdivided into several classes and treated differently. They are divided into three groups: Group 1 and 2 constitute about 80–90 percent of Pyongyang residents who have no problems in terms of background. Group 3 citizens will include the repatriated Koreans from Japan, former South Korean residents, and those who have missing family members. This group constitutes about 10–20 percent. Because of this type of grouping, citizens falling in Group 3 cannot participate in various political events held in Pyongyang. For example, when foreign dignitaries visit Pyongyang, only citizens belonging to Groups 1 and 2 are mobilized. So, Group 3 citizens are always discriminated against, and are allowed to join only in ordinary mass rallies. And, even in attending the mass rallies, they are discriminated, as Group 1 and 2 citizens are lined up at the front rows and Group 3 people have to stand in the back under the watchful eyes of SSD agents.

Because of such discriminations, Group 3 citizens can hardly enjoy the same benefits other citizen groups routinely enjoy. They feel constantly insecure and excluded. In order to overcome such feelings, they try very hard to join the military service or party membership, even as discriminations persist. If anyone wanted to move the residence from the outlying district to the central district, he/she must obtain approvals from the authorities (Article 31).

Discriminations between Pyongyang and provinces are also severe.

First, there are discriminations in regards to freedom of residence and movement. People living in the provinces need to obtain official approval from various agencies to move to Pyongyang (Article 31 of the Law for the Management of Capital City of Pyongyang). Second, Pyongyang has a special ID card issued only to Pyongyang residents. This Pyongyang Citizen ID Card is issued only to Pyongyang citizens above the age of 17 (Article 7, Citizen Registration Law) In addition, there are extra-legal, social discriminations. First, the level of freedom of travel is different. While Pyongyang citizens can travel across the country without permits, the provincial residents will have to obtain permits to go to Pyongyang. Second, grain rations are also different. Grain shortage exists all over North Korea. However, the situation is quite different between Pyongyang and other areas. For example, in January 2014, 15-days worth of grain rations were distributed to workers in Pyongyang, but rations were not handed out to ordinary workers outside Pyongyang, except to the local branch of MPS officers and Security Department agents.<sup>244</sup>

Other Social Discrimination

Provided below are some examples of discrimination against selected groups of North Koreans including border crossers, people with criminal records, former POWs, former residents of South Korea and their families, families of escapees, families with relatives or friends in China, returnees (repatriated Koreans from Japan), and Chinese residing in North Korea. As for the discrimination

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<sup>244</sup> *Daily NK*, January 10, 2014.

against the Korean War POWs and their families and the Korean War separated families, we will discuss in Chapter VI: Other Humanitarian Issues, Section 2 (Separated Families) and Section 4 (Korean War POWs).

- Defection

Many escapees testified that there is discrimination against those who have attempted defection or illegally crossed the border. North Korean authorities treat escapees as missing persons. Those who are associated with a missing person are not admitted into the party or the military. North Korean authorities would openly discriminate against families that have escapees, especially if the escapee went to South Korea, which would put them in the lowest class. This is because defection is the worst factor in one’s family background.<sup>245</sup> The following table contains cases of discrimination in the process of tightening surveillance and control over defections.

| Table III-53                                                                                                                                                                                        |                              | Cases on Discrimination due to Defection |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------|--|
| Testimonies                                                                                                                                                                                         | Testifier ID                 | Remarks                                  |  |
| In 2012, my rank was a captain in the army, but I was kicked out of the army because I had family members in South Korea.                                                                           | NKHR2013000154<br>2013-08-20 | Experienced                              |  |
| A North Korean escapee testified that her mother had a passport issued and went to China but did not return, so she was recorded as deceased. As a result her sister could not marry a MPS officer. | NKHR2011000060<br>2011-03-08 | Witnessed                                |  |
| A North Korean escapee testified that he/she could not become a party member because his grandmother, mother, and aunt were missing persons.                                                        | NKHR2011000155<br>2011-07-05 | Witnessed                                |  |

245\_NKHR2013000209 2013-11-26.

|                                                                                                                                                                                                                                                                        |                              |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Once it is confirmed that one has a family in South Korea, the status will drop to the lowest class. And, if a family member is sent off to a <i>kwanliso</i> or <i>kyohwaso</i> on charges of attempting to flee to South Korea, the status will be gravely affected. | NKHR2013000023<br>2013-02-05 | Fact        |
| One can even become a party member through bribery even with a bad background, but promotion or party membership would be difficult if any family member is missing.                                                                                                   | NKHR2013000075<br>2013-04-16 | Fact        |
| I wanted to become a law enforcement worker or party member, but I couldn't because my sister had defected. So, I too decided to defect.                                                                                                                               | NKHR2013000084<br>2013-04-30 | Experienced |
| I was a soccer player of an athletic team. However, once my mother went missing, I couldn't join the team to play in China. If a family member is missing, you can't join games abroad.                                                                                | NKHR2013000085<br>2013-04-30 | Experienced |
| One cannot join the army if a family member is missing.                                                                                                                                                                                                                | NKHR2013000100<br>2013-05-28 | Fact        |
| Because my mother went missing, I could not join the army or go to college.                                                                                                                                                                                            | NKHR2013000131<br>2013-07-09 | Experienced |

- Criminal Record

Many escapees testified that people would be discriminated if family members or relatives were sent off to political prison camps or *kyohwaso*. If this happened, the individual would be discriminated in marriage, college education, promotion, and military service.

Table III-54 Cases of Discrimination due to Detentions or Political Prison Camps

| Testimonies                                                                                                          | Testifier ID                 | Remarks     |
|----------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| My uncle went to a political prison camp, and my cousin went missing, and so I could not advance to graduate school. | NKHR2013000164<br>2011-07-12 | Experienced |
| I was discriminated because I had been to a <i>kyohwaso</i> and my brother was detained in a political prison camp.  | NKHR201100244<br>2011-11-22  | Experienced |

|                                                                                                                                                                                                                                                         |                              |             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Since my uncle had a <i>kyohwaso</i> detention record, I was dropped after having been selected by the Party Section 5 (which selects pretty girls to work for Kim Il-sung/Kim Jong-il).                                                                | NKHR2013000183<br>2013-10-01 | Experienced |
| One cannot work at Gaeseong Industrial Complex if one had been to a labor training camp.                                                                                                                                                                | NKHR2013000194<br>2013-10-29 | Fact        |
| I was selected by Section 5 of the Party, but because my father defected after detention in <i>kyohwaso</i> , my case was not processed. I gave up on college education, because I could not expect a good assignment even if I graduated from college. | NKHR2013000223<br>2013-12-10 | Experienced |

- Former South Koreans and their families

The most blatant forms of discrimination is against the residents of South Korea and their families. People with relatives in South Korea are also targets of discrimination. They are discriminated against mainly in party membership, military service, and promotion. Escapee XXX testified that his father wanted to join the party after he became an ordinary citizen, but he could not since the escapee's grandfather was originally from South Korea, an adverse factor in his background.<sup>246</sup>

However, their everyday lives are similar to North Korean citizens. North Korean authorities may regard former South Koreans unfavorably, but ordinary North Korean citizens do not treat them differently. In short, there is no particular discrimination against former South Koreans and their families, and their everyday lives will differ from person to person.

- North Koreans with relatives and friends in China

Some North Koreans are discriminated in party membership,

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246\_NKHR2013000215 2013-11-26.

college admissions, promotion to managerial officials, or marriage simply because they have relatives or acquaintances in China or because one or both parents are Chinese. In addition, those with relatives in China cannot be admitted to the MPS and SSD.

| Table III-55                                                                                                                                                                                                                                                                                       | Cases of Discrimination due to Family and Relatives in China |             |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------|--|
| Testimonies                                                                                                                                                                                                                                                                                        | Testifier ID                                                 | Remarks     |  |
| A North Korean escapee testified that his father could not become an official because he came from China. He too, was discriminated during his college admission in 2003.                                                                                                                          | NKHR2011000128<br>2011-05-31                                 | Experienced |  |
| A North Korean escapee testified that his father had a good personal background, but his mother was a Korean-Chinese. For this reason, his father was discriminated in his promotion.                                                                                                              | NKHR2011000005<br>2010-08-10                                 | Witnessed   |  |
| A North Korean escapee testified that his father was discriminated against in his bid to become a party member and promotions to a staff position because he came from China. He said people related to China in any way could not get married to a party worker, a soldier or a political worker. | NKHR2011000055<br>2011-02-22                                 | Experienced |  |
| A North Korean escapee testified that anyone who had relatives in China could not become a MPS officer or a SSD agent.                                                                                                                                                                             | NKHR2012000059<br>2011-04-10                                 | Fact        |  |
| A North Korean escapee testified that he wanted to get married to a woman, but her family opposed to the marriage because his father was from China and had acquaintances there.                                                                                                                   | NKHR2011000215<br>2011-10-04                                 | Experienced |  |
| My father could not become an official because my grandfather was from China.                                                                                                                                                                                                                      | NKHR2013000108<br>2013-06-11                                 | Witnessed   |  |
| I was recommended to be a typist at Army 6th Corps, but was not selected because I had relatives in China.                                                                                                                                                                                         | NKHR2013000188<br>2013-10-17                                 | Experienced |  |

- Returnees from Japan and their Families

The returnees (or repatriated former Korean Japanese compatriots) are treated with special favors. North Korean escapee XXX, who left North Korea in 2007, testified that North Korea gave spe-

cial favors to the returnees by allowing them to live in Pyongyang.<sup>247</sup> At the same time, other escapees testified that some returnees were sent to deep mountain villages or coal mines. The former returnees XXX, XXX and XXX were assigned to Liwon County, South Hamgyong Province,<sup>248</sup> and the mother of escapee XXX was assigned to Sechon Coal Mine.<sup>249</sup>

As <Table III-56> shows, North Korea will discriminate repatriated Koreans (from Japan) and their families.

| Table III-56                                                                                                                                                                                                                                                                                                 | Cases of Discrimination against Repatriated Families |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------------|
| Testimonies                                                                                                                                                                                                                                                                                                  | Testifier ID                                         | Remarks            |
| A North Korean escapee testified that she was 20 years old in 1982, but could not get married to a soldier and was discriminated during college admission because her parents were returnees.                                                                                                                | NKHR2011000089<br>2011-04-05                         | Experienced        |
| A North Korean escapee testified that his father was a guidance agent at the Husbandry Section of Mundeok County Management Committee, but was denied promotion to a chief position because he was the son of a returnee. He further said the children of returnees would not be allowed to travel overseas. | NKHR2011000115<br>2011-05-17                         | Witnessed and Fact |
| A North Korean escapee testified that he/she was a returnee. Returnees could not become a MPS officer or party worker, and would not be assigned to positions abroad.                                                                                                                                        | NKHR2011000113<br>2011-05-17                         | Experienced        |
| My husband graduated from a Maritime College in Wonsan, Gangwon Province, with excellent records, but he could not work in the maritime sector because both he and I were returnees. My son was also discriminated in his education.                                                                         | NKHR2013000224<br>2013-12-10                         | Experienced        |

In the past, returnees were not hired as an official in the party

247\_NKHR2011000046 2011-02-08.

248\_NKHR2010000056 2010-11-16.

249\_NKHR2011000099 2011-04-26.



or administrative positions, but in recent years they could obtain administrative positions.<sup>250</sup> Moreover, it was unclear whether the returnee himself could become a party member, but his/her children were allowed to do so.<sup>251</sup>

- Chinese citizens and their families

According to North Korean escapees, North Korea operates special districts and schools for overseas Chinese.<sup>252</sup> Chinese merchants do not participate in any organized meetings, including political study sessions.<sup>253</sup> Chinese people living in North Korea are also discriminated against, but other than party membership, there is no legal or institutional framework for discrimination against them. This may have to do with their wealth. The Chinese living in North Korea are known to be generally wealthy.

| Table III-57                                                                                                                                                                                                                                                                                                                 | Cases of Discrimination against Chinese Merchants and Families |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------|
| Testimonies                                                                                                                                                                                                                                                                                                                  | Testifier ID                                                   | Remarks   |
| A North Korean escapee testified that there was no discrimination against Chinese citizens in North Korea, except party membership, and because they were usually wealthy, most North Koreans thought positively about them.                                                                                                 | NKHR2010000072<br>2010-10-19                                   | Witnessed |
| A North Korean escapee testified that her husband was born in North Korea and mother-in-law was also North Korean, but her father-in-law was Chinese, so her husband received a foreigner ID instead of a North Korean one. Many North Koreans viewed them somewhat unfavorably, but there was no particular discrimination. | NKHR2011000023<br>2010-06-08                                   | Witnessed |

250\_Interview with North Korean escapee XXX in Seoul on January 30, 2008.

251\_NKHR2012000054 2011-04-03.

252\_NKHR2011000073 2011-03-22.

253\_NKHR2013000095 2013-05-14.

|                                                                                                                                                                                                                                            |                              |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| A North Korean escapee testified that his/her father was the principal of a Chinese school in Chongjin, and said most Chinese was wealthier than other North Koreans.                                                                      | NKHR201000072<br>2010-10-19  | Witnessed |
| A North Korean escapee testified that there were five Chinese families in Hoeryeong, and they were all wealthy. However, it would be difficult for them to become a party members or receive promotions.                                   | NKHR2011000162<br>2011-07-12 | Fact      |
| A North Korean escapee testified that Chinese residents would not be discriminated against as they were generally wealthy, but becoming a party member would be difficult. Chinese and returnees generally did not want to join the party. | NKHR2011000172<br>2011-07-26 | Fact      |

## B Corruption and Human Rights

### Corruption and the Right to Equality before the Law

The Universal Declaration of Human Rights stipulates, “Everyone has the right to recognition everywhere as a person before the law” (Article 6). It further specifies “All are equal before the law and are entitled without any discrimination to equal protection of the law” (Article 7). The ICCPR also declares that “Everyone shall have the right to recognition everywhere as a person before the law” (Article 16). The Declaration also articulates, “All persons shall be equal before the courts and tribunals (Article 14, Para.1). Equal before the law means that everyone is entitled to equal treatment as a person and as equal human beings. In other words, everyone must be treated equally and with same standards before the law, regardless of their wealth or social status. However, North Koreans’ right to equality before the law is breached by rampant corruption and bribery.

North Korea is penalizing bribery and bribe-taking through

Penal Code and Administrative Penalty Law. Despite legal sanctions, however, corruption and bribery are widespread in the North Korean society. North Korea has lowered the penalties on bribery under its Penal Code. In the case of ordinary citizens, North Korea will punish only in significant bribery cases, and the penalty was lowered from 2 years to one year of labor training penalty, and deleted the penalty section on supervisory officials. Normally, penalty terms on bribery would be raised, but North Korea has lowered. The reason seems to be that bribery and corruption were so widespread in the North Korean society that not all cases could be brought to justice. Under the Administrative Penalty Law, giving and receiving bribe or brokering bribes result in warning, stern warning, unpaid labor for three months or labor education, and in more serious cases the penalty could include unpaid labor for three months, labor education penalty, demotion, reassignment or layoff (firing) (Article 163).

| Table III-58 Comparisons of Penalty on Bribery under North Korean Penal Code                                                                                                                                         |                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Old Penal Code (2009.10.19)                                                                                                                                                                                          | Revised Penal Code (2012.5.14)                                                                                                                                                                     |
| If a person, who is not a management worker, received bribery he/she would be punished with labor training penalty.<br>If the bribe is excessive, he will be given a correctional labor up to 3 years (Article 242). | A person receiving a large amount of bribe will be given a labor training penalty up to a year.<br>If the amount is excessive, the penalty will be correctional labor up to 3 years. (Article 230) |
| If a management worker received bribe, he/she will be put to a 2 year labor training penalty. If the bribe is excessive, or he demanded, he would be given correctional labor penalty (Article 257)                  | Related regulations deleted.                                                                                                                                                                       |

## Corruption and Human Rights Violations

Most North Korean people are experiencing free markets through vending and smuggling activities. At the same time, North Korean authorities are trying to enforce tight controls over them. As controls are tightened, people are trying to get out from under by means of bribery. Corruption among bureaucrats is also at serious levels.<sup>254</sup> As long as the merchants and other citizens do not pose a threat to the regime and are not part of political resistance groups, most officials will pass up minor irregularities upon bribery.<sup>255</sup> Corruption and bribery are widespread even inside detention facilities, as well as in the investigation, pre-trial and court trial processes. In the case of married woman, she will have to offer bribes to the law enforcement officials, including judges to get a divorce. Bribes are also needed to get an overseas assignment. Young people's way of thinking is also contributing to the spread of corruption in the society. Most North Korean youngsters believe that money, rather than personal background, will solve all problems. The amount of bribery is determined on a case by case basis.<sup>256</sup> Due to a variety of complex reasons, the level of corruption in North Korea is one of the most serious in the world. Transparency International is publishing Corruption Perception Index (CPI) every year.<sup>257</sup> North Korea was included in this index in 2011, it ranked at the bottom every year from 2011 to 2013.

Bribery and bribe-taking reflect two contradictory characteristics.

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254\_ *The Chosun Ilbo Daily*, November 13, 2013.

255\_ NKHR2013000006 2013-01-08.

256\_ NKHR2013000055 2013-03-19.

257\_ Transparency International, <[www.transparency.org](http://www.transparency.org)>.

First, it is a natural reaction on the part of ordinary North Koreans to protect their interest from excessive or unfair government rules and regulations. This phenomenon stems from the uniqueness of North Korea's political-social system, and so it would be difficult to treat this as an abridgement of North Korean people's equality rights. Second, bribery tends to infringe upon the rights of others as bribery tends to interfere with proper enforcement of laws, and this could work against equality rights of all.

- Corruption in the Process of Crackdown on North Koreans

Anti-socialist behaviors have increased as a result of the succession and economic difficulties. As North Korea tightened control over these issues, punishments have increased for anti-socialist activities. Accordingly, an increased number of North Koreans are committing acts of deviance, such as offering bribes to avoid punishment. Even those found using cell phones or distributing CDs during crackdowns can avoid punishment or receive lighter punishments by offering bribes. When punishments are not applied fairly, the rule of law is weakened and violations of human rights increased. For example, a person caught using a cell phone may evade a correctional prison labor sentence if he/she can prove that the call was unrelated to South Korea. However, even in this case, the person must offer between 500,000 and 1,000,000 KPW as a bribe in order to avoid punishment.<sup>258</sup>

In the process of checking and inspecting travellers, security agents sometimes demand money. For example, a soldier at a guard

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258\_NKHR2009000064 2009-11-04.

unit in Musan, North Hamgyong Province demanded money from the family of a river-crossing offender. Since the poor family could not meet the bribe demand, the offender was penalized with appropriate penalties.<sup>259</sup> In the past, bribes offered to security agents were in the form of cigarettes or cash, but recently, people offer narcotics (ice) as a bribe.<sup>260</sup> However, in serious cases of crime such as talking to South Koreans on a cell phone, it would be difficult even for the security agent to overlook the case with bribes.<sup>261</sup> In some cases, people offer a good amount of bribe to the agent(s) and are able to talk to family members in South Korea without being penalized.<sup>262</sup> This type of corruption clearly violates the principle of fairness.<sup>263</sup>

- Corruption in Investigation and Pre-trial Procedures

Other human rights violations occur during the pre-trial examination process at the Local branch of MPS detention centers. In order to ensure that those in detention centers receive food, their families make every effort to contact guard, pre-trial officer or even an acquaintance in the Local branch of MPS and offer money or other forms of bribe. For example, the phenomenon of bribing agents to avoid detainment at the SSD detention center is prevalent and bribes must be shared among agents at all levels of the Department.<sup>264</sup>

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259\_NKHR2012000024 2012-02-21.

260\_NKHR2012000118 2012-06-19.

261\_NKHR2012000139 2012-07-10.

262\_NKHR2012000015 2012-02-07.

263\_Soo-am Kim, et al., *The Relationship between Human Rights and Corruption in North Korea*, pp. 94-95.

Some people bribe the agents during the investigation stage and are released after completing a self-criticism form.<sup>265</sup> There have been numerous corruption cases in which the suspects bribe the pre-trial investigators who would then lower the applicable penalty level. This is done all before the formal trial. Many pre-trial investigators fabricate details on a similar case in order to allow the suspect of concern to receive reduced penalty. For example, pre-trial investigators fabricate details such as the frequency and purpose of border-crossing, and the suspect's activities in China, so that the suspect can receive minimum penalty. In extreme cases, the pre-trial investigators can fabricate the time of arrest and the duration of detention. Even for cases related to smuggling and underground transaction, they will complete forms in a way that the criminal can avoid the most severe punishment such as reducing the amount or the number of items under investigation. In rare cases, some pre-trial investigators can make a profit by agreeing not to forward the relevant files to the chain of command. For example, the parents of a forcibly deported escapee bribed an investigator. This escapee was somehow about to obtain a diagnosis of mental disorder, and was released in the process of the investigation.<sup>266</sup> In very rare cases, privilege will be given to those who provide bribes on special occasions such as the founding day of the Party when criminals are released on compassionate release.<sup>267</sup> However, if the timing of the arrest is

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264\_NKHR2009000006 2009-02-05.

265\_NKHR2011000197 2011-06-06.

266\_NKHR2011000155 2011-07-05.

267\_NKHR2011000186 2011-08-16.

during the central Party inspections or if the arrest was made during a special inspection, then avoiding punishment or fabrication of documents is difficult even with bribes.<sup>268</sup> The principle of non-discrimination is often breached in North Korea because decisions on the level of punishment or indictment depends on whether there was bribery or not during the investigation process or the pre-trial stage.<sup>269</sup>

- Corruption in Detention and Correctional Facilities

The following are testimonies from North Korean escapees who gave bribes to agents at *kyohwaso*, *jipkyulso*, detention centers and labor training camps in order to have their penalty removed or reduced.

| Table III-59                                                                                                                                                                                                                                                                                                                                                                                       | Cases of Corruption at Detention and Correctional Facilities |             |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------|--|
| Testimonies                                                                                                                                                                                                                                                                                                                                                                                        | Testifier ID                                                 | Remarks     |  |
| A North Korean escapee testified that he was detained at a provincial <i>jipkyulso</i> in Chongjin for about a month in June 2010. He bribed 10,000 Chinese yuan to the security agent and was released and his record was changed to indicate that he had fled.                                                                                                                                   | NKHR2011000038<br>2011-01-11                                 | Experienced |  |
| A North Korean escapee testified that in June 2010, his friend XXX was detained at detention center at Dukchon, South Pyongan Province after an arrest by a Group 109 for singing South Korean songs and carrying a notebook with lyrics. He was due to get transferred to a labor training camp. However, he was released in 10 days after providing bribes and completing a self-criticism form. | NKHR2011000197<br>2011-09-06                                 | Witnessed   |  |

268\_ Soo-am Kim, et al., *The Relationship between Human Rights and Corruption in North Korea*, pp. 96-97.

269\_ *Ibid.*, p. 97.



|                                                                                                                                                                                                                                                                                                                           |                              |             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he was detained at labor training camp in Musan County in September 2010 serving a six-month sentence. He gave bribes and served only a little over one month. However, the record still indicated that he served the full six months.                                              | NKHR2011000186<br>2011-08-16 | Experienced |
| A North Korean escapee testified that he was detained at labor training camp in Pyongsung in January 2011, digging holes for tree planting along the city streets. He heard from an inmate, XXX, that inmates could receive a one month reduction every time he/she paid 600,000 KPW to the chief of labor training camp. | NKHR2011000115<br>2011-05-17 | Informed    |

- Corruption in Criminal Trials

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

Table  
III-60

Cases of Corruption during the Criminal Trial Process

| Testimonies                                                                                                                                                                                                                                                                                            | Testifier ID                 | Remarks     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that his mother was forcibly deported from China on May 3, 2008. In late September 2008, she was tried at a court in Hoeryeong and sentenced to a five year correctional labor. She paid 2 million KPW in bribes and was released on probation.                       | NKHR2011000187<br>2011-08-16 | Witnessed   |
| A North Korean escapee testified that even if an individual commits a serious crime subject to correctional labor penalty such as dealing with narcotics, the individual can be exempt from serving time by offering bribes. In some cases, even capital punishment can be avoided by offering bribes. | NKHR2008000023<br>2008-11-11 | Fact        |
| A North Korean escapee testified that he provided bribes to a pre-trial investigator and the judge, and was released on social education.                                                                                                                                                              | NKHR2010000018<br>2010-10-05 | Experienced |

If one is able to provide bribes, the corrupt exchange allows him to avoid punishment or reduce the time in jail. However, it is unfair for others who have to serve full sentence because they

are unable to provide bribes. This is a clear violation of the principle of non-discrimination, the right to a fair trial and the right to equal protection of the law. If the case involves a victim, it would also violate the fairness doctrine.<sup>270</sup>

- Divorce Trials and Corruption

Divorce cases are also fraught with corruption and human rights problems. North Korea witnessed a rise in divorce rates related to domestic violence, women's active involvement in business to make a living, and marital discord. Those who wish to divorce must see a lawyer and file a suit. They then undergo a pre-trial in court overseen by a judge. The pre-trial provides the couple an opportunity to drop the case if possible. After the pre-trial, they are seen by a chief justice.<sup>271</sup> In order to get a divorce trial, one has to pay several hundred thousand KPW in bribes. North Korean escapee XXX testified that he had to bribe the judge in order to have his divorce justified. In April 2008, the judge acknowledged the conditions for a divorce, but stated the case needed further consideration. He thought this comment was an indication that the judge wanted money, so he paid 100,000 KPW.<sup>272</sup> escapee XXX and XXX also had to offer 100,000 KPW in the process of divorce proceedings.<sup>273</sup> Despite offering bribes, divorce proceedings are not very smooth for North Korean housewives.<sup>274</sup> Lots of bribes are needed for divorce proceedings, and even

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270\_Soo-am Kim, et al., *The Relationship between Human Rights and Corruption in North Korea*, pp. 99–100.

271\_Interview with North Korean escapee XXX in Seoul on January 17, 2008.

272\_NKHR2009000054 2009-09-17.

273\_NKHR2013000039 2013-03-05; NKHR2013000197 2013-10-29.

274\_NKHR2009000060 2009-10-06; NKHR2009000062 2009-10-20; NKHR2009000063 2009-

then it will take 2–3 years if that soon.<sup>275</sup> In some cases, the law workers will deliberately delay the proceedings, so in one case she had to offer one million KPW to the judge.<sup>276</sup>

Furthermore, the North Korean authorities are known to take coercive measures to curb the rising divorce rate by imposing labor training on those who file for divorce.

| Table III-61                                                                                                                                                                                                                                                                | Cases of Sanctions against Divorce |         |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------|--|
| Testimonies                                                                                                                                                                                                                                                                 | Testifier ID                       | Remarks |  |
| There were too many divorce cases in Hoeryeong, resulting in sanctions for the previous two years from the Provincial Court. The testifier explained that if an individual got a divorce, both parties, without exception, served six-month terms at a labor training camp. | NKHR2010000133<br>2010-10-12       | Fact    |  |
| A North Korean escapee testified that his parents were divorced. As a result, the children could not join the military.                                                                                                                                                     | NKHR2011000116<br>2011-05-17       | Fact    |  |
| North Korean authorities would not allow divorce. If an individual were to divorce, both parties had to serve time at a labor training camp as a punishment.                                                                                                                | NKHR2011000162<br>2011-07-12       | Fact    |  |

In order to get a divorce in North Korea, one must have a trial (Article 20, Family Law). If a spouse is missing or has defected, it is known that divorce proceedings are permitted by a simple application of the remaining spouse. North Korean escapee XXX said that while she was staying in China after illegally crossing the border, her husband filed for a divorce; therefore, she is currently divorced.<sup>277</sup>

11-03.  
 275\_NKHR2013000049 2013-03-19.  
 276\_NKHR2013000185 2013-10-17.  
 277\_NKHR2011000020 2010-05-18.

- Corruption involving Overseas Assignment of Workers

Under the economic hardship, North Korea has been dispatching its workers abroad to earn foreign currencies. According to a ‘status report on North Korean workers dispatched abroad,’ South Korean Foreign Ministry submitted on October 13, 2013 to the Foreign Relations/Unification Committee of National Assembly, North Korea has dispatched a total of 46,000 workers to 40 countries, including China, Russia, Mongolia, and Africa.<sup>278</sup>

The wages of North Korean workers dispatched abroad are controlled and skimmed off by the government, so that the amount left on the workers’ pocket is less than expected. Escapee XXX was selected as a construction worker at United Arab Emirates (UAE) in December 2012. His monthly wage was \$400–\$500, but he received only \$150 a month, because the government deducted most of the wages under a whole host of items.<sup>279</sup> Another escapee, XXX, was dispatched to Qatar, and he ended up receiving only 10 percent of wages.<sup>280</sup> And yet, most North Koreans wish to be dispatched abroad.

In order to be selected for the dispatch, one has to be a Party member with good family background, and must have a family in North Korea.<sup>281</sup> Also, one should not have relatives in any foreign country.<sup>282</sup> Above all, one has to offer bribes to officials at every stage of selection. About \$20–30 to get recommendations, \$20–40 to examiners at Party levels, and \$10–100 for each physical dis-

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278\_ *Yonhap News*, October 13, 2013.

279\_NKHR2013000196 2013-10-29.

280\_NKHR2013000167 2013-09-17.

281\_NKHR2013000231 2013-12-24.

282\_NKHR2013000206 2013-11-12.

crepancy during the physical exam. After this process, you still have to offer \$70–80 of ‘gasoline fee’ to the Party staff who came down for a personal interview. Finally, you have to offer \$100 to the Party secretary during the final interview.<sup>283</sup> Escapee XXX used to serve as a soldier. In his efforts to get selected as a dispatch worker to UAE, he had to offer \$300 per each of the staff officers and party guide in his unit.<sup>284</sup>

### C Assessment

Classifying citizens into categories according to their personal or family background and treating them in a socially discriminatory manner is against the letter and spirit of the Universal Declaration of Human Rights that prohibits discrimination of any kind. North Korea’s policy in this area of human rights also is in contradiction with their obligation to respect various provisions of international covenants (ICCPR and ICESCR) that forbid discrimination of any kind. North Korea is also in violation of their obligation to guarantee their citizens the right to equality before the law and equal protection of the right to a fair trial, by permitting rampant corruption in the process of investigation at detention facilities and arbitrary reduction of penalty and release of criminals through the practice of bribery.

Currently in North Korea, two values seem to be in opposition: the tradition of classifying individuals based on his/ her personal background, and the new trend of favoring wealth. The latter seems

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283\_ *Radio Free Asia*, October 1, 2013.

284\_ NKHR2013000196 2013–10–29.

to be spreading rapidly, and this phenomenon is likely to persist even in 2013 and 2014. This trend seems to have an impact even in areas such as access to Party membership and promotions to staff positions. This indicates that the practice of discrimination based on personal background appears to be diminishing. However, corruption is spreading rapidly over the entire North Korean society, even though penalty provisions designed to prevent corruption have been placed in the Penal Code and the Administrative Penalty Law. As this report has indicated in Section 3 of Chapter 3, North Korea reinforced varying levels of punishment and social controls in order to safeguard their political system and regime security, and this policy is likely to continue in 2014. Vending in the market, widening smuggle-based black-markets, dispatch of workers abroad, and the increasing number of divorce are all likely to persist in 2014. Accordingly, it seems corruption and bribe-taking will likely spread more widely. In addition, relaxation of Penal Code for penalties on bribery will also contribute to the spread of corruption. In view of the deletion of provisions on bribe-taking by supervisory workers, corruption of bureaucrats is likely to worsen.

# 5

## Freedom of Residence, Movement and Travel

### A Freedom of Residence, Movement and Travel in North Korea

The Universal Declaration of Human Rights clearly articulates the right to freedom of movement and residence (Article 13). Article 12 of ICCPR also emphasizes the right to freedom of movement and residence. To choose one's place of residence and to travel freely is a basic right. In addition to travelling freely, this is also a right which is essential for the dignity of person as a free individual.

In promoting their socialist economic system, North Korea has restricted the citizens' right to freedom of residence and movement through systems such as PDS and the registration of personal background. However, under persistent international pressures, North Korea decided to insert a provision guaranteeing the right to freedom of residence and travel during the Constitutional revision in September 1998. Article 75 of the current North Korean Constitution stipulates, "Citizens shall have the freedom of residence and travel." Despite this stipulation in the Constitution, North Korean authorities continue to restrict, systematically and realistically, the citizens' right to freedom of residence, movement and travel.

## **B** The Reality of Domestic Travel

North Koreans must obtain a travel permit when travelling to a location other than their registered area of residence. North Korean authorities claim that restricting travel is for reasons of national security; however, the fundamental reason the North Korean government restricts travel and movement is to control the flow of population and to prevent people from being exposed to external information that might cause them to develop ideas contrary to the regime. The freedom to travel within and outside the country enables the public to obtain information from other regions, which in turn can foster critical attitudes against the regime.

The travel permit system restricts citizens' freedom of travel and movement. This is demonstrated by the fact that violators are thrown into *jipkyulso*. As a part of the regime's people's security control measures, Article 30 of North Korea's People's Security Enforcement Law stipulates, "The People's Security Agency shall exercise control over violation of travel regulations and walking the streets." Individuals who disobey the People's Security Enforcement Law or enter unauthorized areas are subject to warnings, fines and penalties such as unpaid labor (Administrative Penalty Law, Article 194).

Under-aged persons who are too young to have the people's registration card cannot obtain travel permits and must be accompanied by an adult who has a registration card. In principle, one who plans to attend a funeral or wedding of a close relative may travel as far as the city or county of the event. However, additional personal travel to any neighboring region is not allowed. For those travelling for official business may travel to any of the destinations indicated on the permit. If a soldier, government employee or a



factory worker is ordered to go on a business trip, he or she can travel anywhere in the country, according to the travel order. If a patient has a diagnostic document, he/she can travel to any major clinic or hospital in the city or province of his residence or he/she can travel to the residence of a close relative who is able to take care of the patient.

Those without a Pyongyang residence card<sup>285</sup> or a temporary residence permit<sup>286</sup> may only enter the city after obtaining a travel permit stamped with a Pyongyang permit number. In order for ordinary citizens to travel to cities and counties near the border regions such as the Demilitarized Zone (DMZ), the Amrok River and the Duman River, they must carry travel permits issued by their province of residence and bearing permit numbers issued by Section 2 Office of the provincial people’s committee of their destination, such as the North Pyongan Province, Jagang Province, Yanggang Province or the North Hamgyoung Province. Those who wish to travel to Pyongyang, the border region or military areas near the enemy border must obtain an approval number from the security department agent.<sup>287</sup> North Korean escapees in South Korea testified that it is more difficult to obtain a travel permit from inland to the border area rather than the reverse situation.<sup>288</sup>

Even citizens living in the provinces bordering the Duman and

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285\_North Korean authorities make a distinction between the people’s registration card, which are issued to the general public and the Pyongyang resident permit, which are issued to the residents of Pyongyang (People’s Registration Law, Article 7).

286\_Permits for temporary stay in Pyongyang are provided to students from the provinces, attending Pyongyang universities or the Pyongyang No. 1 Middle School, soldiers deployed in Pyongyang, and civil servants or business workers assigned to Pyongyang. The length of stay is allotted according to the period of study, work or service.

287\_NKHR2011000236 2011-11-22.

288\_NKHR2012000009 2012-01-31; NKHR2012000015 2012-02-07.

Amrok Rivers must carry travel permits if they wish to travel to other provinces. These permits are issued by the Section 2 Office of the People's Committee of the traveller's province of residence. People planning to travel must submit an application to their supervisor through the Accounting section two weeks in advance. Approval depends on a review of the applicant's ideology and his or her voluntary labor contribution records. After this preliminary procedure, the traveller has to apply again three days in advance at the permit section of the local branch of MPS (police department). Local branch of MPS will review the applicant in terms of whether he/she is a dangerous person, is under surveillance or has any criminal record. After confirmation by the Local Security Department, the applicant is issued a travel permit through the party secretary at his or her place of employment.

However, most escapees testified that they received travel permits from Section 2 of the People's Committee through their workplace. The application process is as follows: from the office supervisor, to the office statistician (recording date of birth, destination, purpose, etc.), to the *kiyoweon* (a corporate worker who deals with high-level secrets),<sup>289</sup> to Section 2 of the People's committee. Each region or province is assigned to a limited number of travel permits, and these are issued within the assigned limit. Thus, MPS officers can check the permit number against the list of numbers to see if the permit is genuine.<sup>290</sup> Those who do not have jobs must obtain travel permits through their Neighbourhood Watch (*Inminban*). In this case, they must obtain the approval of the local branch of MPS, and a guarantor.<sup>291</sup>

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289\_ 'Kiyō' means top secret information.

290\_NKHR2010000069 2010-10-26.

Ordinary citizens have to wait approximately two to three days to travel to non-restricted areas and seven to fifteen days to restricted areas.<sup>292</sup> However, in the provinces, different set of procedures seem to exist, depending on agencies and localities. Furthermore, the color of diagonal lines on the pass will vary from region to region, and the authorities will frequently change the color of those lines, presumably to prevent fake passes or forgery. After arrival, the traveler must report to the chief of that region’s Neighbourhood Watch (*Inminban*) and register on the travel roster, and obtain his or her travel pass stamped by a local branch of MPS official. If a traveler is without a permit, Neighbourhood Watch (*Inminban*) chief is required to report the case to the local branch of MPS officer. Upon arrival, the traveler must report to the Local branch of MPS. The travel permit system allows timely control of all people. In general, ten days are given for round-trip, and a traveler must report to the local security agency four days in advance to purchase a return ticket.<sup>293</sup>

This travel permit system is still maintained; however, significant changes are taking place in travelling styles due to the economic hardship. Despite official regulations, it appears that control over travel is becoming less restrictive in light of the current realities in the country. In principle, domestic travel permits are issued free of charge; however in reality, if the *kiyoweon* is not offered a bribe, the process is often delayed. Thus, it takes a long time to obtain a travel permit if an individual only follows the proper procedures. As the need for quick peddling trips has increased,

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291\_NKHR2010000022 2010-06-24.  
292\_NKHR2012000018 2012-02-07.  
293\_NKHR2010000061 2010-05-18.

people often resort to bribes of money, cigarettes, etc.<sup>294</sup> Since the *kiyoweon* helps filling out the application forms and obtain approval of various sections, people usually provide gifts or bribes to him/her. The amount of under-the-table money will vary according to the reason and destination of the trip. However in recent years, it became possible to purchase a travel permit directly at Section 2, which handles all travel permits.<sup>295</sup> The *kiyoweon* will issue the permit to those citizens who offer money through their acquaintances even if they don't have jobs. In other words, the *kiyoweon* make money by selling travel permit forms.<sup>296</sup> Meanwhile, there were cases of obtaining travel permits with cigarettes only.<sup>297</sup> However, since the currency reform of November 30, 2009, the fee for an unlawful travel permit has slightly decreased, although the amount vary in different regions. More than 20,000 KPW is needed to obtain a travel permit for Pyongyang, and additional bribes such as cigarettes are needed to obtain an approval number.<sup>298</sup> Since 2010, obtaining a travel permit has become very difficult and complicated.<sup>299</sup> As a result, more money is needed since a prospective traveler needs to hire a broker.

Since 2000, people prefer buses or trucks over trains as a means of transportation. People's perceptions about the necessity of travel permits have also changed. Obtaining a travel permit takes a long time and requires complicated procedures, and one's movements

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294\_NKHR2012000100 2012-06-05 and other testimonies.

295\_NKHR2012000230 2012-10-30 and other testimonies.

296\_NKHR2010000087 2010-08-03.

297\_NKHR2013000120 2013-06-25.

298\_NKHR2012000072 2012-04-26; NKHR2012000059 2012-04-10.

299\_NKHR2012000099 2012-05-29.

are easily revealed through them. Thus, an increasing number of people are travelling without permits and offering bribes when challenged by security agents. In view of the time and money needed to obtain travel permits, most inhabitants would rather choose to venture out without travel permits.<sup>300</sup> Furthermore, people travel based on citizen ID instead of travel permits when they are moving around within the same province.<sup>301</sup> The following table illustrates many cases involving travel permits.

| Table III-62 |                                          | Incidents Involving Travel Permits                                                                                                            |                              |             |
|--------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Time         | Place                                    | Testimony                                                                                                                                     | Testifier ID                 | Source      |
| 1999         | Unknown                                  | Obtained border permit to China to meet relatives. Took 3 months after offering 500,000 KPW to the foreign affairs section.                   | NKHR2013000197<br>2013-10-29 | Experienced |
| 2001         | Pyongyang                                | Offered 1 pack of cigarette Goyang-i (Cats) to chief of internal affairs section 2. Returned home with a "lost permit certificate."           | NKHR2013000149<br>2013-08-06 | Experienced |
| 2006         | Hwasong County, North Hamgyoung Province | Made round-trips to Kim Hyung-jik County, Yanggang Province, offering bribe of 1-5 packs of Goyang-i (Cats) cigarette.                        | NKHR2013000150<br>2013-08-06 | Experienced |
| 2008         | Pyongyang                                | Visited detained husband on travel permit from section 2 of Local branch of MPS. Spent 10,000 KPW. Waited 5-7 days for a permit to Pyongyang. | NKHR2013000199<br>2013-10-29 | Experienced |

300\_NKHR2013000107 2013-06-11.

301\_NKHR2013000062 2013-04-02 and other testimonies.

|                  |                                                       |                                                                                                                                                                                                                                                                                   |                              |             |
|------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| February<br>2009 | Bukchang<br>County,<br>South<br>Pyongan<br>Province   | Received a permit to Chongjin paying 5,000 KPW under pretext of vending. However, the real purpose was to cross the border. The travel took one day and paid 5,000 KPW for a train trip. Paid 1,000 KPW for overnight stay at an unauthorized private home. (Meals not included). | NKHR2012000172<br>2012-08-21 | Experienced |
| 2010             | Duksung<br>County,<br>South<br>Hamgyoung<br>Province  | Needed to offer a pack of Kumgangsang cigarettes to get a permit. This pack is considered high quality along with Chilbosan cigarettes. Both brands came after the Goyangi (Cats) cigarettes.                                                                                     | NKHR2012000050<br>2012-03-27 | Experienced |
| 2010             | Unknown                                               | Permits for Pyongyang became very difficult since 2010. Previously, one used to get permits from Dept. 2. Since 2010, signature of the Neighbourhood Watch ( <i>Inminban</i> ) chief is required.                                                                                 | NKHR2012000099<br>2012-05-29 | Experienced |
| 2010             | Musan,<br>North<br>Hamgyoung<br>Province              | Inscribed officer's name on travel permit, and my name on a tag. Had to get confirmation seal at police section at a rail station.                                                                                                                                                | NKHR2013000168<br>2013-09-17 | Experienced |
| 2010             | Gyongwon<br>County,<br>North<br>Hamgyoung<br>Province | Needed travel permit to Sunam District of Chongjin. I said the purpose was medical rather than vending. Offered 1,000 KPW through a friend to obtain a travel permit.                                                                                                             | NKHR2013000197<br>2013-10-29 | Experienced |
| March<br>2010    | Pyongyang                                             | Obtained a permit by paying 25,000 KPW to meet brother and grandmother in Pyongyang. Stayed at the relative's home. Did not register to travel and did not receive bed-check or inspection. In general, strict inspections when entering Pyongyang, but no checks when exiting.   | NKHR2012000072<br>2012-04-26 | Experienced |
| March<br>2010    | Kim<br>Jong-sook<br>County,<br>Yanggang<br>Province   | Need travel permit to get on train. There are 6-8 on board security check. Penalty is 3,000 KPW (which is equal to one pack of cigarette).                                                                                                                                        | NKHR2013000119<br>2013-06-25 | Experienced |

|              |                                                           |                                                                                                                                                                                                                                                                        |                              |             |
|--------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| March 2010   | Onsung County, North Hamgyoung Province                   | Need permit to travel border areas or Pyongyang. Need 5,000 KPW for travel. No permit possible without bribes, legal or illegal.                                                                                                                                       | NKHR2013000218<br>2013-11-26 | Experienced |
| October 2010 | Hoeryeong, North Hamgyoung Province                       | Received a permit to visit relatives in Sariwon, North Hamgyoung Province. Paid 20,000 KPW and received travel permit immediately. If the agent is male, wine and cigarettes are needed. Spent a total of 100,000 KPW for train trips.                                 | NKHR2012000168<br>2012-08-21 | Experienced |
| 2011         | Hyesan, Yanggang Province                                 | Permit obtained the same day on bribes. Takes 3-4 days without bribes.                                                                                                                                                                                                 | NKHR2013000003<br>2013-01-08 | Experienced |
| June 2011    | Chongjin, North Hamgyoung Province                        | Received a permit from Chongjin to Giljoo for vending purpose, paying 15,000 KPW. Spent 25,000 KPW for train and bus fare to Hyesan.                                                                                                                                   | NKHR2012000052<br>2012-03-28 | Experienced |
| October 2011 | Hamhung, South Hamgyoung Province                         | Received a permit to Pyongyang for an eye operation from Provincial Dept. 2. Spent \$55 for transportation. ("Servi-cars" will ask 35,000 KPW). The permit allowed 40 days for the eye operation. Stayed at a private home paying 10,000 KPW/day for food and lodging. | NKHR2012000149<br>2012-07-24 | Experienced |
| 2012         | Wonsan, Gangwon Province                                  | Paid 30,000 KPW for a permit. Must pay 30,000-50,000 KPW to travel to the border and 50,000-70,000 KPW for Pyongyang. Bribe needed for boarding registration.                                                                                                          | NKHR2012000134<br>2012-07-10 | Experienced |
| 2012         | Sungchon River District Hamhung, South Hamgyoung Province | Travel permits possible on bribing on board officer. In 2012, it cost 5,000 KPW per person.                                                                                                                                                                            | NKHR2013000138<br>2013-07-23 | Experienced |
| June 2012    | Hyesan, Yanggang Province                                 | Obtained two permits on 70,000 KPW to travel to Kungang County, a border region in Gangwon Province. Needed permit numbers for border areas. Needed 3 days to get a permit to Gangwon Province.                                                                        | NKHR2013000144<br>2013-08-06 | Experienced |

|              |                                          |                                                                                                                                                                                            |                              |             |
|--------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| June 2012    | Hoeryeong, North Hamgyoung Province      | Travel permit to Jagang Province bears red lines, Pyongyang and border areas blue lines. Other areas had no lines.                                                                         | NKHR2013000077<br>2013-04-16 | Experienced |
| 2013         | Chongjin, North Hamgyoung Province       | Paid 100 Yuan (Chinese) to get a permit to Hyesan. It took 3 days.                                                                                                                         | NKHR2013000097<br>2013-05-14 | Experienced |
| 2013         | Hoeryeong, North Hamgyoung Province      | Army discharge card has same effect as travel permit. Travel allowed anywhere except for Pyongyang. Good for 6 months after discharge.                                                     | NKHR2013000154<br>2013-08-20 | Experienced |
| 2013         | Musan County, North Hamgyoung Province   | Citizen card is good for road travel. Need to bribe 5,000–10,000 KPW or 1–2 packs of cigarette to on board security agents.                                                                | NKHR2013000169<br>2013-09-17 | Fact        |
| 2013         | Hoeryeong, North Hamgyoung Province      | Citizen card is good for travel within North Hamgyoung Province. People from out of province must have travel permit.                                                                      | NKHR2013000202<br>2013-11-12 | Fact        |
| January 2013 | Onsung County, North Hamgyoung Province  | Obtained travel permit in 2 days upon bribing 20,000 KPW.                                                                                                                                  | NKHR2013000106<br>2013-05-28 | Experienced |
| May 1, 2013  | Chongnam District North Pyongan Province | Obtained bogus travel permit to go vending in Gimchaek, North Hamgyoung Province. Need 10,000 KPW to travel on citizen card, but need 50,000–100,000 KPW for travel permit. Takes one day. | NKHR2013000223<br>2013-12-10 | Experienced |
| August 2013  | Hyesan, Yanggang Province                | One or two packs of cigarettes or 10,000 KPW to get a travel permit immediately from Sec. 2.                                                                                               | NKHR2013000208<br>2013-11-12 | Experienced |
| Unknown      | Hungwon County, South Hamgyoung Province | Need to pay 5,000 KPW to travel within a province and 10,000 KPW to travel outside of a province. To travel near the border area, 20,000–30,000 KPW must be paid.                          | NKHR2012000167<br>2012-08-21 | Experienced |



|             |                                                    |                                                                                                                                                                            |                              |                 |
|-------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------|
| Un<br>known | Chongjin,<br>North<br>Hamgyoung<br>Province        | The returnees (from Japan) are not issued single permits. They can travel based on a tag—along document on someone else’s permit.                                          | NKHR2012000283<br>2012-12-18 | Experienc<br>ed |
| Un<br>known | Unknown                                            | Unable to get travel permit after serving correctional terms. Obtained a tag. Tag is a space on top of one’s travel permit, where one can add the name of fellow traveler. | NKHR2013000148<br>2013-08-06 | Experienc<br>ed |
| Un<br>known | Gilju<br>County,<br>North<br>Hamgyoung<br>Province | Possible to travel everywhere except Pyongyang by bribing on board officer.                                                                                                | NKHR2013000064<br>2013-04-02 | Experienc<br>ed |

Despite the growing number of travellers, the train is one of the few modes of transportation available in North Korea. For this reason, various organizations will use their own cars and trucks to earn extra money. These vehicles are called the servi-cars (or, service cars). The servi-cars are not officially approved vehicles. They belong to private organizations or agencies. The drivers of these servi-cars will receive fares from individual passengers and drive them to their destination or to the center of major cities. It appears that most people will take advantage of these vehicles for transportation rather than obtaining travel permits that require a lot of time and expenses.<sup>302</sup> As a result, fewer travel permits are issued in recent years. Even some private servi-cars began to appear. The drivers and security agents in cooperation will try to avoid traffic checks on the road.<sup>303</sup> The increased number of servi-cars seem to show the changing means of trans-

302\_NKHR2012000198 2012-09-25.

303\_NKHR2012000201 2012-09-25. Testifier said it has gone up to 6,000 KPW in Hamhung.

portation in North Korea, and the deepening relationship between the state agencies and the private sector. An alternative option to travel in North Korea are ‘bus whips,’ who help fill buses and trucks. Anyone trying to get transportation between Hamhung and Sariwon is bound to come across these whips, individuals who try to attract passengers to fill up vehicles. Once a vehicle is full with passengers, a whip will be paid anywhere from 5,000 to 8,000 KPW in cash. Each bus or truck will hire one to three whips to load more passengers. There is said to be fierce competition for passengers among the servi-cars.

The travelling person is subject to inspection with respect to not only transportation but also accommodation. The violators of room and board registration rules are penalized with warning, stern warning, fines or up to a three months of unpaid labor or labor education penalty (Administrative Penalty Law Article 173). The People’s Security Agency will enforce the law. (People’s Security Enforcement Law, Article 33) In addition, the Law on City Administration stipulates, “If anyone wants to provide room and board at his/her own home for a visitor, he/she should obtain an approval from relevant agencies according to the established rules” (Article 32). The agency will enforce the law against unauthorized private homes. The County branch of MPS officers agents conduct bed-checks to investigate if there is anyone staying at a private home without registering for the stay or if anyone is staying without a citizen’s ID or travel permit.<sup>304</sup> These inspections are usually conducted during special alert periods, and during these periods inspections are conducted every day.<sup>305</sup>

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304\_NKHR2011000017 2010-06-08.

305\_ The “special alert” periods include the following dates: New Year’s Day, Lunar New

Some North Korean escapees testified that the registration and bed-checks have not been mandatory in recent years. Due to the economic hardship, relevant documents are not closely checked and Neighbourhood Watch (*Inminban*) chiefs do not carefully monitor these practices.<sup>306</sup> Even if inspectors bed-check private homes, people avoid penalties by providing cash or cigarettes.<sup>307</sup> It appears that there is little difference between house-search and bed-check in North Korea today.<sup>308</sup> However, it would be very important to keep watching these practices, because they are related to the issue of infringement of privacy of North Korean citizens.

### © The Reality of Overseas Travel

Travelling overseas for North Koreans is divided into two categories: long-term travel for work or official business, and short-term travel for visiting relatives. With the increase in overseas employment opportunities in industries such as logging, construction, sewing and restaurants, long-term stay overseas have also become frequent. However, this type of opportunity is granted very selectively and only to those whose ideological integrity has been proven without a doubt. In most cases, ordinary people who travel to China do so in order to visit their relatives or for vending and peddling. In order for North Korean citizens to travel, they need one of the permits or IDs, such as passport, visa, boat crew or

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Year's Day, birthdays of Kim Jong-il (16 February) and Kim Il-sung (15 April), Korean Armistice Day (27 July), Youth Day (28 August), Government Anniversary (9 September), and KWP Party Anniversary (10 October).

306\_NKHR2012000040 2012-03-20.

307\_NKHR2012000009 2012-01-31.

308\_NKHR2013000215 2013-11-26.

exit/entry visa (Immigration Law, Articles 9, 10, and 14). If in violation of any of these provisions, a fine is imposed or exit is barred (Article 45).

North Koreans are only allowed to visit their relatives in China, and personal information of their relatives are recorded in the traveler's personal file (official file), including the relative's name, address and other relevant information. Currently, anyone over the age of 45 who has a citizen ID and no criminal record can apply for a passport for the purpose of visiting his or her relatives in China. However, the foreign affairs section of the Provincial and City Security Department are reportedly maintaining internal regulations prohibiting overseas travels by family groups and by people over the age of 70.<sup>309</sup> There are three types of passports in North Korea: diplomatic, official and travellers' passports. Diplomatic passports are only carried by diplomats or special agency personnel such as Party officials or officials of government agencies. When operatives from the Party and spy agencies are sent abroad, they are given diplomatic passports.

In fact, one must obtain a letter of invitation from China in order to receive a passport. In addition, confirmation must be made by the manager of one's agency or enterprise as well as by the local branch of MPS officer and the local Security Department agent. A final review must be approved by the foreign affairs agent at the SSD. Passports are issued by the Vice Minister of the SSD. Upon receipt of the passport, the citizen must submit a written oath promising that he/she will not defame the honor of the Democratic People's Republic of Korea (DPRK) and will return

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309\_ Database Center for North Korean Human Rights, "Travellers' Circumstances in North Korea," (2007 Closed documents).

home at the appointed date. As the economic hardship deepened and the shortage of foreign currency was exacerbated, most North Koreans tried to obtain passports by paying cash instead of going through the normal procedure. However, even paying cash sometimes took a long time. One escapee had to bribe Foreign affairs section for 3 years to get a passport. In the process, he/she had to bribe 900,000 KPW and \$200.<sup>310</sup> According to one testimony, most passport applications in 2006 were for trips to China, and the duration of stay was about three months. As of 2008, the amount of under-the-table cash for a passport was \$200. Many travellers did not return home within the permitted duration; therefore, the authorities did not re-issue passports to those who failed to return home within four months.<sup>311</sup>

If a North Korean resident in the border region wants to visit China for a short trip, a river-crossing pass may be issued. For anyone engaged in cross-border trade, a 24-hour or 48-hour pass is issued. A letter of invitation from China is not required for these type of river-crossing permit, and these are issued immediately upon application. Since 2005, those who have relatives in China are required to register their names. If the Chinese relatives are not registered on North Korea's electronic list, they cannot meet their North Korean relatives, and likewise their North Korean relatives cannot travel to China. As the request for border-crossing documents are increased, North Koreans visiting China tried to recover the money they invested. However if it was difficult to recover the money invested even with the help from relatives, he/she would then often decide to remain in China.

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310\_NKHR2012000103 2012-06-05.

311\_NKHR2012000003 2012-01-10.

## **D** The Reality of Residence Regulations and Forced Relocation

In North Korea, people are not allowed to move their residence without government permission. North Korea's "Law on Dwellings" imposes a number of restrictions on citizens' right of freedom of residence and movement (Article 43). For example, the law prohibits "Moving into the unit without the use permit; Exchanging units for profit or other improper purpose; Selling or buying State-owned units or leasing or brokering the units for profit." Realizing that citizens openly buy or sell apartment units without proper permit procedures, the government is trying to control the practice. If anyone violated the housing law, he/she would be sent to labor training camps up to a year, or in serious cases up to three years of correctional labor penalty (Article 146, Penal Code).

Since the economic hardship during the 1990s, transactions of private homes are discreetly taking place, in part as a result of capitalist influences and in part because North Korean society is undergoing dramatic change. A North Korean escapee from Chongjin testified that housing transactions are illegal in principle, but people buy and sell homes freely without worrying about the law.<sup>312</sup> First, they have to ask the housing unit manager for help and provide bribes to the housing guidance official. Then they can exchange a large unit with a smaller unit or buy and sell their units.<sup>313</sup> They also have to give something to the unit manager, for example, cigarettes and a couple of small bags of grocery. Then the manager will obtain necessary documentation including the

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312\_NKHR2012000222 2012-10-23.

313\_NKHR2012000110 2012-06-12.

certificate of approval to occupy the unit.<sup>314</sup> The unit occupants have to pay monthly fees for the use of unit, including water and electricity bills, to the local people’s committees.

On the other hand, there is the practice of forced relocation in North Korea, which is a flagrant violation of the freedom of residence. North Korean authorities have been utilizing forced relocation as a policy tool against political reactionaries and anti-government individuals and their families. In particular, the authorities have expelled people with disreputable personal background from Pyongyang to remote provinces. This policy still takes place although testimonies on this issue are somewhat inconsistent. The reason for expulsion varies widely given the rapid changes in North Korean society since the 1990s. During the 2000s, most cases of expulsion involved defection, smuggling and illegal circulation of information. If a family member defected or was locked up for correctional labor penalty, the entire family in many cases would be relocated.<sup>315</sup> In border areas as Hyesan, forced relocation seems to be increased.<sup>316</sup> Recently, the causes for banishment mostly involved crimes like human-trafficking, narcotics use, and border-crossing.<sup>317</sup> If a family member had illegally crossed a border (river-crossing), the entire family would be banished without exception.<sup>318</sup> Incidents of anti-socialist behaviors such as the use of cell phones also contributed to the increase in forced relocation.<sup>319</sup>

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314\_NKHR2012000239 2012-11-06.

315\_NKHR2013000215 2013-11-26 and other testimonies.

316\_NKHR2012000155 2012-07-31. On the other hand, since the appearance of the Kim Jong-un regime, some escapees testified that forced relocation have been declining to bring about local stability. So, the banishment issue needs closer observation and analysis. NKHR2013000118 2013-06-25.

317\_NKHR2013000209 2013-11-26.

318\_NKHR2013000034 2013-02-19.

Meanwhile, relatives in South Korea can come to the rescue if their family is expelled to a remote area. For this reason, an escapee stated that forced relocation appears to be decreasing for fear of such rescue operations.<sup>320</sup> Wide spread practices of corruption and bribe giving may also have contributed to the decreasing trend of forced relocation.<sup>321</sup> Some escapees testified that most expulsions since 2010 are related to prostitution.<sup>322</sup> In addition, since 2012, expulsions for dealing with narcotics are on the rise.<sup>323</sup> Until 2011, when a family member was found missing, the remaining family would be expelled to a farming village. However since 2012, expulsions take place only when the facts are confirmed.<sup>324</sup> Forced relocations usually take place without warning in the early morning hours, and the neighbors are left guessing the reasons and destination of expulsion.<sup>325</sup> In addition, people living in a large, affluent-looking house would often be banished simply to deprive their right of residence.<sup>326</sup> Recently, however, the banished families are returning home through a series of (under the table) ‘projects’ with the MPS officer in charge.<sup>327</sup>

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319\_NKHR2012000253 2012-11-20.

320\_NKHR2012000260 2012-12-04 and other testimonies.

321\_NKHR2012000249 2012-11-20.

322\_NKHR2012000239 2012-11-06.

323\_NKHR2012000201 2012-09-25.

324\_NKHR2012000221 2012-10-23.

325\_NKHR2012000198 2012-09-25.

326\_NKHR2013000220 2013-12-10.

327\_NKHR2013000144 2013-08-06 and other testimonies.



Table III-63

Cases of Forced Relocation

| Time          | Place                                     | Testimony                                                                                                                                                                                                                                                                                              | Testifier ID                 | Source    |
|---------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| 1976          | Pyongyang                                 | Families with unclear background were sent to Musan, North Hamgyoung Province as “evacuees.” They were not allowed to mingle with local people, but had to live among themselves.                                                                                                                      | NKHR2012000014<br>2012-01-31 | Fact      |
| 2000          | Musan County<br>North Hamgyoung Province  | In early 2000, banishment was usually from Musan to Bujon, a remote mountain village. Except for unusual cases, there is no banishment.                                                                                                                                                                | NKHR2013000169<br>2013-09-17 | Fact      |
| 2002          | Musan County,<br>North Hamgyoung Province | 50 families in a neighborhood were expelled for illegal use of cell phones.                                                                                                                                                                                                                            | NKHR2012000056<br>2012-04-10 | Witnessed |
| 2004          | Unknown                                   | Expulsions reached the highest number in 2004 as people watched many South Korean CD-R. Today, the number has significantly decreased.                                                                                                                                                                 | NKHR2012000168<br>2012-08-21 | Fact      |
| 2004          | Musan County,<br>North Hamgyoung Province | In 2004, there was a whirlwind of banishments. Hundreds of families were banished everyday. The reason was border-crossing and smuggling.                                                                                                                                                              | NKHR2013000047<br>2013-03-05 | Informed  |
| November 2007 | Dalchon,<br>South Hwanghae Province       | Witnessed expulsion of the XXX (49) and XXX (42) couple at Dalchon hot-springs, South Hwanghae Province. Together with their children (two daughters and a son), they were expelled to a farm village in South Hwanghae Province. The reason was because they lived in a large house and were wealthy. | NKHR2012000072<br>2012-04-26 | Witnessed |
| 2008          | Hyesan,<br>Yanggang Province              | The family of an inmate serving a 10-year correctional penalty in Hamhung <i>Kyohwaso</i> was forcibly banished from Hyesan, Yanggang Province to Daepyong District in Bocheon County.                                                                                                                 | NKHR2013000208<br>2013-11-12 | Witnessed |

|               |                                         |                                                                                                                                                                                                                                                                    |                              |             |
|---------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| November 2008 | Wonsan, Gangwon Province                | Of the 30 families in a neighbourhood Watch ( <i>Inminban</i> ), 20 of them had escapees. The number of expulsion was reduced because there were too many to expel.                                                                                                | NKHR2012000045<br>2012-03-23 | Fact        |
| November 2008 | Sunchon County, North Pyongan Province  | I was arrested for river-crossing in November 2008, and got expelled to Jindo-ri from Shinmi-ri of Sunchon County. Shinmi-ri is an island, whereas Jindo-ri is inland. My mother and brother were expelled to inland for fear that I might flee by boat with them. | NKHR2012000278<br>2012-12-18 | Experienced |
| 2009          | Musan County, North Hamgyoung Province  | I saw a river-crossing broker (and his wife and child) being expelled to Banchon-ri, Musan County. His crime was subject to correctional training, but the entire family was expelled by bribing the officials.                                                    | NKHR2012000011<br>2012-01-31 | Witnessed   |
| 2009          | Hyesan, Yanggang Province               | A neighbor was expelled from Hyesan to Woonyoung County because his daughter crossed the river. Until June 2005, escapees and their families were not linked. As permits increased and non-returnees increased, families were expelled since 2007.                 | NKHR2012000046<br>2012-03-23 | Witnessed   |
| 2010          | Hoeryeong, North Hamgyoung Province     | My son was caught using mobile phones and was sent to labor training camp. As a result, we were forcibly banished from Gungsim-dong, Hoeryeong, to Hwadae County, North Hamgyoung Province.                                                                        | NKHR2013000048<br>2013-03-05 | Experienced |
| 2010          | Kim Hyung-jik County, Yanggang Province | Served at a <i>kyohwaso</i> on charge of economic crime. Upon returning home, we were forcibly banished from Samjiyon County, Yanggang Province to Kim Hyung-jik County.                                                                                           | NKHR2013000187<br>2013-10-17 | Experienced |
| October 2010  | Sakju County, North Pyongan Province    | After the testifier (escapee) was forcibly expelled, he found a document describing that his brother had fled to South Korea and received remittances from the brother, thus he was at risk for attempting to escape.                                              | NKHR2001200012<br>2012-07-24 | Experienced |

|                |                                           |                                                                                                                                                                                                                                                                                                  |                              |                   |
|----------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------|
| 2011           | Musan County, North Hamgyoung Province    | Subject to expulsion are families of an escapee, border broker and human trafficker. In Musan, more than 70 percent were escapees' families. Had heard about an 'Open Musan County Plan' to expel all escapee families from Musan, and fill the city with people unfamiliar with border regions. | NKHR2012000043<br>2012-03-20 | Fact and Informed |
| 2011           | Baekam County, Yanggang Province          | About 10 neighboring families were expelled in 2011 alone. Most of them were economic crime cases. Expulsion was a one-sided order. They were sent from Hyesan to Shinhung-ri, Bocheon County, or Yanggang Province.                                                                             | NKHR2012000155<br>2012-07-31 | Witnessed         |
| 2011           | Samjiyon County, Yanggang Province        | Samjiyon County is Kim Jong-il's hometown. So, the escapee families there and those who served at <i>kyohwaso</i> are forcibly banished.                                                                                                                                                         | NKHR2013000226<br>2013-12-10 | Fact              |
| April 2011     | Shincheon County, South Hwanghae Province | In 2011, forced relocations were on the rise because even minor grain violators were expelled under dire grain shortage.                                                                                                                                                                         | NKHR2012000004<br>2012-01-10 | Fact              |
| September 2011 | Hyesan, Yanggang Province                 | Namely, the storm corps inspection came in and set a target of expelling 1,000 families. By the time the witness defected, approximately 30 families were expelled.                                                                                                                              | NKHR2012000002<br>2012-01-10 | Informed          |
| October 2011   | Hoeryeong, North Hamgyoung Province       | As of 2011, it was advertised in public education that forced expulsion had decreased. In fact, there was a tendency of decrease in forced expulsion. People surmised that in light of world opinions, expulsions were reduced, but many were covertly sent to a <i>kwanliso</i> instead.        | NKHR2012000020<br>2012-02-07 | Fact              |
| November 2011  | Hoeryeong, North Hamgyoung Province       | In November 2011, expulsions were increasing due to increase in political crimes after the currency reform, and also an increase in escapees and human traffickers.                                                                                                                              | NKHR2012000041<br>2012-03-20 | Fact              |

|             |                                                       |                                                                                                                                                                                                                                                                       |                              |          |
|-------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|
| 2013        | Hyesan,<br>Yanggang<br>Province                       | Most banished people return home, but lead a life of drifters or "flower swallows (kotjebi (homeless child beggars))." In February and March of 2013, there were lots of banished families.                                                                           | NKHR2013000147<br>2013-08-06 | Fact     |
| Un<br>known | Onsung,<br>North<br>Hamgyoung<br>Province             | Had heard that a major project of expulsion was launched after the death of Kim Jong-il.                                                                                                                                                                              | NKHR2012000073<br>2012-05-08 | Informed |
| Un<br>known | Haeju,<br>South<br>Hwanghae<br>Province               | Perceived that expulsion policy would be reinforced since Kim Jong-un implemented a slogan of 'rule by law.'                                                                                                                                                          | NKHR2012000084<br>2012-05-15 | Fact     |
| Un<br>known | Sunchon,<br>South<br>Pyongan<br>Province              | If a missing person was found to have defected to South Korea, the family is expelled.                                                                                                                                                                                | NKHR2012000103<br>2012-06-05 | Fact     |
| Un<br>known | Wonsan,<br>Gangwon<br>Province                        | Kim Jong-il pledged to make Wonsan as a second city next to Pyongyang. All the senior citizens, the disabled, and criminals were expelled. People who were rich in the provinces bribed officials to remain in Wonsan, utilizing the registry of the expelled people. | NKHR2012000134<br>2012-07-10 | Fact     |
| Un<br>known | Unknown                                               | Most forced relocations are openly carried out. When not openly done, people assumed that they were sent to a <i>kwanliso</i> .                                                                                                                                       | NKHR2013000030<br>2013-02-19 | Fact     |
| Un<br>known | Yanggang<br>Province                                  | The banished people from Pyongyang since 1990 were scattered in Baekam County or Bocheon County, Yanggang Province. In Baekam County, lots of them were from Pyongyang.                                                                                               | NKHR2013000062<br>2013-04-02 | Fact     |
| Un<br>known | Gilju<br>County,<br>North<br>Hamgyoung<br>Province    | Yimdong-ri Unit 6 of Gilju County consisted of banished people. They came from border towns like Musan, Hoeryeong, Onsung, Sebyol, et. They all had violated Kim Jong-il's instructions.                                                                              | NKHR2013000063<br>2013-04-02 | Fact     |
| Un<br>known | Gyongwon<br>County,<br>North<br>Hamgyoung<br>Province | Many banished people returned home. Some of them defected to South Korea.                                                                                                                                                                                             | NKHR2013000103<br>2013-05-28 | Fact     |

|          |                                   |                                                                                                                                                                             |                              |      |
|----------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------|
| Un known | Unknown                           | Only 20 percent of families condemned at "resident meetings" will actually be banished.                                                                                     | NKHR2013000119<br>2013-06-25 | Fact |
| Un known | Gaeseong, North Hwanghae Province | Many were forcibly banished in early days of Gaeseong Industrial Complex. They were sent to Jin-san County (rugged place) and Shinpyong County, 40km away from the Complex. | NKHR2013000194<br>2013-10-29 | Fact |

### E Assessment

Recently, the North Korean society is experiencing a variety of changes. Included in these changes are the collapse of travel permit system due to increases in the number of vendors and corruptions, the relaxation of control over the use of private homes for lodging, the appearance of new methods of personal travels, and illegal housing transactions. These are examples of the changes in the North Korean society. North Korea under the Constitution recognizes the right to freedom of residence and travel. But in reality, a policy of strict control over the population is maintained legally and systematically. However, the continuation of the economic hardship, the changes in public perceptions and changes in the society contributed to increases in mobility of the people and stimulated cash transactions among the people, as well as to the promotion of their liberty rights, albeit limited. Forced relocations are a clear infringement of freedom of residence. However, these measures appear to be on the increase owing to the crimes of smuggling, illegal border-crossing, and human trafficking along the border regions. In short, the widening markets, the liberalizing citizens' awareness, and the intensifying government controls seem to illustrate that the North Korean society is undergoing a significant change and that there is a widening divide between the state and society.

## 6

# Freedom of Religion and Conscience

### A Freedom of Religion

The Universal Declaration of Human Rights stipulates, “Everyone has the right to freedom of thought, conscience and religion: this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (Article 18). The ICCPR also declares in Article 18, “Everyone shall have the right to freedom of thought, conscience and religion” (Para. 1). “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice” (Para. 2). And, “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and necessary to protect public safety, order, health or morals or the fundamental rights and freedom of others” (Para. 3).<sup>328</sup>

Even in North Korea, freedom of religion is stipulated in the law. But the reality is entirely different. According to North Korea’s official statistics, about two million or 22.2 percent of North

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328\_ Article 18 of the ICCPR, “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and necessary to protect public safety, order, health or morals or the fundamental rights and freedom of others.”

Korea’s 9.16 million population participated in a religious practice following the liberation of Korea in 1945. This number is approximately 1.5 million Chondokyo, 370,000 Buddhists, 200,000 Christians and 57,000 Catholics.<sup>329</sup> Since the establishment of its government in 1948, North Korea has constantly persecuted religion in the name of Kim Il–sung’s teaching that religion is opium for the people.<sup>330</sup> The North Korean government views religion as a tool for the ruling class to exploit the masses. The North Korean dictionary on philosophy states, “Religion was historically seized by the ruling class to deceive the masses and was used as a means to exploit and oppress, and it has recently been used by the imperialists as an ideological tool to invade underdeveloped countries.”<sup>331</sup>

Many religiously active people in North Korea are branded as disloyal and are brutally tortured or executed for their beliefs. Most religiously active people are categorized as anti–state and counter–revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they are regarded as tools of imperialist aggression. Taking advantage of the anti–American sentiment developed during the Korean War, North Korea reinforced religious persecution and stigmatized all religious persons and their families as anti–revolutionary elements based on *songbun* (personal background) checks.

In 1958, North Korea launched the so–called, “Major Guidance

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329\_ Korean Central News Agency, *Chosun Central Almanac 1950* (Pyongyang: Korean Central News Agency, 1950), p. 365.

330\_ Korean Workers' Party Publishers, “Religion is a reactionary and unscientific world–view. Religion is like opium.” See *Selections from Kim Il–sung’s Writings* (Pyongyang: Korean Workers’ Party Publishers, 1972), p. 154.

331\_ The Academy of Social Science Philosophy Institute, *The Dictionary of Philosophy* (Pyongyang: The Academy of Social Science Press Philosophy Institute, 1985), p. 490.

Project” of the Central Party claiming to flush out and punish impure (unfaithful) elements. Under this project, North Korea conducted a massive background survey on all North Koreans, and classified them into three major categories: core class, wavering class and hostile class. The classes were further divided into 51 groups or types. Religious followers such as Christians, Buddhists and members of the Korean Chondoist Chongu Party were branded as impure or reactionary elements along with pro-Japanese, pro-American reactionary bureaucrats and enemy agency workers. These people were then banished from society and placed in one of 21 subgroups of “hostile class.” Confucius scholars, followers of shamanism, families of escapees to South Korea, prostitutes and other indolent drifters were placed in one of the 18 subgroups of wavering class.

Subsequently, almost all religious followers disappeared in North Korea. Only 60 out of a total of 400 or so Buddhist temples survived. The 1,600 monks and nuns and their 35 thousand Buddhist followers vanished. In addition, approximately 1,500 Protestant churches and some 300 thousand followers, three Catholic dioceses and 50 thousand Catholic followers, and 120 thousand followers of Chondo-kyo have disappeared. In a speech made at the MPS in 1962, Kim Il-sung stated the reason for their extermination:

“(We) cannot carry such religiously active people along our march toward a communist society. Therefore, we have tried and executed all religious leaders higher than a deacon in the Protestant and Catholic churches. Among other religiously active people, those deemed malignant were all put to trial. Among ordinary religious believers, those who recanted were given jobs while those who did not were held in prison camps.”<sup>332</sup>



However, since the start of inter-Korean talks during the 1970s, the North Korean authorities have reinstated some religious organizations for external propaganda purposes. For example, North Korea revised their Constitution in 1972 and stipulated in Article 54, “Citizens shall have freedom of religion and freedom of anti-religious propaganda.” In reality, North Korea failed to guarantee complete freedom of religion. North Korea also created new religious organizations by reviving defunct religious organizations such as the ‘Chosun Christian Federation,’ the ‘Chosun Buddhist Federation’ and the ‘Chosun Chondokyo Central Guidance Committee’. Through these bodies, North Korea sought to form a united front with progressive South Korean religious leaders to promote their unification formula and anti-South Korean position.<sup>333</sup> In short, North Korea is using religion as a tool for political propaganda aimed at South Korea.

Since the 1980s, the international community has sharply criticized the lack of freedom of religion in North Korea. As engagement with international religious groups increased, North Korea began to relax their religious policy by revising the laws, building religious structures, permitting religious ceremonies and operating religious educational institutions.

The transformation of religious policy began with a constitutional amendment. In the 1992 revision, North Korea stipulated in Article 68, “Citizens have freedom of religious beliefs. This right is granted

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332\_ Tae-woo Koh, *North Korea’s Policy on Religion* (Seoul: Minjok Cultural Publishing Company, 1989), p. 79.

333\_ The Chosun Catholic Association was formed in 1988. North Korea has organized in 1989 the “Chosun Religious Followers Association” comprising the Chosun Buddhist Federation (1945), Chosun Christian Federation (1946), and Chosun Chondokyo Central Guidance Committee (1946).

by approving religious ceremonies and the construction of religious buildings. No one may use religion as a pretext for drawing foreign forces or for harming the state and social order.” The phrase freedom of anti-religious propaganda was deleted from Article 54 of the 1972 Constitution. The revised North Korean Constitution shows some progress. Legal steps have been taken; superficially allowing freedom of religion, construction of religious buildings and observance of religious ceremonies.

However, the Constitutional provision prescribing “Religion shall not be used in bringing outside forces or in harming the state and social order”, is a restriction on freedom of religion, because it is evident that North Korea prevents the spread of any religion in the society other than the Juche Ideology. In the Constitutional revision of 1998, the expression of “anyone” was deleted, and it stands unchanged today. The following table illustrates how the provision on religion has changed over time.

| Table III-64                        | The Changes in Articles Related to Religion in the North Korean Socialist Constitution                                                                                                                  |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Year of Establishment and Amendment | Articles Related to Religion                                                                                                                                                                            |
| Adopted on September 8, 1948        | Chapter 2. The fundamental rights and duties of citizens<br>Article 14. Citizens have freedom of religion and religious worship.                                                                        |
| Adopted on December 27, 1972        | Chapter 4. The fundamental rights and duties of citizens<br>Article 54. Citizens have freedom of religion and freedom from religious propaganda.                                                        |
| Revised on April 9, 1992            | Chapter 5. The fundamental rights and duties of citizens<br>Article 68. Public citizens have freedom of religion.<br>This right is advocated to build religious buildings or permit religious services. |

|                              |                                                                                                                                                                                                                                                                                                  |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Revised on September 5, 1998 | Chapter 5. The fundamental rights and duties of citizens<br>Article 68. Citizens have freedom of religion. This guarantees the right to build religious buildings or hold religious services. Religion shall not be allowed to attract foreign intervention or disrupt the state's social order. |
| Revised on April 9, 2009     |                                                                                                                                                                                                                                                                                                  |
| Revised on April 9, 2010     |                                                                                                                                                                                                                                                                                                  |
| Revised on April 13, 2012    |                                                                                                                                                                                                                                                                                                  |
| Revised on April 1, 2013     |                                                                                                                                                                                                                                                                                                  |

### Religious Buildings

North Korea completed the construction of Bongsu Church and Jangchoong Cathedral at the end of 1988 and Chilgol Church in 1989. Chairman Kim Jong-il paid a visit to a Russian Orthodox church during his tour of the Russian Far East in August 2002. Subsequently, North Korea began construction of a Russian Orthodox Church in June, 2003. On August 13, 2006, the Jungbaek Church, a Russian Orthodox Church, was completed in Jungbaek-dong, Nakrang District of Pyongyang. In April, 2003, four North Koreans began studying at the Russian Orthodox Seminary in Moscow to serve dedication to the Orthodox church in Pyongyang.<sup>334</sup> Currently, two of the four have been baptized as church fathers and are serving at the church.

North Korea also has a number of religious educational institutions. According to the Second Regular Report North Korea submitted to the UN Committee on Civil and Political Rights in 2000, Kim Il-sung University added Department of Religion under the History Department in 1989, and has been teaching religious doctrines of five major religions, such as Christianity, Catholicism, Buddhism, Chondokyo and Islam. There are also other religious

334\_ *Korean Central Television*, June 25, 2003; *Yonhap News*, June 24 and 27, 2003.

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|-------------------------------------------------------|
| Chapter I                                             |
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educational institutions that provide education and training for religious leaders. The report stated, “There are religious educational facilities run by religious organizations. The Chosun Christian Federation operates the Pyongyang Theological Seminary and the Chosun Buddhist Federation is running a Buddhist school, and the Chosun Chondokyo Central Guidance Committee also operates a Chondokyo middle school and the Chosun Catholic Association Central Committee also teaches students.” In 2003 North Korea sent graduates of Kim Il-sung University to Moscow to study theology.<sup>335</sup>

It appears that North Korea is taking positive steps by permitting South Korean religious groups to reconstruct or newly construct religious facilities in North Korea. Some examples are the restoration of Youngtongsa Temple in Gaeseong, which started in 2002 with the support of South Korea’s Chontaejong Buddhist denomination, the restoration of Shinkeisa Temple in Mountain Kumgang, started in 2004 with the support of Jokeijong Buddhist denomination, and Pyongyang Je-il Church, launched in November 2005 with the support of the United Assembly of South Korean Presbyterian Churches. From December 2002, North Korea has begun an extensive re-painting project for 59 temples across the country.

During personal interviews, North Korean escapees reported that the Chosun Christian League insisted that there were 14,000 religious practitioners in North Korea, including 300 at Bongsu Church and 150 at Chilgol Church in Pyongyang and 500 “family churches.”<sup>336</sup> As for these churches, many Pyongyang citizens were aware of their existence, but most people living outside of Pyongyang

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335\_ *Yonhap News*, March 31, 2003.

336\_ *Nocut News*, November 10, 2010.

were not even aware of the fact that there were such religious facilities in Pyongyang. Even if they did, they did not realize that the facilities were places of worship. Instead, they thought these places were restricted areas, and they could not distinguish between a church and a cathedral. Furthermore, only a few of them knew anything about a cathedral. Most North Koreans did not realize Buddhist temples were religious facilities, and did not recognize Buddhist monks as religious practitioners. The following table is a collection of testimonies on religious facilities in North Korea.

| Table III-65  |                                           | Testimonies on Religious Facilities                                                                                                                                |                              |           |
|---------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Time of event | Place                                     | Testimony                                                                                                                                                          | Testifier ID                 | Remarks   |
| 2003          | Pyongan Province                          | Seen a temple called Bohyonsa in Mountain Myohyang.                                                                                                                | NKHR2011000103<br>2011-05-03 | Witnessed |
| 2006          | Mountain Myohyang, North Pyongan Province | I saw a temple and a monk on Mountain Myohyang.                                                                                                                    | NKHR2013000134<br>2013-07-23 | Witnessed |
| 2009          | Kosan County, Gangwon Province            | Been to Sokwangsa temple in Kosan County, Gangwon Province, but there was no monk.                                                                                 | NKHR2012000002<br>2012-01-10 | Witnessed |
| Un known      | Pyongyang                                 | Seen a church in Pyongyang while serving in the military, but could not tell whether it's a church or cathedral.                                                   | NKHR2011000070<br>2011-03-15 | Witnessed |
| Un known      | Pyongyang                                 | Seen a cathedral in Sonkyo, Pyongyang. Seen some religious people during the "13th World Youth Festival" in 1989. They were mobilized to show to foreign visitors. | NKHR2011000088<br>2011-04-05 | Witnessed |
| Un known      | Hyesan, Yanggang Province                 | Seen a small temple in a Goat Ranch in Hyesan. There was no monk.                                                                                                  | NKHR2011000237<br>2011-11-22 | Witnessed |

|          |                                        |                                                                                                                                                                                              |                              |           |
|----------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Un known | Musan County, North Hamgyoung Province | Heard about religion after seeing a play entitled Sunghwangdang in North Korea. The play was designed to criticize religion by showing a monk and a pastor arguing their faith was superior. | NKHR2011000250<br>2011-12-20 | -         |
| Un known | Pyongyang                              | Seen a church on Tong-il street in Pyongyang.                                                                                                                                                | NKHR2012000093<br>2012-05-25 | Witnessed |
| Un known | Poongso County, Yanggang Province      | Seen a temple and a monk in Poongseo County, Yanggang Province.                                                                                                                              | NKHR2012000154<br>2012-07-31 | Witnessed |
| Un known | Hyesan, Yanggang Province              | I saw a church in Changbai, China, from across Sungwoo-dong, Hyesan.                                                                                                                         | NKHR2013000090<br>2013-04-30 | Witnessed |

### Religious Ceremonies

The North Korean authorities began to permit religious ceremonies. Buddhist temples were allowed to conduct formal ceremonies on Buddha's birthday, as well as on major Buddhist holidays. Sometimes even Buddhist ceremonies of a political nature such as the Buddhist Prayer Meeting for the Unification of Fatherland have been allowed. When the United States designated North Korea as a nation persecuting religious freedom, North Korea complained and responded through articles in the Chosun Shinbo (in Japan), pointing out that 200–300 Christians were attending church services at the Bongsu Church every Sunday and church services were observed in the form of family churches in 500 locations across North Korea every Sunday.<sup>337</sup>

During the period when inter-Korean exchanges were active,

337\_Ministry of Unification, "Weekly North Korean Trends," No. 569 (Seoul: Ministry of Unification, 2001), pp. 9–10.

joint religious ceremonies were also held. Every year since 1997, South and North Korean Buddhist leaders have conducted joint inter-Korean Buddhist ceremonies and prayers in accordance with an agreement. Christians have also observed inter-Korean Joint Easter Prayers since 1997. South Korea’s “Catholic Fathers Association for the Realization of Justice” visited North Korea in August 1998 and observed a joint mass on August 15 to celebrate St. Mary’s Ascension. Subsequently, the association led a series of joint masses, including Mountain Kumgang Joint Mass. A group from the Chondokyo Central Committee led by Grand Master Chol Kim visited North Korea in 2001 and jointly observed an inter-Korean ceremony celebrating the Open Sky Day. Subsequently, many similar events followed. In 2003, religious leaders of South and North Korea were invited to attend the March 1 National Ceremony, in the wake of the June 15 inter-Korean summit meeting.

Many North Koreans are aware of the existence of the Bible and religious ceremonies through *Lecture Series* as “Let us resolutely crush the enemy’s cunning conspiracy and malicious agitation to spread religion in our society.”<sup>338</sup> According to North Korean es-

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338\_NKHR2009000013 2009-03-11; In the *Lecture Series* North Korea insisted that religion, including Christianity, is a tool designed to “overturn our system,” “breach our people’s right to self-reliance,” and “abuse our human rights.” The series accused the South Korean Government for buying over travellers, illegal border-crossing persons, and traders with money and bribes. It argued that South Korea was attempting through them to bring into North Korea various religious publications, including the Bible, videotapes, and recordings. The *lecture series* also argued that most children will not easily forget what they have seen or heard when they were young. Taking advantage of this children’s psychological vulnerability, South Korea was giving intensive religious education and would return them back to North Korean families so that they could in turn influence their parents, and that “underground religious cells” might spread widely. It further said “South Korea’s anti-Republic agitations are increasing by the day, and now are reaching the unbearable limit ... Blocking out religious intrusions is not simply an administrative task, but is a serious ideological struggle to politically and ideologically protect and safeguard our General Kim Il-sung.” Good Friends Magazine, April 2008.

capees, the authorities treat possession of the Bible as a serious crime because they believe the Bible is an essential tool of ideological and cultural intrusion.<sup>339</sup> Most North Korean escapees said they had never heard of Buddhist scriptures, but they had heard about the Bible even though they never saw it personally.<sup>340</sup>

Concurrently, scenes of Christian worship in an underground church in North Korea were reported in the media for the first time. The scenes showed three Christians praying and conducting ceremonies at a private home in Chongjin, North Hamgyong Province. They said “My Father in Heaven, why don’t you have mercy on us, even though the future of our people is becoming more and more treacherous? As long as Kim Jong-il is alive, the people of this country will never see the light of day. Every day the government says ‘tomorrow will be better,’ (...) We have been praying for over a year, but where is your mercy?” The Christians in the video were arrested in 2007 and were never seen again; it is likely that they were executed.<sup>341</sup>

### Religious Organizations

Various religious groups have organized and are operating in North Korea today. North Korea has been emphasizing that freedom of religion is guaranteed, especially in connection with the freedom of assembly and association. North Korea’s Second Regular Report on the implementation of ICCPR submitted in 2000 insisted that there were no restrictions against the practitioners of religion in

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339\_NKHR2009000017 2009-03-24; NKHR2013000117 2013-06-25.

340\_NKHR2009000020 2009-04-07; NKHR2009000024 2009-04-20.

341\_ *TV Chosun (Seoul) and Christians Today*, January 2, 2013.



their activities or organizing religious groups. This is due to the fact that Article. 67, Para. 2 of the Constitution guarantees “Conditions for free activities of democratic political parties and social organizations.” The list included the Chosun Christian Federation, Chosun Buddhist Federation, Chosun Catholic Association, Chosun Chondokyo Central Guidance Committee and Chosun Religionists Association.

The North Korean delegate boasted that religion was completely separate from the state, thus no religion was discriminated against or interfered. People were free to choose and freely practice the religion of their choice. However, it is impossible to ascertain whether religious organizations such as Chosun Buddhist League, Chosun Christian Federation, Chosun Catholic Association, Chosun Chondokyo Central Committee and Chosun Orthodox Committee are actually in operation, and whether the central association of these organizations, the Chosun Religious Practitioners Association, is operating with regional branches. Thus far, none of the North Korean escapees interviewed were aware of any local religious organizations in North Korea.<sup>342</sup>

| Table III-66                         | The Present Status of Religious Organization in North Korea |                                                                                                                                                                             |
|--------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Organization                         | Period                                                      | Present Status                                                                                                                                                              |
| Chosun Council of Religionists (KCR) | May 1989                                                    | <ul style="list-style-type: none"> <li>• A consultative body of religious organizations</li> <li>• Chairman: Jae-un Jang.</li> </ul>                                        |
| Chosun Buddhist Federation           | January 2, 1945                                             | <ul style="list-style-type: none"> <li>• Originally called the North Korea Buddhist Federation, it was organized in 1945, but did not operate from 1965 to 1971.</li> </ul> |

342\_ David Hawk, *Thank you Father Kim Il Sung*, U.S. Commission on International Religious Freedom (2005), p. 88.

|                                             |               |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chosun Buddhist Federation                  | 1972          | <ul style="list-style-type: none"> <li>• Name changed to the Chosun Buddhist Federation</li> <li>• Chairman: Sang-jin Sim.</li> <li>• There are about 60 temples, 300 monks (married priests), and 10,000 believers.</li> <li>• Its education facility, a Buddhist school, was located in the Jung-Heung-sa Temple in Yanggang Province in 1989, but later it was transferred to Pyong-hwa-gwang-beop-sa Temple in 1991.</li> </ul> |
| Chosun Christian Federation                 | November 1946 | <ul style="list-style-type: none"> <li>• Originally called the The North Korean Christian Federation of North Korea, it was organized in 1946, but did not operate from 1964 to 1973.</li> </ul>                                                                                                                                                                                                                                    |
|                                             | 1974          | <ul style="list-style-type: none"> <li>• Establishment of the Chosun Christian Federation (Josun Kidokkyo Yeonmaeng).</li> </ul>                                                                                                                                                                                                                                                                                                    |
|                                             | February 1992 | <ul style="list-style-type: none"> <li>• Name changed to the present name (Josun grido yeonmaeng)</li> <li>• Chairman: the late Yeong-sup Gang (Died in 2012).</li> </ul>                                                                                                                                                                                                                                                           |
| Chosun Catholic Association                 | June 1988     | <ul style="list-style-type: none"> <li>• There are two main churches (Bongsu Church built in 1988 and Chilgol Church built in 1989) and 520 house churches.</li> <li>• It published old and New Testaments and a hymnal from 1983 to 1984. It published Bibles and hymnals in 1990.</li> <li>• There are about 10,000 believers in North Korea; 800 live in Pyongyang.</li> </ul>                                                   |
|                                             | June 1999     | <ul style="list-style-type: none"> <li>• The Chosun Catholic Association was organized.</li> <li>• Its name was changed to the Chosun Catholic Association</li> <li>• Chairman: Jae-un Jang (Jae-cheol Jang)</li> <li>• One Roman Catholic Church (Jangchung Catholic Church in 1988), Four parishes, 4,000 believers</li> <li>• No Catholic priests and nuns</li> </ul>                                                            |
| Chosun Chondokyo                            | February 1952 | <ul style="list-style-type: none"> <li>• North Korean Chondokyo Religious Affairs was organized, but it did not operate from 1952 to 1973.</li> </ul>                                                                                                                                                                                                                                                                               |
| Chosun Chondokyo Central Guidance Committee | February 1974 | <ul style="list-style-type: none"> <li>• Chosun Chondokyo Church was organized.</li> <li>• Chairman: Mi-yeong Ryu</li> <li>• There are about 14,000 believers.</li> </ul>                                                                                                                                                                                                                                                           |
| Chosun Orthodox Committee                   | June 2003     | <ul style="list-style-type: none"> <li>• Chairman: Il-jin Heo.</li> <li>• Jeong-baek-sa-won, a Russian Catholic Church, was built on August 24, 2006.</li> </ul>                                                                                                                                                                                                                                                                    |

Source: Korea Institute for National Unification, *Buk-han-Gae-yeo 2009* (Introduction to North Korea 2009), (Seoul: Korea Institute for National Unification, 2009), p. 439.

Meanwhile, North Korea is permitting religious organizations

to engage in international exchanges. These religious organizations have attempted frequent contacts with their overseas counterparts during the 1990s. In an attempt to improve relations with the United States, they invited US religious missions to Pyongyang in 1995. A North Korean Christian delegation led by Kang Young-sup, the Chairman of the Chosun Christian Federation’s Central Committee, the Chairman of the Christian League’s Central Committee, paid a month-long visit to the United States.<sup>343</sup> In addition, Chosun Buddhist League sent a delegation to the Asia Buddhist Peace Conference held in Laos.<sup>344</sup>

North Korean religious organizations seem to focus more on playing a counterpart role vis-a-vis foreign religious organizations or international humanitarian groups, rather than attempting to promote and support freedom of religion in North Korea. As the food shortage exacerbated and social control became unwieldy in the aftermath of Kim Il-sung’s death, North Korea decided to allow the religious organizations to contact their foreign counterparts, while still maintaining oppressive policies over religious activities. It was apparently an attempt to secure more foreign currencies through the expansion of humanitarian contacts with the West, while blocking the influence of its specific religion. This policy may be gleaned from the changes of religious terminology as shown in <Table III-67> below.

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343\_Byung-ro Kim, *Changes of North Korea’s Policy on Religion and Realities of Religion* (Seoul: Korea Institute for National Unification, 2002), p. 48.

344\_ *Korean Central News Agency*, February 10, 2003.

| Table III-67 |                                                                                                                                                                                                  | Comparison of Changes in Religious Terminology in North Korea                                                                                                                |                                                                                                                                                                                           |  |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Religion     | Hyeon-dai-jo-seon-mal-sa-jeon<br>(Modern Korean Dictionary, 1981)                                                                                                                                | Jo-seon-mal-dae-sa-jeon<br>(Korean Dictionary, 1992)                                                                                                                         | Jo-seon-dae-bae-gyoa-sa-jeon<br>(Korean Bibliographical Dictionary, 2000)                                                                                                                 |  |
| Christianity | It conceals and legitimizes the abuse and inequality of previous eras and uses the ridiculous idea of heaven to persuade people to obey the ruling class.                                        | The major ideology of the church is equality and philanthropy. It preaches that people may go to heaven if they observe the lessons of Christianity well.                    | It is a religion that preaches the salvation of human beings through Jesus Christ, called the son of God.                                                                                 |  |
| Church       | A place where poisonous anti-revolutionary ideology is used to abuse people under the mask of religion.                                                                                          | A building where propaganda is created to make people believe in Christianity and provide them with various religious services.                                              | A gathering place to administer ceremonies for believers, such as religious services, baptisms and sacraments.                                                                            |  |
| Bible        | A book about the fictitious and deceitful religious doctrine of Christianity.                                                                                                                    | A book mainly about the religious doctrine of Christianity.                                                                                                                  | —                                                                                                                                                                                         |  |
| Buddhism     | It preaches the principles of non-resistance and servile submission, teaching people to tolerate and endure all pain in the real world in order to go to the abode of perfect bliss after death. | Based on the idea that mercy for others liberates human beings from agony, it preaches that those who renounce the mortal principles shall reach the abode of perfect bliss. | It preaches that people who are not obsessed with material attachments and abstain from selfish pursuits will, through mental training, be emancipated from everything and reach Nirvana. |  |

Source: Korea Institute for National Unification, *Buk-han-Gae-yeo 2009* (Introduction to North Korea 2009), (Seoul: Korea Institute for National Unification, 2009), p. 438.

### Reality of Religious Freedom

“Religion is a very serious matter because North Korea cannot permit any ideology other than the Juche.”<sup>345</sup> “North Korea teaches

345\_NKHR2008000016 2008-09-02.

their people that religion is superstition, like narcotic. If anyone is caught in a religious act, he/she is sent to a *kwanliso*.”<sup>346</sup> As these facts indicate, North Korea has taken legal and institutional measures to allow freedom of religion and permit the construction of religious buildings and the holding of religious ceremonies, and to establish religious organizations and conduct religious education. Nonetheless, freedom of religion in its fullest sense is not granted in reality.

First, no Protestant or Catholic churches exist in North Korea except in Pyongyang. As for the family churches that North Korea said existed across North Korea, it is questionable how freely they are allowed to practice religious activities in the provincial towns, even if a church existed. In all the personal interviews with escapees from North Korea, not one person was aware of a family church anywhere in North Korea.

Second, North Korea manipulates Protestant churches, Catholic churches and temples for external propaganda and political purposes by allowing foreign religious leaders and other occasional visitors to these religious facilities. The entry or the use of facilities by local citizens is strictly prohibited. Not surprisingly, ordinary citizens generally perceive these religious places as sightseeing spots for foreigners. In the case of the Bongsu Protestant Church in Pyongyang, built in September 1988, only the building supervisor and his family can live there. When foreign guests come to visit, several hundreds carefully selected 40 to 50-year-old citizens are gathered to conduct false church services. Foreign Christians testified that while visiting North Korea, they stopped by a church

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346\_NKHR2008000017 2008-09-04.

on Easter Sunday without prior consultation and discovered that the doors were locked. Many foreign visitors said that church activities were apparently staged.

Third, all escapees consistently testified that one would certainly be persecuted for practicing religion on a personal level. The fundamental reason for North Korea's difficulty in guaranteeing the freedom of religion is in accordance with the Constitution, which stems from the belief that religion is a means of foreign encroachment and inflicts harm on North Korea's social disciplines. Even when a large number of the population was forced to roam around in search of food during the famine in the 1990s, North Korea tried to suppress the promotion or propagation of Christianity in the belief that Christianity was detrimental to the integrity of the North Korean regime. Since 1997, North Korean citizens have received education designed to prevent the spread of Christianity. The education emphasized the necessity of detecting individuals engaged in spreading Christianity and how to identify them. An escapee testified that some individuals who used to practice religion before the liberation of Korea from Japan (1945) were known to continue their practice discreetly. There are approximately 2000 secret believers in certain provinces.<sup>347</sup>

#### Punishment for Religious Activity

Freedom of religion is indeed restricted in North Korea except as a part of officially sanctioned events and at designated facilities. This reality is clearly demonstrated when we look at the punishments

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347\_NKHR2011000086 2011-04-05.

imposed on citizens who practice religion and forcibly deported escapees. As the food shortage became exacerbated and as the number of escapees rapidly increased, the North Korean authorities began to relax punishment for those defecting to China in search of food. Authorities continued to impose heavy penalties on those who had contacts with religious South Koreans in China.<sup>348</sup> However, it appears that North Korean authorities are no longer treating religion related to escapees automatically as political criminals. The reason the North Korean authorities are trying to curb the spread of religion via escapees is because most escapees return to North Korea with significant knowledge and understanding of religious beliefs even if they do not actually practice any religion.<sup>349</sup> Some examples of punishments for superstitious practices are detailed in <Table III–68>.

| Table III–68  |                                          | Testimonies Related to Religious Persecution                                                                                                                                                         |                              |           |
|---------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Time of Event | Place                                    | Testimony                                                                                                                                                                                            | Testifier ID                 | Remarks   |
| November 2001 | Unknown                                  | The son of the Relief Center was a Christian. He cried out "God!" even as he was led to the <i>kwanliso</i> .                                                                                        | NKHR2013000094<br>2013–05–14 | Witnessed |
| 2002          | Musan, North Hamgyoung Province          | A woman (52) was forcibly expelled for possession of a Bible.                                                                                                                                        | NKHR2012000056<br>2012–04–10 | Witnessed |
| 2002          | Eunduck County, North Hamgyoung Province | I saw a family being taken to Yodok <i>Kwanliso</i> for possession of Bible and praying. The mother died in the Center, and the remaining family was released in April 2012 after serving ten years. | NKHR2013000007<br>2013–01–08 | Witnessed |

348\_Interview with escapee XXX in Seoul on April 15, 2010.

349\_NKHR2009000011 2009–03–03.

|      |                                         |                                                                                                                                                                                                                                                                                                                                                             |                              |           |
|------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| 2002 | Unknown                                 | Went to the “SSD War Display” as part of Youth League program. Saw a picture of execution of 16 members of reactionary group (underground group) from Guryong-ri, Sariwon in 1992. It looked like a family. In retrospect, the group was an underground religious group.                                                                                    | NKHR2012000072<br>2012-04-26 | Witnessed |
| 2003 | Onsung County, North Hamgyoung Province | My friend's family was spotted praying grace at the dinner table, and was taken to a <i>kwanliso</i> .                                                                                                                                                                                                                                                      | NKHR2013000035<br>2013-02-19 | Witnessed |
| 2005 | Hyesan, Yanggang Province               | Heard a person was missing because of the Bible. He/she was probably sent to a political prison camp.                                                                                                                                                                                                                                                       | NKHR2012000002<br>2012-01-10 | Informed  |
| 2006 | Musan County, North Hamgyoung Province  | The source heard of a person who was caught praying. The person was sentenced to correctional prison labor at Musan County, North Hamgyoung Province, in 2006.                                                                                                                                                                                              | NKHR2011000098<br>2011-04-19 | Informed  |
| 2008 | Unknown                                 | During an investigation, it was discovered that one woman had illegally crossed the border and attended a protestant church in China. She was detained in a <i>kwanliso</i> , but later found to be mentally ill. The source saw her detained in Jongori No. 12 <i>Kyohwaso</i> in 2008, after being sentenced to three years of correctional prison labor. | NKHR2011000201<br>2011-09-06 | Witnessed |
| 2008 | Musan County, North Hamgyoung Province  | A Korean-Chinese pastor said one must have a religion in order to survive while handing out clothes during his visit to his relatives. His identity was revealed and was taken away. Subsequently, he was denied travel permits.                                                                                                                            | NKHR2012000261<br>2012-12-04 | Witnessed |



|               |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                              |           |
|---------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| July 2008     | Unknown                                 | The source was detained at the Onsung County Security Department Detention Center after being deported from China. During processing, a Bible was found among the belongings of a fellow female deportee. As soon as the Bible was found, the woman was placed in another line and disappeared from the Detention Center. The woman was from Wonsan and was about 65 years old. Nobody knows what kind of punishment she received.                                                            | NKHR2011000194<br>2011-08-23 | Witnessed |
| 2008 Fall     | Pihyon County, North Pyongan Province   | Heard an old lady was taken away at night because she had a Bible. Assumed that she was sent to a <i>kwanliso</i> .                                                                                                                                                                                                                                                                                                                                                                           | NKHR2012000018<br>2012-02-07 | Informed  |
| 2009          | Junghwa County, North Hamgyong Province | The wife of a tactical staff officer of Air Command in China's military, North Hamgyong Province was publicly executed for possessing a Bible around 2009.                                                                                                                                                                                                                                                                                                                                    | NKHR2011000209<br>2011-09-20 | Informed  |
| 2009 Summer   | Sunchon County, North Pyongan Province  | Heard many Christians existed in Sunchon County from the days of Japanese occupation. As the missionaries were expelled, they promised to return when "azaleas bloomed." Some of their children retained Bibles. A grandmother asked a neighbor to cut off a tree nearby, but when the tree was cut down, a bible fell off of the magpie nest. All five of the family (grandmother, son, daughter in law, and two sons) were sent to a place of no return. Assumed it was a <i>kwanliso</i> . | NKHR2012000104<br>2012-06-05 | Informed  |
| February 2010 | Onsung County, North Hamgyong Province  | While detained in Onsung County security department detention center, I saw a detainee, who studied Bible for a month in China, sent off to a <i>kwanliso</i> .                                                                                                                                                                                                                                                                                                                               | NKHR2013000104<br>2013-05-28 | Witnessed |
| 2011          | Hyesan, Yanggang Province               | A neighbor (mother of XXX) received a pre-trial for a year for contacting a religious person in China. She was released on illness, but then sent to a <i>kyohwaso</i> .                                                                                                                                                                                                                                                                                                                      | NKHR2012000240<br>2012-11-06 | Witnessed |

|           |                                         |                                                                                                                                                                                                                                                           |                              |                        |
|-----------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|
| 2011      | Daehongdan County, Yanggang Province    | I heard a man was arrested for possession of Bible, which he got in China.                                                                                                                                                                                | NKHR2013000042<br>2013-03-05 | Informed               |
| May 2013  | Musan County, North Hamgyoung Province  | When I was in North Korea, I personally thought that religion was believing in something false.                                                                                                                                                           | NKHR2013000165<br>2013-09-03 | Personal Understanding |
| June 2013 | Onsung County, North Hamgyoung Province | I heard about 8 people living in Namyang District, Onsung County, who were engaged in religious activity. They often visit China and get help from their church.                                                                                          | NKHR2013000206<br>2013-11-12 | Informed               |
| Un known  | Unknown                                 | The source heard from a prison inmate in the Jongori Long-term <i>Kyohwaso</i> at Hoeryeong about how an inmate's mother, who used to play the organ in a secret church, was taken to a <i>kwanliso</i> .                                                 | NKHR2011000119<br>2011-05-24 | Informed               |
| Un known  | Onsung County, North Hamgyoung Province | The source heard from her mother that three family members, including a husband, wife and son who had lived in Sambong-gu, Onsung County, North Hamgyoung Province, were caught conducting a family worship service and taken to a political prison camp. | NKHR2011000201<br>2011-09-06 | Informed               |
| Un known  | Unknown                                 | Religion is inconceivable in North Korea. Seen a woman getting unlimited term of correctional labor penalty for possession of the Bible while detained in Hoeryeong City Security Department detention center.                                            | NKHR2012000036<br>2012-03-13 | Witnessed              |
| Un known  | Musan County, North Hamgyoung Province  | Received education with <i>Lecture Series</i> print-out. It said "Let us totally root out religion and superstition."                                                                                                                                     | NKHR2012000051<br>2012-03-27 | Fact                   |
| Un known  | Sampo, Yanggang Province                | Heard a woman was caught bringing a Bible from China. She tried to kill herself by swallowing nails. She was taken to a hospital, but never heard about her afterward.                                                                                    | NKHR2012000179<br>2012-09-04 | Informed               |

|             |                                                    |                                                                                                                                                                                                                                                  |                              |                               |
|-------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------|
| Un<br>known | Sunchon<br>County,<br>North<br>Pyongan<br>Province | There was an underground reli-<br>gious group. The people were tak-<br>en away by Security Department.<br>Never heard anything afterwards.                                                                                                       | NKHR2012000278<br>2012-12-18 | Informed                      |
| Un<br>known | Hyesan,<br>Yanggang<br>Province                    | Sometimes Bibles are included in<br>smuggled items, so I asked my<br>counterpart not to include Bibles.                                                                                                                                          | NKHR2013000075<br>2013-04-16 | Experienc<br>ed               |
| Un<br>known | Unknown                                            | I understood "underground church"<br>meant when a family gathers to<br>read the Bible together.                                                                                                                                                  | NKHR2013000086<br>2013-04-30 | Personal<br>Understan<br>ding |
| Un<br>known | Yanggang<br>Province                               | Many smugglers in places like<br>Samjiyon and Bocheon counties<br>and Hyesan, Yanggang Province,<br>regularly go to churches in Chang-<br>bai (China). When my family re-<br>mits money or needs to contact<br>me, they often talk about church. | NKHR2013000147<br>2013-08-06 | Fact                          |
| Un<br>known | Hoeryeong,<br>North<br>Hamgyoung<br>Province       | I saw someone getting arrested<br>by SSD for possession of Bible. I<br>heard he was sent off to <i>kwanliso</i> .                                                                                                                                | NKHR2013000202<br>2013-11-12 | Witnessed                     |

### Superstitious Activities

North Korean authorities also punish all superstitious activities, such as fortune-telling. North Korea stipulated in the Penal Code (as revised in 2012) that “those who receive money or other forms of payment and provide any act of superstition shall be penalized up to one year of labor training, and in more serious cases up to three years (Article 256). When compared with the earlier provisions, the level of penalty was lowered. The crime of promoting superstition was deleted from the Penal Code during the 2012 revision. It implies that the practice of superstition is widespread in North Korea. Administrative Penalty Law prescribes in Article 219, “those who engaged in an act of superstition or spread false

rumors or hearsay that can cause social confusion or undermine confidence in the government will be penalized with fines or labor education for at least three months.” Everyone must pay absolute allegiance to the state in accordance with the ten principles for unitary ideology, and no other beliefs or ideology is allowed.

| Table III-69 Comparison of Penalties for Superstition under the Penal Code                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Old Penal Code (2009.10.19)                                                                                                                                                                                                                                                                                                                               | Revised Penal Code (2012.02.23)                                                                                                                                                                                |
| <p>Article 267 (Practicing superstition)<br/>Anyone practicing superstition repeatedly by charging money shall be given up to 2 years of labor training penalty. In serious case, up to 5 years of correctional labor.</p>                                                                                                                                | <p>Article 256 (Practicing superstition)<br/>Anyone practicing superstition by charging money or gift shall be given up to 1 year of labor training. In serious case, up to 3 years of correctional labor.</p> |
| <p>Article 268 (Promotion of superstition)<br/>Anyone promoting superstition, for profit or other motives, shall be given up to 2 years of labor training penalty. If anyone promoted superstition to many people, he/she will be put to 3 years of correctional labor penalty, and in serious cases from 3 to 7 years of correctional labor penalty.</p> | <p>Deleted.</p>                                                                                                                                                                                                |

Despite the strict guidelines, acts of superstition appear to be rampant in North Korea, and people share information on which fortune teller is good. Going to see a fortune teller will normally be penalized, but SSD agents, party officials and MPS officers also visit fortune tellers if their predictions are known to be accurate. In most cases, as long as it does not create social outcry or serious problems, one could avoid penalty for practicing superstition by offering some bribes.<sup>350</sup> An escapee testified that he thought superstition was an anti-socialist phenomenon, so if de-

350\_NKHR2013000104 2013-05-28 and other testimonies.

tected it could become a trouble, but he did not see anyone being punished for practicing superstition.<sup>351</sup> However, fortune-tellers who refused to give money (bribe) to MPS officers and those who are too popular are likely to be penalized.<sup>352</sup> Based on these testimonies, the level of punishment for practicing superstition was about 6 months of labor training penalty.<sup>353</sup> Incidents related to superstition are shown in <Table III-70> below.

| Table III-70 |                                        | Testimonies Related to Superstitious Behavior                                                                                                                                                |                              |           |
|--------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Time         | Place                                  | Testimonies                                                                                                                                                                                  | Testifier ID                 | Remarks   |
| 2009         | Gimchaek, North Hamgyoung Province     | The source witnessed a man receiving three months of disciplinary prison labor for superstitious practices.                                                                                  | NKHR2011000108<br>2011-05-11 | Witnessed |
| October 2009 | Pyongsung, South Pyongan Province      | The source witnessed the punishment of a person for superstitious behavior (three months in labor training camp).                                                                            | NKHR2011000111<br>2011-05-17 | Witnessed |
| 2010         | Musan County, North Hamgyoung Province | The source witnessed a person punished for fortune-telling for people planning to illegally cross the Chinese border. The person was sentenced to three years of correctional labor penalty. | NKHR2011000179<br>2011-08-02 | Witnessed |
| March 2010   | Baekam County Yanggang Province        | The source witnessed a person being punished for believing in superstition, instead of the Party. The person was sentenced to six months of labor training penalty.                          | NKHR2011000235<br>2011-11-08 | Witnessed |
| 2011         | Onsung, North Hamgyoung Province       | Caught for fortune-telling, but bribed the judge and received a not guilty verdict. Paid 15,000 KPW to the fortune-teller.                                                                   | NKHR2012000010<br>2012-01-31 | Fact      |

351\_NKHR2013000121 2013-06-25.

352\_NKHR2008000023 2008-11-11.

353\_NKHR2013000097 2013-05-14 and other testimonies.

|               |                                          |                                                                                                                                                                                                                                                                                                                                                 |                              |             |
|---------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| December 2011 | Hungwon County, South Hamgyoung Province | Witnessed a fortune-teller (female, 40s) getting penalized for six months at a labor training camp for practicing superstition.                                                                                                                                                                                                                 | NKHR2012000201<br>2012-09-25 | Witnessed   |
| 2013          | Onsung County, North Hamgyoung Province  | I went to a fortune-teller just before defection. Fortune-teller had four pieces of wheat seeds in her mouth and 9 seeds on each hand everyday.                                                                                                                                                                                                 | NKHR2013000106<br>2013-05-28 | Experienced |
| 2013          | Hyesan, Yanggang Province                | I was penalized 6 months of labor training for practicing fortune-telling in accordance with a South Korean book that my grandson brought for me from China.                                                                                                                                                                                    | NKHR2013000200<br>2013-11-12 | Informed    |
| July 2013     | Hoeryeong, North Hamgyoung Province      | Even "law-workers" visit fortune-tellers, but there are no penalties.                                                                                                                                                                                                                                                                           | NKHR2013000202<br>2013-11-12 | Fact        |
| Unknown       | Musan County, North Hamgyoung Province   | Individuals who serve time at a <i>kyohwaso</i> for superstition becomes popular. Officials also use his service. People are careful in engaging in superstitious activities since it is difficult to find help if caught. Penalty is serving time at a <i>kyohwaso</i> or labor training camp.                                                 | NKHR2012000021<br>2012-02-07 | Witnessed   |
| Unknown       | Unknown                                  | People believe in superstition even though they do not believe in religion. Over 80 percent of visitors are officials or judicial workers. Judges use fortune tellers as their spy agents, because people will use them before committing illegal acts (river-crossing, narcotics). Both parties committing acts of superstition are penalized. | NKHR2012000043<br>2012-03-20 | Fact        |
| Unknown       | Hoeryeong, North Hamgyoung Province      | Testified that he/she saw a proclamation listing penalties on superstition, including a hexagonal box used for fortune telling. One item on the list said a penalty of one to five years of correctional labor is imposed if caught for practicing superstition.                                                                                | NKHR2012000079<br>2012-05-08 | Witnessed   |

|          |                                        |                                                                                                                                                                                                                    |                              |           |
|----------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Un known | Hoeryeong, North Hamgyoung Province    | If fortune telling involves anything related to South Korea (defection, etc.), both parties are penalized. If not, only the fortune teller is penalized.                                                           | NKHR2012000198<br>2012-09-25 | Fact      |
| Un known | Hyesan, Yanggang Province              | If fortune-telling crime is serious, it is under the jurisdiction of SSD. If not, it is under the competence of MPS. Most of the cases, penalties are avoided with bribery.                                        | NKHR2013000024<br>2013-02-05 | Fact      |
| Un known | Shinuiju, North Pyongan Province       | "Bangto" is a superstitious act by scattering in the street a mixture of one's nails (finger and toe) and salt. If a fortuneteller demands money or gift, he/she will be sentenced to have labor training penalty. | NKHR2013000049<br>2013-03-19 | Witnessed |
| Un known | Musan County, North Hamgyoung Province | If fortunetelling causes social unrest, the teller will be punished. Usually, they get by with bribes.                                                                                                             | NKHR2013000096<br>2013-05-14 | Fact      |
| Un known | Hyesan, Yanggang Province              | In connection with superstition, one will be punished only if a criminal act is involved.                                                                                                                          | NKHR2013000137<br>2013-07-23 | Fact      |

## B Freedom of Conscience

Freedom of conscience means freedom to freely develop individual thoughts and moral standards that form the internal basis of human dignity and personal value system. It also includes freedom to hold opinions without interference and the right to act according to the individual's beliefs and moral standards. Conscience also comprises an individual's own world-view and personal philosophy of life, beliefs, and principles. More broadly, conscience includes a person's own internal value system and moral standards that provide the basis of one's personality and character. Compared to freedom of thought and religion, conscience is a broader concept

than faith in religious beliefs. Accordingly, the Constitution of the Republic of Korea (South Korea) sets forth, “All citizens shall have freedom of conscience”; in Article 19 before stipulating, “All citizens shall have freedom of religion” in Article 20. The Constitution does not separately guarantee freedom of thought because freedom of conscience and freedom of thought are the same. Freedom of thought and conscience is also prescribed in Article 18 of both the Universal Declaration of Human Rights and the ICCPR.

### The Unitary Suryong Ruling System and the Ten Principles for Unitary Ideology

Unlike South Korea, North Korea’s Constitution does not guarantee freedom of conscience. The reason North Korea does not guarantee freedom of conscience is because of personality cult based on the Unitary Suryong Ruling System. Such phenomena could be understood as a culture. In North Korea, Kim Il-sung and Kim Jong-il are viewed as gods. Consequently, accommodating any ideology other than Juche Ideology that Kim Il-sung devised and Kim Jong-il inherited, would seriously undermine the legitimacy of Unitary Suryong Ruling System.

The North Korean Constitution declares that the DPRK is a state that embodies the idea and leadership of Kim Il-sung. Furthermore, Juche ideology is the basic guarantee for government operation, and that Juche ideology is the guiding principle for all activities in the country (Preamble and Article 3). Based on this Juche, North Korea has developed a theory of socio-political being in order to justify Kim Il-sung and Kim Jong-il’s Unitary Ruling System. Under this theory, Suryong is defined as the father, KWP as the mother, and the working masses (people) as the children.



Suryong, then, is in charge of issuing all directions and methods for the realization of wishes and demands of the masses. This theory of socio-political being thus seeks to justify the unitary ruling system and absolute authority of Kim Il-sung and Kim Jong-il. As long as absolute worship of Suryong (Kim Il-sung and Kim Jong-il) is mandatory, no other values or ideas are permissible.

North Korea’s “Kim Il-sung/Kim Jong-il ‘Suryong-only’ Unitary Leadership System” is based on a theory of socio-political being. And, this ideology is promoted, idolized and reinforced through the so-called Ten Principles for Unitary Ideology. Spelled out in this document are the principles that mandate everyone to pay unconditional loyalty to Kim Il-sung and follow Kim Il-sung’s instructions as absolute guidelines. Since 1974 when the Ten Principles for Unitary Ideology was announced, the Ten principles has sought to deify ‘the great leader’ Kim Il-sung and played the role of commanding the daily behaviors of every North Korean. In June 2013, North Korea revised the Ten Principles and for the first time in 39 years since April 14, 1974 when the principles were enacted, the name was changed into ‘the Ten Principles to firmly establish the Party’s Unitary Leadership System.’ In North Korea, the Ten Principles functions at a higher level than the Constitution and the Statute of the KWP, and plays the role of governing norm that systematically safeguards Kim Jong-un’s unitary dictatorship, while absolutely deifying and idolizing the authority of Kim Il-sung’s birth place. The Ten Principles is utilized to remove and eliminate possible sources of political opposition or public complaint, and to justify the hereditary power succession of Kim Il-sung family.<sup>354</sup> The revised Ten Principles focuses on reinforcement of Kim Jong-un’s unitary leadership system. For example, Principle No. 6 demands that in order to safeguard the

unitary leadership system, the entire Party must strengthen its unified ideological resolve and revolutionary unity around the leader. For this purpose, the Ten Principles has updated the methods to stabilize Kim Jong-un's political power base. It added a new section demanding that "unprincipled behaviors must be absolutely discarded, including illusions toward any individual's superiors, fawning and idolizing toward superiors, and blindly obeying the superiors for their power (Principle No. 6-4)." Everyone must "firmly struggle against factionalism, parochialism, paternalism, and other anti-Party elements, as well as day-dreaming and honey-chasing behaviors (Principle No. 6-5)." And, eliminate all influence-peddling (Principle No. 7-7).<sup>355</sup> On June 19, 2013, Kim Jong-un personally made a speech about safeguarding the leadership system at a gathering of high-ranking officials of the Party, Military, and the Cabinet. KWP has published a collection of his speeches in a booklet entitled, *On Absolutely Safeguarding the Unitary Leadership System befitting the Needs for Revolutionary Development*.<sup>356</sup> Subsequently, North Korea has tightened the ideology control over the people through "harmonious life (nightly meetings)" and "self-criticism" diaries in compliance with the newly revised Ten Principles.<sup>357</sup> The revision of Ten Principles is particularly noteworthy because it seeks to tighten the ideology control over the population. Shown

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354\_ Kyung-sop Oh, "Major Contents of Revised Ten Principles and Their Political Significance," p. 12.

355\_ Ibid., p. 13.

356\_ In this booklet, Kim Jong-un emphasizes that the new "10-principles for Party's Unitary Leadership System" is newly "enacted" by succeeding and further developing the "Ten Principles for Party's Unitary Ideology System." See Kim Jong-un, *On Absolutely Safeguarding the Party's Unitary Leadership System befitting the Needs for Party Development*, (Pyongyang: KWP Publisher, 2013), pp. 5-6.

357\_ *Daily NK*, September 23, 2013

below are major contents of Ten Principles:

1. Everyone must wholeheartedly struggle to remake the entire society into “Kim Il-sung/Kim Jong-il-ism.”
2. Everyone must highly revere Great Comrade Kim Il-sung and Comrade Kim Jong-il as eternal Suryong (leader) of our Party and people, and as the sun of Juche.
3. Everyone must safeguard to death and accept as absolute the authority of Great Comrade Kim Il-sung and Comrade Kim Jong-il, as well as the authority of the Party.
4. Everyone must absolutely arm the revolutionary ideology of Great Comrade Kim Il-sung and Comrade Kim Jong-il, as well as the Party’s lines and policies, which are the specifics of that ideology.
5. Everyone must absolutely observe the principles unconditionally in pursuing the teachings of Great Comrade Kim Il-sung and Comrade Kim Jong-il as well as the Party's lines and policies.
6. Everyone must strengthen in every possible way the Party's ideological unity and revolutionary cohesion around the Leader.
7. Everyone must learn after Great Comrade Kim Il-sung and Comrade Kim Jong-il and maintain refined mental and moral postures and revolutionary working methods, as well as people's working styles.
8. Everyone must cherish the political life handed down by the Party and Suryong, and must repay the Party's trust and considerations with enhanced political self-respect and productive output.
9. Everyone must build strong organizational rules so that the entire Party, the nation, and the military could move uniformly as one under the unitary leadership of the Party.
10. To the end, everyone must succeed and complete the great task of Juche revolution and the great task of Military-first revolution that Great Comrade Kim Il-sung launched and Comrade Kim Jong-il implemented.

Since the Ten Principles are open to arbitrary interpretation, North Korean authorities will frequently utilize them to penalize

those with political grudges as political or ideological criminals. For example, two entire families disappeared: one was because a nine-year old second grade elementary student in the family scribbled on the faces of Kim Il-sung and Kim Jong-il in his text book; the second family was because the elderly grandmother used issues of the Rodong Shinmun which contained pictures of Kim Il-sung and Kim Jong-il-as wallpaper. Both families were punished on the basis of the Ten Principles.

This inhumane practice of forcing people to sacrifice their lives to save portraits of Kim Il-sung and Kim Jong-il happens because of the Ten Principles which continues to be enforced in North Korea. A book titled *Revolutionary Optimism* written by Ahn Chang-hwan was published in 1991 by the Pyongyang Working People's Organizations Publishing House. According to the book, there is a story of a person named Young-duk Park who sacrificed his life to protect a portrait of Kim Il-sung. It is reported that while working in the Yellow Sea, Park Young-duk was drowned when his boat capsized. However, as the boat was on the verge of sinking, Park carefully wrapped a portrait of Kim Il-sung with a plastic cover, attached a heavy weight to himself, and jumped into the sea.

At a Neighbourhood Watch (*Inminban*) meeting on October 11, 2007, it was suggested that people should follow the spirit of those who had saved the portraits of Kim Il-sung/Kim Jong-il during the flood emergency. There were people during the flood emergency in Gangwon Province and South Hwanghae Province who protected portraits of Kim Il-sung and Kim Jong-il even as their houses were sinking under water and they had to abandon everything. In one instance, a parent could not rescue her daughter from drowning in the flood because she had to hang on to the portraits. The

lecturers said everyone should follow the level of devotion and political values of these people.<sup>358</sup>

On May 15, 2007, the Organization Bureau of the Central Party issued instructions on ‘Overall Inspections on How to Carry out Respect for the Portraits of Great Leader and Beloved General.’ From this day, the agents of the party’s Organization Bureau began to thoroughly inspect home and workplace across the nation, including major cities such as Wonsan, Sariwon, Ganggye, Hyesan, Chongjin, Hamhung, and Pyongyang. The inspection included not only the homes of party officials but also the homes of ordinary citizens. If the portraits were not respectfully taken care of or if dust was found on them, the person’s name was recorded on the black list. Subsequently, the local branch of MPS would call the offenders and give lectures on how to handle the portraits. In some cases, people had to spend two or three days in a detention center.<sup>359</sup> If one admitted to mishandling the portraits on purpose, punishment was administered; however, if one told them the damage was the result of unconscious neglect, they would pardon the insult.<sup>360</sup>

Escapee XXX testified in December 2004 that there was a fire in the labor training camp where she was detained. As she escaped from her cell with her belongings, she saw the (Kim Jong-il) portrait, so she dropped her things and grabbed three portraits and exited the building. This made her a model inmate; her six-month sentence was decreased to three months and she was released from prison.<sup>361</sup> Escapee XXX testified that a neighboring

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358\_Good Friends, “North Korea Today,” No. 94 (October 17, 2007).

359\_ *Ibid.*

360\_NKHR2010000062 2010-10-12.

woman made her living by making and selling tofu at home. This always made her room humid and caused the portraits of the great leaders turn brown. She was ordered to write a statement of self-criticism at a local party office and was locked up for ten days for not replacing the portraits.<sup>362</sup> North Korean escapee XXX testified that if anyone failed to properly hang or handle portraits of the great leaders, he/she would be put to hard labor at construction sites for one day.<sup>363</sup>

In an effort to enforce the level of loyalty to Suryong, the authorities stressed the Ten Principles on a daily basis through occasions such as political study sessions. Everyone making a presentation at political study sessions is required to quote one or more of the Ten Principles in his/her speech. Even presenters at general political study sessions must cite specific articles and sections of the Ten Principles during the presentation.<sup>364</sup> Some escapees equated the Ten Principles to the Ten Commandments for Christians.<sup>365</sup> One escapee testified that the inmates at training camps who could not recite the Ten Principles were not sent to bed.<sup>366</sup>

As the economic hardship exacerbated, most people did not pay too much attention to the Ten Principles even though they did not willfully violate them. North Korean escapees testified that political study sessions were turning into a formality as food shortage persisted. The following is a collection of escapee testimonies on this subject.

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361\_NKHR2008000010 2008-08-08.

362\_NKHR2009000053 2009-09-08.

363\_NKHR2012000128 2012-07-03.

364\_Interview with escapee XXX in Seoul on April 16, 2010.

365\_Interview with escapee XXX in Seoul on March 31, 2010.

366\_NKHR2012000039 2012-03-20.

| Table III-71 |                                         | Testimonies Regarding the Ten Principles (for the Establishment of the One-Ideology System) and Political Study Sessions                                                        |                              |             |
|--------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Time         | Place                                   | Testimonies                                                                                                                                                                     | Testifier ID                 | Remarks     |
| 2005         | Chongjin, North Hamgyoung Province      | A couple had to serve correctional labor penalty for burning a portrait while quarreling.                                                                                       | NKHR2012000052<br>2012-03-28 | Informed    |
| 2011         | Onsung County, North Hamgyoung Province | An inspection of portraits was conducted by officials of Chosun Democratic Women's Union and Chosun Agricultural Worker's Union.                                                | NKHR2012000010<br>2012-01-31 | Fact        |
| 2012         | Kumya County, South Hamgyoung Province  | In 2012, all portraits were replaced with 'Sun Portrait.' Sun Portrait contains smiling faces of Kim Il-sung and Kim Jong-il together.                                          | NKHR2013000078<br>2013-04-16 | Fact        |
| January 2013 | Gapsan County, Yanggang Province        | I have never learned the Ten Principles. They gave me a red-cover booklet of Ten Principles, which I used during political study sessions.                                      | NKHR2013000120<br>2013-06-25 | Experienced |
| Un known     | Onsung County, North Hamgyoung Province | People who were suffering from poverty did not bother to memorize the Ten Principles. They did not care about being punished, saying "If you want to arrest me, just do it."    | NKHR2011000114<br>2011-05-17 | Fact        |
| Un known     | Unknown                                 | People can avoid political study sessions or industrial mobilization by offering 20,000-30,000 KPW in bribe to the leader of the Chosun Democratic Women's Union.               | NKHR2011000185<br>2011-08-16 | Fact        |
| Un known     | Hoeryeong, North Hamgyoung Province     | Absences from political study sessions are allowed if there is a good reason. Even if one is absent from the meeting, one can make up for the absence by doing other hard work. | NKHR2011000242<br>2011-11-22 | Fact        |
| Un known     | Unknown                                 | Even if portrait inspectors point out a violation, people can avoid penalty by bribing them. The inspectors will pick on tiny things to extort more bribes.                     | NKHR2012000002<br>2012-01-10 | Fact        |

|             |                                                        |                                                                                                                                                                                                                                              |                              |                               |
|-------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------|
| Un<br>known | Kyongsung<br>County,<br>North<br>Hamgyoung<br>Province | Testified that most North Koreans do not have anything against the Ten Principles. The witness said he/she did not realize it in North Korea, but he/she could now see how seriously the Ten Principles had an impact in his/her daily life. | NKHR2012000026<br>2012-02-21 | Personal<br>Understand<br>ing |
| Un<br>known | Hyesan,<br>Yanggang<br>Province                        | At training camps, I would be required to recite the Ten Principles repeatedly. If someone is unable to recite the principles, the authorities did not allow the person to go to bed.                                                        | NKHR2012000039<br>2012-03-20 | Experienc<br>ed               |
| Un<br>known | Hyesan,<br>Yanggang<br>Province                        | After Kim Jong-il died, soldiers went around to inspect the port-raits.                                                                                                                                                                      | NKHR2012000102<br>2012-06-05 | Fact                          |
| Un<br>known | Onsung<br>County,<br>North<br>Hamgyoung<br>Province    | As a rule, there is political study session once a week. Sometimes it is done on paper. If they complain, I attend, if not, I do not.                                                                                                        | NKHR2013000104<br>2013-05-28 | Fact                          |
| Un<br>known | Bocheon<br>County,<br>Yanggang<br>Province             | While detained in Bocheon County labor training camp, I had to learn the Ten Principles.                                                                                                                                                     | NKHR2013000172<br>2013-09-17 | Experienc<br>ed               |
| Un<br>known | Unknown                                                | I joined Children's Union when I was in 3rd grade. I learned the Ten Principles there. When I joined Youth League in 4th grade of middle school, I learned about the Juche Ideology.                                                         | NKHR2013000175<br>2013-10-01 | Experienc<br>ed               |

## C Assessment

At least in formality, North Korea has met the legal mandate for freedom of religion by inserting a provision in their Constitution. But their attitude towards religion has not changed and they continue to treat religion as a tool designed to ill-affect North Korea and to destroy the Unitary Ideology System. Instead of providing necessary measures to facilitate freedom of religion for



their citizens, North Korea is actively blocking and prohibiting all religious activities. They classify religious believers into the hostile class and followers of superstition into the wavering class. For example, the *Lecture Series* advocates, ‘Let us resolutely crush the enemy’s guileful conspiracy and agitation to spread religion in our society.’ The state, which supposedly guarantees freedom of religion by law, is restricting the exercise of freedom of religion. On the other hand, North Korean authorities have been utilizing religious facilities and religious leaders for the purpose of improving North Korea’s international image and to extort more humanitarian assistance from the international community.

In terms of freedom of conscience, North Korea does not respect freedom of conscience in their law. Instead, they have taken all necessary legal and administrative measures to enforce Ten Principles for Unitary Ideology in an effort to protect and maintain the Unitary Suryong Ruling System. Furthermore, any breach of the guidelines is penalized. Through the enforcement of these principles, North Korea attempts to seize and control all organizations, as well as the thoughts and lives of all North Koreans. The authorities brainwash their citizens by enforcing Q&A classes at political study sessions and by requiring the attendants to repeat the Ten Principles in class. Although ideology control is being further tightened at the state level, it appears that ideology at the society level is being weakened continuously.

# 7

## Freedom of Speech, the Press, Assembly and Association

### A The Freedom of Opinion and Expression

The Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (Article 19). Freedom of press and publication includes first, the fundamental right to hold opinions. Second, the right to express opinions and thoughts in any media or methods. Article 19 of ICCPR also stipulates, “Everyone shall have the right to freedom of expression: this right shall include freedom to seek, receive and impart information and ideas of any kind.”

North Korea recognizes freedom of press and publication; however, the recognition is insignificant. The Constitution stipulates, “Citizens shall have freedom of speech, press, assembly, demonstration, and association” (Article 67). However, in reality, the Constitution is controlling citizens’ right to freedom of information, publication and press through a variety of laws, institutions and custom. In its report on Freedom of the Press 2003, Freedom House reported that among 197 countries in the world, the “freedom of the press” situation in North Korea was the worst following

2012. North Korea’s media concentrates on propagandas of Juche Ideology and deification of Kim Il–sung, Kim Jong–il and Kim Jung–un. All North Korean publication and broadcast service contain some element that eulogizes Kim Il–sung and praises Kim Jong–il and Kim Jong–un. Reports on the three Kims occupy the front pages of the newspapers, and their names are printed in special bold fonts. All news are written for the purpose of infiltrating the supremacy of the North Korean system to the minds of the people. There are no critical reports or discussions on sensitive issues regarding the system. Any and all data that could provide citizens with information on the right to know or contribute to their critical thinking is strictly prohibited.

## **B** The Press and Information Control

Despite strict government controls, a vast majority of North Koreans are listening to South Korean radio broadcasts and watching CD–Roms since the 1990s. Since North Korean press and media do not play their roles properly, North Korean people have been trying to fulfill their right to know under the radar of government surveillance. And, with the introduction of cell phones since 2000, North Koreans were rapidly exposed to all kinds of information from abroad.

After the Yongchon Railway Station Explosion in April 2004,<sup>367</sup> mobile communication service in North Korea was restored in December 2008 through a joint project with Orascom, an Egyptian

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<sup>367</sup>\_ The 2004 Yongchon Railway Station Explosion is known as part of trials to assassinate Kim Jong–il, and mobile phones were used for major plans such as identifying the exact time of Kim’s arrival.

communication firm. On February 2, 2012, Orascom Telecom announced in a public release that the number of cell phone users in North Korea passed one-million mark. The widespread use of cell phones in North Korea has contributed to alleviating social controls, alarming the authorities concerned about regime security. Under Kim Jong-un's regime, North Korean authorities have tightened controls on the illegal use of cell phones by jamming radio/TV signals along the regions bordering China. In the border villages, anyone can place calls to South Korea using Chinese cell phones. For this reason, the local branch of MPS and Ministry of People's Armed Forces have been conducting joint operations to remove illegal use of cell phones. In spite of these countermeasures, cell phone users are on the rise, particularly because violators avoid penalties such as labor training or correctional labor by offering bribes. The amount of money offered in bribes can be anywhere from 500,000 KPW to three million KPW.

The widespread use of cell phones and the tightening of official controls against cell phone use appeared to have some impact on the freedom of press in North Korea. Widespread use of cell phones implied that outside news and information was flowing into North Korea. This flow of information can contribute to the promotion of North Korean people's right to know.<sup>368</sup> In the aftermath of Kim Jong-il's death in December 2011, North Korea strengthened control over the use of cell phones by installing radio/TV signal jamming devices along the border regions, such as Hyesan, Yanggang Province.<sup>369</sup> However, these "jamming" attempts also interfered

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368\_ In 2012, Freedom House in its "Freedom of the Press 2013" gave 97 points for North Korea, which was the lowest grade. In 2013, North Korea received 96 points, showing slight improvement over 2012. This perhaps was due to North Korea's efforts to relax its control over the circulation of external information.

with other “normal” phone calls with China, forcing the authorities to replace the jamming equipment. Afterwards, the policies aimed at controlling or jamming cell phone devices have been somewhat relaxed.<sup>370</sup>

If anyone was caught using cell phones, the phones would normally be confiscated.<sup>371</sup> But there were instances where the phones were not confiscated.<sup>372</sup> Penalties for illegal use can be avoided if the user offer some money. Some escapees explained that the purpose of surveillance was not so much to impose penalty, but as a way to collect bribes.<sup>373</sup> If the illegal user cannot afford money, he/she would have to undergo six months of labor training.<sup>374</sup> Furthermore, depending on where and the call was placed, the penalty could vary. Making calls to people in China was one thing, but calling those in South Korea was a far more serious crime and the offers of bribe was not necessarily effective because it was treated as a political crime.<sup>375</sup> When the authorities inspect illegal cell phone calls, they would first check to see if South Korea’s area code was on record. Even in the case of cell phones authorized to use inside North Korea, inspectors will check to see if any South Korean popular songs are stored in the phone data.<sup>376</sup>

In the case of illegal cell phone calls along the border regions,

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369\_NKHR2012000203 2012-10-09 and other testimonies.

370\_ As of 2013, it was reported that the entire Hyesan was open to phone conversations. And, cell phone calls were possible from anywhere in Hyesan. NKHR2013000117 2013-06-25.

371\_NKHR2012000126 2012-06-29; NKHR2012000129 2012-07-03.

372\_NKHR20120700130 2012-07-03.

373\_NKHR2012000184 2012-09-11.

374\_NKHR2012000138 2012-07-10.

375\_NKHR2012000139 2012-07-10 and other testimonies.

376\_NKHR2013000108 2013-06-11 and other testimonies.

most of them are related to smuggling business with China, as many North Korean “brokers” depend on cell phones for their business. MPS officers were well aware of the activities, hence many violators were released by offering cigarettes and other bribes.<sup>377</sup> North Korean escapees testified that about 30 percent of the remittance (to North Korea) goes to these brokers as fees.<sup>378</sup> Most of the illegal use of cell phones in North Korea are to support the family’s subsistence, and as long as you have some cash on hand, you can avoid penalties.<sup>379</sup> Despite tight controls over the illegal use of cell phones and inflow of outside information, North Koreans’ use of cell phones is likely to spread. Above all, it is clear that North Korea’s young people envy to own and love to use cell phones.<sup>380</sup>

| Table III-72 |                                     | Realities of Cell-Phone Use and Punishments in North Korea                                                                                                             |                              |           |
|--------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Time         | Place                               | Testimonies                                                                                                                                                            | Testifier ID                 | Remarks   |
| 2008         | Namyang, North Hamgyoung Province   | Due to jamming, Chinese cell phones did not work in Namyang.                                                                                                           | NKHR2013000100<br>2013-05-28 | Fact      |
| April 2008   | Hoeryeong, North Hamgyoung Province | I was detained for two days for using cell phones. I also witnessed someone being released from security agency after being detained for one month on the same charge. | NKHR2012000106<br>2012-06-12 | Witnessed |
| 2009         | Hyesan, Yanggang Province           | A minimum of 3 years of correctional labor if caught talking to South Korea.                                                                                           | NKHR2013000209<br>2013-11-26 | Fact      |

377\_NKHR2012000178 2012-09-04.

378\_NKHR2013000049 2013-03-19 and other testimonies.

379\_NKHR2012000182 2012-09-11.

380\_NKHR2012000107 2012-06-12; NKHR2013000163 2013-09-03.

|                  |                                                     |                                                                                                                                                                                          |                              |      |
|------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------|
| 2010             | Chongjin,<br>North<br>Hamgyoung<br>Province         | In 2010, the cost of cell phone was about \$350. If caught using a cell phone, one could avoid penalty by bribing two million KPW.                                                       | NKHR2012000211<br>2012-10-16 | Fact |
| 2011             | Hyesan,<br>Yanggang<br>Province                     | From 2011, I saw "detection trucks" moving around town day and night.                                                                                                                    | NKHR2012000151<br>2012-07-24 | Fact |
| 2012             | Musan<br>County,<br>North<br>Hamgyoung<br>Province  | Cell phone use violations will result in 6 months of labor training for calls to China, and a correctional labor penalty for calls to South Korea.                                       | NKHR2013000122<br>2013-06-25 | Fact |
| December<br>2012 | Hyesan,<br>Yanggang<br>Province                     | On December 7, 2012 SSD organized the "127 Group" to prevent the use of cell phones. If anyone is caught by "127 Group," no bribes will work and one will be banished without exception. | NKHR2013000090<br>2013-04-30 | Fact |
| 2013             | Shinuiju,<br>North<br>Pyongan<br>Province           | Use of Chinese cell phones was impossible because of jamming.                                                                                                                            | NKHR2013000052<br>2013-03-19 | Fact |
| 2013             | Chongjin,<br>North<br>Hamgyoung<br>Province         | My cell phone was legal, but they checked to see if any South Korean popular songs were in the phone data. Lots of young people set their ring tones with South Korean songs.            | NKHR2013000163<br>2013-09-03 | Fact |
| 2013             | Gaechon,<br>North<br>Pyongan<br>Province            | Cell phones for use inside North Korea cost about two million KPW. Because it's too expensive, not many people use them.                                                                 | NKHR2013000173<br>2013-09-17 | Fact |
| Un<br>known      | Onsung<br>County,<br>North<br>Hamgyoung<br>Province | The Group 109 will check one's cell phone in the streets and markets.                                                                                                                    | NKHR2012000122<br>2012-06-26 | Fact |
| Un<br>known      | Hyesan,<br>Yanggang<br>Province                     | Generally, cell phone checks are more strict than videos. If South Korean items are found, you'll be sent off to labor training camps or even to a <i>kwanliso</i> .                     | NKHR2013000024<br>2013-02-05 | Fact |
| Un<br>known      | Hoeryeong,<br>North<br>Hamgyoung<br>Province        | In most cases, penalty for illegal use of cell phones is going to labor training camp.                                                                                                   | NKHR2013000037<br>2013-02-19 | Fact |

|             |                                                    |                                                                                                                                                             |                              |      |
|-------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------|
| Un<br>known | Musan<br>County,<br>North<br>Hamgyoung<br>Province | Most people in Hyesan live on peddling with China. So, 80 percent of them own Chinese cell phones. However, people in Musan, own much fewer Chinese phones. | NKHR2013000077<br>2013-04-16 | Fact |
|-------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------|

## © The Reality of Penalties involving Videos

In North Korea where freedom of expression and the right to hold opinions are restricted, it is understandable that the free flow of information is also restricted. Most North Koreans are able to gain limited access to outside information through videos that are illegally obtained. North Korean authorities strictly crack down these illegal activities through policies, laws, and systems. The authorities react more sensitively to illegal videos, films, and their circulation. The North Korean Penal Code stipulates provisions such as the Crime of Possessing or Bringing in Corrupt and Decadent Culture (Article 183) and the Crime of Decadent Behaviors (Article 184). Serious penalties are imposed if anyone brought in photographs, videos, drawings, dances or electronic media containing corrupt, sensual or inappropriate contents from foreign countries. Also, those who produced, circulated or possessed videos or watched or listened to depraved materials would be penalized. The introduction, use, or circulation of depraved culture could also be penalized under the Administrative Penalty Law (Article 152). Violators are sent to labor training camps or *kyohwaso*.



Table III-73

Realities of Watching Videos and Punishments

| Time          | Place                                   | Testimonies                                                                                                                                                                                                   | Testifier ID                 | Remarks     |
|---------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| 2005          | Hyesan, Yanggang Province               | I was caught for video possession, which could put me down for five years of correctional labor and banishment. After bribing 300,000 KPW, I got 3 months of labor training.                                  | NKHR2012000129<br>2012-07-03 | Experienced |
| August 2007   | Dukchon, North Pyongan Province         | South Korean videos are rented out of "normal" homes. The videos contain a number of South Korean dramas like "Autumn Fairy-tales," "Promise," "Letter," etc.                                                 | NKHR2013000098<br>2013-05-14 | Experienced |
| April 2008    | Hoeryeong, North Hamgyoung Province     | I was detained in Jongori <i>Kyohwaso</i> until October 2010. Many inmates on video charges were from Rajin, Onsung County, and Hoeryeong, in that order.                                                     | NKHR2012000146<br>2012-07-17 | Witnessed   |
| 2009          | Daehongdan County, Yanggang Province    | Possession of video is subject to arrest on the spot. Inspectors will often turn off electric switches and search for videos.                                                                                 | NKHR2013000111<br>2013-06-11 | Fact        |
| December 2012 | Hoeryeong, North Hamgyoung Province     | Arrested for renting CD-R. Served 18 months in a labor training camp, and my family was forcibly banished from town. Inspections and penalty on South Korean and foreign videos are being tightened recently. | NKHR2012000015<br>2012-02-07 | Fact        |
| 2011          | Onsung County, North Hamgyoung Province | Group 1111 inspected us for illegal videos and narcotics.                                                                                                                                                     | NKHR2012000048<br>2012-03-27 | Fact        |
| 2011          | Hamhung, South Hamgyoung Province       | If caught watching CD-R, MPS No. 27 and 31 Bureaus handle the case. About 300,000 KPW bribe per person is needed to avoid penalty.                                                                            | NKHR2012000149<br>2012-07-24 | Fact        |
| 2011          | Musan County, North Hamgyoung Province  | Penalty for video watching has been tightened. In the past, penalty was labor training, but from 2011 it became one year at <i>kyohwaso</i> without exception.                                                | NKHR2012000215<br>2012-10-16 | Fact        |

|               |                                         |                                                                                                                                                                                                                                                                     |                              |                        |
|---------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|
| 2011          | Danchon, South Hamgyoung Province       | In May 2011, there was an extensive inspection, and about 60 persons were penalized for possessing and watching videos.                                                                                                                                             | NKHR2013000038<br>2013-02-19 | Informed               |
| 2011          | Baekam County, Yanggang Province        | In 2011, Group 84 has newly appeared, and controlled everything including videos. No bribes worked in the case of videos and South Korean broadcast.                                                                                                                | NKHR2013000044<br>2013-03-05 | Fact                   |
| 2012          | Hyesan, Yanggang Province               | Group 109 confiscated my video, but I was able to avoid penalties by bribing 3,000 Yuan in Chinese currency.                                                                                                                                                        | NKHR2013000177<br>2013-10-01 | Experienced            |
| December 2012 | Chongjin, North Hamgyoung Province      | I saw a CD-R dealer getting caught on the market in Songpyong District, Chongjin. I heard that the detainee would have pre-trial at Songpyong District detention center and sent off to a <i>kyohwaso</i> .                                                         | NKHR2013000109<br>2013-06-11 | Witnessed and Informed |
| February 2013 | Onsung County, North Hamgyoung Province | Joint inspection teams consisted of Security Department agent, MPS officer, Group 109, and Youth League guide. If caught watching South Korean telecast or American movies, the penalty is six months in labor training camps or <i>kyohwaso</i> without exception. | NKHR2013000100<br>2013-05-28 | Fact                   |
| April 2013    | Hyesan, Yanggang Province               | There was Kim Jong-un's instruction to send off those selling or watching videos to labor training or correctional labor.                                                                                                                                           | NKHR2013000145<br>2013-08-06 | Fact                   |
| August 2013   | Gilju County, North Hamgyoung Province  | If you sold one video, the profit is double or triple. A video will cost 5,000-7,000 KPW.                                                                                                                                                                           | NKHR2013000208<br>2013-11-12 | Fact                   |
| Unknown       | Musan County, North Hamgyoung Province  | If you bribe upon detection, you'll be free from trouble. This used to be called the "octopus suction cup." If you paid in enough bribe, people used to say the "suction cup" was well-done.                                                                        | NKHR2012000047<br>2012-03-05 | Fact                   |

|          |                                        |                                                                                                                                                                                |                              |             |
|----------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Un known | Hyesan, Yanggang Province              | Many public trials are conducted on charges of video-watching. The decision usually is labor training or correctional labor. In the latter case, penalty is usually 4-5 years. | NKHR2012000059<br>2012-04-10 | Witnessed   |
| Un known | Musan County, North Hamgyoung Province | Penalty for South Korean movie is 3~4 years of correctional labor; for South Korean drama, penalty is 7~8 years of correctional labor.                                         | NKHR2012000109<br>2012-06-12 | Fact        |
| Un known | Hoeryeong, North Hamgyoung Province    | Group 109 has the authority to confiscate and punish violators. In 2004~2006, penalties were heavy. But recently, penalty level was lowered to embrace the people.             | NKHR2012000111<br>2012-06-12 | Fact        |
| Un known | Chongjin, North Hamgyoung Province     | Group 109 consists of Party, prosecutors, MPS, court, and people's committee, and it is empowered to penalize violators to correctional labor.                                 | NKHR2012000126<br>2012-06-29 | Fact        |
| Un known | Hoeryeong, North Hamgyoung Province    | In early 2000s, people could watch videos, but from the mid 2000s, inspections got tightened.                                                                                  | NKHR2012000095<br>2013-05-14 | Fact        |
| Un known | Hyesan, Yanggang Province              | In the case of Hyesan, South Korean videos were widespread from 2010. In my case, I began to listen to South Korea's KBS radio from 2012.                                      | NKHR2013000117<br>2013-06-25 | Experienced |
| Un known | Baekam County, Yanggang Province       | Baekam County is located deep inside the mountains, and we did not watch any videos for fear of getting detected.                                                              | NKHR2013000180<br>2013-10-01 | Experienced |

The North Korean authorities operate separate units to enforce the law against CD/DVD related crimes. Escapee XXX testified that in the early days, a joint group consisting of agents from the SSD, the MPS, the Prosecutor's Office, the KWP and other administrative units conducted joint inspections. But as the illegal circulation and viewing of DVDs and CDs increased, separate groups

called Group 109 were organized. These units are stationed in strategic locations to conduct inspections.<sup>381</sup> Escapee XXX testified that the primary purpose of these groups is to recover circulating CDs and to punish those who watch them.<sup>382</sup> Many escapees testified that in addition to Group 109, Group 1018 and Group 1019 began to operate recently, checking everything from videos to various other illegal activities.<sup>383</sup> Other escapees testified that video checking became more difficult as the “USBs” became available from 2011.<sup>384</sup> Most escapees consistently testified that discreet viewing of South Korean CDs and videos is widespread. North Koreans purchased inexpensive Chinese videos and shared them with their neighbors. Some escapees testified that people watched South Korean videos with Dong/Ri-branch of MPS chief, other SSD agents, and MPS officers.<sup>385</sup> Despite constant surveillance, many North Koreans knew other ways to watch South Korean or Chinese videos. They could avoid penalties by providing some bribes if caught watching Chinese or Russian videos, but watching or circulating South Korean videos was considered a political crime and the penalty was to serve time at a *kyohwaso*.<sup>386</sup> As watching and circulating videos became more frequent and widespread, the level of punishment was also becoming somewhat uniform – generally six months in labor training camps.<sup>387</sup>

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381\_NKHR2012000126 2012-06-29.

382\_NKHR2012000111 2012-06-11.

383\_NKHR2013000057 2013-03-19.

384\_NKHR2013000204 2013-11-12.

385\_NKHR2008000006 2008-07-22; NKHR2008000027 2008-12-02.

386\_NKHR2012000263 2012-12-04. On the other hand, correctional labor penalties would be imposed for the crime of listening to South Korean radio programs. Other escapees testified that people could get away with simple listening to South Korean songs or watching South Korean dramas by paying some bribes. NKHR2013000057 2013-03-19.

## D The Reality of Freedom of Press

North Korea's Constitution stipulates freedom of the press (Article 67). North Korea first enacted the Publication Law in 1975, revised it in 1995 and 1999, respectively. The law stipulates, "Citizens shall have the right to freely engage in writing and creative activities" (Article 6, Para. 1). However, the purpose of these activities was limited to 'Safeguarding and promoting great Socialist projects based on a revolutionary tradition of publication' (Article 2). In order to operate a publishing (printing) business, the publisher must register with the Cabinet or the publication guidance agency (Article 12); and all unregistered printing facilities were shut down (Article 49). Publishing is further restricted by Article 47 of the law, which stipulates, "The publishing guidance agency and related agencies must ensure the registration of all publishing facilities and supervise their use so that state secrets are not leaked and any reactionary ideas, culture and life-styles are not circulated." Article 48 further specifies, "All printed matter that can disclose state secrets or spread reactionary ideas, culture and life-styles shall be confiscated and its production, publication, supply and transportation shall be suspended."

This is an example of the authorities arbitrarily censoring and controlling all printed matter in North Korea. Private citizens or responsible workers at agencies, enterprises, organizations, who have caused serious consequences by violating the Publication Law shall be charged with administrative or criminal responsibilities (Article 50). The Administrative Penalty Law mandates the im-

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387\_NKHR2013000206 2013-11-12 and other testimonies.

position of administrative punishment on those who violate the rules and laws on publishing, printing, and circulation (Article 143). North Korean Penal Code also stipulates that up to one year of labor training penalty may be imposed on those who violate publication laws (Article 214). Consequently, all writings are ultimately subject to the censorship of the KWP's Propaganda and Agitation Department. If a North Korean citizen were to publish something in violation of censorship standards, the authorities can charge them with anti-state propaganda and agitation criminal charges based on Article 62 of the Penal Code and impose up to five years of correctional labor penalty or five to ten years of correctional labor penalty in serious cases. In reality, it is impossible to publish any criticism of Kim Il-sung, Kim Jong-il or the KWP.

North Korean escapee XXX testified that only those with good family background can engage in any creative activity. Therefore, only the children of high-ranking officials can have the opportunity in engaging in creative activity.<sup>388</sup> Discrimination exists even if the opportunity to engage in publishing activities is allowed by the party. Perceptions on printing varied among the escapees. Escapee XXX whose hometown was in Jinam-ri, Shincheon County, South Hwanghae Province, testified that people in his/her hometown had a favorable impression of North Korean publications.<sup>389</sup> Another escapee testified, however, that those who had seen foreign publications smuggled into the border regions, could not trust North Korean publications since they could tell the difference.<sup>390</sup>

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388\_NKHR2012000007 2012-01-10.

389\_NKHR2012000006 2012-01-10.

390\_NKHR2012000002 2012-01-10.

Two escapees offered different testimonies: One said that one's knowledge (talent) was important to work as a writer;<sup>391</sup> but another escapee said that one had to be working for money business at cultural agencies to work as a writer, regardless of talent.<sup>392</sup> Among the people in Hoeryeong, there was an individual who made a monthly deposit of 15,000–20,000 KPW to the People's Committee Deposit Office and ran a book loan store (mobile store). He used to loan out a variety of books, including novels, history books, general interest books and traditional world classic best sellers.<sup>393</sup> Other escapees testified that in the border regions where people were easily exposed to foreign influences, they were able to read a lot of novels, though not foreign videos.<sup>394</sup> Another escapee said there were many book stores run by private owners.<sup>395</sup> In short, North Koreans are able to come in contact with a variety of books circulated in the marketplace, despite strict surveillance and control. In particular, people living in border regions rarely believed in what they are told by the central authority.<sup>396</sup>

## E Freedom of Assembly and Association

Freedom of assembly and association means that individuals are entitled to enjoy freedom to assemble and express his or her opinion. The Universal Declaration of Human Rights stipulates, "Everyone

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391\_NKHR2012000019 2012-02-07; NKHR2012000034 2012-03-13.

392\_NKHR2012000017 2012-02-07.

393\_NKHR2012000041 2012-03-20.

394\_NKHR2012000039 2012-03-20.

395\_NKHR2012000059 2012-04-10.

396\_NKHR2012000030 2012-02-21.

has the right to freedom of peaceful assembly and association.” “No one may be compelled to belong to an association” (Article 20, Para. 1 and 2). ICCPR also defines, the right to peaceful assembly shall be recognized (Article 21). And everyone shall have the right to freedom of association with others (Article 22).

Article 67 of the North Korean Constitution stipulates, “Citizens shall have freedom of speech, press, assembly, demonstration, and association. The state shall guarantee conditions for the free activities of democratic political parties and social organizations.” In reality, however, only the assemblies and associations required by the KWP are permitted. North Korea’s Penal Code stipulates that “any person who refused to comply with instructions of state agency or agencies and caused collective disturbance” shall be subject to criminal penalties even if an anti-state act was not intended. (Article 209) Administrative Penalty Law also has a similar stipulation. According to this law, if someone does not comply with the instructions of the state agency, he/she is given up to three months of labor education penalty, and in more serious cases, over three months of labor education (Article 175).

North Korean authorities legally and systematically prohibit any unauthorized assembly or association. All associations in North Korea remain and operate under the complete control of the KWP, including diverse associations such as the Chosun General Federation of Trade Union, Chosun Agricultural Worker’s Union, Youth League, Chosun Democratic Women’s Union, Chosun Unions of Literature and Art, Democratic Lawyer’s Association, Chosun Christians’ Federation, Chosun Buddhists’ Federation, Anti-Nuclear Peace Committee, and the Committee for Afro-Asian Solidarity. These organizations are clearly the external arm of the KWP that faithfully follow party instructions and ‘a safety belt connecting the Party and the people’



as outlined in Article 56, Chapter 9 of KWP Statute.

All North Koreans are required to participate in various organizations from the age of six to retirement. These include kindergarten, Chosun Sonyeondan (North Korean Boy Scouts), various educational institutions, Kim Il-sung Socialist Youth League, Chosun General Federation of Trade Union, Chosun Agricultural worker's union, Chosun Democratic Women's Union, KWP, etc. Outsiders may think that North Koreans enjoy freedom of assembly to some extent since they are able to join organized activities, but the reality is completely the opposite. Many North Korean escapees testified that they were deprived of their individual freedom as they were directed to join organizations controlled by the party. As the economic hardship deepened and the foundation of North Korean regime began to crumble in many sectors, the tight control over the people such as political study session and political indoctrination appeared to weaken slowly. The perception that money can solve or achieve anything is rapidly spreading among the people, and the mandatory meetings such as political study session and government-led meetings began to lose their sense of obligation. More and more people avoided attending mobilized assemblies by paying others who could attend on their behalf. These individuals who attend meetings on behalf of someone else are known as the 'rear-area units,' and their livelihood is based on the money they receive for their substitute role.<sup>397</sup>

As such, the North Korean society is currently going through a variety of changes amid spreading foreign cultures and capitalist trends. The government authorities deprived North Koreans of

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397\_NKHR2012000167 2012-08-21.

their freedom of assembly and association for so long that many of them believed that voluntary assembly of any kind was still impossible. North Korean escapee XXX testified that once he/she saw a peddler on the market protest against local MPS officer for unfair treatment, but never saw any assembly of protest of any size.<sup>398</sup> Many escapees testified, however, that since the failed currency reform of November 2009, significant changes took place in the people's perception and attitude toward government. In particular, people began to speak up and complain against the regime more freely and publicly. In the past, these words would have been viewed as 'reactionary,' but this was no longer the case.<sup>399</sup> An escapee testified that in 2011 in the Hyesan region, a group of college students formed a voluntary group, but the group was detected by the authorities and punished.<sup>400</sup> It was testified that in the aftermath of currency reform, the authorities openly restricted assembly of people of any kind, and tightened surveillance.<sup>401</sup> If anyone failed to participate in a mobilized assembly, he/she would be penalized. But many people today choose not to attend, paying money to be exempted from participating in the assembly.<sup>402</sup> In some parts of North Korea, there seems to exist a practice in which some inhabitants get exemptions from organized life by paying in a set amount of money once a month.<sup>403</sup>

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398\_ NKHR2012000018 2012-02-07.

399\_ NKHR2012000071 2012-04-24.

400\_ NKHR2013000060 2013-04-02.

401\_ NKHR2012000072 2012-04-26; NKHR2012000081 2012-05-15.

402\_ NKHR2012000103 2012-06-05; NKHR2013000087 2013-04-30.

403\_ NKHR2013000179 2013-10-01 The escapee testified that the amount was 5,000 KPW in 2012 to get exemptions from organized life, and from 2013 the amount was 7,000 KPW.

## F Assessment

In North Korea, all unauthorized assemblies are viewed as reactionary meetings; thus people are deprived of the right to form any voluntary association. As many sectors of the North Korean society experienced changes in recent years, peoples' enlightenment towards freedom of assembly and association began to expand. Changes in the people's perception was apparent in the aftermath of the failed currency reform. In other words, North Koreans began to realize the 'power of money' and the perception that "money solves everything" as spreading all over North Korea. In addition to proscribing freedom of assembly and association, the authorities were also enforcing tight surveillance and control over freedom of press and publication, despite clear stipulations guaranteeing these freedoms in the constitution. Nevertheless, North Koreans are obtaining and circulating outside information through tools, such as cell phones, CD-Roms and USBs. Since Kim Jong-un came to power, the border control was tightened, electronic jamming has increased, and watching foreign videos would be penalized. Despite these restrictions, North Koreans' desire to access outside information continued to increase and this trend is likely to lead to a social change in North Korea.

## 8

# The Right of Political Participation

The right to political participation encompasses the civil right of the people to participate directly or indirectly in the policies and politics in their country. This includes the right to vote, the right to be elected and the right to run for public office. Article 21 of the UDHR stipulates the right to political participation as follows: ① Everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives; ② Everyone has the right to equal access to public services in his/her country; and ③ The will of the people shall be the basis of the authority of the government, this demonstrated in periodic and general elections utilizing universal and equal ballot system, held by a secret vote or by a free voting procedure.

Article 25 of ICCPR stipulates the following: “Every citizen shall have the right and opportunity: ① To take part in the conduct of public affairs, directly or through freely chosen representatives; ② To vote and to be elected in genuine and periodic elections held on the principle of universal and equal suffrage by secret ballot, guaranteeing free expression and of the will of the electors; and ③ To have access on general terms of equality, to public services in his/her country.” Exceptions to these rights may include legally defined minimum age restrictions, mental dysfunction, and certain criminals, so long as they do not violate the non-discriminatory principles outlined in Article 2 of the ICCPR.<sup>404</sup>

For the people who reside within the sovereign borders, a liberal democratic nation guarantees a system for electing their representatives who will determine the national policy. It also guarantees the distribution of powers into the legislative, judicial, and administrative branches to provide checks and balances of power. In theory, North Korea has a representative system as the basic principle of government and elects deputies of the people's assembly of the province as well as the Supreme People's Assembly (SPA), which fulfills the role of legislative bodies. However, North Korea has rejected the division of power but instead established a one-party dictatorship, and the election is fundamentally different from that of a liberal democratic country.

North Korea's Constitution stipulates that "the working people exercise power through their representative organs, the SPA and the local people's assembly at all levels" (Article 4). It also states that the organs of state power at all levels, from the county people's assemblies to the SPA, are elected on the principle of universal, equal and direct suffrage by secret ballot (Article 6). North Korea's Delegates Election Law for All Levels of People's Assembly stipulates that all elections in principle should be conducted in general, equal, direct and secret elections (Article 2–5). The election of deputies for the Supreme Peoples' Assembly is held every five years, and the election of deputies for the people's assembly of the province is held every four years (Article 8, Delegates Election Law for All Levels of People's Assembly). The Constitution states that national

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404\_ Human Rights Committee, "General Comment 25: The right to participate in public affairs, voting rights and the right of equal access to public service" (Article 25), (Fifty-seventh session, 1996), UN Doc. CCPR/21/Rev.1/Add.7 (1996), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/GEN/1/Rev.6 at 168 (2003).

organs in North Korea are formed and function on the principle of democratic centralism (Article 5), and all activities are conducted under the leadership of the Korean Workers' Party (Article 11). These articles show that both local people's assemblies and the SPA are in fact under the control of the Party.

The Constitution stipulates that "All citizens who reaches 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" (Article 66). However, elections for the SPA and people's assemblies are conducted under the control of KWP. These characteristics are obvious if one considers the manner in which candidates are nominated, registered and elected, and the loss of suffrage rights based on guilt by association.

One candidate in each electoral district is nominated for the election, and the KWP carefully selects each candidate in advance. The KWP also carefully pre-screens the candidates from the Korean Social Democratic Party and the Korean Chondoist Chongu Party. For all intents and purposes, KWP controls all these candidates. Election committees are organized one month ahead of the actual elections. Each election committee compiles a list of the voters in their district and manages the district elections. An election committee usually consists of representatives of the Party, the People's Committee, the security agencies and the local community.<sup>405</sup>

Under the principle of universal, equal and direct voting, the law requires secret ballots. However in reality, voters are instructed to cast a yes or no vote for a single candidate nominated by KWP.

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405\_ *Korean Central News Agency*, January 12, 2009.

The elections are conducted under the strict surveillance of the SSD, and the entire voting procedure consists of simply receiving a ballot and casting a ‘yes’ or a ‘no’ ballot box. In an effort to demonstrate local loyalty to the party by raising voting rates, each electoral district operates a “moving ballot box” system for those who are unable to come to the voting booths because of illness or old age.

Elections where political forces freely contend on the basis of ideas and policies are not part of the political process in North Korea. Rather, it is part of a political mobilization to reinforce the people with a sense of political participation and provide a pro forma and post facto approval of the power structure and the method of elite recruitment designed by the KWP. This process was repeated during the election of deputies for the 12th Supreme People’s Assembly conducted on March 8, 2009. The results of the election indicated that “approximately 99.97 percent of those listed on the eligible voter registry participated in the election and 100 percent of those voting submitted a yes for the candidate nominated by the district.”<sup>406</sup> North Korean escapees testified that the authorities counted a patient’s vote as an affirmative even though the patient was unable to cast a vote.<sup>407</sup> In another case, a grandfather submitted a vote for his wife who could not come to the polling booth.<sup>408</sup>

During the elections, the SSD agents and the MPS officers exercise strict control over the people. Anyone who fails to participate in voting or refuses to vote is suspected of harboring political

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406\_ *Rodong Shinmun*, March 10, 2009.

407\_NKHR2012000003 2012-01-10.

408\_NKHR2012000123 2012-06-26.

motives, and is treated with suspicion and discrimination on a daily basis. Some escapees testified that this was the reason for always voting in the elections. The Neighbourhood Watch (*Inminban*) chief would visit each household, forcing everyone to vote. There is also a MPS officer in charge of elections, thus no one is excused from voting.<sup>409</sup>

Article 64 of North Korea's Delegates Election Law for All Levels of People's Assembly stipulates that "The people are to vote by a secret ballot. To vote for a candidate, one simply leaves the ballot unmarked, but to vote against someone, one draws a horizontal line on the candidate's name on the ballot." However, voting is so closely supervised that casting a negative vote is unimaginable.<sup>410</sup> North Korean escapees testified that a ballot box to submit negative votes was not available.<sup>411</sup> The stark reality of the right to political participation in North Korea is that voters themselves can not even imagine casting a negative vote. A few escapees testified that even in North Korea, voters could express opposing views through elections and that secret elections are guaranteed.<sup>412</sup> However, these testimonies are hardly evidence of objective facts concerning voters' political rights. Rather they are the result of indoctrination by North Korean authorities about the nominal free elections based on strong government control. In other words, outwardly they are "elections," but in truth voters are not allowed to cast any opposing votes, and this truth has been testified by a great majority of North Korean escapees.<sup>413</sup> Following <Table III

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409\_Interview with escapee XXX in Seoul on May 7, 2010.

410\_Interview with escapee XXX in Seoul on April 16, 2010.

411\_NKHR2012000066 2012-04-20.

412\_NKHR2013000119 2013-06-25; NKHR2013000125 2013-07-09.



-74> shows the truth about how North Korean voters' right to political participation are infringed upon.

| Time       | Place                               | Testimonies                                                                                                                                                                                                                                                                                                 | Testifier ID                 | Remarks     |
|------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| 2002       | Chongjin, North Hamgyoung Province  | On election day, election officials, security department agents and three to four local branch of MPS officers supervise the election. Patrols check people with bad family background before, during and after the election day. There is only one ballot box, and no other tool to cast negative ballots. | NKHR2012000110<br>2012-06-12 | Experienced |
| 2003       | Wonsan, Gangwon Province            | When casting a ballot, people are told to submit an affirmative vote in a large box and negative vote in a small box. During the election period, major cleaning detail is in order, so movement is restricted.                                                                                             | NKHR2012000045<br>2012-03-23 | Experienced |
| 2009       | Ganggye, Jagang Province            | You can indicate a negative vote by using a slash mark (/) and there is a pencil for the purpose. This is only a formality, and it is impossible to cast a negative ballot.                                                                                                                                 | NKHR2012000115<br>2012-06-26 | Experienced |
| March 2009 | Hoeryeong, North Hamgyoung Province | Everyone is given a number and one must put the number in the ballot box, without making any mark or using a seal.                                                                                                                                                                                          | NKHR2012000047<br>2012-03-25 | Experienced |
| 2010       | Chongjin, North Hamgyoung Province  | No one is allowed to cast a negative vote in North Korea. It is allowed in theory, but the officials are watching, so a voter is expected to put an affirmative vote in the ballot box.                                                                                                                     | NKHR2012000052<br>2012-03-28 | Experienced |

413\_NKHR2013000194 2013-10-29 and other testimonies.

|                     |                                                     |                                                                                                                                                                                                            |                              |                        |
|---------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|
| July 24, 2011       | Jinam-ri, Shincheon County, South Hwanghae Province | There is a curtain in the polling station, but an official is watching behind the ballot box.                                                                                                              | NKHR2012000006<br>2012-01-10 | Experienced            |
| January – July 2013 | Gapsan County, Yanggang Province                    | Discussions in support of candidates exist, but never any discussions in opposition.                                                                                                                       | NKHR2013000120<br>2013-06-25 | Fact                   |
| Unknown             | Chongjin, North Hamgyoung Province                  | Election is to “put a ballot in the box,” and if you “do not insert a ballot you will be branded as a “reactionary.” Never thought “I do not want to put it in.”                                           | NKHR2012000023<br>2012-02-07 | Personal Understanding |
| Unknown             | Musan County, North Hamgyoung Province              | There is a pencil next to the ballot box and you can slash it for a negative vote, but to actually do this is impossible. For an affirmative vote, you simply put the vote in the box without any marking. | NKHR2012000024<br>2012-02-21 | Experienced            |
| Unknown             | Hyesan, Yanggang Province                           | Never thought about placing a negative vote. There was no pencil and no one told you how to cast a negative vote.                                                                                          | NKHR2012000033<br>2012-03-13 | Experienced            |
| Unknown             | Hamhung, South Hamgyoung Province                   | They tell you to cast negative votes as you please, but no one will do so for fear of what may happen.                                                                                                     | NKHR2012000131<br>2012-07-03 | Experienced            |
| Unknown             | Sunchon County, North Pyongan Province              | Curtains are around the polling booth, but since there is only one box, you can only put the ballot in the one box and come out.                                                                           | NKHR2012000278<br>2012-12-18 | Experienced            |
| Unknown             | Daehongdan County, Yanggang Province                | On election day, Neighbourhood Watch ( <i>Inminban</i> ) chiefs are posted everywhere to be watched. Even inhabitants in remote villages are made to dress up and brought to the polls to vote.            | NKHR2013000033<br>2013-02-19 | Experienced            |
| Unknown             | Chongjin, North Hamgyoung Province                  | On one side of the large polling room with voting booths, they have placed a small box, but most voters believe that if they cast a negative vote, they would be sent to <i>kwanliso</i> .                 | NKHR2013000055<br>2013-03-19 | Personal Understanding |

|          |                                          |                                                                                                                                                                                                                                 |                              |                        |
|----------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|
| Un known | Hyesan Yanggang Province                 | Legal residents abroad can vote absentee ballots abroad.                                                                                                                                                                        | NKHR2013000064<br>2013-04-02 | Fact                   |
| Un known | Hyesan, Yanggang Province                | If unable to vote at home for reasons of travel, one can participate in voting by carrying a "vote on the road certificate" and join the voting locally. Mobile voting booth is also available for those unable to move around. | NKHR2013000088<br>2013-04-30 | Fact                   |
| Un known | Kim Jong-sook County, Yanggang Province  | This escapee was of the opinion that secret voting also guaranteed the right to oppose.                                                                                                                                         | NKHR2013000119<br>2013-06-25 | Personal Understanding |
| Un known | Jaeryong County, South Hwanghae Province | This testifier believed that voting was free in North Korea, but in reality no one opposed the selected candidate.                                                                                                              | NKHR2013000125<br>2013-07-09 | Fact                   |
| Un known | Sebyol County, North Hamgyong Province   | This testifier's father failed to vote due to the train's late arrival. He served a year in labor training camp.                                                                                                                | NKHR2013000176<br>2013-10-01 | Witnessed              |
| Un known | Gaeseong, North Hwanghae Province        | Sometimes, there are voters' meetings and pro-con discussions on the candidates, but they are nothing but formalities.                                                                                                          | NKHR2013000194<br>2013-10-29 | Fact                   |

North Korea conducts elections every four years to elect delegates for the provincial assemblies. On July 24, 2011, North Korea conducted a nationwide state and local elections for the people's assembly of the province and a total of 28,116 delegates were elected. North Korea's Central Elections Guidance Committee announced that "99.97 percent of those on the national voter registry participated in elections and 100 percent of them submitted affirmative votes for the candidates for all levels of people's assembly delegates."<sup>414</sup> The reason for North Korean authorities' great em-

phasis on the near unanimous vote depends on their attempt to interpret the meaning of the vote. They seem to consider a ballot not just as a ballot for a candidate but as a ballot for a unanimous decision to honor and admire the Great Leader Kim Il-sung and the Dear General Kim Jong-il.<sup>415</sup> Even if there is a low voter turnout or an opposing ballot, the Election Management Committee, in this political culture, is unable to report it.

### Assessment

Legally, North Korea appears to respect the right and opportunity to take part in the conduct of public affairs and to vote or to be elected at elections by universal, with equal suffrage and secret ballot. In reality, however, North Koreans have no choice but to cast affirmative votes for the single candidate carefully pre-selected by the KWP. The voting is conducted under strict supervision and control of MPS officers and agents of the SSD. For fear of threats to daily livelihood, North Koreans must comply with the mobilization for voting and they are forced to cast affirmative votes at the polls. The unfairness of the election process in North Korea is obvious from the election laws that mandate voters to mark a slash for a negative vote and no marks for an affirmative vote and the fact that no tools (such as pencils or ballot box) are provided for those who wish to cast a negative vote. The people's right to take part in the conduct of public affairs is actively violated by the government rather than protected. The state's active infringement on the people's right of political participation persists

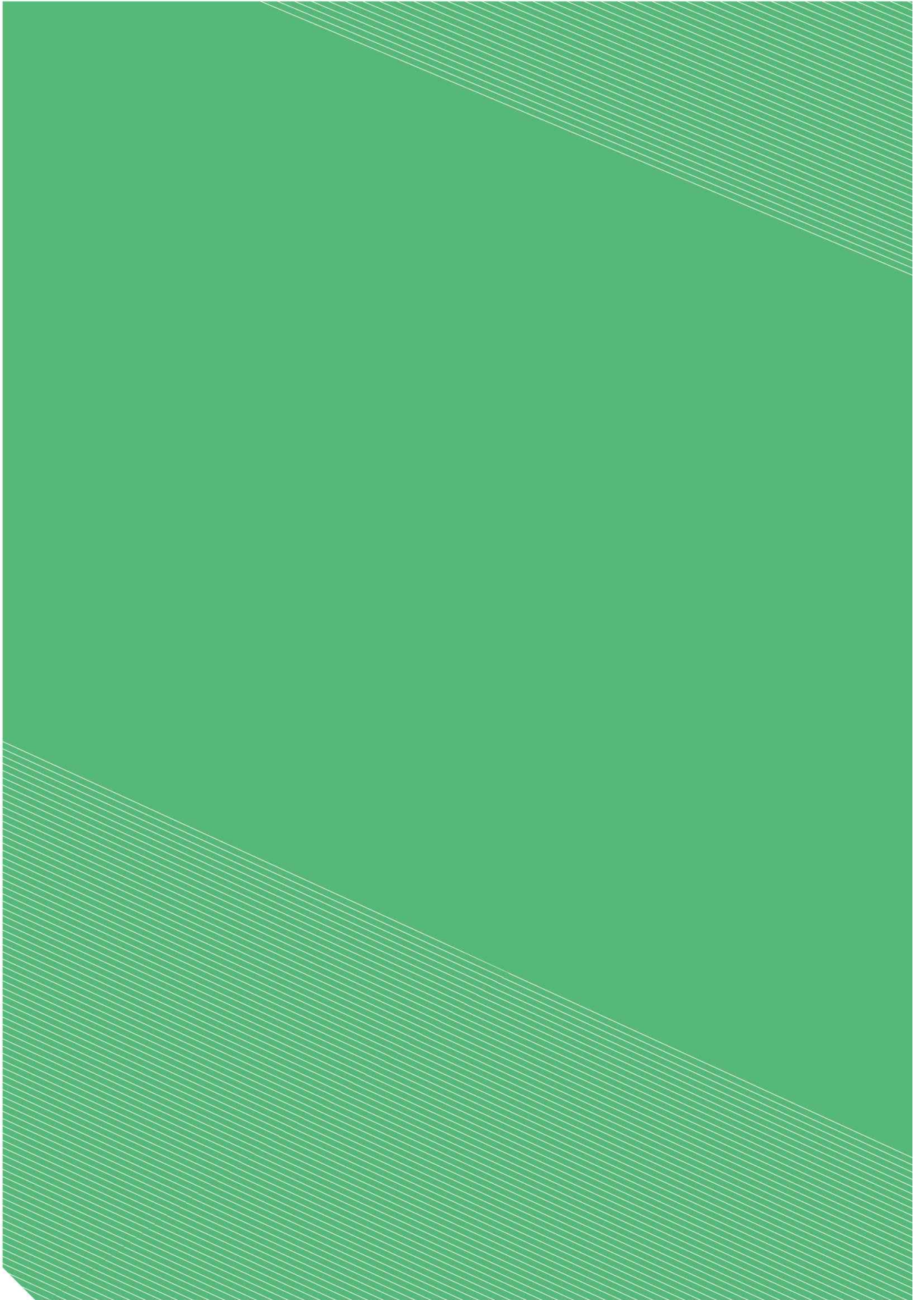
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414\_ *Rodong Shinmun*, July 26, 2011.

415\_ *Rodong Shinmun*, July 21, 2011.

even under the current Kim Jong-un regime and it is unlikely that the situation will improve anytime soon.

|                                                              |
|--------------------------------------------------------------|
| Chapter I                                                    |
| Chapter II                                                   |
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| Chapter IV                                                   |
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Chapter

# IV

## The Reality of Economic, Social and Cultural Rights

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- 1 The Right to Food
- 2 The Right to Health
- 3 The Right to Work
- 4 The Right to Education

# 1

## The Right to Food

The UDHR states that “everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services.” (Article 25 (1)). The UDHR includes the right to food along with other rights. The ICESCR provides a more specific provision regarding the right to food: “The States Parties to the present Covenant [recognize] the fundamental right of everyone to be free from hunger” (Article 11 (2)). According to the UN Special Rapporteur on the Right to Food, the right to food is defined as the right to have a regular, permanent and unrestricted access to quantitatively and qualitatively adequate and sufficient food.<sup>416</sup>

### A Discriminatory Ration Policy and Polarizing Accesses to Food and Grain

Since the 1990s, North Korea has been suffering from a chronic shortage of food, and the on-going deterioration of available grains. The fundamental cause for this persisting grain shortage is the failure of government policies. First, the grain output re-

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416\_ United Nations Office of the High Commissioner for Human Rights, Available from <<http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx>> (Online, cited January 5, 2012).



mains stagnant as a result of North Korea’s ineffective Juche agricultural methods. Second, due to the military–first politics and attendant priorities placed on defense industry, sufficient resources were not allocated to grain production, resulting in a nationwide grain shortage. For these reasons, resource allocation policies are distorted. Given these factors, the government should allocate necessary resources on a priority basis for the production of fertilizers, which is needed in order to increase agricultural output.

Given the annual shortage of grain output, it is necessary for North Korea to expand the amount of grain import to meet the needs and to guarantee the people’s right to food. Nevertheless, the authorities are allocating more resources for the purpose of promoting military–first politics, instead of resolving the grain shortage. Thus, the government is neglecting their obligation to guarantee the citizens’ right to food when they fail to allocate sufficient resources to increase grain output. In short, the North Koreans’ right to food is seriously challenged due to the persisting shortage of grains, and the fundamental cause for this is the government that repeatedly fails to fulfill their obligations.

And yet, North Korea has always emphasized the increased agricultural productivity. The ‘2013 New Year Message’ had stressed that agriculture and light industries were the “main front of attack” for our economic buildup. The UN Food and Agricultural Organization and the World Food Programme had dispatched an assessment mission (FAO/WFP Crop and Food Security Assessment Mission: CFSAM) to North Korea from September 27 and October 11, 2013, and conducted a food productivity survey. According to this survey, North Korea’s total grain output for 2013–2014 “grain year” was 5.98 million tons, which was an increase of 5 percent over 2012, when it produced a total of 5.73 million tons. And,

according to the 2013 supply–demand estimate for 2014, the total estimated amount of grains ready for consumption after processing would be about 5.03 million tons with 300,000 tons of import, while the total demand amounted to 5.37 million tons. This estimate would leave a shortage of about 40,000 tons of grain.<sup>417</sup> Overall, then, the total grain availability has improved over the previous decade.

North Korea has been trying to improve its grain output through the operation of so–called “division management” system and “paddy unit” system. For the first time in history, North Korea has convened an “Agricultural Division Managers Rally” on January 31, 2013. A “paddy unit” consists of 3–5 farmers to whom a certain size of farmland is assigned to cultivate. This is a type of incentive system. Now, a “division” of 10–25 farmers would be subdivided into several “paddy units,” so that each unit will concentrate (and compete) on cultivating their assigned “paddy” for greater output.<sup>418</sup> Escapee XXX testified that most “collective farms” actually employ this “division management” in which each division is assigned a certain size of land; let the division to cultivate; and distribute the output to each division.<sup>419</sup> However, this policy has not been successful so far.

To guarantee the people’s right to food, the state must fulfill its obligations. As such, North Korea states in its Constitution that “the state shall provide all working people with the opportunity to obtain food, clothing, and housing” (Article 25). The distribution

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417\_ FAO and WFP, “FAO/WFP Crop and Food Security Assessment Mission to DPRK, Special Report,” (November 28, 2013), pp. 6, 25.

418\_ “The Unification News,” February 3, 2014.

419\_ NKHR2013000021 2013–02–05.

of food is alluded to in the statement, “citizens shall work according to their abilities and shall be paid in accordance with the quantity and quality of their work” (Article 70). Based on this rule, North Korea has been guaranteeing the right to food in accordance with the regulations of the Public Distribution System (hereinafter referred to as PDS), although there are some unequal elements. The food supply is rationed by age and occupation, and rations are commensurate with class. The classes range from first class (900g) to ninth class (100g), with the first class consisting of those working in hazardous or heavy labor, the third class consisting of ordinary workers (700g), the seventh class consisting of the elderly and housewives (300g), and the ninth class consisting of infants that are less than a year old (100g).

When the nationalized PDS was in operation, access to food by ordinary citizens was comparatively well ensured. However, the PDS does not function properly due to the persisting economic hardship and poor grain production.

Furthermore, the PDS, though not officially abolished, transformed into something that is neither central nor rationing, and people’s access to grain is becoming all the more difficult due to the government’s discriminatory policies. First, the government is discriminating against ordinary citizens but not elites in grain rationing. Second, there is also unequal access to grains among the ordinary people. Since access to grain is unavailable, most people have to solve their needs through peddling in the market and other means. The unequal access to grains exacerbates the situation depending on individual capabilities.

In 2013, KINU conducted a survey with 154 North Korean escapees who came to South Korea after 2011. The survey revealed that 60.3 percent of North Koreans were securing grains through

the market (instead of the central rationing system).

| Method of securing grains     | Number of respondents | Ratio (percent) |
|-------------------------------|-----------------------|-----------------|
| From markets                  | 91                    | 60.3            |
| Ration centers                | 2                     | 1.3             |
| State-run stores              | 0                     | 0               |
| Pension security              | 0                     | 0               |
| Relatives & friends           | 12                    | 8.0             |
| Farming (cultivating paddies) | 8                     | 5.4             |
| Other                         | 38                    | 25.0            |
| Total                         | 151                   | 100             |

The government's ration policy for grain distribution is based on family background. This is another factor that makes ordinary citizens' access to grains difficult and discriminatory. Even during grain shortage, elites who belong to the core class are guaranteed access to grains through the PDS. Grain rations are available at official prices for those responsible for safeguarding the regime, and they include the members of the Party, military, SSD, and MPS. North Korean escapees testified that official rations are distributed on a priority basis to specific groups such as officials of the Party, SSD, military, and military industry.<sup>420</sup> In 2012 and 2013, though the situation for rationing had improved, it was reported that more rations were handed out to "party workers," "law workers," and school teachers.<sup>421</sup>

420\_NKHR2010000005 2010-03-16; NKHR2010000031 2010-11-09; NKHR2010000071 2010-11-09.

However, there is discrimination even among the elites. Low-ranking officials engaged in regime security missions do not receive sufficient amounts of grain, and even some middle-level officials will receive less than the regulated amount. For example, a low-level MPS officer will receive only his share of ration, excluding the share for his family.<sup>422</sup> Therefore, these MPS officers maintain their livelihood based on bribes or other illegal methods. This phenomenon is prevalent in North Korean society.<sup>423</sup> This trend, in turn, deprives ordinary citizens of their opportunity to secure their right to food.

There is discrimination in terms of grain accessibility even between the elites; high-ranking elites receive sufficient amount of grain rations, while low-ranking officials do not receive the regulated amount, so they have to supplement the shortage through illegal practices of offering bribes.

Recently, distribution priority went to education workers, health workers, and security workers. But rations were not enough for them; and so they have to engage in farming on small patches of land. Some teachers even pick out a few students and let them engage in farming during after school hours or even during the school hours.<sup>424</sup>

As discussed above, the total amount of grain had increased in 2013, and presumably the grain situation has improved, but most people are excluded from the official distribution loop and are discriminated against in the process.

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421\_NKHR2013000068 2013-04-02.

422\_NKHR2012000033 2012-03-13.

423\_NKHR2012000050 2012-03-27.

424\_NKHR2013000099 2013-05-28.

## Disparities in Access to Food amongst Enterprises

Grain rations focus on the ruling elites, thus many agencies and enterprises are left to their own devices to secure necessary grains. The amount most city workers can receive vary depending on the capability of the enterprise. If the factory functions normally and if the enterprise is profitable, the workers receive relatively good amounts of grain rations. Because enterprises are competing for grains, the amount of rations employees receive vary significantly depending on the enterprise he/she works for. This disparity stems from North Korea's manpower supply policy. In North Korea, the government allocates manpower under the Socialist planned economy, and individual citizens do not have the freedom to choose employment. Consequently, the amount of grain rations vary depending on where one is assigned to by the government.

North Korean escapees testified that grain rations at coal and mineral mines are relatively good. In order to overcome the energy shortage, North Korea has tried to increase coal production. As a result, workers at coal-mines are given relatively generous amounts of grain, compared to other types of employment.

Table  
IV-2

## Rations at Coal-Mines

| Testimonies                                                                                                                                                                                                                                                                    | Testifier ID                                                 | Remarks     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------|
| I worked at the Hyesan Mine. I received regular rations of (Chinese) flour twice a month until I defected in September 2011.                                                                                                                                                   | NKHR2012000002<br>2012-01-10                                 | Experienced |
| Rations are also distributed at the Musan Mine. Workers at production sector received regulation amounts (700g for the worker, 300g per person for family). For non-production sector workers, 20 percent of the regulated ration was deducted, and only 80 percent was given. | NKHR2012000037<br>2012-03-13<br>NKHR2012000043<br>2012-03-20 | Fact        |

|                                                                                                                        |                              |             |
|------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| In the case of the Musan Mine, rations were distributed twice a month, during the first and second half of each month. | NKHR2012000109<br>2012-06-12 | Fact        |
| I received rations from the coal-mine ration center in Hoeryeong.                                                      | NKHR2013000037<br>2013-02-19 | Experienced |
| Regular workers at Musan coal-mine (reporting to work everyday) will get rations of 10kg of corn a month.              | NKHR2013000116<br>2013-06-11 | Fact        |

As the situation deteriorated, even coal-mines issued rations only for the worker, and not for his/her family. One North Korean escapee testified that when he defected in February 2012, the Onsung Coal Mine in North Hamgyoung Province was giving rations only to the miners, but not to other workers at the mine.<sup>425</sup>

When factories were operating normally, the export business enterprises issued better grain rations. In addition, better rations were given at special factories that supply manufacturing items for KPA.

Table  
IV-3

Cases on Enterprises and Special Factories

| Testimonies                                                                                                                                                                                                                                                                                                              | Testifier ID                 | Remarks     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| I worked at a clothing export factory from May 2004 to February 2010 at Pihyon County, North Pyongan Province. They exported manufactured clothing to China, and with the money they earned, they issued regular rations. The amount was 14kg of rice and 1kg of cooking oil per month, and 1kg of sugar every 3 months. | NKHR2012000018<br>2012-02-07 | Experienced |
| Testified that at the export business he worked for in April 2011, regular rations were given once a month. The amount was 15kg for him and 20kg for his family.                                                                                                                                                         | NKHR2012000210<br>2011-09-20 | Experienced |

425\_NKHR2012000090 2012-05-22.

|                                                                                                                                      |                              |             |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Cigarette factory is a special facility for the People's Army, so all workers received 100 percent rations, though not their family. | NKHR2011000120<br>2011-05-24 | Fact        |
| The steel mill in Hyesan, Yanggang Province, was operating normally, so workers (though not their family) received rations.          | NKHR2013000087<br>2013-04-30 | Experienced |

Even if the factory did not operate properly, rations were sometimes given depending on the factory staff. A North Korean escapee testified the factory was not operating properly for lack of electricity and raw materials in the case of the Sungjin Unified Steel Enterprise. However, 450g of grain ration was given daily thanks to the resourceful staff.<sup>426</sup>

Even if rations were given, the amount was so meager and irregular that it was not enough for daily subsistence. Since rations were not given regularly in comparisons to other enterprises, grains always ran short. So, most people tried to supplement the shortage by purchasing from the market based on how much he/she could afford.

Table  
IV-4

## Reality of Insufficient Food Rations

| Testimonies                                                                                                                                                                 | Testifier ID                 | Remarks     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| Worked at a Paper Mill in Musan County from June 15, 2007 to May 31, 2011. Rations were issued irregularly. Rations consisted of wet corn.                                  | NKHR2012000011<br>2012-01-31 | Experienced |
| As a teacher in Hyesan, Yanggang Province, I received one year's worth of rations in potatoes, but in 2010-2011, we had poor crops, so we only received five months' worth. | NKHR2012000178<br>2012-09-04 | Experienced |

426\_NKHR2008000015 2008-08-27.



|                                                                                                                                                                                                                                                                                                |                              |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| I received corn ration twice a month in my capacity as a student at the Mechanics School of Gimchaek Steel Mill. Compared to others, the Gimchaek Steel Mill issued rations very well, but the amount of grain was still insufficient, so I had to purchase additional grains from the market. | NKHR2012000012<br>2012-09-04 | Experienced |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|

In some cases, some enterprises assigned patches of land to help address insufficient grain rations. Some hospitals assigned patches of land instead of government rations so employees could cultivate land as a substitute for grain rations.

Table  
IV-5

Cases of Rations through Patches of Land

| Testimonies                                                                                                                                                                                  | Testifier ID                 | Remarks     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| In the case of People's Hospital in Hyesan, Yanggang Province in 2010, there were no government rations. The hospital employees produced potatoes and beans and distributed them as rations. | NKHR2012000132<br>2012-07-03 | Experienced |
| Each work unit was assigned patches of land and cultivated vegetables, potatoes and corn, and the enterprise distributed them in place of grain rations.                                     | NKHR2012000134<br>2012-07-10 | Experienced |

### Deteriorating Access of Grains for Farmers at Collective Farms

Farmers at collective farms receive a ration once a year based on “annual settlement of account.” Even though the grain situation in farm areas are better than other places, farmers do not receive sufficient grain rations. Some escapees testified that life in rural areas was in some cases harsher than in border areas. Escapee XXX testified that he felt there were lots of grain at lower prices in the border regions like Musan, North Hamgyong Province, compared to the situation at the cooperative farm in Kumya County, South Hamgyong Province.<sup>427</sup>

Table  
IV-6

## The Reality of Rations at Cooperative Farms

| Testimonies                                                                                                                                                                                                                                                                                                 | Testifier ID                 | Remarks     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| At the Rokpyong Collective Farm, I received 30–40 percent of pre-determined share, if lucky I got 60–70 percent of potatoes after harvest in the fall. If one received 100 percent of his/her ration, it would be approximately 1.4 tons of potato, but in reality, the total amount was only around 1 ton. | NKHR2011000154<br>2011-07-05 | Experienced |
| I worked as a farmer at the Yonpoong Vegetable Farm in Hyesan, Yanggang Province. Distribution of rations is made based on the number of days worked, credit numbers (merit points of work) and the number of children.                                                                                     | NKHR2012000092<br>2012-05-22 | Experienced |
| At the Baekam County Collective Farm in Yanggang Province, I received about \$10.00, which did not amount to a year's worth of rations.                                                                                                                                                                     | NKHR2012000263<br>2012-12-04 | Experienced |
| In 2012, the ration situation was not very good at the cooperative farm in Yongsan-ri, Kumya County, South Hamgyoung Province.                                                                                                                                                                              | NKHR2013000078<br>2013-04-16 | Fact        |

The grain situation continues to deteriorate for farmers. One reason is the excessive amount of “public contribution.” In the case of collective farms, the government is collecting too many grains for military purposes, resulting in the deteriorating grain situation on the farms. Most farms experience grain shortage due to the “public contribution” exacted by the government. But, most farmers are so busy with farm work that they do not have time to go into vending business, so they borrow grains from others and sometimes repay double the amount. If a farm yield was unable to meet the amount of public contribution, the government fills the required amount by taking away certain portions of output from land distributed or rented to individual farmers.

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427\_NKHR2013000078 2013-04-16.

Table  
IV-7

Grain Shortage due to Official Skimming of Grains

| Testimonies                                                                                                                                                                                                                                                                                                               | Testifier ID                 | Remarks     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| In December 2012 in South Hwanghae Province, the amount of grains distributed to soldiers was reduced. Each household used to receive 100kg of corn, but was reduced to 50kg per person.                                                                                                                                  | NKHR2013000157<br>2013-09-03 | Fact        |
| The government demands a lot (public contribution), and if you miss a payment, they will deduct the amount from your share from the fall harvest. If public contribution is deducted from your share, the remaining is less than one third of the total.                                                                  | NKHR2012000163<br>2012-08-07 | Fact        |
| They distributed 250 <i>pyong</i> of land per farmer. If harvest did not meet the planned target of military grain demand, the grains harvested from individual patch of land was taken to fill up the shortage.                                                                                                          | NKHR2012000194<br>2012-09-25 | Experienced |
| They distribute grains to the farmers in the fall, but recently, only one or two months worth of grain was distributed.                                                                                                                                                                                                   | NKHR2012000235<br>2012-11-06 | Experienced |
| Each farmer at a 'collective farm' should receive a ration of 1.4 tons of potato. But, when one thousand discharged soldiers were brought in for plowing jobs, they received priority distribution, and farmers got the left-overs. In 2012, each farmer received only 150kg per person, and the situation was very dire. | NKHR2013000099<br>2013-05-28 | Experienced |
| Harvested grains flow into the military, and the life of farmers has deteriorated.                                                                                                                                                                                                                                        | NKHR2013000140<br>2013-07-23 | Fact        |

In recent years, the grain situation in Hwanghae Province was reportedly deteriorating. Hwanghae Province had poor harvests for several years in a row, and the food situation was deteriorating because harvested grains were taken away as military grains or to support the military industry.<sup>428</sup> Escapee XXX testified that the regional economic situation had deteriorated, and the farmers could not receive enough grain rations.<sup>429</sup>

428\_NKHR2012000235 2012-11-06; NKHR2012000273 2012-12-11.

As the PDS failed to work properly, North Korean authorities devised a new system called “non-ration management.” Instead of distributing rations, the government would loan out a certain size of land for a limited period of time to people so they could cultivate the land for crops. Under this “non-ration management” system, the Party would rent a certain size of land depending on the number and age of family members for a year, so they could cultivate crops instead of receiving grain rations. If a family is assigned a piece of land, they cultivate it and keep the output after paying a portion of it as tax. This system, however, does not operate every year, but only when the higher-ups (party secretary) give consent. North Korean escapee XXX testified that there was the “non-ration management” in 2009 in Onsung, North Hamgyong Province, but it did not take place in 2010, and instead resumed in 2011. In her case, there were four members in her family (husband and two children), so she received 400 *pyong* of land. The amount of tax (‘land tax’) varied according to the size of land rented out. In her case, she had to pay 10kg of corn as tax.<sup>430</sup> Sometimes, the government did not give grain rations to farmers. Instead, they are given a patch of land to cultivate. Escapee XXX testified that he used to work as a farmer, but the authorities assigned about 300-*pyong* of land to cultivate, instead of the grain rations.<sup>431</sup>

In recent years, collective farms are often unable to meet the planned amount of output as fewer number of farmers report to work. In an effort to fill the manpower shortage, the farms utilize a system called seasonal labor. These workers are not farmers, but

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429\_NKHR2013000125 2013-07-09.

430\_NKHR2012000061 2012-04-17.

431\_NKHR2013000094 2013-05-14.

when they work on the farm, they receive a plot of land to grow their own produce.

| Table IV-8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Status of Seasonal Labor and Non-Ration Management |             |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------|--|
| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Testifier ID                                       | Remarks     |  |
| Got 300 <i>pyong</i> of land under terms of seasonal labor, Worked as a member of the farming unit, and cultivated land on my own time and produced some crops for my own use.                                                                                                                                                                                                                                                                                                                | NKHR2012000016<br>2012-02-07                       | Experienced |  |
| Working as a guard on the farm, I received about 500 <i>pyong</i> of (non-ration management) land in place of rations. I harvested corn, and had to pay one-half to the farm and kept the remaining half.                                                                                                                                                                                                                                                                                     | NKHR2012000125<br>2012-06-26                       | Experienced |  |
| Worked as a farmer at 4.25 Tobacco Farm. Received an average of 250-300 <i>pyong</i> of (non-ration management) land. Harvested mainly corn to support myself and family. In the past, whoever cultivated non-ration land could keep the entire output, but in recent years, they filled the shortage by taking away crops from these rented land, because North Korean farmlands could not produce crops as much as before and the amount of harvest often falls short of the target amount. | NKHR2012000153<br>2012-07-24                       | Experienced |  |

Deteriorating Access to Grains for Ordinary People

During the food shortage, ordinary citizens who are excluded from the government, enterprise or collective farm ration systems, have to secure their own food. They are split into two groups, depending on their purchasing power and methods of securing food. While some people look for better quality and quantity of food, others look for the bare minimum.

In particular, children and senior citizens, who used to benefit from ration distributions based on the levels of need, are forced to suffer the most when the PDS is suspended. The right to food

for these vulnerable groups is threatened as they are excluded from the ration system and as the PDS operates in a distorted manner. In the absence of government help, these people have to live on borrowed grains, which tends to drive them into deeper troubles, contributing to a vicious cycle. A North Korean escapee testified that if you borrowed 1kg of grain in the spring, you had to pay back pay back 2kg of grain in the fall. Life under the weight of debt was unbearable and treacherous as the escapee recalled.<sup>432</sup> Furthermore, another escapee testified that he was able to support himself by lending corn to the farm in the spring season, and recovered the principal and interest in the fall harvest season in the form of rice.<sup>433</sup> In fact, there were a number of testimonies to this effect. In 2011, however, the government was able to resume the PDS even though the operation was irregular depending on the region. According to testimony, in 2011 in Hoeryeong, rations were issued until July, but then discontinued for a while. The rations resumed in November, but only 15 days worth was given.<sup>434</sup>

North Korean escapee XXX of Hoeryeong, North Hamgyoung Province and XXX of Baekam County, Yanggang Province, both of whom defected in September 2012, testified that partial rations were given until August of that year. They heard that rations would stop from September 2012.<sup>435</sup> More research regarding this issue is needed as the story indicates that certain changes

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432\_NKHR2012000184 2012-09-11.

433\_NKHR2013000104 2013-05-28.

434\_NKHR2012000111 2012-06-12.

435\_NKHR2012000273 2012-12-11; NKHR2012000274 2012-12-11.

are taking place since Kim Jong-un came to power.

An interesting development is that rations have temporarily resumed along the border regions, perhaps in an attempt to eradicate the tide of defections. At one point, a special consideration was given to senior citizens in the Hoeryeong, North Hamgyong Province, where the number of escapees was particularly high. According to testimony, Hoeryeong distributed 8kg of wet corn (15 days worth) through the Kang-an District office for six months, from October 2010 to April 2011 in an effort to discourage defections.<sup>436</sup>

The food situation along the border region, such as Hyesan, was better than other areas since active trading with China was taking place. The food situation along these border regions was far better than Hwanghae Province, which used to produce a surplus of grains.

| Table IV-9                                                                                                                                                                              | Status of Food Condition in Hwanghae Province and Border Areas |         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|---------|
| Testimonies                                                                                                                                                                             | Testifier ID                                                   | Remarks |
| In Hyesan, there are many rich merchants, and many people who engaged in trade are well off, particularly people living in Shinhung-Dong, Hyesan.                                       | NKHR2012000022<br>2012-02-07                                   | Fact    |
| In 2012, Hoeryeong where many of the traders lived, people did not experience much difficulties compared to Hwanghae Province where people were suffering from dire shortage of grains. | NKHR2012000222<br>2012-10-23                                   | Fact    |

The food situation of families of escapees was better than others, because the escapees who settled in South Korea would send

436\_NKHR2012000020 2012-02-07.

remittances. A female escapee testified that she was able to live with the money her father-in-law, who went to South Korea, had sent to her. And, after her husband defected to South Korea, she was able to maintain her life with the money he was sending to her.<sup>437</sup>

During this polarized situation, life for people with little or no purchasing power was seriously threatened. In particular, the failed currency reform was the main contributing factor for pressuring the already difficult lives of North Korean people. However, as people adjusted to the economic changes following the currency reform, the worst of the food insecurity situation was eased. According to North Korean escapee XXX, death from starvation increased temporarily after the currency reform, especially among groups surviving on a day-to-day basis, but the number of deaths reduced once people started adapting to the situation.<sup>438</sup> Yet, other escapees testified that death from starvation could still be found in some places.

| Table IV-10                                                                                                  |                              | The Starvation Deaths |  |
|--------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------|--|
| Testimonies                                                                                                  | Testifier ID                 | Remarks               |  |
| I saw my cousin's wife die from hunger on December 30, 2010.                                                 | NKHR2012000101<br>2012-06-05 | Witnessed             |  |
| In 2012, five households had died from starvation                                                            | NKHR2013000078<br>2013-04-16 | Fact                  |  |
| In 2012, in Buhung-ri, Baekam County, Yanggang Province, 2 children died from lack of food and malnutrition. | NKHR2013000099<br>2013-05-28 | Witnessed             |  |

437\_NKHR2012000031 2012-02-21.

438\_NKHR2011000175 2011-07-26.



|                                                                                                                                           |                              |           |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In 2012, in front of Youngwoong Middle School, in Hyesan, Yanggang Province, I saw one starvation death.                                  | NKHR2013000127<br>2013-07-09 | Witnessed |
| In April 2012, I saw two starvation deaths: one was a woman (about 60) and the other was a man (about 45, farmer).                        | NKHR2013000096<br>2013-05-14 | Witnessed |
| In December 2012, in front of Weyon rail station, I saw an old man who died from starvation.                                              | NKHR2013000120<br>2013-06-25 | Witnessed |
| In January 2013, in Gaeseong, I saw 10 dead people from Kumchon, North Hamgyoung Province. They died from hunger.                         | NKHR2013000194<br>2013-10-29 | Witnessed |
| In March 2013, in front of a market in Hyesan, Yanggang Province, I saw about 11 dead "flower-swallows" (beggars). They died from hunger. | NKHR2013000174<br>2013-09-17 | Witnessed |
| Often, "flower-swallows" end up dying from hunger.                                                                                        | NKHR2013000095<br>2013-05-14 | Fact      |
| I saw a starvation death at the potato farm in Samjiyon County, Yanggang Province.                                                        | NKHR2013000140<br>2013-07-23 | Witnessed |
| A woman in my neighborhood left her home, but the farm could not look after her husband, and he died.                                     | NKHR2013000204<br>2013-11-12 | Witnessed |

Among the poorest people, who completely lacked the ability to buy food, some donated their blood in exchange for food. According to one testimony, many people came to the government-run "blood center" at Dongdaewon District of Pyongyang to "sell" their blood.<sup>439</sup>

Concerning this dire situation, KINU has conducted a survey in 2013 on 120 North Korean escapees who came to South Korea after 2011. A total of 64.2 percent of respondents said the level of nutrition has deteriorated.

439\_NKHR2011000240 2011-11-22.

Table  
IV-11

## Escapees' Perception of Nutrition Levels in North Korea

| Nutrition levels | Number of respondents | Ratio (percent) |
|------------------|-----------------------|-----------------|
| Very improved    | 0                     | 0               |
| Improved         | 12                    | 10.0            |
| Average          | 31                    | 25.8            |
| Worsened         | 69                    | 57.5            |
| Very worsened    | 8                     | 6.7             |
| Total            | 120                   | 100             |

## The Recently Improving Ration Situation

Through the in-depth interviews with North Korean escapees in 2013, it was confirmed that the grain distribution situation in North Korea has improved in 2012 and 2013 compared to previous years. In many areas of North Korea the government grain rations have resumed, at least for the time being, including in Hyesan, Yanggang Province, and Hoeryeong, North Hamgyoung Province, as well as in the counties of Yonsa, Musan, Onsung, and Gilju in North Hamgyoung Province. Also improving were the counties of Samjiyon, Daehongdan, and Bocheon in Yanggang Province and the Pihyon County, North Pyongan Province. In the case of Daehongdan County, Yanggang Province, there were many testimonies about the resumption of grain rations, compared to other cities and counties.

Table  
IV-12

Cases of Recent Receipt of Grain Rations

| Testimonies                                                                                                                                                                                                                                        | Testifier ID                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| In Yonsa County, North Hamgyoung Province, the potato crop was bountiful since 2002, so the rice and potato rations were handed out on a 4 to 1 ratio, but to receive the rations everyone had to provide menial assistance to local farms.        | NKHR2013000001<br>2013-01-08 |
| In Daehongdan County, Yanggang Province, they tried their best to issue full 12-months amount of rations until 2011.                                                                                                                               | NKHR2013000060<br>2013-04-02 |
| In Onsung County, North Hamgyoung Province, government rations resumed from 2011, and I received grain rations until the time I defected in October 2012.                                                                                          | NKHR2013000035<br>2013-02-19 |
| In Gilju County, North Hamgyoung Province, as I was working at an enterprise in April 15 (as known as 415), 2012, I received monthly grain rations (700g for me, 400g for spouse, and 600g for children).                                          | NKHR2013000063<br>2013-04-02 |
| The total potato output at a farm was divided equally to all inhabitants of Bocheon County, Yanggang Province, after saving some for the military and for next season's seeding. In 2012, for example, I received 3 months worth of potato.        | NKHR2013000068<br>2013-04-02 |
| In Samjiyon County, Yanggang Province, rations were distributed at the time of Kim Jong-il's death. And, from March 2012, the "distribution center" rationed out 15-days worth of corn.                                                            | NKHR2013000018<br>2013-01-22 |
| In Bocheon County, Yanggang Province, I received 400kg of potato from the enterprise for the last time in September 2012.                                                                                                                          | NKHR2013000062<br>2013-04-02 |
| In Daehongdan County, Yanggang Province, I used to receive 1,000kg of potato rations until October 2012 when I defected.                                                                                                                           | NKHR2013000033<br>2013-02-19 |
| In Pihyon County, North Pyongan Province, I received rations for me, my wife, and children from a farm in November 2012.                                                                                                                           | NKHR2013000053<br>2013-03-19 |
| In 2013 after Kim Jong-un came to power, it was announced that one month's worth of brown rice and corn would be distributed, but in fact we only received 5-10 days worth.                                                                        | NKHR2013000180<br>2013-10-01 |
| I used to work as a worker at the Railroad Battalion in Hoeryeong, North Hamgyoung Province. Until I defected in February 2013, I received 14kg of corn once a month.                                                                              | NKHR2013000131<br>2013-07-09 |
| In Hyesan, Yanggang Province, grains were rationed out in March, April, and May of 2013.                                                                                                                                                           | NKHR2013000166<br>2013-09-17 |
| I received rations at a mechanics school under the city's Construction Bureau until June of 2013. In the past, there were potato rations once in the fall. But from February-March of 2013, we received mixed rice and corn once every 10-15 days. | NKHR2013000177<br>2013-10-01 |

Chapter I

Chapter II

Chapter III

Chapter IV The Reality of Economic, Social and Cultural Rights

Chapter V

Chapter VI

|                                                                                                                                                                                                                |                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| On August 15, 2013, I received 15-days worth of mixed ration (50 per-cent rice, 50 percent corn) from the enterprise.                                                                                          | NKHR2013000194<br>2013-10-29 |
| The Samjiyon County of Yanggang Province handed out special potato rations, because it was Kim Jong-il's birthplace.                                                                                           | NKHR2013000034<br>2013-02-19 |
| Rations were given regularly in Daejingdan County, Yanggang Province. They handed out one-year worth of rations along with a hand-written note of Kim Jong-il that said, "Daehongdan is a nice place to live." | NKHR2013000044<br>2013-03-05 |
| Since the death of Kim Jong-il, rations have resumed. Rations were so good that we thought, "Where did they keep all these grains?"                                                                            | NKHR2013000103<br>2013-05-28 |
| Rations were distributed in Hoeryeong, North Hamgyoung Province                                                                                                                                                | NKHR2013000107<br>2013-06-11 |
| Daehongdan County, Yanggang Province, handed out six-months worth of potato a year.                                                                                                                            | NKHR2013000111<br>2013-06-11 |
| The distribution center at Samdung-ri, Daehongdan County, Yanggang Province, handed out rations of 700g for me, 300g for spouse, and 300g each for students.                                                   | NKHR2013000204<br>2013-11-12 |
| I got 6 months worth of rations from the enterprise under Danchon Mining Bureau.                                                                                                                               | NKHR2013000216<br>2013-11-26 |
| Daehongdan County, Yanggang Province, was a model county in the nation, so they distributed proper rations.                                                                                                    | NKHR2013000219<br>2013-11-26 |

The main reason for the temporary improvement of grain rations since 2012 appears to have been due to the release of military reserve grains.

Table  
IV-13

## Cases of Releasing Military Reserve Grains

| Testimonies                                                                                                                                                              | Testifier ID                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Since December 2012, grain rations were handed out after releasing the military reserve grains.                                                                          | NKHR2013000137<br>2013-07-23 |
| From late 2012 and early 2013, there was a war-like atmosphere. They opened the No. 2 grain storage, and rationed out a week to 15 days worth of rice, or 2-7kg of rice. | NKHR2013000144<br>2013-08-06 |
| In April 2013, they released No. 2 military reserve rice and gave rations to local inhabitants.                                                                          | NKHR2013000175<br>2013-10-01 |

|                                                                                                                                                                                                    |                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| In 2013, they rationed out No. 2 grains, which were reserve grains for wartime.                                                                                                                    | NKHR2013000193<br>2013-10-29 |
| In early 2013, they opened the storage in Hyesan, Yanggang Province, and released the military reserve grains to local distribution centers and handed out rations to the working local residents. | NKHR2013000186<br>2013-10-17 |
| In Hyesan, they rationed out 430-450kg of wartime reserve grains, saying that the war was imminent.                                                                                                | NKHR2013000208<br>2013-11-12 |

### Military-First Politics and Ration Benefits for Soldiers

Food is preferentially distributed to the military, a major political role in maintaining the political system of North Korea under the Seongun (Military-first) ideology. As a result, the food situation of the military is relatively better than that of the civilians at large. However, even within the military, a soldier's access to food varies according to where they serve, as the rations differ according to region. Discrimination according to region, class, workplace has also been reported.<sup>440</sup>

An escapee who used to serve in the military in Gangwon Province and Pyongyang testified that his grain ration was different according to region. North Korean escapee XXX explained that rations for border security agents are better than other units. When he was serving in Gangwon Province, he had to go hungry because they only issued 100~150g of grain per meal. In order to survive, he had to sneak outside and steal corn or rice from civilian homes. However, when he served in Pyongyang, his grain ration increased in quality and quantity, which meant he was far better off than when he served in Gangwon Province.<sup>441</sup>

440\_NKHR2011000188 2011-08-16.

441\_NKHR2008000014 2008-08-26.

Even in the military, access to food is discriminated according to rank. Military units are given priority when it comes to food, but even in the unit, officers are supplied first. The amount of food rationed to enlisted soldiers is relatively limited. As a result, many enlisted soldiers in the military suffer from malnutrition. North Korean escapee XXX testified that there were so many cases of malnutrition among soldiers that soldiers had a saying, “I hope my family can offer good food when I get out of the military.”<sup>442</sup>

| Table IV-14 | Reality of Food and Nutrition in Military                                                                   |                              |             |
|-------------|-------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
|             | Testimonies                                                                                                 | Testifier ID                 | Remarks     |
|             | The food situation in the military was deteriorating since 2008. Rice in meals were always mixed with corn. | NKHR2012000002<br>2012-01-10 | Experienced |
|             | Testified that there were about 60 soldiers in his unit, and 30 percent of them suffered from malnutrition. | NKHR2011000096<br>2011-04-19 | Fact        |

Sometimes soldiers who are not given sufficient amounts of food would steal food from villagers near the compound.<sup>443</sup> Amid shortages in food supply, many soldiers have to buy their meals with the money sent to them from home. Others are known to steal food from local households.<sup>444</sup>

The reason the soldiers are not provided with proper food rations even under the Military-first Politics is the widespread corruption. Escapee XXX testified that the regulation daily grain rations per soldier was 800g, but he received only 450g per day. The rations

442\_NKHR2012000235 2012-11-06.

443\_Soo-am Kim, et al., *The Relationship between Human Rights and Corruption in North Korea* (Seoul: Korea Institute for National Unification, 2012), pp. 152-154.

444\_NKHR2013000091 2013-05-14.

consisted of mixed corn and rice, but they are skimmed off as they run through regiment, battalion, and company mess-halls.<sup>445</sup>

Furthermore, soldiers are not allowed to take their rations to their family, or are ordered to set aside portions of individual rations for consumption on the base. Sometimes, soldiers' families are asked to provide meat for soldiers. Escapee XXX used to serve as a border patrol, and used to receive 24kg of mixed corn and rice a month. But, he had to leave 12kg of the ration on the base, and took only 12kg home. Furthermore, the military family used to provide 1kg of meat a year for the soldiers, but in recent years the families have to provide 15kg of meat per family per year.<sup>446</sup>

#### Discriminatory Distribution of Food Aid

North Korean authorities did not admit that humanitarian assistance was provided by the outside world, but advertised that it came in thanks to Kim Jong-il's leadership. North Korean escapee XXX testified that the Neighbourhood Watch (*Inminban*) chief told him, "Our General has strong military power, so other countries will tremble at his command! If he showed nuclear bomb or missiles, we will get lots of rice. When Comrade Kim Jong-il visited China, he gave advanced CNC technology to China in exchange for rice."<sup>447</sup>

North Korean escapees testified that most North Koreans were aware that grain assistance was provided from outside. However, very few North Koreans were direct recipients of food aid.

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445\_NKHR2013000091 2013-05-14.

446\_NKHR2013000154 2013-08-20.

447\_NKHR2012000092 2012-05-22.

Table  
IV-15

## Reality of Perception and Experience on Grain Assistance

| Testimonies                                                                                                                                                                                                                                  | Testifier ID                 | Remarks     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he received grain rations while working at the Musan Mine. He had seen empty rice bushels bearing marks such as the Republic of Korea or United Nations, but never actually received or ate that rice. | NKHR201000011<br>2010-12-07  | Experienced |
| I realized rice and fertilizers were provided by South Korea after having seen containers bearing the mark Republic of Korea, but never knew whether they were given as rations.                                                             | NKHR201200020<br>2012-02-07  | Experienced |
| I saw the unloading of assistance rice at Chongjin docks, but did not get any of them distributed as rations, but saw them on sale on the market-place                                                                                       | NKHR2013000188<br>2013-10-17 | Experienced |
| In the market-place, I saw bushels of rice marked "UN".                                                                                                                                                                                      | NKHR2013000193<br>2013-10-29 | Experienced |

North Korean escapee XXX testified that aid to North Korea was distributed to military bases, the MPS, the SSD, and businesses that generate foreign currency revenue.<sup>448</sup> Because of the monitoring system of aid organizations, ordinary North Korean residents received rice from aid organizations, but it was only a matter of formality. An escapee testified that citizens lined up to receive beef rations from UN agencies. However, after the UN staff finished taking photographs and departed the scene, the citizens had to return the beef to the stores (rationing authorities).<sup>449</sup> An escapee who once served as a Neighbourhood Watch (*Inminban*) chief testified that she cooked foreign aid rice at home twice in an effort to show (i.e. deceive) UN inspectors, but she did not receive foreign aid rice again.<sup>450</sup> However, privileged cities such as Pyongyang

448\_NKHR2011000203 2011-09-06; NKHR2013000180 2013-10-01.

449\_NKHR2008000011 2008-12-16.

450\_NKHR2009000061 2009-10-08.



apparently receive rations from foreign rice aid to North Korea.<sup>451</sup> Escapee XXX testified that he was aware of the arrival of humanitarian assistance rice because the Neighbourhood Watch (*Inminban*) notified the inhabitants. He had heard that people were allowed to take 50kg of rice from the docks of Chongjin Harbor, but they had to pay for the transportation on their own. Since people had to pay a lot of expenses to transport the one-month share of rice for a four-member household, many people had to give up the rations. So, he thought the assistance was designed to enrich the wealthy.<sup>452</sup>

On the other hand, there was a case at one of the coal-mines. The mine authorities had distributed the assistance rice for the pregnant women. Escapee XXX testified that he witnessed the distribution of assistance rice to the pregnant women on a priority basis. And, in return for the work done at the coal-mine, he had once received the “UN corns.”<sup>453</sup>

Most North Koreans believe that foreign aid rice did not go to the people, rather it ended up in the hands of the military, which in turn sold to the market.<sup>454</sup> According to a testimony, license plates on military trucks were replaced with civilian tags behind the Hungnam Harbor before carrying away the assistance grains. Since they were all military trucks, all the grains were taken to the military compound. Since they are military trucks, the cargo ended up in the military unit.<sup>455</sup> North Korean escapees who served in

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451\_NKHR2011000124 2011-05-24.

452\_NKHR201300009 2013-01-08.

453\_NKHR2013000042 2013-03-05.

454\_NKHR2009000027 2009-12-02.

455\_NKHR2011000213 2011-10-04.

the military said they were provided rations of rice from South Korean aid provisions.<sup>456</sup>

## **B** Assessment

In the fall of 2013, the total amount of grain had increased, but the ordinary people's access to grains had not improved due to the government's discriminatory distribution policies. The focus of grain distribution was the Party, MPS officers, and SSD agents, and other elites who were essential for the regime maintenance. In recent years, education, health and security workers were added to this list of core elites. As a consequence, despite the improving amount of grains, most inhabitants were excluded from regular rations, and so they have to obtain grains from the market. Furthermore, in 2013 the authorities exacted excessive amounts of "public grains" from the farmers so that their access to grains deteriorated. And, despite the relative benefits resulting from the military-first politics, many soldiers were deprived of these benefits as the authorities infringed on their right to food. So, many soldiers had to depend on the money remitted to them from home to solve their food shortage. Worse yet, many escapees testified that they had seen starvation deaths in 2013. One thing noteworthy in 2013 was that since the North Korean authorities began to release the military reserve grains in 2012, the grain rations were improving in 2013, and many escapees have testified to this development.

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456\_NKHR2011000096 2011-04-19; NKHR2011000103 2011-05-03.

# 2

## The Right to Health

The UDHR stipulates, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care, and necessary social services.” (Article 25, Para. 1) Thus, the declaration articulates the right to health rather comprehensively, along with other rights. The ICESCR also declares, “The State Parties to the present covenant recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” (Article 12, Para. 1) The Preamble of the WHO Charter also contains a comprehensive stipulation, stating “enjoyment of highest possible standard of health is the fundamental right of everyone regardless of race, religion, political beliefs or economic and social conditions.” In addition, General Comment 14 of the on the Economic, Social and cultural Right presented four elements as integral parts of the right to health: availability, accessibility, acceptability, and quality. Accessibility, in particular, is said to include nondiscrimination, physical, economic and information accessibility.

The North Korea Constitution stipulates, “The State must develop a system of universal health care, strengthen district doctor and preventive medicine system which shall protect people’s lives and improve the health of the working people (Article 56). Basically, North Korea maintains free medical treatment system

as it is indicated in the Constitution and the Public Health Law. There is an emphasis on preventive medicine. Additionally, they have enacted and implemented health related laws such as the Law on Public Sanitation (1998), the Law on the Border Sanitation Inspection (1996, 1998, 2007), the Law on Food Hygiene (1998, 2005), the Law on Medical Care (1997, 1998, 2000), the Law on Pharmaceutical Administration (1997, 1998), the Law on Public Health (1980, 1999, 2001), the Law on Prevention of Epidemics (1997, 1998, 2005), the Law on the Protection of Persons with Disabilities (2003), the Red Cross Act (2007), and the Law on Culture and Sport (1997, 1998).

## A Availability and Disparity between Classes

### Deteriorating (Medical) Availability

(Medical) Availability means that in any country, there has to be an adequate number of programs offering public health, medical facilities, supplies and service. In North Korea, the overall medical system is crumbling due to the unequal distribution of resources brought on by the economic hardship and military-first politics.

In terms of availability, North Korea's health and medical systems have several problems. First, there is a shortage of medicines. Due to economic hardship, pharmaceutical companies are not operating properly. In addition to the shortage of medicines, there is a shortage of other medical equipment such as thermometers and blood pressure gauges. Hospitals are not properly functioning due to the lack of these and other medical equipment.

Table IV-16

Cases on Insufficient Medical Facilities

| Testimonies                                                                                                                                                                                                                             | Testifier ID                 | Remarks     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee, who used to practice medicine in Sariwon, testified that once he received syringes as part of UN assistance, he had to use the same syringe repeatedly, disinfecting it in hot water, for as long as one month. | NKHR2012000072<br>2012-04-26 | Experienced |
| A North Korean escapee had heard that an 18-year old young man living in Gimchaek died within a few hours after he received a shot with an infected syringe.                                                                            | NKHR2011000108<br>2011-05-11 | Informed    |

Second, proper medical services are not offered to patients who need hospitalization or surgery because hospital facilities are run down and medical resources are depleted. As the medical equipment and facilities fall behind the times, the doctors' skills are also falling behind. According to a witness who worked as a doctor in Sariwon, most doctors in North Korea have no experience of using ultrasound equipment.<sup>457</sup>

Third, due to the persisting economic hardship, even the integral elements of basic health are on the verge of disappearing. General Comment 14, Para. 11 of the Committee on Economic, Social and Cultural Rights states that the right to health is a comprehensive right that must include not only appropriate health and medicine, but also all integral elements of basic health. The integral elements include the accessibility to safe drinking water, safe food, nutrition, housing, workplace hygiene, and safe environment. Currently, due to economic difficulties, North Korea is suffering from poor social infrastructure. This includes poor electric supply, lack of heating and running water, run-down roadways, and outdated

457\_NKHR2012000072 2012-04-26.

modes of communication. The unstable supply of electricity, heating and water, together with fundamental problems with medical logistics such as patient transportation and natural disasters such as droughts and floods, have caused the health and medical service system to collapse. Hospital operating hours are limited due to a shortage of electricity and potable water, leaving emergency patients not being treated on time. In particular, electricity shortages can have deadly effects in medical situations. Doctors fear the possibility of power outages during surgery. Also, the provision of medical services, such as patient transfers, dispatching of medical personnel, delivery of vaccines, and management of hospital infections, are affected by inadequate transportation infrastructure and communication facilities.<sup>458</sup> Poor infrastructure degrades the quality of medical care in emergency situations.

#### The Collapse of Medical Services and Disparities in Medical Resources by Class

The decline of free medical system and the deterioration of its availability contribute to unequal access to medical services for different classes of people. There are two factors that contribute to the disparities in availability. One is the discrimination based on family background. The second is economic status. The current economic stratification among the people contributes to the unequal access to medical services. When these factors are combined with the severe collapse of the medical system, the gap between the elite and ordinary citizens is bound to widen in terms of physical

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458\_ Il-hak Lee, "Current Status and Aid Direction," KPI Report, No. 4. January 2010; Hyeon-ju Choi, "Status of Humanitarian Assistance to North Korea in Health and Medical Supplies, 2010," *Building Domestic and International Network for Improvement of Human Rights in North Korea II* (Seoul: Korea Institute for National Unification, 2010).

and economic accessibility to medical service.

North Korea’s malfunctioning medical system consists of clinics, people’s hospitals at city and county levels, provincial hospitals, and the central hospital in Pyongyang. However, the level of deterioration caused by North Korea’s struggling economy varies from one location to another, and the quality of service also varies by each hospital. The primary and secondary medical facilities where most citizens receive medical service are showing more problems than larger hospitals. There is a large gap in physical and financial accessibility to medical service between Pyongyang/major cities and provinces, and the gap is widening. And yet, instead of attempting to narrow this gap, North Korea has been expanding medical facilities for the privileged few, including the construction of Pyongyang Children’s Hospital and Pyongyang Dental Clinic. Kim Jong-un, too, was paying particular attention to these projects by personally visiting the hospital construction sites.<sup>459</sup> Rather than reduce the gap of polarizing welfare benefits, North Korea seems to be deepening the polarization. It means that North Korean authorities are not fulfilling the government’s duty to realize the people’s right to health.

| Table IV-17                                                                                                                                                                                                                                                                            | Cases of Collapsing Medical Service System |         |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------|--|
| Testimonies                                                                                                                                                                                                                                                                            | Testifier ID                               | Remarks |  |
| Testified that the clinic in Baekam County, Yanggang Province, could treat only minor injuries by disinfecting them because they did not have any equipment or skills. Main function of the clinic was to issue simple prescriptions or “transfer permits” to go to a larger hospital. | NKHR2012000071<br>2012-04-24               | Fact    |  |

459\_ *Yonhap News*, September 24, 2013; *Yonhap News*, October 6, 2012.

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|                                                                                                                                                                                                                                                                              |                                      |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------|
| <p>Testified that the only medical equipment at the First People’s Hospital in Bukcheong County was a damaged ultrasound equipment. Doctors replaced needles before administering a shot, but they appeared very unsanitary, and usually did not disinfect the syringes.</p> | <p>NKHR2011000182<br/>2011-08-09</p> | <p>Fact</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------|

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As a result, most citizens go to clinics and people’s hospitals, but their physical and economic access to health service is deteriorating. On the other hand, the hospitals that high-ranking officials use are functioning properly. In short, even in the case of people’s hospitals, access varies between the officials and ordinary citizens. Middle class citizens and high-ranking officials have easy access to the third and fourth level hospitals, where they are given relatively good medical service. The deterioration of the medical system and the varying levels of accessibility contribute to unequal medical benefits for the lower classes of people in North Korea.<sup>460</sup>

The Realities of Preventive Medicine

Preventive medicine is emphasized in North Korea. Article 3 of the Public Health Law stipulates, “the basis of socialist medicine is preventive medicine.” Through the enactment of the Law on the Protection against Communicable Diseases, North Korea has been trying to eliminate contagious diseases. In order to enforce the medical health policy based on prevention, North Korea has developed a district doctor system. However, North Korean escapees testified that the preventive medicine that North Korea boasts of is not working properly. But, physical check-ups and vaccines

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<sup>460</sup> Soo-am Kim, et al., *Quality of Life of North Korean Residents: Reality and Perception* (Seoul: Korea Institute for National Unification, 2011), pp. 137–138.



are well enforced, and physical examinations are often conducted at various locations.

**Table IV-18** The Reality of Medical Examination (Physical Check-ups)

| Testimonies                                                                                                                                                                                                                   | Testifier ID                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| During the winter of 2010, I was living in Musan County, and saw a family doctor visiting every home to provide “preventive shots.”                                                                                           | NKHR2011000186<br>2011-08-16 |
| In 2011, there were five family physicians in Kang-an dong, Hoeryeong, North Hamgyoung Province. The number was reduced, and only one is currently serving, and he does not play his proper role of being a family physician. | NKHR2012000020<br>2012-02-07 |
| In the Bukchang Power Plant, a physical examination van came once a year. They conducted physical exams on workers. The exam included X-rays, blood work, blood pressure check-ups, and eye exam.                             | NKHR2011000144<br>2011-06-14 |
| A North Korean escapee from Hyesan, Yanggang Province, testified that the family doctor system has now become a “name only” system.                                                                                           | NKHR2012000022<br>2012-02-07 |
| Family physician is responsible for primary management (preventive medicine) for each ‘dong(unit for a small complex of several buildings).’ But 80~90 percent of his work consists of lectures on good health.               | NKHR2012000071<br>2012-04-24 |

However, in many cases the nurses were playing the role of home-care doctors, as doctors were also busily engaged with their personal livelihood.<sup>461</sup>

## **B** Deteriorating Availability and the Free Medical Service System

In an effort to promote citizens’ right to health, North Korea has stipulated detailed obligations for the government to fulfill. Article 9 of the Public Health Law stipulates, “The state gives all

461\_NKHR2013000063 2013-04-02.

citizens the benefit of free treatment. Citizens including laborers, farmers, and intellectuals have the right to be treated without payment.” Article 10 provides the detailed terms of the free medical system.

Table  
IV-19

The Public Health Law Article 10: Free Medical Services

1. Medicine dispensed by medical facilities, including that dispensed to outpatients, shall be given free of charge.
2. All services for the treatment of patients, including diagnosis, testing, treatment, surgery, house calls, hospitalization, and meals, shall be given free of charge.
3. Convalescent medical services for workers are free of charge, and the round-trip travel costs shall be borne by the state or the social cooperative.
4. Assistance for mothers in labor shall be given free of charge.
5. Preventive medical care, such as medical checkups, health consultations, and vaccinations, shall be given free of charge.

Officially, North Korea is maintaining a free medical system. But the reality is that free medical treatment is available only to a very limited number of people, and ordinary citizens rarely benefit from this system.

Deteriorating Availability and Unequal Access to Medicine

Included in the free medical benefits is diagnosis which is well enforced. Hospitals offer free diagnostics for patients. Under Article 10, Para. 1 of the Public Health Law, all medicines are supposed to be provided free of charge. However, since there is a shortage of medicine, the availability of medicine is bound to be unequal for different classes of people. Providing free medicine is discriminatory, and this inequality of access stems from North Korea’s medicine

“circulation” structure that includes production and supply.

First, there is a severe shortage of medicine at all hospitals that depend on medicine rations from the government. Second, there are numerous unofficial drug stores on the market run by individuals, and they have relatively sufficient amounts of medicine, although the quality of medicine will vary from one store to the next.

Currently, most North Korean citizens obtain their medicines at unofficial drug stores run by individuals at various markets. Article 38 of the Law on North Korean Pharmaceutical Administration provides: “Pharmaceuticals may be sold at designated pharmacies or pharmaceutical stands. They must be sold in accordance with the general sales index set by the Central Health Guidance Institution or the prescription issued by the treatment or prevention facility. Pharmaceuticals not specified in the general sales index may be sold at designated pharmacies with the approval of the health care guidance institution.”

There are “pharmacies” run by the government in accordance with the Public Health Law. But doctors who have retired or quit from hospitals operate illegal “drug stores” set up in private houses and sell medicine. Recently, there were cases in which doctors were selling medicines at their own homes.

Table  
IV-20

Cases of Unofficial Sale of Medicine

| Testimonies                                                                                                                                                   | Testifier ID                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| In Pyongsung, there was a state-run pharmacy, “Jungsung Pharmacy.” They sold medicine, and there were no bogus medicines.                                     | NKHR2011000115<br>2011-05-17 |
| There were many drug stores on the street in front of the hospital in Hyesan. Drug stores run by private individuals are called “family convenience” (store). | NKHR2012000086<br>2012-05-15 |

|                                                                |                              |
|----------------------------------------------------------------|------------------------------|
| Drug stores were run by private individuals who sold medicine. | NKHR2012000090<br>2012-05-22 |
| In some cases, doctors will sell medicines at their homes.     | NKHR2013000006<br>2013-01-08 |

In the process, doctors and private drug stores enter into unofficial contracts for mutual profit. A North Korean escapee testified that his/her mother had leg surgery at a hospital in Hamhung. She needed antibiotics and there were many people near the hospital trying to sell medicine to patients living in the apartment complex near the hospital, but his doctor directed him to purchase medicine at a particular drug store. Clearly, this store had a special arrangement with the doctor.<sup>462</sup>

According to North Korean escapees, medicine sold on the market are mostly made in China. Some UN medicines are also sold on the market. North Korean escapees testified that the UN-supplied medicines are distributed to hospitals, but they are smuggled by the hospital staff and sold on the market. These UN medicines are often used by the military and attack units (selected work units). In some places, UN medicines are distributed to patients for free. Escapee XXX testified that in March 2010 he received tuberculosis treatment at No. 3 Preventive Section (TB section) of Hungnam Fertilizer Factory Hospital for six months. He didn't have to pay anything for the medicine as it was provided free of charge by the UN.<sup>463</sup> Private drug stores will also sell North Korean medicine, for example, by Jungsung Pharmaceutical Manufacturer.

462\_ Interview with escapee XXX in Seoul on August 24, 2011.

463\_ NKHR2012000118 2012-06-19.

Table  
IV-21

Sources of Medicines Sold on the Market

| Testimonies                                                                                                                                                                               | Testifier ID                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Testified that medicines in marketplaces are made in China.                                                                                                                               | NKHR2012000050<br>2012-03-27 |
| Medicines that most people need are in sufficient supply on the market.                                                                                                                   | NKHR2012000071<br>2012-04-24 |
| Testified that UN medicines on the market are not a part of humanitarian assistance. Most of them are brought from China by individual traders.                                           | NKHR2012000015<br>2012-02-07 |
| Soldiers and attack units use UN medicine. I saw UN medicine being used at a construction site of Military-first Youth Power Plant.                                                       | NKHR2012000043<br>2012-03-20 |
| At a tuberculosis treatment center, individuals were required to bring their own meals, but X-rays and medicines were free of charge.                                                     | NKHR2012000234<br>2012-11-06 |
| Currently, many of North Korean medicines are sold in Hyesan. Medicines made in North Korea are sold at a store called Jungsung Pharmacy.                                                 | NKHR2012000091<br>2012-05-22 |
| About half of the medicines on the market are made in China, and the other half made in North Korea. North Korean medicines are manufactured by the Jungsung Pharmaceutical Manufacturer. | NKHR2012000142<br>2012-07-17 |

Given this medicine circulation structure, the unequal access to medicine is apparent in two dimensions.

First, given the dire shortage of medicine at hospitals, the situation has an uneven influence on two sides of the people's right to health. The privileged class and high-ranking officials benefit from the medicine supplied to hospitals on a limited basis. Since only powerful people are benefiting from medicine, discrimination against the people's right to health is obvious in terms of availability. North Korean hospitals are not altogether paralyzed. Ranking officials are getting normal treatment, and medicines are offered to them on a priority basis, even amid the shortage of medicine. North Korean escapee XXX testified that hospitals are not totally paralyzed, and dispensaries for senior staff were functioning with

good quality medicines.<sup>464</sup> In addition, doctors' acquaintances also receive medicine free of charge. In practice, a North Korean escapee had eye treatment at a hospital in Pyongyang during the summer of 2009. The medicine was free as the escapee's manager at work (Clothing export factory) introduced the escapee (him or) to the doctor.<sup>465</sup>

Second, ordinary citizens have different levels of access to medicine depending on their personal wealth. Under the law, treatment is supposed to be free of charge. However since hospitals suffer an extreme shortage of medicine, patients often have to purchase their own. They will obtain necessary medicine from markets, or his/her doctor will direct the patient to an unofficial drug store run by individuals. Once the patient brings the medicine to the doctor, he/she will give instructions.<sup>466</sup> If the patient requires a shot (injection), he/ she has to purchase the ampule from the market and present it to the doctor, who will then administer the shot.

Some hospitals will charge for the medicine. Even if the medicine is given to the hospital for free, hospital workers will often collect money from the patients, since everyone knows that there is a severe shortage of medicine. The medicines supplied to hospitals often turn into personal possessions and then become a merchandise for illegal sales. This type of practice will damage the citizens' access to medical service and deepen the inequality among the poor in terms of their right to health.

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464\_NKHR2012000234 2012-11-06.

465\_NKHR2012000018 2012-02-07.

466\_NKHR2011000203 2011-09-06; NKHR2012000131 2012-07-03; NKHR2012000132 2012-07-03.

Table  
IV-22

Cases of Charging Medicines to Hospital In-Patients

| Testimonies                                                                                                                                                                                                | Testifier ID                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| In March 2011, I was hospitalized for a month at the Musan Mine Hospital in Musan County, North Hamgyoung Province. There were some medicines at the hospital, but they were selling them to the patients. | NKHR2012000030<br>2012-02-21 |
| My father received out-patient treatment at the Myongchun County Hospital. I had to pay 500 KPW to the doctor for a shot of penicillin.                                                                    | NKHR2011000167<br>2011-07-19 |
| I got my eyes treated at a hospital in Yanggang Province. After I paid 100 Chinese Yuan to the doctor, he gave me South Korean eye drops and I had the appropriate treatment.                              | NKHR2012000112<br>2012-06-12 |
| After you purchased an ampule from the drug store as directed by the doctor, he will administer the shot.                                                                                                  | NKHR2012000222<br>2012-10-23 |
| Hospitals had medicines, but they would treat them as private property, and sell them illegally to in-patients.                                                                                            | NKHR2013000005<br>2013-01-08 |

As these cases illustrate, wealthy individuals can purchase medicine either at hospitals, markets or from private drug stores. However, poor people who are unable to purchase expensive medicine have to rely on lower quality medicine made by the hospital staff or obtain traditional folk medicine. Due to the on-going economic hardship, pharmaceutical factories are not operating normally, and some doctors at clinics try to mix substitute medicines on their own. These medicine cannot cure patients. As a result, the health of ordinary citizens without financial means is seriously deteriorating. In some regions, certain diseases, such as tuberculosis, are treated free of charge with the medicine provided under humanitarian assistance.

Table  
IV-23

## Cases of "Folk Medicine" Treatment

| Testimonies                                                                                                                                           | Testifier ID                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| I was suffering from intestinal typhoid, but could not get hospital treatment. I was treated with folk medicine.                                      | NKHR2010000032<br>2010-11-23 |
|                                                                                                                                                       | NKHR2011000213<br>2011-10-04 |
| I was suffering from tuberculosis, but did not have proper treatment for lack of money. I was able to recover with "herbal medicine." (folk medicine) | NKHR2012000004<br>2012-01-10 |

Many false medications are sold on the market at cheap price. This is also another threat to the people's right to health. North Korean escapees testified that most of the medication sold on the market are the pills manufactured by individuals at their home.

Table  
IV-24

## Reality of Bogus Medicines

| Testimonies                                                                                                                                                         | Testifier ID                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| There are adequate amounts of medicines sold on the market. But many of them are bogus. People bring medicine from China, and then re-make them into "bogus" pills. | NKHR2012000018<br>2012-02-07 |
| There are lots of bogus medicines.                                                                                                                                  | NKHR2013000050<br>2013-03-19 |

Another reason the patient's access to medicine is deteriorating is corruption in the process of supplying medicine to hospitals. During the medicine supply from the central government to state and local hospitals, a significant amount of the medication is smuggled.<sup>467</sup>

467\_ The distribution should follow a line from the central supplier to Province to City



North Koreans generally do not hold the perception that medicine must be purchased from professional practitioners. As medication is sold by ordinary people with inadequate knowledge of their properties, such sales put the consumers' health at risk. There is a trend of elderly women carrying containers of medicine to the markets and trafficking them for a living. These pharmaceutical merchants learn the effectiveness from those who bring the medication from China and other locations, and they sell it to anyone who has the matching symptoms and wants to make the purchase. Medicines are smuggled into the country, stored in private homes, and sold wholesale. The wholesalers learn the basic effects, usage, and dosage from translations of manuals brought from China and the United States. These wholesalers outline these facts to the retailers.<sup>468</sup>

Given the economic hardship, the practice of taking narcotics to cure illnesses has become widespread and has contributed to poor health outcomes. Since North Korea's "free treatment" system is not functioning properly, many patients increasingly depend on opium to relieve pains, as they cannot get timely treatment or procure the right medicine. Escapee XXX testified that people would get opium injections to relieve pains because they could not obtain the right medicine.<sup>469</sup> Also, the abuse of opiates among the youth has resulted in serious consequences. When North Koreans are unable to obtain medicine by any other means, they often turn to

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(County) to Hospital and to the Patient. In the process, however, large amounts of medicine are smuggled to the market. NKHR2012000060 2012-04-10.

468\_NKHR2011000203 2011-09-06.

469\_NKHR2013000065 2013-04-02.

drugs such as opium. Opium is effective as a temporary painkiller, and when they finally go to the hospital, treatment is impossible. There are people who turn to drugs at the first sign of illness and only seek help from the hospital after they have become addicted; by then many are beyond help.<sup>470</sup>

### Hospitalization, Surgery, and Free Treatment

According to North Korea’s Public Health Law, all medical related services and supplies are supposed to be offered free of charge, including diagnoses, examination, surgery, and hospitalization. In reality, however, patients receive a diagnosis from the hospital, but they have to purchase their own medicine. If they need to get a X-ray, surgery or hospitalization, they have to visit a hospital. However, there are many of wrong diagnoses, contributing to increasing distrust of hospitals. Some doctors even illegally purchase their licenses.

Table IV-25

#### Ordinary Citizens' Perception of Hospitals

| Testimonies                                                                                                                                                                                      | Testifier ID                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| A North Korean escapee, who used to practice medicine in North Hamgyoung Province, testified that people visited hospitals only when they needed surgery or special examinations such as X-rays. | NKHR2012000283<br>2012-12-18 |
| Hospitals are for diagnoses and operations only.                                                                                                                                                 | NKHR2013000006<br>2013-01-08 |

470\_Good Friends, “North Korea Today,” No. 419 (September 7, 2011); NKHR2011000173 2011-07-26.

|                                                                                                                                                                                                                                                                                                                                                    |                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Recently, people hesitate to go to hospitals because there are so many wrong diagnoses. People do not trust hospital diagnoses, particularly because there are some doctors who had purchased their licenses. So, people simply diagnose themselves, and go to hospitals only in cases of major illness such as cancer or similarly grave illness. | NKHR2013000057<br>2013-03-19 |
| Hospitals will only confirm the nature of the illness, and the patients will have to purchase their own medicines for treatment.                                                                                                                                                                                                                   | NKHR2013000050<br>2013-03-19 |

Under the Public Health Law, all these services should be offered free of charge. But, in most cases, all expenses are charged to the patients.

Table  
IV-26

Cases of Medical Expenses Charged to Patients

| Testimonies                                                                                                                                                                                                                                        | Testifier ID                 | Remarks     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| In November 2010, my father was hospitalized for an apenectomy at Jechol Hospital in Sabongdong, Songpyong District, North Hamgyong Province. We had to pay the doctor personally for hospitalization (surgery, room, etc.), medicines, and meals. | NKHR2012000012<br>2012-01-31 | Witnessed   |
| In 2011, I paid about 2,000-2,500 KPW for hospital bills in Baekam County, and had to buy a meal to all the doctors in the hospital.                                                                                                               | NKHR2012000040<br>2012-03-20 | Experienced |

The free medical system is not functioning properly. Thus, the patient has to pay for all necessary expenses in the event of a surgery. Therefore, the right to health is threatened for ordinary citizens who cannot afford to pay hospital expenses.

Table  
IV-27

## Reality of Hospitalization and Surgery

| Testimonies                                                                                                                                                                                                                                                 | Testifier ID                 | Remarks     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| In 2007, I got an appendectomy operation at Hyesan, Yanggang Province, and had to pay 30,000 KPW.                                                                                                                                                           | NKHR2012000151<br>2012-07-24 | Experienced |
| In 2008, I had surgery for an appendectomy at a hospital in Sakju County, North Pyongan Province. I had to pay for everything for my surgery, including gauze, alcohol, anesthetic, and medicines. After the surgery I also treated the doctor with a meal. | NKHR2012000152<br>2012-07-24 | Experienced |
| My mother had received a cancer treatment at Shiniu Provincial Hospital, North Pyongan Province, in 2008. I had to pay a total of 15,000 KPW before the discharge, because the hospital demanded payment for various things needed in the hospital room.    | NKHR2013000052<br>2013-03-19 | Witnessed   |
| In March 2011, I had to have a cervical cyst removed at Chongjin Provincial Hospital. I had to pay 100,000 KPW for the surgery itself, and an additional 50,000 KPW was needed for other expenses.                                                          | NKHR2012000052<br>2012-03-28 | Experienced |
| In June 2011, my brother had an appendectomy operation, and the doctor asked for 5,000 KPW, so I gave him the money.                                                                                                                                        | NKHR2012000270<br>2012-12-11 | Experienced |
| I got an appendectomy operation in 2012. I had to pay 10,000 KPW for the operation itself, plus extra money for doctor's meals, operating equipment, and all medicines.                                                                                     | NKHR2013000068<br>2013-04-02 | Experienced |
| I received an appendectomy operation at the Hyesan Provincial Hospital, and I paid 15,000 KPW to the doctor for the surgery.                                                                                                                                | NKHR2011000231<br>2011-11-08 | Experienced |
| The patient must pay for 90 percent or more of all expenses at the hospital, including surgery and hospitalization.                                                                                                                                         | NKHR2012000016<br>2012-02-07 | Fact        |
| The patient must pay for everything at the hospital, including gauze, anesthetic, and medicines.                                                                                                                                                            | NKHR2012000059<br>2012-04-10 | Fact        |
| At the Railroad Hospital in Baekam County, Yanggang Province, the patient had to pay a fixed amount of 30,000 KPW for an appendectomy.                                                                                                                      | NKHR2012000071<br>2012-04-24 | Fact        |
| Aunt XXX had a stomach inflammation, and needed a stomach surgery, and had to pay 1,000 Yuan (Chinese) at the time.                                                                                                                                         | NKHR2012000105<br>2012-06-05 | Witnessed   |
| I had an operation at North Hamgyoung Provincial Hospital. I had to pay for all operation-related materials and medicines, plus doctor's meals and extra money of 30,000 KPW to the doctor.                                                                 | NKHR2013000042<br>2013-03-05 | Experienced |

However, hospitals do provide part of its service free of charge, although not the entire cost.

Table  
IV-28

## Reality of Free Surgery

| Testimonies                                                                                                                         | Testifier ID                 |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| In 2007, I had a head injury, so I got a few stitches at Hamhung Hospital, and I didn't pay anything.                               | NKHR2013000051<br>2013-03-19 |
| For patients who need emergency surgery, the hospital will provide medicines and injections for three to seven days free of charge. | NKHR2012000248<br>2012-11-20 |

As the free medical system does not function properly, some patients without financial means lose their lives for not getting treatment on time.

Table  
IV-29

## Cases of Deaths from Inadequate Treatment

| Testimonies                                                                                                                                   | Testifier ID                 | Remarks   |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| In February 2007, my mother XXX died of tuberculosis in Nampo, South Hwanghae Province because she could not get proper and timely treatment. | NKHR2012000144<br>2012-07-17 | Witnessed |
| Father of my colleague XXX died from terminal stage tuberculosis. He was poor, and could not receive timely treatment.                        | NKHR2012000104<br>2012-06-05 | Witnessed |
| I saw a patient who fell ill after an abortion. She was hospitalized, but died because they did not properly treat her.                       | NKHR2010000042<br>2010-10-26 | Witnessed |

When tests or examinations are necessary, the patient has to pay for part of the expenses. A North Korean escapee testified that he/she had a chronic stomach ulcer and went to the Hyesan Provincial Hospital for a urine test and endoscopy. 10 Yuan (Chinese currency) and 5,000 KPW (North Korean currency) were paid for the anesthetic and endoscopy respectively. For the urine

test, a pack of cigarettes was given to the doctor.<sup>471</sup>

Hospitalization itself does not cost anything, but the patient has to pay for everything he/she needs in the hospital room. In 2011, KINU conducted in-depth interviews with 216 North Korean escapees in Seoul. 33 of the participants were hospitalized in North Korea. Four of them testified that his/her office (employer) paid for all expenses for the hospitalization while 29 of them said they had to pay for everything. Once a patient is hospitalized, he or she must bring his/her own food and bedding. While some hospitals provide meals, the quality of the food is often so poor that patients provide their own food. They must bear the heating costs as well. They must bring wood for kindling or an electric stove during the winter if they wish to keep warm.<sup>472</sup>

| Table IV-30                                                                                                                                                                                                                                                                                                                                                    | Other Expenses Paid by Patients inside Hospitals |             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------|
| Testimonies                                                                                                                                                                                                                                                                                                                                                    | Testifier ID                                     | Remarks     |
| The Musan Mine Hospital was good. In the case of other hospitals, the patient has to bring everything when getting hospitalized, including his own meals. They have medicine and syringes, but they would use it only in emergency cases.                                                                                                                      | NKHR2008000022<br>2008-11-05                     | Fact        |
| I had a baby born at an obstetrics clinic in Pyongyang. I purchased medicines on the market. The clinic offered rice and soup, but if you wanted something better, you had to bring it in from home.                                                                                                                                                           | NKHR2008000023<br>2008-11-11                     | Experienced |
| At obstetrics clinic in Hoeryeong, doctors only give you diagnosis (prescriptions). You do not pay for the bed, but you have to pay for everything else including bed sheets, disinfectants, and medicines. You also have to buy a meal for the doctor. A North Korean escapee testified that she had heard hospital fees are pre-determined for each illness. | NKHR2008000027<br>2008-12-02                     | Fact        |

471\_NKHR2012000253 2012-11-20.

472\_NKHR2011000118 2011-05-17.

## © Assessment

The North Korean people's right to health did not improve in 2013. North Korea's overall medical system has shown signs of collapse due to the unequal distribution of resources under the persistent economic hardship and the military-first politics. The availability of medical equipment and medicines has been deteriorating over the years. The gap of physical/ financial accessibility to medical services is widening between Pyongyang/major cities and other provinces. Rather than reduce this gap, North Korea is expanding medical service facilities for the privileged class by building Pyongyang Children's Hospital and Pyongyang Dental Clinic. Apparently, North Korea is deepening the polarization between the haves and have-nots. Clearly then, North Korea is not fulfilling its duty to promote the citizens' right to good health. And, the home-doctor system and other preventive medical service systems that North Korea has been boasting are not functioning properly. Medical doctors, too, are under pressures of daily living, and so nurses are replacing them as "home-doctors" in many cases. Since the free medical system is not working properly, patients without financial means are left with the burden of having to pay for all expenses for surgery and hospitalization. North Korea's "free medical treatment" system is by and large collapsing, and many patients are depending on opium injections to get some relief from pain, as they cannot obtain proper pain-relief medicine or hospital treatment.

# 3

## The Right to Work

The right to work is an individual's right under the law, and this right is protected by the court. The purpose of the right to work is to guarantee the livelihood of each person and his family. However, the right to work under international human rights law is not an unconditional right to guarantee employment. Each government, based on their own standards, must establish various laws and detailed technical policies to achieve full and productive employment. The right to work is generally discussed in terms of freedom to choose jobs;<sup>473</sup> decent work;<sup>474</sup> prohibition of forced labor;<sup>475</sup> prohibition on unfair dismissal from jobs;<sup>476</sup> and the

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473\_ Committee on Economic, Social, and Cultural Rights, General Comment 18, paragraph 6 stipulates, "The right of every human being to decide freely to accept or choose work. This implies not being forced in any way whatsoever to exercise or engage in employment and the right of access to a system of protection guaranteeing each worker access to employment. It also implies the right not to be unfairly deprived of employment."

474\_ Committee on Economic, Social, and Cultural Rights, General Comment 18, paragraph 7 stipulates, "Work as specified in article 6 of the covenant must be decent work. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families as highlighted in article 7 of the Covenant. These fundamental rights also include respect for the physical and mental integrity of the workers in the exercise of his/her employment."

475\_ Committee on Economic, Social, and Cultural Rights, General Comment 18, paragraph 9 stipulates, "The International Labor Organization defines forced Labor as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.' The Committee reaffirms the need for States parties to abolish, forbid and counter all forms of forced Labor as enunciated in article 4 of the Universal Declaration of



principle of non-discrimination.<sup>477</sup> Another important part of “right to work” is the right to form trade unions voluntarily and the right to strike.<sup>478</sup>

Article 23 of the UDHR provides that, “Everyone has the right to work, the free choice of employment, to just and favorable conditions of work and to be protected against unemployment.” Article 6 of ICESCR also indicates, “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Furthermore, Article 7 of ICESCR declares, “The right of everyone

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Human Rights, article 5 of the Slavery Convention and article 8 of the ICCPR.”

476\_ Committee on Economic, Social, and Cultural Rights, General Comment 18, paragraph 11 stipulates, “ILO Convention No. 158 concerning Termination of Employment (1982) defines the lawfulness of dismissal in its article 4 and in particular imposes the requirement to provide valid grounds for dismissal as well as the right to legal and other redress in the case of unjustified dismissal.”

477\_ Committee on Economic, Social, and Cultural Rights, General Comment 18 paragraph 12(b)(i) stipulates, “Under article 2, paragraph 2 and article 3, the Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status, sexual orientation or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality.”

478\_ Article 8-1 of the International Covenant on Economic, Social and Cultural Rights stipulates “The States Parties to the present Covenant undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a domestic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.”

to enjoy just and favourable work conditions which ensure, in particular: fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women guaranteed working conditions that is not inferior to those enjoyed by men, with equal pay for equal work; equal opportunity for everyone to be promoted in his/her employment to an appropriate higher level, subject to no other consideration than those of seniority and competence; and leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.” Articles 7 and 8 of the ICESCR guarantee that “the states party to the present Covenant recognizes the right of everyone to enjoy just and favorable work conditions [And] to ensure the right of everyone to form trade unions and join the trade union of their choice.”

North Korea clearly prescribes the individual’s “right to work” in its Constitution and the Labor Law and other laws. North Korea’s Constitution provides for people’s right to work. That is, all persons with the ability to engage in labor may select occupations according to their choice and capability and are guaranteed the right to a secure job and labor conditions. People are supposed to work based on their abilities and receive compensation based on the amount and quality of their labor (Article 70). The Labor Law prescribes basic principles, wages, working conditions, protection of workers, social security, and other rules. North Korea’s Labor Protection Law (enacted on July 8, 2010) stipulates various institutional measures to protect the workers’ life and health in a concrete manner. However, laws and institutional guarantees are irrelevant to the realities on the ground.

## A The Freedom to Choose One's Job

Article 23 of the UDHR provides, “Everyone has the right to work, the free choice of employment, to just and favorable work conditions and protected against unemployment.” Furthermore, Article 6 of the ICESCR stipulates that “the states party to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to earn his living by work which one freely chooses or accepts, and will take appropriate steps to safeguard this right.” Article 5 of North Korea’s Labor Law stipulates, “All workers are free to choose their jobs according to their wishes and talents and are guaranteed stable jobs and work–ing conditions by the State.” In reality, however, the freedom to choose jobs in North Korea is extremely restricted. In North Korea, workers do not choose jobs and workplaces freely, but the government designates work to the people. There is no concept such as a Labor contract, and recruitment of labor force is made through ‘deployment by application’. The allocation of manpower in the economic sector is determined by the State Planning Committee based on manpower planning and allocation for each economic sector, including the number of workers. The Labor Ministry will then implement the plan. The Staffing Department of each province, city, and county will assign section chiefs, based on college graduates, party loyalty, and performance records. Ordinary workers are uniformly assigned by the Labor Section of the Provincial or City People’s Committee.<sup>479</sup> Article 30 of Labor Law stipulates

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<sup>479</sup> Byong–yu Jeon, Il–young Lee, Yeon–cheol Kim, Moon–soo Yang, *Reforming North Korea’s Markets and Enterprises and the Work–incentive System* (Seoul: Korea Labor Research Institute, 2004), pp. 42–45.

that in assigning workers, various factors must be considered, including age, gender, physical condition, personal wishes, and capabilities. North Korean escapees testified that the individual worker's wishes would rarely be considered in work assignments. KINU has conducted surveys with 218 North Korean escapees on this subject from 2010 to 2013. As to the question, "Are individual wishes and capabilities reflected in work assignments?" 75.7 percent, or 165 of respondents, said they are not reflected, and 24.3 percent, 53 respondents, said they do. Among the 39 escapees in 2013, 66.7 percent, or 26 respondents, said individual wishes and capabilities are not considered in job assignments.

In North Korea, the most common example of violations of individual rights to choose jobs is that most job appointments are based on group allocations. This means that people are assigned their jobs in groups to workplaces, factories, mines or construction facilities based on what the state believes necessary. Recently, as North Koreans began to avoid hard labor, the North Korean authorities began to sponsor loyalty resolution rallies and send handwritten letters from the Supreme leader to discharged soldiers and graduates of high schools before assigning groups to coal mines and construction sites. According to North Korean escapees, "group assignments" were made and groups of workers were forcibly sent to various coal-mines all over North Korea; 1,000 to Kyongsong Mine in 2010, 200 to Hyesan Mine, 100 to Musan Mine, 1,000 to Soksong Mine in Gilju, 3,000 to Hyesan collective farm, 300 to Youth Mine in Hyesan in 2012, and 500 to Baekam collective farm in Yanggang Province.<sup>480</sup> According to the KINU database on

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480\_NKHR2011000208 2011-09-20 NKHR2012000011 2012-01-31 NKHR2012000094 2012-05-29 NKHR2013000033 2012-02-19 NKHR 2012000026 2012-02-21 NKHR2012000052

North Korean human rights, group allocations are most frequent in coal mines, followed by factories and collective farms. According to North Korean escapees, the so-called group allocations are imposed on these people by the authorities regardless of personal choice.<sup>481</sup> The fact that bribes and personal contacts are widely used to avoid group assignments is clear evidence that wishes of individual workers are ignored in group assignments.<sup>482</sup>

Not only job assignments, but also job transfers are not made based on individual worker's free will.<sup>483</sup> People are not allowed to change jobs without government permission. However, anyone fired from a job may obtain another job elsewhere. During the job transfer, the authorities control the individual worker by a certificate of ration suspension or worker ID card. In order to change jobs for personal reasons, it is necessary to get the approval of the office manager and the party secretary, and during this process one needs to mobilize personal contacts or bribery.

Since the economic hardship, cases were increasing in which workers abandon the assigned job and transfer to a new job by bribing the labor guidance agent or related agencies.<sup>484</sup>

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2012-03-28 NKHR2013000144 2012-08-06.

481\_ *Yonhap News*, December 13, 2001.

482\_ One North Korean escapee testified that he was "group assigned" after graduating from middle school in Hoeryeong, North Hamgyoung Province, but only 3~4 individuals ended up at (assigned) work (Others were able to avoid the group assignment). NKHR2013000131 2012-05-25.

483\_ Kang-sik Kim, *Labor in North Korea: System and Human Resource* (Seoul: Jipmoondang, 2003), pp. 81-82.

484\_ NKHR2012000032 2012-03-13; NKHR2013000056 2013-03-19.

## B The “Quality Jobs”

The most important condition of a “decent job” is that which guarantees “a decent living for (workers) and for their families ... in safe and healthy working conditions” (Article 7 of ICESCR). North Korea has declared that “In the Democratic People’s Republic of Korea unemployment has disappeared forever” (Article 5, Labor Law). North Korea insists that all workers are guaranteed stable jobs and safe working conditions by the State, but the reality is quite different. From the point of “safe and healthy working conditions” and “decent living for their families,” North Korea’s reality falls far short of “safe working conditions” prescribed in the Labor Law. Even if a worker did perform his job fully, he would not be paid fair wages, and even if he is paid, the wages fall far short of supporting his family as consumer prices rise faster than the nominal wages. KINU has conducted surveys with 178 North Korean escapees from 2010 to 2013. On the question, “Did your workplace pay wages on time?” Only 26.4 percent, or 47 respondents, said “yes” and “pretty well.” Some 66.3 percent, or 118 respondents, said “no” or “very poorly.” Of the escapees who came to South Korea in 2013, 61.5 percent, or 24 respondents, gave negative answers on timely wages. As for the proper wage level or amounts, 3.8 percent, or 6 respondents, out of 160 North Korean escapees who defected between 2010 and 2013 said “proper” or “very proper,” and 92.5 percent, or 148 respondents replied, “very improper” or “improper.” Of the 38 respondents who defected in 2013, 92.1 percent, or 35 respondents, gave negative answers to the proper level of wages. In short, most North Korean escapees testified that grain rations and wages were normally given at places like coal-mines and major enterprises, but at other en-

terprises grain rations and wages were not given normally.<sup>485</sup> And, even if wages were given normally, the amounts were so miniscule that they would not significantly contribute to living expenses of a family. In most cases, the amount the worker must pay back to the workplace is greater than the wages he/she gets paid by the workplace, because there are so many items the workplace demands of the workers to pay in under various excuses. Many North Korean escapees have testified that most workers these days “do not even expect to get any wages.”<sup>486</sup>

Because people cannot earn sufficient living expenses from the jobs officially assigned by the State, they have to support themselves and their families by peddling, daily menial labor, “8.3 work”<sup>487</sup> and other unofficial work.<sup>488</sup> According to a survey conducted with 200 North Korean escapees who came to South Korea from 2010 to 2012, only 38 out of 175 respondents, or 21.7 percent, had worked in officially assigned jobs, and 46.9 percent of them were engaged in vending, daily menial work, “8.3 labor,” and other unofficial jobs. 31.4 percent of them had to work both at their official workplace and through unofficial work like vending.<sup>489</sup> Clearly, these num—

485\_NKHR2013000143 2013-08-06; NKHR2013000095 2013-04-30; NKHR2012000010 2012-01-31; NKHR2013000051 2012-03-27.

486\_NKHR2013000131 2013-07-09, NKHR2013000140 2013-07-23, NKHR2013000197 2013-10-29, NKHR2013000051 2013-03-19, NKHR2013000055 2013-03-19, NKHR2013000104 2013-05-28, NKHR2012000026 2012-02-21, NKHR2012000101 2012-06-05, NKHR2012000152 2012-07-24.

487\_ The “8.3 work” is a type of “contract work” in which the government pays the enterprise so that workers could concentrate on their work without financial pressures under the reduced manpower demand. Seok-ki Lee, “Work in North Korea: Since The Year 2000,” *KDI North Korean Economic Review*, November 2011 (Seoul: Korea Development Institute, 2012) p. 83.

488\_NKHR2013000131 2013-07-09.

489\_Hwa-soon Kim, “Deciding Factors for the Types of Work of North Korean Citizens during the Period of Market Liberalization,” *Unification Policy Studies*, Vol. 22, No. 1 (Seoul: KINU, 2013) p. 94.

bers are evidence that North Korea's working conditions are far from the "stable jobs" prescribed in North Korean laws.

Law provisions prescribing "working hours" and "working conditions" also are only nominal in reality. Article 30 of North Korean Constitution stipulates, "The daily working hours of the working people shall be eight hours. The state shall shorten the daily working hours for certain labor, according to the level of difficulty and special conditions." The Labor Law and Labor Protection Law also stipulates the need for rest and safety for workers. However, since the economic hardship, the rate of normal factory operation has significantly dropped, old factory facilities were breaking down, raw materials were in short supply, and electricity supplies were intermittent. Accordingly the average working hours became meaningless in North Korea. On the other hand, at some factories the working hours were being extended due to such campaigns as worker competitions and mobilizations.<sup>490</sup>

## © Prohibition of Forced Labor

In North Korea, if a worker failed to report to work for a certain period of time because he did not like the job assignment he got, he/she would be sent to the labor training camp as punishment.<sup>491</sup> Since the economic hardship, most enterprises were not operating normally and maintaining family life based solely on income from one's official workplace became difficult. As a result, most North Korean workers began to engage in various market-related ac-

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490\_NKHR2012000010 2012-01-31.

491\_NKHR20120000002 2012-01-10; NKHR2012000038 2012-03-20; NKHR2012000060 2012-04-10



tivities rather than report to their workplace. This practice is clearly illegal under North Korean laws. Article 90 of Administrative Penalty Law prescribes penalties on “jobless hoodlum” behaviors. According to this provision, if anyone does not report to assigned work more than 6 months or if anyone is missing from work for over a month, he/she can be penalized with 3 months of labor training or labor education penalty, depending on the seriousness of the case. This provision amounts to a threat to the worker to perform the work or duty against his/her will, and is against the principles that prohibit forced labor. North Korean escapees testified that on the occasion of the hundredth anniversary of Kim Il-sung’s birth in 2012, North Korea launched a new inspection group known as Group 4.14 to eradicate “unemployed” workers who refuse to report to assigned workplaces.<sup>492</sup> And, many North Koreans tried to avoid these inspectors by offering bribes to his/her workplace or inspectors, or paying back in place of the “8.3 work” in efforts to continue their chosen work to support their livelihood.<sup>493</sup>

There are serious cases of unpaid labor in North Korea. Forced labor on the inmates in detention facilities is a clear violation of the right to work. North Korea is operating labor training camps to uphold socialist education. In labor training camps, *kyohwaso*, and political prison camps, compensation is not made for work at construction sites, farms, firewood collection, and other hard work.<sup>494</sup>

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492\_NKHR2013000057 2013-03-19.

493\_NKHR2013000131 2013-07-09; NKHR2013000177 2013-10-01.

494\_NKHR2013000040 2013-03-05; NKHR2013000096 2013-04-02; NKHR2013000103 2013-05-28; NKHR2013000118 2013-06-25; NKHR2013000122 2013-06-25; NKHR 2013000115 2013-10-11.

## D Prohibition of Forcible or Arbitrary Dismissal

In North Korea's labor-related laws, there are no provisions concerning the firing of workers. Basically, work in North Korea is not only a right but also a duty for all workers, hence there is officially no unemployment in North Korea. Looking from the principle of no arbitrary dismissal of workers, the right to work in North Korea does not have a lot of meaning. Currently, most workplaces are unable to pay wages to their workers, and the need for a "reduction in force" does not arise in North Korea, because there is no competition between companies or factories. However, in a rare case it was reported that a local branch of MPS officer was forced to resign from his job as he became the target of surveillance when his family was reported missing.<sup>495</sup>

Meanwhile, the Investment Law for Foreigner enacted in 2009, designed to attract foreign investment, prescribes the reasons and procedures for relieving workers. The foreigner invested enterprises are not allowed to fire any workers without justifiable cause before the retirement age or before the termination of employment (contract) period, and before firing a worker it is mandatory to consult with the trade union.

## E Non-discrimination

In North Korea, there exist discrimination based on family background when the State assigns jobs to school graduates or discharged soldiers. Job assignment is supposed to consider the

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495\_NKHR2012000089 2013-04-30.

worker’s “capabilities and physical fitness” for the job, as well as other factors such as age, gender, physical fitness, functional techniques, and ideological loyalty.<sup>496</sup> In reality, however, Party loyalty and family background are considered as important as other qualities like education, qualifications, and work-related capabilities.

People with unfavorable backgrounds are assigned to positions requiring menial labor such as collective farms and coal mines. An undesirable family background, for example, would include the following cases: If any relative violated the Unitary Ruling Ideology, if one’s family fled to South Korea during the Korean War or a family member had joined the voluntary security police against the North Korean regime; or if one’s family was classified as a landlord class. Conversely, the children of Party and Government officials are given good jobs regardless of their ability or qualifications in many cases.

Under North Korean laws, discrimination based on gender or physical disabilities is prohibited. The Labor Law and Law for the Protection of Women’s Rights both prohibit discrimination against women from work. The Labor Law stipulates, “The State guarantees all necessary conditions so that female workers can actively participate in social work” (Article 31). It also prescribes provisions concerning shorter working hours for female workers with children (Article 16), and their leave of absence before and after the pregnancy (Article 66). In the Law for the Protection of Women’s Rights, a basic principle is outlined, “The State strictly prohibits all types of discrimination against women” (Article 2). Also pre-

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496\_Chang-keun Lee, *On Further Development of Theories of Our Party’s Labor Administration* (Pyongyang: Social Science Publishers, 1992), p. 76.

scribed are the right to participate in work equally with men, the right to protection at work, the right to social security, the right to non-discrimination in manpower assignment, and the principle of non-discrimination in wages, etc. The Law for the Protection of Persons with Disabilities stipulates the principle of non-discrimination against persons with disabilities, the guarantee for working conditions, as well as working hours and guarantees for rest.

In reality, however, it is difficult to accurately assess how well these legal principles are in fact observed at various workplaces in North Korea. In the absence of statistical data on accurate wage scales, it is difficult to determine whether discriminations against socially challenged persons exist in terms of wages or working conditions. Some North Korean escapees testified that legal protection measures for women are not faithfully observed in North Korea.<sup>497</sup> Another escapee testified that women workers with children were paid extra-pays.<sup>498</sup>

## F Guarantee of Labor's Three Basic Rights

Free labor unions that protect and represent the interests of laborers do not exist in North Korea. The only labor union that exists is the Chosun General Federation of Trade Unions, but it only functions as a “link between the party and the working class.”<sup>499</sup> It does not have the right to collectively organize, and bargain. Following the Ninth Plenum of the Fourth Party Central Committee

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497\_NKHR2012000117 2013-06-25.

498\_NKHR2012000155 2012-07-31.

499\_Kang-sik Kim, *Labor in North Korea: System and Human Resource*, p. 153.

held in June 1964, the trade union’s role of monitoring and controlling corporate management was abolished, and the interests of the laborers was placed under the complete control of the party. The Workers’ League is responsible for the work control functions, including worker protection projects, promotion of productivity, tightening work rules, etc. In this respect, it is entirely different from trade unions in the capitalist societies.<sup>500</sup> Furthermore, in North Korea’s general worker-related laws, there are no provisions concerning workers’ right to collective actions or collective bargaining.

But, Article 59 of the “implementation regulations” of the Investment Law for Foreigners prescribes various provisions concerning the relationship between foreign enterprises and the labor organization, including workers’ wages, worker protection and related collective contracts, their implementation, labor disputes and settlement, and rights of workers and their interests, as well as related advice and recommendations.

## **G** Assessment

In its Constitution, Labor Law, and Labor Protection Law, North Korea prescribes people’s “right to work,” including the guarantee of working conditions, non-discrimination, worker protection, and social security. However, owing to the struggling economic situation since the “economic hardship” and the shortcomings of the Socialist labor system, the reality of “right to work” in North Korea falls far short of what various labor laws seem to guarantee. The most

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<sup>500</sup> *Ibid.*, p. 155.

serious problem seems to be that most enterprises are unable to provide workers with proper grain rations and wages, and even when the enterprise is running normally the workers and their families are not paid enough remunerations to maintain daily lives. Under these circumstances, most workers have to support their family by means of extra-unofficial work outside of their jobs. In terms of “freedom to choose jobs,” workers are not given free choices, but the State will assign individual jobs, and in the process individual preferences or talents are ignored and freedom to change jobs is not always possible. In North Korea, “joblessness” (i.e., not reporting to work assigned by the State) is a crime, and unjustified absence without leave over a month is subject to penalty of a month at the labor education penalty, which is against the principle prohibiting “forced labor.” In the process of “job assignment,” there is discrimination based on the individual’s family (personal) background. Discrimination based on gender or physical disabilities is strictly prohibited under various North Korean laws, including the Labor Law, Law for the Protection of Women’s Rights and Law for the Protection of Persons with Disabilities. It is rather difficult to ascertain whether these laws prohibiting discrimination are properly observed in the North Korean workplaces today. Furthermore, the workers’ fundamental rights, including the right to form trade unions, the right to collective bargaining, and the right to strike, are not at all guaranteed.

# 4

## The Right to Education

Article 26, Para. 1 of the UDHR and Article 13, Para. 1 of ICESCR both stipulate the right to education, and the provisions encompass all age groups, including children, senior citizens, and other members of society. Article 13 of ICESCR defines this right to extend to all persons and to all public and private education, as well as regular and irregular education. There are internationally accepted standards with which to assess the level of guarantee of the “right to education.” They are the “availability,” “accessibility,” “acceptability,” and “adaptability.”

### A Availability

Availability demands that there has to be properly operating educational institutions and programs.<sup>501</sup> Article 12 of North Korea’s Education Law stipulates, “All DPRK citizens have the duty to receive a middle–school level general education and the right to receive free education.” In short, every North Korean citizen is entitled to education, and the law guarantees free 12–year compulsory education, including one–year preschool, elementary

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501\_ Committees on Economic, Social, and Cultural Rights, General Comment 13, paragraph 6 (a) stipulates, “Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors...”

and middle schools. North Korea's basic school system calls for 5–6 (3–3) –4 years of schooling. In other words, 5 years of elementary school, 3 years of primary middle school and 3 years of advanced middle school, and 3–6 years of advanced (college) education. Kindergartens (pre–school) are divided into one year of lower class and one year of high class.<sup>502</sup>

Since the economic hardship in the mid–1990s, the government had to suspend the issuing of school uniforms and school supplies, as well as textbooks to students. And so, the “free compulsory education” became meaningless, and the quality of education has deteriorated. Since the economic hardship period, the operation of normal educational programs at all levels seems to show a significant difference from region to region. North Korea's central government education budget stands at about 8 percent of its GDP.<sup>503</sup> It is not low compared to South Korea's education budget of 5.05 percent.<sup>504</sup> However, North Korea's GDP is much smaller than South Korea's, and North Korea is allocating higher portions of its education budget on “talent” education in science and technology. For this reason, budgetary support for general education has tended to fall far short. KINU has conducted a survey of North Korean escapees in South Korea from 2010 to 2013. Only 24 respondents out of 152 replied that the government support for education and school facilities were “enough” or “normal.” Some 84.2 percent, or 128 respondents, said they were “insufficient” or “very insufficient.”

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502\_ In the past, it was the "4–6–4–year" system. The school system was revised in September 2012 when the Supreme People's Assembly adopted a new "overall 12–year compulsory education" system. Key changes were (1) extending elementary education from 4 years to five, (2) separating the primary middle school and advanced middle school, and (3) extending the compulsory education from 11 to 12 years.

503\_ (UNESCO, MDA–EFA Census 2008).

504\_ (WB,2009).



Among the 2013 escapee group, 91.6 percent of the respondents said the government support was not satisfactory.

## **B** Accessibility

Accessibility is reviewed in terms of non-discrimination, physical, and economic accessibility.<sup>505</sup> Non-discrimination means that there should be no legal or practical discrimination against specific groups of people when it comes to educational opportunity. Regarding non-discrimination, North Korean authorities do not permit access to normal education or educational programs to children of political criminals and individuals who are potential reactionary. The 12-year compulsory education which is offered under the law is not permitted inside the political prison camps. Although elementary education is offered in the camp, the curriculum is different from elementary schools outside the camp.

With regard to the education of children with disabilities, who are one of the vulnerable groups of people, North Korea's Education Law also stipulates in Article 15 that the government should take all necessary measures to guarantee compulsory middle school

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505\_ Committees on Economic, Social, and Cultural Rights, General Comment 13 paragraph 6 (b) stipulates, "Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions: Non-discrimination – education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds. Physical accessibility – education has to be within safe physical reach, either by attendance at some reasonably convenient, geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a "distance learning" programme); and Economic accessibility – education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available "free to all", States parties are required to progressively introduce free secondary and higher education."

education for handicapped children. Also, Article 25 of Elementary Education Law stipulates that schools for the blind and the hearing-impaired children be established in various regions according to the decisions of the Central Education Guidance Agency. The Law on the Protection of Persons with Disabilities also requires registration of school-age children with disabilities, and mandates to provide the education for these children at special classrooms or special schools. It also prescribes the right to education of these children at special-purpose vocational schools and at advanced level schools. The UN Committee on the Rights of the Child, in its “final observation” in 2004, expressed concern over the difficulties of North Korean children with disabilities to receive normal education and recommended the development of special programs for them and the access to normal school classes. However, no details as to these recommendations have been made available as of yet.

In terms of gender equality, in the first progress report on CEDAW submitted in September, 2002, North Korea stated the ratio of female students to all students in grade schools, high schools, and colleges were 48.7 percent, 48.7 percent, and 34.4 percent, respectively.<sup>506</sup>

According to the data made available from the UN Children’s Fund in 2009, at the elementary education level there was no difference between the gender in terms of educational opportunities, as the “education parity index” showed “1.00” for elementary children and “1.00” for the middle school children.<sup>507</sup> More data

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506\_ Convention on the Elimination of All Forms of Discrimination against Women, “Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Initial report of States Parties, Democratic People’s Republic of Korea,” UN Doc. CEDAW/C/PRK/1 (September 11, 2002), para. 132.

reported that the rate of children between the ages of 7–10 attending schools in 2009 was 99.2 percent for boys and 99.1 percent for girls.<sup>508</sup> This is because elementary education is compulsory in North Korea, and so there is no gender difference between the rate of children going to school and those matriculating to upper classes. However, the rate is significantly different between genders in college education, showing that the rate of female students advancing to college is much lower than that of male students. To address this gender difference in 2004, the UN Committee on the Rights of the Child recommended (Paragraph 55(b)) that North Korea “provide female students with the same opportunities for higher education as male students.”

In terms of physical accessibility, Article 22 of North Korea’s Elementary Education Law mandates that elementary and middle schools may be operated together, or a branch school may be established, depending on the number of students and the distance to the school. Accurate statistics of the number of schools and students are not available at this time, but based on the estimates of South Korea’s Statistical Office, the number of students in each elementary and middle school appears to be much lower than that in South Korea.<sup>509</sup> Given the poor mass transit system and the absence of various educational tools for home study, the accessibility to education of North Korean students living in remote areas is quite poor.<sup>510</sup> Furthermore, these students probably be—

507\_ CBS · UNICEF, DPR Korea Multiple Indicator Cluster Survey 2009 (2010), p. 80.

508\_ CBS · UNICEF, DPR Korea Multiple Indicator Cluster Survey 2009 (2010), p. 78.

509\_ According to the Statistics Korea, the number of elementary school students is 1,500,000 and that of middle school students is 2,200,000 in 2002. Meanwhile, there are 4,800 elementary schools and 4,600 middle schools in the same year. Based on these figures, the number of students in each school is approximately 60–70 percent of South Korea.

long to the absolute poverty level, and so the unfairness of educational opportunity resulting from geographical isolation tends to coincide with poor economic accessibility.

Since the economic hardship period, the education accessibility of the economically vulnerable group grew worse as the public education functions deteriorated. The State's financial support for elementary education had been greatly reduced, and most schools had to depend on the parents for public education expenses.<sup>511</sup> Not only elementary schools, but also kindergartens and colleges had to draw their public education expenses from individual students, making the so-called "free education" system meaningless. KINU conducted a survey on North Korean escapees as to whether they had to pay for the expenses of school facilities and other unofficial fees to their children's schools. 95.9 and 96.7 percent of respondents who came to South Korea during 2010–2013, replied they had the experience of paying for unofficial school expenses, where all of the 2013 escapees said they had to pay such expenses. As for the amount of unofficial school fees, 54.5 percent of 160 respondents, or 87 of them, said "very much," 33.8 percent, or 54 of them, said "burdensome," and 4.4 percent, or 7 persons, said "average." Only 7.5 percent, or 12 respondents, said they "paid

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510\_ For example, a young North Korean youth who defected in 2011, who used to live in a remote village of North Hamgyong Province, testified that it took him 90 minutes (one and a half hours) to the nearest school. So, until his family moved to a closer location, all three boys in his family attended school only about twice a month, and received basic education at home from parents. (Based on an interview in 2013).

511\_ Kyo-Duk Lee et al., *Changes of North Korea through the Testimonies of North Korean Escapees* (Seoul, Korea Institute for National Unification (KINU), 2007), p. 143. In this connection, North Korean escapees testified that "textbooks were distributed for only about half the number of study subjects, and no school supplies were handed out." (NKHR2013000143 b2013-08-06); "Only about 30 percent of the textbooks were new and the rest were used books." (NKHR2013000164 2013-09-03).

almost nothing,” or “paid none at all.” Of the 28 respondents who defected in 2013, no one said he/she did not pay unofficial fees to school.<sup>512</sup> In this connection, an escapee testified that “the school asks for something every day. So, parents complained that it used to be a ‘monthly’ due, but it has now become ‘daily dues.’<sup>513</sup> These unofficial personal burdens are another reason for early drop-outs and student absenteeism.<sup>514</sup> The children from poor families and financially strapped households do often choose not to go to school.<sup>515</sup> According to the escapees, the school attendance rate varies from region to region, and the rate at middle school is lower than elementary school, and farm areas show lower attendance rates than urban areas.<sup>516</sup> There are also long-term absentees, who are mostly from poor families. They either have to help out farming and other chores, or they are unable to meet the educational expenses school teachers ask of students.<sup>517</sup>

512\_ Of the escapees who came in 2013, those who answered these questions were 18 and 22 respondents, respectively. The number of samples were not large enough to be statistically meaningful, but at least the collected answers will show an overall trend.

513\_ NKHR2013000191 2013-10-17. Other escapees testified that "the schools collected donations from parents for the purchase of school equipment. The parents' burden was rather heavy. Many students would choose not to go to school for this very reason." (NKHR2013000127 2013-07-09, NKHR2013000175 2013-10-01), "I had to pay 3,000 KPW for classroom decoration." (NKHR2013000164 2013-09-03), "The parents' burden was very heavy, and it was difficult to decline the teacher's requests." (NKHR2013000131 2013-07-09).

514\_ NKHR2012000092 2012-05-22; NKHR2013000108 2012-06-11; NKHR2012000107 2012-06-12; NKHR2012000151 2012-07-24; NKHR2012000177 2012-09-04.

515\_ NKHR2012000092 2012-05-22; NKHR2012000116 2012-06-19; NKHR2012000198 2012-09-25; NKHR2012000215 2012-10-16.

516\_ The attendance rate confirmed through the escapee testimonies was rather wide-spread between 50-90 percent. NKHR2013000118 2012-06-25; NKHR2012000132 2012-07-03; NKHR2012000187 2012-09-11; NKHR2012000198 2012-09-25; NKHR2013000143 2013-08-06; NKHR2013000187 2013-10-17; NKHR2013000223 213-12-10.

517\_ Jeong-ah Cho et al. *The Emergence of a New Generation: The Generational Experience and Characteristics of Young North Koreans*, (Seoul: KINU, 2013), p. 72.

North Korean authorities had reported that the rate of children going to elementary school was 99.2 percent for boys and 99.1 percent for girls, and their rate of advancing to middle school was 100 percent.<sup>518</sup> In recent years, however, many school children, especially from the poverty-stricken families, choose to abandon public school education for financial reasons. In short, amid economic hardship and market liberalization the inequality of children's education seems to be rapidly spreading across North Korea.

The inequality of educational opportunity based on financial capabilities seems more apparent in terms of matriculation to higher levels. In March 1980, North Korea introduced the College Entrance Exam system (a State-sponsored exam). Under this system, all middle school graduates are offered the opportunity to advance to colleges. In reality, however, the number of students, who are eligible for the entrance exam, are assigned to each region, school, and enterprise, and only those recommended by their school are allowed to take the college entrance exam. Prior to the economic hardship, the most important qualification for college advancement was family (personal) background as much as academic record. However, since 2000, academic records and parent's power and financial capability were more important than family background or party membership. Because of the policy emphasis on science and technology, academic performance is now the most important factor, especially in natural science colleges. KINU conducted a survey through 147 escapees who came to South Korea during 2010–2013. The factors affecting the advancement to higher schools were financial ability (bribery) (59.9 percent), academic performance

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518\_CBS · UNICEF, DPR Korea Multiple Indicator Cluster Survey 2009 (2010), p. 78.

(19.0 percent), family background (9.5 percent), and political power (8.2 percent). The 27 respondents who defected in 2013, listed financial capability (bribery) (44.4 percent), academic performance (22.2 percent), political power (18.5 percent), and family background and personal contacts (3.7 percent) in that order. It shows that the importance of family background, which used to be the most important factor, was declining, while the importance of financial capability was rapidly increasing.

### © Acceptability

It is necessary to examine North Korean reality regarding acceptability. By acceptability, it means to examine whether the educational programs, instructional styles, and educational format are acceptable to the student. In other words, it is intended to examine whether the education is culturally appropriate and qualitatively acceptable. According to the Article 29 of the CRC: ... education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms ... North Korea's Education Law defines that "education" is "to raise trust-worthy personalities who possess sound ideological awareness, deep scientific-technological knowledge, and strong physical capability." In short, the purpose of education is described in more or less universal terms, such as virtue, knowledge, and athletics.

However, the term "sound ideological awareness" here refers to the "socialist revolutionary ideology and loyalty to Suryong (leader) and the Party, rather than the more universal value of "virtue." This is the main difference between the purpose of education in

North Korea and other capitalist countries. The most fundamental of the three aims of education in North Korea is, of course, the “ideological awareness.” Article 29 of the Education Law states, “The educational organizations must impart to students sound ideology, morality, and deep knowledge, so that they can attain strong body and broad sensibilities, along with scientific, technological, athletic and artistic education, under an overall political ideological education.” Under these principles, students from kindergarten to high middle school are taught such topics as the history of Kim Jong-un family’s anti-Japan struggles and adulation of the Kim family, including the “revolutionary history of the Great Suryong Kim Il-sung.” The political ideology education centered around the loyalty to Kim Il-sung’s family is taught not only as part of regular school curricula but at all organized daily lives, including “*Chosun Sonyeondan* (North Korean Boy Scouts)” and “Kim Il-sung Socialist Youth League.” And, the students’ right to choose their subject freely is absolutely denied. Consequently, it goes without saying that North Korea’s educational curricula are miles apart from balanced development of mental and physical capabilities. In light of the lack of universally accepted human rights education, the UN Committee on the Rights of the Child in 2004 recommended in its “final observations” that human rights, including the rights of the child, were not sufficiently reflected in North Korea’s educational programs, and that human rights be included in regular curricula.

Another point in terms of acceptability is the students’ participation in “mandatory work (mobilization)” as part of educational programs. Article 32 of the CRC stipulates that “State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be



hazardous or interfere with the child’s education or harmful to the child’s health or physical, mental, spiritual, moral or social development.” North Korea’s Constitution (in Article 31) and Labor Law (in Article 15) prohibits child labor under the legal working age of 16. And yet, North Korean schools continue to mobilize students for menial work as part of educational programs, which is widely criticized as exceeding the educational aims. In the concluding observations on the third and fourth period combined report, the Committee on the Rights of the Child pointed out that even though North Korea has prohibited child labor under the Constitution, North Korean children are known to be mobilized for labor as part of school life. The Committee stated this practice went far beyond the scope of vocational education and that the labor demanded heavy physical exertion (Paragraph 59).<sup>519</sup> North Korea insists that “combining education and practice is an indispensable step to raising a person that possesses both knowledge and performance capabilities” (Education Law, Article 4). Based on this theory, a certain amount of work based on age-groups is set aside as part of educational programs. Accordingly, students at Primary Middle Schools are mobilized for four days every spring for planting trees and 3 days every fall for picking fruits from trees. Advanced Middle School students, in addition to above chores, are mobilized for 3 weeks every year to assist farmers in the fields in what is called the “productivity work” programs. According to escapee testimonies, the “productivity work” duties often exceed the intended educational levels. In many cases, the students are mobilized for extra work in after-hours, or even during

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519\_UNCRC, “Concluding Observations: Democratic People’s Republic of Korea (unedited version)” (2009.1.31).

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the school hours. They are often mobilized for farming or construction work.<sup>520</sup> In 2011, North Korea revised its Elementary Education Law. Article 52 of this law stipulates that the person “responsible for mobilizing students for work unrelated to studies without prior authorization” shall be given administrative penalties. This provision is evidence that North Korean authorities are also aware of the seriousness of mobilizing students for “child labor” to fill up the manpower shortages, which is a derogation of educational purposes.

The international community also points to the compulsory military training for high school students. All North Korean students when they enter High Middle School, must join the Kim Il-sung Socialist Youth League and become the member of Red Youth Protective Guard. As part of the educational curriculum for the 2<sup>nd</sup> and 3<sup>rd</sup> grade of high school (high middle school), a military curriculum entitled, “Military Activity for Beginners” is offered. All students in the 2nd grade (boys and girls) will receive military training during a week of field training camp for Red Youth Protective Guard. 3rd grade students will spend a week at in-school outdoor camping sites and receive basic military training. In regards to this, the Committee on the Rights of the Child expressed their second recommendation and expressed serious concern over the students’ participation in military camp during the summer vacation, including weapon assembly training (Paragraph 56). In the concluding observations on the third and fourth combined periodic

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520\_NKHR2012000012 2012-01-31; NKHR2012000024 2012-02-21; NKHR2012000125 2012-06-26; NKHR2013000143 2013-08-06; NKHR2013000187 2013-10-17. An escapee who worked as a teacher at a middle school in Hyesan until 2013 testified that teachers would be punished if the target was underachieved during a work mobilization project for high school students. NKHR2012000118 2012-06-25.

report, the Committee on the Rights of the Child expressed their concern that this military training can have a negative impact on the purpose of education specified in Article 29 of the CRC, and asked North Korea to take necessary steps to stop the practice of early military training of students (Paragraph 57).

## D Adaptability

North Koreans' right to education should also be examined from the adaptability aspect, that is, whether the educational formats and contents can meet and satisfy the needs of students with diverse family background, and enable students to adapt to social changes and challenges. In North Korea, the State is the only authority that decides and controls educational programs. In addition to State-run educational facilities, there are other educational facilities run by the workplace, social organizations, and other social facilities. However, the State, particularly the Party, will decide on the system, direction, contents and methods of basic education, and hand down these instructions to lower levels, and the results, including the operation and process, are strictly controlled. From school education to social education and education for grown-ups, the State picks the content and develops the educational programs and texts. The operation of all educational programs are centrally and uniformly controlled. In selecting the scope of teaching, organizing lecture plans, and picking textbooks, the school teachers' latitude is extremely limited. There is no room for the school or teachers in the process of operating a school. There is no freedom to choose elective subjects, so all students learn the same educational programs, except for special educational facilities where they teach specially talented students.

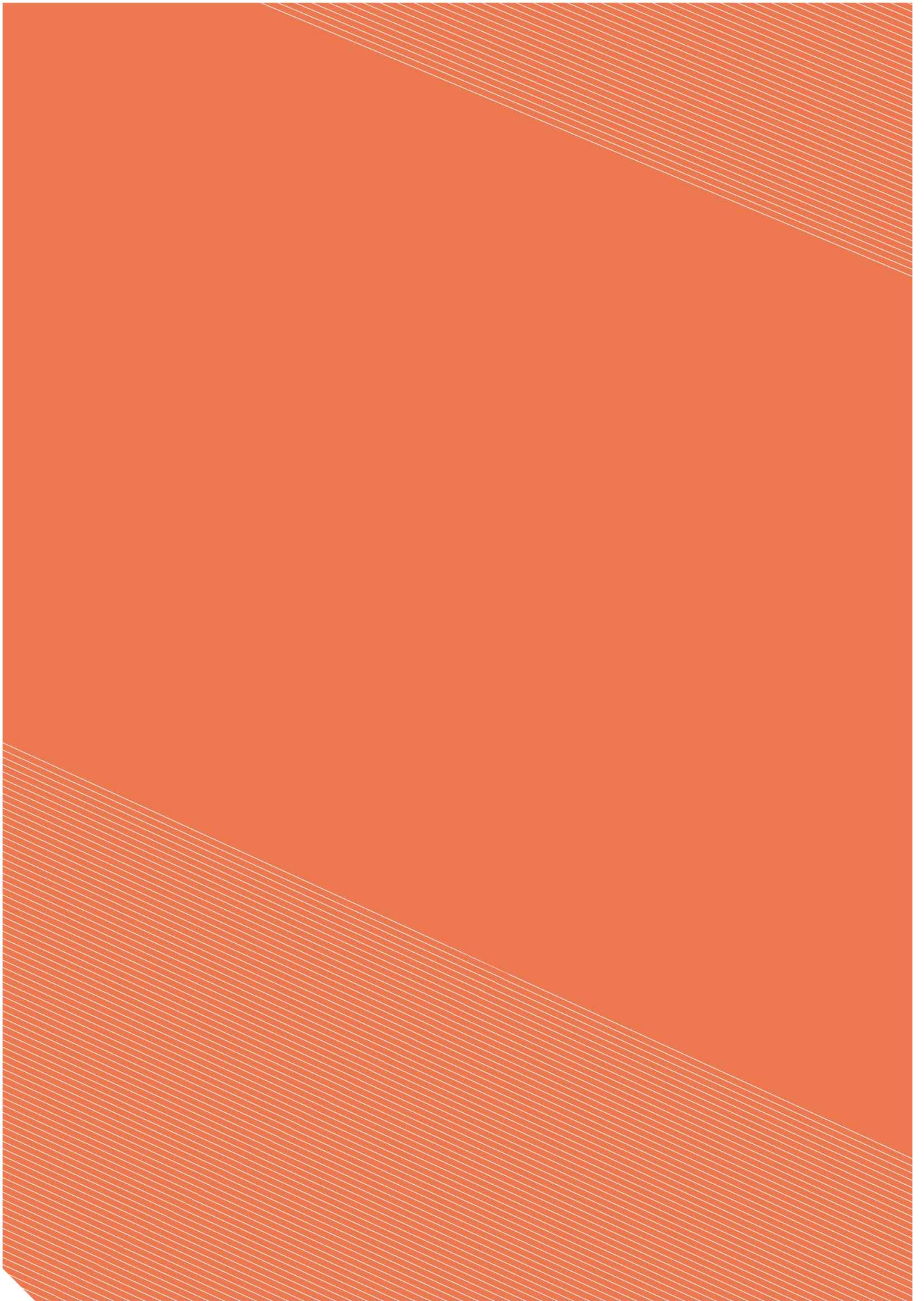
And, all educational institutions, from kindergarten to elementary school to college, are set up and operated by the State. There are no private educational institutions in North Korea. The No. 1 Primary Middle School and No. 1 High Middle School that are designed to teach “talented” students, do select students through competitive examinations. But, students and parents have no choice in picking institutions of higher learning. And, of course, students’ or parents’ wishes are seldom reflected in college curricula.

Given the closed nature of North Korean society, it is hard to expect North Korea's educational institutions to properly reflect social changes in a timely manner. In recent years, North Korea has been emphasizing the “modernization” and “information” in its education, and has stressed the importance of reflecting global educational trends. In the 2012 revision of school systems, North Korea posited the aim of “enhancing the quality of education to reflect the global trends and the realistic demands of education in the age of knowledge-based economy.” It shows that North Korea is trying to adapt to fast-moving information societies and global educational trends. The educational methods and tools are also changing, including the introduction of “broadcast” education methods and utilization of computer-aid tools. However, introduction of most current theories and educational tools would be very limited in view of the fact that expansion of international exchanges could bring about fundamental social changes in the North Korean society.

## Assessment

North Korea has enacted the Education Law, Elementary Education Law, Law for the Protection of Children’s Rights and through

these laws they seek to enforce the 12-year free compulsory education, for which the state allocates a necessary budget on a priority basis. In order to enforce compulsory education, the government requires the parents with the task to guarantee school attendance, while local agencies and educational institutions are charged with the responsibility to manage this requirement. In reality, however, the right to education is not properly guaranteed in many respects. Since the economic hardship, the central government's investment in elementary education facilities has greatly diminished and "free education" has become meaningless. The quality of education has also deteriorated. Although the equal opportunity to education is often stressed by prescribing the right to education for women and the children with disabilities and children of vulnerable economic class, there still persists discriminations against female students and children with disabilities in terms of their realistic accessibility to quality education. Since the economic hardship, the burden to parents of school children has significantly increased, and a large gap has developed in the accessibility to education between the financially well-off students and those who are poverty stricken. Many of the latter group often drop out of schools. In terms of acceptability, there are problems arising from excessive political education programs, and mounting workload of "hard labor" and military training for students. In terms of adaptability, the problem is that the right to choose educational programs is quite limited for students and their parents, as programs are developed and imposed on them by the government. In addition, given the closed nature of North Korean society, it would be difficult to reflect various social changes in children's education in a timely manner.



Chapter

# V

## The Reality of Human Rights of Vulnerable Groups

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1 Women

2 Children

3 Persons with Disabilities

# 1

## Women

### A Gender Equality and Women's Social Participation

The ICCPR stipulates, “The State Parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the present Covenant” (Article 3). Article 3 of CEDAW (anti-discrimination) also states, “State Parties shall take in all fields, in particular the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men” (Article 3). In addition, Article 2 (f) of the CEDAW stipulates, “State parties (will) take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”<sup>521</sup>

North Korea became a signatory of the CEDAW in February of 2001 and also submitted their first implementation report on

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521\_ But North Korea has deferred legislation of this article, freeing the regime from the obligation to take any corrective measures regarding various discriminations. Consequently, if a different article causes discrimination on women or infringement upon women's rights, North Korean government has no responsibility to rectify such situations.



CEDAW<sup>522</sup> in September 2002. In the report, North Korea stated, “Discrimination against women has been abolished over a long history, and our policies and laws reflect the concept that places emphasis on women, because gender equality has moved beyond simple equality.”

North Korea enacted the Gender Equality Law (July 30, 1946) before the government was established, and tried to guarantee women’s political and social roles through legislation of laws, including the Constitution<sup>523</sup>, Law on the Nursing and Upbring of children<sup>524</sup>, Labor Law<sup>525</sup>, Family Law<sup>526</sup>, and Law for the Protection of Women’s Rights<sup>527</sup>. North Korea has also streamlined laws and systems, such as abolishing the “family registration system” and enforcing the central children nursing system. By releasing women from household chores (‘socialization of domestic labor’), North Korea has promoted the status of women in society. Looking at the status of North Korean women today through laws and systems, they are fully entitled to all civil and political rights as men are

522\_ North Korea indicated it would submit its second implementation report on CEDAW on March 27, 2006. As of January 2014, the report has not been submitted.

523\_ Article 77 of the Constitution. Women have equal social position and authority as that of men. The state guarantees maternity leave, shortening of labor hour for mothers with children, expansion of maternity hospitals, nurseries and kindergartens. In addition, the state protects mothers and children with other measures specially. The state establishes all the conditions that enable women to go into the world.

524\_ The article 20 and 21 of the Law on the Nursing and Upbring of Children stipulates the protection of mothers and their children.

525\_ Article 31 of the Labor Law. The state guarantees all the conditions for women laborers so they could actively participate in social labor. Article 66 guarantees 60 days and 90 days of maternity leave before and after the childbirth.

526\_ Article 18 of Family Law guarantees equality between husband and wife.

527\_ Law for the Protection of Women’s Rights was adopted as Decree No. 309 of the Presidium of the Supreme People’s Assembly in December 22, 2010. Further, it was revised as Decree No. 1743 in July 5, 2011. The Articles 2 and 4 stipulate the principle of gender equality and the women’s rights guarantee plans, respectively.

and their social status and roles have improved. In this context, North Korea emphasizes, “There is no country in the world like North Korea where there are so many laws and regulations for women, and many social policies are endlessly enforced. Indeed, North Korea is heaven for women.”<sup>528</sup>

In reality, however, the role and social status of North Korean women do not match those professed by the North Korean government. The deeply rooted patriarchal Confucian ideology that discriminates against women is still visible in the contemporary North Korean society. In the first periodic report on CEDAW, North Korea declared, “Progress was possible in implementing the terms of the convention as we had in place legal and institutional measures designed to eliminate discrimination against women, but we admit that there is room for further improvement.” In connection with this reality, KINU conducted a survey with 301 escapees on women’s status from 2010 to 2013. 75.1 percent, or 226 out of 301 respondents, said the women’s status in North Korea was “unequal” (21.9 percent said “very unequal”).<sup>529</sup> 80.0 percent of those who came to South Korea in 2013 replied that the women’s status was “unequal” (13.8 percent said “very unequal”).<sup>530</sup>

Since the 1970s, approximately 20 percent of the people’s deputies at the Supreme People’s Assembly (SPA) are women.<sup>531</sup> It has also been reported that the ratio of female deputies elected to the Provincial People’s Assemblies is approximately 20–30 percent.

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528\_ Seong-gil Oh, *Creator of Happiness* (Pyongyang: Pyongyang Press, 2006), p. 240.

529\_NKHR2013000036 2013-02-19, and 225 other respondents.

530\_NKHR2013000199 2013-10-29, and 51 other respondents.

531\_ The ratio of women in the deputy election was 20.1 percent in the 10<sup>th</sup> and 11<sup>th</sup> Supreme People’s Assemblies in July 1998 and August 2003, respectively, but the ratio was declined to 15.6 percent in the 12<sup>th</sup> Supreme People’s Assembly in April 2009.

The difference, however, is that delegates in North Korea are not elected through free elections but through arbitrary assignments by the Party for political reasons. Furthermore, assembly delegates serve only a symbolic purpose and do not perform important functions or supervisory roles in state affairs. As such, the actual political power of North Korean women is not as robust as the number of delegates SPA seems to suggest. In fact, only a very small number of women appointed to cabinet positions hold political and administrative powers and responsibilities. In addition, there is a significantly low percentage of female members in the Party Central Committee that exercise actual authority.<sup>532</sup>

In July 2001, North Korea submitted their second regular report on the implementation of the ICCPR to the UN Human Rights Committee. During the Committee’s review session on this report, a North Korean delegate commented on the issue of promoting women’s social status by stating that “Only 10 percent of the central government employees are women. We do admit that this ratio is clearly not enough to address the gap in gender equality.” He then promised that his government would develop policies to improve the situation.<sup>533</sup> In the first report on the implementation of CEDAW submitted in September 2002, North Korea said, “We have increased the ratio of female senior staff in the public sector as an effort to upgrade the social status of women. The ratio of female judges, for example, has reached 10 percent,

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532\_ The female delegates took only 4 percent (5/124) and female candidates for delegates took merely 2.9 percent (3/105) at the Conference of Party Delegates held on September 28, 2010.

533\_ Won-wong Lee, “An Observer Report on the UN Human Rights Committee’s Review Session on North Korea’s Second Periodic Report on Human Rights,” at a seminar sponsored by the Citizens’ Alliance for North Korean Human Rights in Seoul, October 3, 2001.

while some 15 percent of the Foreign Ministry employees are women.” In this regard, the UN Committee on the Elimination of All Forms of Discrimination Against Women has expressed concern regarding the relatively small number of women in decision-making positions in political, judiciary, and public sectors in the North Korean government.

In most cases, North Korean women are appointed as staff members of the Chosun Democratic Women’s Union. There are some women who work as guidance officials at the City and County People’s Committees. Other women work as managers at the social food ration center, managers of a collective farm or as leaders of work details.<sup>534</sup> In very rare cases, women are appointed as a hotel manager, enterprise manager (‘administrative worker’) or party secretary (‘political worker’). This is because men are prioritized over women during the appointment for high-level officials.<sup>535</sup>

In the economic sphere, women’s participation is encouraged to fill the shortages of labor that has increased as a result of socialist nation building and post-war reconstruction. During these periods, the Party and government organizations arbitrarily assigned most women between the ages of 16–55 to specific posts as ‘Proud Workers Pulling the Wheels of Revolution’ in accordance with the workforce supply plans of the State Planning Commission. Once assigned to work sites, women were forced to perform the same work as men on the basis of equality, irrespective of the difficulty or danger of the work.

Discrimination against women takes place in the different wage

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534\_ Interview with North Korean escapee XXX in Seoul on October 11, 2012.

535\_ “This is because women have to run domestic affairs based on capitalism, and men have to carry out public affairs based on socialism.” NKHR2013000137 2013-07-23.

amounts and types of work assigned, as numerous administrative measures are taken to promote women’s participation in a variety of economic activities such as post–war rehabilitation efforts and collective farm projects. Under the guidelines, men are assigned to important, complex and relatively higher paying jobs, while women are assigned to relatively less important, simpler, and lower paying jobs. Subsequently, the gender criteria of employment is more pronounced. As a result, a new phenomenon developed in which women have been assigned to particular sectors that are regarded as “women–specific” jobs such as health, commerce, child care, public education, school education, communications, and culture. According to the “2008 North Korean Census” announced in 2009, the industry–specific distribution of workers above the age of 16 showed the ratio of women workers as follows: 39.6 percent in agriculture, fishery and forestry, 23.6 percent in manufacturing, 6.6 percent in wholesale and retail, 4.9 percent in mining and bureaucracy, and 4.9 percent in education.<sup>536</sup> The number of women by job–category showed the following: 6,207 were senior–level supervisors, 838 supervisors at social organizations, 247 supervisors at management bureaus and unified enterprises, and 23,854 supervisors at factories and enterprises. These numbers represented only 0.5 percent of all supervisors, and the ratio of female professionals was only 5.9 percent.<sup>537</sup> On the other hand, female workers occupied 39.9 percent in other sectors like growing plants, animal husbandry, forestry, and fisheries.<sup>538</sup>

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536\_Central Bureau of Statistics, Pyongyang, DPR Korea, “DPR Korea 2008 Population Census, National Report,” (2009), pp. 193~199 [re–edited].

537\_ *Ibid.*, pp. 200–204 [re–edited].

538\_ *Ibid.*, pp. 200–204 [re–edited].

The Chosun Democratic Women's Union is an organization that North Korean women between the ages of 31 and 60 must join if they have no other specific affiliations. However, this is neither a voluntary organization for the promotion of women's rights nor is it an organization that exercises critical political influence. Rather, it is simply the Party's external arm responsible for mobilizing women for the construction of the socialist economy. The main task of the Chosun Democratic Women's Union is to infuse women with state ideology. The rules in the Chosun Democratic Women's Union are rather strict. Under the impact of economic hardship, the roles and activities of these women has increased as they have to conduct surveillance over anti-socialist behaviors, enforce ideology education, and mobilize manpower.

Since the economic crisis, the activities of the Chosun Democratic Women's Union has increased significantly, particularly in connection with farming, coal production, fertilizer production, railroad repairs, and highway construction. For this reason, people describe the union as "flying high".<sup>539</sup> As workforce shortage persists, the North Korean authorities mobilize members of the Chosun Democratic Women's Union for farming and construction work<sup>540</sup>, as well as various military support activities. The authorities justify this type of mobilization to prevent ideological hazards that can fester among jobless housewives at home.<sup>541</sup>

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539\_NKHR2009000006 2009-02-05; NKHR2009000058 2009-09-24; NKHR2009000070 2009-11-18; NKHR2009000073 2009-12-02.

540\_Labor-mobilization is so frequent that there is a saying, "The Chosun Democratic Women's Union members are '365-day soldiers'". NKHR2014000001 2014-02-18.

541\_NKHR2013000027 2013-02-05.

## B The Status and Role of Women at Home

During the early days of the regime, North Korea declared that the existing male-centered and authoritarian Confucian traditional family system was not only a hurdle to a socialist revolution but also oppressed women politically and economically. Furthermore, they regarded liberation of women from the colonial and feudalistic yoke of oppression as well as women’s guarantee of equal rights with men in all aspects of social activity as crucial tasks in its anti-imperialist, anti-feudal democratic revolution. As such, super-ficial legal and institutional measures were implemented to provide socialist equality between men and women, although traditional patriarchal family structures were maintained in families. Moreover, as the sole leadership of Kim Il-sung and Kim Jong-il solidified during the 1970s, premodern traditions in family life was emphasized. North Korea’s Family Law<sup>542</sup> enacted in 1990 contains outdated patriarchal elements of the family structure such as boundaries of prohibited marriages, the principle of following the paternal line, and the role of breadwinner in the family.

### Family Chores and Child-Raising

The North Korean authorities have always insisted that they guaranteed an environment for equal social participation of women through measures such as the socialization of family chores, and the rearing of children. Contrary to their claims, the traditional role of women in the family continues to be emphasized.

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542\_ The recent revision was made on December 15, 2009.

Since sharing of household chores and child rearing is not practiced in most North Korean families, in amidst of the continued economic crisis, women who already suffer from excessive workloads experience tremendous amounts of responsibilities, most specifically in securing food for her family.

In a survey between 2010 and 2013, 94.1 percent of respondents (369 out of 392 answers) said that women are responsible for family chores.<sup>543</sup> 78.8 percent (294 out of 373 answers) said that women (wives) are responsible for family chores even when they are family's bread-winners.<sup>544</sup> In the 2013 survey, 95.0 percent (96 out of 101 answers) said that family chores are women's (wives') responsibilities<sup>545</sup> and 74.2 percent (72 out of 97 answers) of the respondents responded the responsibility lies on women even when they are family's bread-winners.<sup>546</sup>

North Korea's Family Law stipulates, "In the family life, husband and wife shall have equal rights" (Article 18). And yet, the husband is at the center of family life in most North Korean families. A husband has absolute authority over all family affairs as the household head. Since the famine, economic activities for North Korean women such as vending and peddling have significantly increased. As a result, women's economic roles and their influence in the family have also increased.

The status of women in the family has improved as the unemployed husbands have to depend on the income of their wives.<sup>547</sup>

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543\_NKHR2013000027 2013-02-05, and 368 other testimonies.

544\_NKHR2013000044 2013-04-05, and 293 other testimonies.

545\_NKHR2013000027 2013-02-05, and 95 other testimonies.

546\_NKHR2013000044 2013-04-05, and 71 other testimonies.

547\_NKHR2013000087 2013-04-30; NKHR2013000199 2013-07-20; NKHR2013000137 2013-



This indicates that the status of the husband has changed in North Korean households. In a survey from 2010 to 2013, 51.3 percent of respondents said that husbands were “the actual authority” in the family.<sup>548</sup> Some 46.2 percent said they were simply a “formal authority.”<sup>549</sup> Some 62 percent (209 out of 337 answers) said that since women started to work outside, their status and perceptions toward them have changed.<sup>550</sup> In the 2013 survey, 43.8 percent of respondents said that husbands were “the actual authority”,<sup>551</sup> and 53.8 percent of them said they were simply a “formal authority.”<sup>552</sup> Some 52.4 percent (44 out of 84 answers) said that the status and perceptions toward women have changed since they began to participate in economic activities.<sup>553</sup>

Divorce

Most North Korean escapees said that North Korea is still a male-dominated country where women are submissive to their husbands. However, women who support their families through their own economic power have started to challenge their husbands’ authority and even file for divorce for their husbands’ economic inability and domestic violence.

In the survey from 2010 to 2013, 76.5 percent said divorces were

07-23; NKHR2013000199 2013-10-29.

548\_NKHR2013000026 2013-02-05, and 168 other testimonies.

549\_NKHR2013000048 2013-03-05, and 151 other testimonies.

550\_NKHR2013000108 2013-06-11, and 208 other testimonies.

551\_NKHR2013000026 2013-02-05, and 34 other testimonies.

552\_NKHR2013000048 2013-03-05, and 42 other testimonies.

553\_NKHR2013000108 2013-06-11, and 43 other testimonies.

frequent (24.3 percent saying “very frequent”).<sup>554</sup> The reasons were family finance (59.4 percent), family discord (16.1 percent), domestic violence (12.7 percent), and unfaithful spouse (9 percent). In the 2013 survey, the “frequent” answer was 83.0 percent (“very frequent” being 31.9 percent).<sup>555</sup> The reasons for divorce were finance (62 answers), family discord (19 answers), unfaithful spouse (7 answers) and domestic violence (4 answers).

If a wife filed for divorce for reasons of domestic violence or husband’s financial inabilities, the divorce was not approved unless one offered bribes. The reason divorces are discouraged by the court is because divorces will produce greater numbers of *kotjebi* (homeless child beggars) and divorcees often flee to China in search of a better life.<sup>556</sup>

### Status of Women

North Korean escapees testify that there are minor differences in the level of women’s voices and statuses within each family. In general, wives recognize their husbands as the head of the household in order to retain a peaceful family structure and to secure the male-oriented family life. Most North Korean women accept and follow rather than object and resist the traditional norms. Although women have begun to play the role as the family head since the catastrophic famine, gender roles under traditional patriarchy are not diminished. The reason for this appears to be the pre-modern and outdated concept of men dominating over women that is deeply

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554\_NKHR2011000049 2011-02-08, and 283 other testimonies.

555\_NKHR2011000049 2011-02-08, and 77 other testimonies.

556\_NKHR2012000151 2012-07-24.

rooted in the North Korean society. North Korea defines this concept of male-dominated society as the reactionary moral precepts of an exploitative society and remnants of the feudalistic confucian tradition that needs to be eradicated. However, unlike North Korea’s official position male dominant culture is prevalent among North Korean residents. Along with traditional patriarchy, this way of thought restricts the lives of North Korean women.

It is said that the root of the male-oriented family model could be found from education at home. It continues to the generation as a child grows in a male-dominated family and gets accustomed to this model. However, as mentioned earlier, with the persistent food shortage, more families depend on women for livelihood. Accordingly, men’s predominance over women appears to be waning. In the 2010–2013 survey, many respondents said they were “dissatisfied” (26.1 percent)<sup>557</sup> or wanted “improvement” (28.9 percent) on the “man-lead, woman-follow” perception that is wide-spread in North Korea today.<sup>558</sup> In the 2013 survey, the answers were 27.9 percent dissatisfied (or, 19 out of 68 answers) and 26.5 percent “needs improvement” (or, 18 out of 68 answers), respectively.

## C Sexual Violence

### Sex Violence and Trafficking of Persons in the Society

Dictated by the long held patriarchal tradition, namely the concept of men dominating over women, sexual violence is commonplace in

557\_NKHR2013000165 2013-09-03, and 72 other testimonies.

558\_NKHR2013000058 2013-03-26, and 80 other testimonies.

North Korea, and is seldom reported. The misguided male-centered idea of sex is pervasive in North Korea, while at the same time women are expected to maintain sexual integrity. Sex education is absent in schools.

Since the food crisis during the 1990s, sexual violence against women has increased significantly in North Korea. During this time, cases of female trafficking and forced prostitution increased drastically. This is in contrast with North Korea's second regular report on the implementation of the ICCPR to the UN Human Rights Committee in July 2001. During the Committee's review session, the North Korean delegate asserted that trafficking of women was eliminated and that it never occurred in North Korea during the past 50 years. He stated that trafficking women is completely inconsistent with North Korea's laws and systems. However, this is incompatible with his statement "... even though we do not know what activities are taking place in the border areas." This comment seems to indicate that the North Korean authorities are aware of human trafficking activities along the Sino-North Korean border.

Human trafficking of North Korean women takes several different forms including forced abduction, enticement through go-betweens, and volunteering by women themselves to support their families. Human trafficking continues today in the Sino-North Korean border regions.

Human traffickers take advantage of women who want to cross the border to China. North Korean women who do not have money to pay for 'river crossings' and those who do not have any relatives in China become the target of human traffickers, who entice them and sell them in China. North Korean escapee XXX testified that he/she heard about these cases and saw a few in the spring of

2010 and 2011.<sup>559</sup> In 2011 in Musan, human traffickers collected groups of three to five middle school graduates and students above the age of 15, as well as coal-miners, who wanted to go to China, and sold them in China. Escapee XXX testified that 15–16 year old girls wandering around as *kotjebi* (homeless child beggars) were trafficked to China.<sup>560</sup>

In the past, incidents of sexual assault against North Korean women in the workplace were often initiated by supervisors or Party officials who would lure women with promises of promotion or Party membership. Cases of North Korean women offering sexual services to Party officials and managers at work to secure Party membership or receive good assignments are still common. Many state that sex is involved in most cases of single women becoming a Party member. Moreover, in the military, male officers often assault enlisted women. Party membership is the primary purpose for most North Korean women who join military service, because female party members can be promoted to staff positions.

In North Korean society, sexual harassment of women is not viewed as a problem, and the widespread inferior treatment of women has left them with little recourse even when they are sexually harassed or assaulted. For example, most women prefer to remain quiet when they are sexually abused at their workplace since it is likely that they will be humiliated and mistreated, rather than the men who committed the act. In the 2010–2013 survey, 45 percent of respondents answered that sex-violence would be “punished according to the Penal Code.”<sup>561</sup> But, 55 percent of them

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559\_Interview with escapee XXX in Seoul on September 25, 2012.

560\_Interview with escapee XXX in Seoul on October 5, 2012.

561\_NKHR2013000108 2013-06-11 and 98 other testimonies.

said sex criminals would “not be punished according to the Penal Code.”<sup>562</sup> In the 2013 survey, the “not punished” answers were 56.5 percent (26 out of 46 answers), and “punished by law” was 43.5 percent (20 out of 46 answers). According to the Penal Code, any man who rapes a woman by using force (violence) or intimidation in a situation where the woman has no means to get help is given up to five years of correctional labor penalty (Article 279). Additionally, any man who forces a female subordinate into sex is punished by up to a year of labor training penalty or in serious cases, up to three years of correctional labor penalty (Article 280). In addition, Article 281 of the Penal Code stipulates that the crime of having sex with an under-aged girl (15 years or younger) would be punished for up to 1 year of labor training penalty, and in repeated cases, up to 5 years of correctional labor penalty. Compared to the previous provisions, the 2012 revised Penal Code has significantly relaxed the “sex violence against women who are in a subordinate relationship.” The provision of crime against a woman in a subordinate relationship, especially serious cases, has been deleted. Further, the penalty for sex crime against the under-aged was lowered to one year of labor training penalty from up to 5 years of correctional labor penalty. This revision seems to reflect the social reality in which the crime of sex violence is frequent. Clearly, then, this revision is a step back in terms of women’s human rights.

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562\_NKHR2013000051 2013-03-19 and 120 other testimonies.

Table  
V-1

Comparison of Sex-Violence Penalty under the Penal Code

| Old Penal Code (October 19, 2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Revised Penal Code (February 23, 2012)                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Article 294 (Crime of forcing sex on a woman in a subordinate relationship)</p> <p>Anyone who forced sex on a woman in a subordinate relationship shall be given up to 2 years of labor training penalty; in a serious case up to 2 years of correctional labor penalty.</p> <p>If the aforementioned crime was committed against several women, or the crime resulted in a victim's suicide or personal demise, the penalty shall be from 2-5 years of correctional labor penalty.</p> | <p>Article 280 (Crime of forcing sex on a woman in a subordinate relationship)</p> <p>Anyone who forced sex on a woman in a subordinate relationship shall be given up to 1 year of labor training penalty.</p> <p>(Section on serious cases was deleted.)</p> <p>If the aforementioned crime was committed against several women, or the crime resulted in a victim's suicide or personal demise, the penalty shall be up to 3 years of correctional labor penalty.</p> |
| <p>Article 295 (Sex against the under-aged)</p> <p>Anyone having sex with the under-aged person under the age of 15 shall be given up to 5 years of correctional labor penalty. In serious cases, the penalty shall be from 5-10 years of correctional labor penalty.</p>                                                                                                                                                                                                                  | <p>Article 281 (Sex against the under-aged)</p> <p>Anyone having sex with the under-aged person under the age of 15 shall be given up to 1 year of labor training penalty. For the repeated offense, up to 5 years of correctional labor penalty.</p>                                                                                                                                                                                                                    |

Sexual assault on women became more widespread after women assumed the role as the breadwinner during the famine and the economic hardship. Compared to the past, sexual assault to gain Party membership or promotion declined while chance assault cases increased. More specifically, individuals such as MPS officers at the market, MPS officers on the train, and soldiers demanded sex from women who committed minor violations. In the process of obtaining travel permits and train tickets or during on board inspections, many women peddlers submitted to law enforcement or party officials' demands for sex or experienced sexual violence.<sup>563</sup> Sometimes female workers doing night shifts experienced sexual violence by intruders such as college students or *kotjebi* (homeless

563\_Interview with escapee XXX in Seoul on October 11, 2012.

child beggars), but in most cases the women did not report the incident to authorities.<sup>564</sup> In the 2010–2013 survey, 49.0 percent of respondents said that sex–violence and sexual harassment against women were frequent,<sup>565</sup> and 39.9 percent said they were not frequent.<sup>566</sup> In the 2013 survey, 42.1 percent (24 out of 57 answers) said sex violence and sex harassment were frequent, and 45.6 percent (26 out of 57 answers) said they were not frequent.

### Sex–Violence at Detention Facilities

One of the issues that deserves particular attention regarding sexual harassment is the plight of North Korean women forcibly deported back from China. After female escapees are forcibly deported and locked up in detention facilities, agents generally search their body looking for hidden cash, secret letters or documents. In the process, they even search for uterus, and this is generalized.

North Korean escapees who came to South Korea during 2011–2013 testified as follows:

| Testimonies                                                                                                               | Testifier ID                                                              | Remarks   |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------|
| A North Korean escapee testified that without exception, the agents examined the uterus of all women deported from China. | Testimony of escapee XXX during an interview in Seoul on October 11, 2012 | Witnessed |

564\_NKHR2012000018 2012–02–07.

565\_NKHR2013000048 2013–03–05, and 128 other testimonies.

566\_NKHR2013000179 2013–10–01, and 104 other testimonies.



|                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                           |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------|
| An escapee testified that at Onsung County Security Department in 2011, the agents beat eight female inmates and inspected their uterus wearing surgical gloves. They would rub the gloves off the clothing before checking another inmate. XXX said inmates had to undergo the procedure again at Chongjin <i>Jipkyulso</i> . A young woman in her 20s had bled heavily after the uterus inspection, but agents did not give her proper treatment. | Testimony of escapee XXX during an interview in Seoul on October 5, 2012  | Experienced |
| A North Korean escapee testified that without exception, the agents examined the uterus of all women deported from China.                                                                                                                                                                                                                                                                                                                           | Testimony of escapee XXX during an interview in Seoul on October 11, 2012 | Fact        |
| An escapee testified that she had a uterus inspection at a border guard outpost.                                                                                                                                                                                                                                                                                                                                                                    | Testimony of escapee XXX during an interview in Seoul on October 11, 2012 | Experienced |
| When I was detained in the City Security Department <i>jipkyulso</i> in Hyesan, Yanggang Province, the female agent pulled off my clothes completely, and checked my uterus without wearing sanitation gloves. She did not appear to be a military agent or <i>jipkyulso</i> agent. As she conducted the body-check, she said "If I don't do it now, a man will do it later on, so be patient."                                                     | NKHR2013000038<br>2013-02-19                                              | Experienced |
| When I was detained in the City Security Department Detention Center in Shinuiju, the agent conducting a body check on me was wearing sanitation gloves.                                                                                                                                                                                                                                                                                            | NKHR2013000192<br>2013-10-17                                              | Experienced |
| When I was forcibly deported back to North Korea, a female agent checked my body on the first day of detention, both at Onsung County Security Department detention center and at Onsung labor training camp. She checked my uterus and forced me to do several sit-ups (so-called 'pumping').                                                                                                                                                      | NKHR2013000198<br>2013-10-29                                              | Experienced |
| When I was forcibly deported back to North Korea, the agents checked my uterus twice, once at Duman, China, and again at Onsung County Security Department. The agent was wearing sanitation gloves. Then, I was transferred to County branch of MPS detention center in Gilju County, North Hamgyoung Province, where a young guard (XXX, 29) checked my uterus again.                                                                             | NKHR2013000218<br>2013-11-26                                              | Experienced |
| An agent wearing sanitation gloves checked my uterus and anus. Even after checking, the agent told suspicious detainees to do sit-ups.                                                                                                                                                                                                                                                                                                              | NKHR2013000227<br>2013-12-24                                              | Experienced |

In the 2010–2013 survey, 33 escapees testified that they experienced sex–violence in the detention facilities,<sup>567</sup> 51 of them said they witnessed sex–violence,<sup>568</sup> and 25 said they have heard about it.<sup>569</sup> The assailant was MPS officer (45.6 percent), guard (17.7 percent), SSD agent (13.9 percent), and fellow detainee (1.3 percent).

| Testimonies                                                                                                                                                                                                                                                          | Testifier ID                 | Remarks     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| An escapee testified that she witnessed MPS officers sexually assaulting a female inmate in August 2008 and June 2009 at Provincial <i>jipkyulso</i> , Chongjin, North Hamgyoung Province. She said sexual violence took place most frequently at <i>jipkyulso</i> . | NKHR2011000190<br>2011–08–23 | Witnessed   |
| An escapee testified that in 2009, she saw a MPS officer sexually assault a female inmate at a <i>jipkyulso</i> , Hyesan, Yanggang Province.                                                                                                                         | NKHR2011000170<br>2011–07–26 | Witnessed   |
| North Korean escapees XXX (August 2009), XXX (May 2010), and XXX (June 2010) testified that they experienced sexual assault at a City Security Department detention center in Shinuiju, North Pyongan Province.                                                      | NKHR2011000094<br>2011–04–12 | Experienced |
|                                                                                                                                                                                                                                                                      | NKHR2011000018<br>2011–01–18 |             |
|                                                                                                                                                                                                                                                                      | NKHR2011000253<br>2011–12–20 |             |
| An escapee testified that in December 2009 a female inmate told her that she was sexually assaulted by a guard at a County branch of MPS detention center in Onsung County, North Hamgyoung Province.                                                                | NKHR2011000201<br>2011–09–06 | Informed    |
| An escapee testified that in 2010 she had heard about a sexual assault case by a MPS officer (chief of the <i>jipkyulso</i> ) at a <i>jipkyulso</i> in Chongjin, North Hamgyoung Province.                                                                           | NKHR2011000068<br>2011–03–15 | Informed    |
| An escapee testified that in March 2010 she saw a female inmate getting sexually assaulted at a labor training camp, Donghungshin District, Hamhung, South Hamgyoung Province.                                                                                       | NKHR2011000088<br>2011–04–05 | Witnessed   |
| An escapee testified that a security agent sexually assaulted her in June 2010 in a labor training camp at the Kim Hyung–jik County (Huchang), Yanggang Province.                                                                                                    | NKHR2010000014<br>2010–10–05 | Experienced |

567\_NKHR2013000019 2013–02–05 and 32 other testimonies.

568\_NKHR2013000018 2013–01–22 and 50 other testimonies.

569\_NKHR2013000008 2013–01–08 and 24 other testimonies.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                              |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------|
| An escapee testified that in August 2010, she witnessed a security agent sexually assault a female inmate at a City Security Department detention center in Shinuiju, North Pyongan Province.                                                                                                                                                                                                                                                                    | NKHR2011000253<br>2011-12-20 | Witnessed         |
| When I was detained in Gilju County Labor Training Camp in North Hamgyoung Province, in 2013, I had heard that a kitchen maid (female, 30, from Youngnam District, Gilju County) was raped by XXX (55, guard at the camp). At the time, every time the maid passed by, male detainees would conduct simulation sex acts. The kitchen maids at most detention facilities fell victim to sex-violence, but they would endure the humiliation for their livelihood. | NKHR2013000218<br>2013-11-26 | Fact;<br>Informed |
| When I was detained in Chongam District Labor Training Camp in Chongjin, North Hamgyoung Province, I experienced sex-violence from a safety agent of Inspection Section. He was 3 years younger than me and it happened 3 days before my release. After the violence, he sent me out 3-4 days earlier than expected, and gave me some rice.                                                                                                                      | NKHR2013000139<br>2013-07-23 | Experienced       |
| When I was detained in Gaechon <i>Kohwaso</i> , the leaders of No. 2 knitting class and No. 3 knitting class were raped repeatedly by the guards (XXX, 45, Gaechon; male, 50, Gaechon). The men were in charge of No. 2 and No. 3 class, respectively.                                                                                                                                                                                                           | NKHR2013000191<br>2013-10-17 | Informed          |
| When I was detained in the branch of MPS detention center in Kowon County, North Hamgyoung Province, the guard supervisor (XXX, 35, branch of MPS officer) was sexually harassing me and made sexual advances.                                                                                                                                                                                                                                                   | NKHR2013000221<br>2013-12-10 | Experienced       |

The results of the 2010–2013 survey results showed:

Some 41.2 percent of the respondents answered that sexual harassment and sexual violence against female inmates were common in detention facilities (15.9 percent said “very common”).<sup>570</sup> It turned out that sexual violence against female inmates in detention facilities would be forced on them for the simple purpose of sexual satisfaction or in exchange of special favors within the facility rules.

570\_NKHR2013000018 2013-01-22 and 69 other testimonies.

Even judges and SSD Agents are known to commit sex–violence.<sup>571</sup> Another escapee XXX testified that when she was detained at Kangku No.2 Platoon, Hyesan, Yanggang Province in January 2010, the chief of SSD agent threatened to use electrical shocks if she did not submit to his demand after the body search.<sup>572</sup>

### Domestic Violence

In addition to sexual assaults and human trafficking, North Korean women also have to deal with domestic violence. Many escapees testified that domestic violence is quite frequent in North Korea. Husbands who use drugs or have drinking habits often beat up their wives. Domestic violence is frequent in the families where the housewife stays home, instead of going out for vending or peddling. The reason for beating was that she could not or would not support her family.<sup>573</sup>

In the 2010–2013 survey, 83.5 percent respondents said domestic violence was widespread in North Korea, with 32.2 percent reporting “very frequent.”<sup>574</sup>

CEDAW Convention in their General Recommendation 19(24) (r) stipulates, “Necessary measures to overcome family violence should include: Criminal penalties where necessary and civil remedies in cases of domestic violence; Legislation to remove the defence of honour in regard to the assault or murder of a female family

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571\_NKHR2012000059 2012–04–10.

572\_NKHR2012000105 2012–06–05.

573\_Interview with escapee XXX in Seoul on August 17, 2011; NKHR2011000125 2011–05–31.

574\_NKHR2013000003 2013–01–08, and 313 other testimonies.

member; Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes.” In addition, subsection 19(24).(b) states, “State parties should ensure that laws against family violence, abuse, rape, sexual assault and other gender–based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for the victims.” Reflecting this recommendation, North Korea has inserted a provision prohibiting domestic violence to the Law for the Protection of Women’s Rights. The article prescribes, “All types of domestic violence against women must not take place in the family” (Article 46). To prevent domestic violence, there are detailed regulations and educational programs conducted by local people’s committees, enterprises, and other organizations. But, there are no legal provisions stipulating penalties against domestic violence in North Korea’s Penal Code, Administrative Penalty Law, People’s Security Law, or Law on City Administration.

In most cases, The Chosun Democratic Women’s Union does not get involved in cases of domestic violence or infidelity, labeling it as family problems. Domestic violence is not regarded as a serious matter, and The Chosun Democratic Women’s Union chooses not to intervene. Sometimes domestic violence is reported to the local branch of MPS, but it is not punished, on the grounds that it is a family matter. Even local Party officials simply issue a personal warning or advise the husband.

Some women file a petition or report domestic violence to Party or judicial organizations. However, such applications are often responded with simple recommendations that state domestic problems should be solved within the family.<sup>575</sup> Domestic violence is generally considered a family matter and is not even reportable to

the police.<sup>576</sup> However, most victims of domestic violence do not report or petition to the authorities out of shame. Most of the authorities seem to think that it is nothing out of the ordinary for husbands to beat their wives, but it would be a shame for the family to petition about such incidents.<sup>577</sup> Also, many North Koreans seem to think that wife beating is instigated by the wife. They assume that the wife has done something to deserve the beating.<sup>578</sup> According to a North Korean escapee who defected North Korea in 2012, domestic violence is triggered in part because the wife has made some derogatory remark to her husband, which is taken as a sign of disrespect. Thus, husbands are not solely responsible for domestic violence.<sup>579</sup> In short, all wives should respect their husbands, and giving special favors or status to women is not desirable. A male North Korean escapee who defected in 2012 explained that fundamental cause of domestic violence, triggered by the husband's excessive drinking, sexual misconduct and wife beating, was that wives often failed to understand the husband's feelings and sensitivities.<sup>580</sup>

In North Korea there is no legal enforcement against domestic violence and there are no social solutions. In rare cases, petitions are filed against the husband for domestic violence, and he is detained and sent for labor training penalty.<sup>581</sup>

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575\_ Interview with escapee XXX in Seoul on August 11, 2011. NKHR2013000120 2013-06-25; NKHR2013000201 2013-11-12.

576\_ NKHR2011000092 2011-04-12.

577\_ Interview with escapee XXX in Seoul on August 10, 2011.

578\_ Interview with escapee XXX in Seoul on October 11, 2012.

579\_ Interview with escapee XXX in Seoul on October 18, 2012.

580\_ Interview with escapee XXX in Seoul on October 17, 2012.

581\_ NKHR2010000014 2010-10-05.

According to female escapees in South Korea, husbands' habits of drinking and wife beating became more common with more women earning income for the family through peddling in the markets. Moreover, in many cases, wives who could no longer tolerate their husbands' beatings abandoned their families altogether. In addition, there is no statistical data on wife beating cases in North Korea, which seems to indicate that incidents of wife beating or domestic violence are not perceived as a serious violation of fundamental human rights of women. In light of this perspective, the UN Committee on CEDAW expressed concerns in July 2005 asserting that "North Korea is not fully aware of the seriousness of family violence, and is not taking any protective measures or violence preventive measures for women." CEDAW asked North Korea to "investigate all incidents of violence against women, including family violence, as well as their frequency (ratio), causes and effects, and include them in North Korea's next periodic report." The Committee also recommended North Korea (a) legislate detailed laws against family violence, (b) penalize acts of violence against women and young girls as serious crimes, (c) provide effective protection and immediate relief for female victims of violence, and (d) indict and punish the assailants against women.

The CEDAW convention stipulates, "State Parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking and exploitation of prostitution of women" (Article 6). The General Recommendation 19 states, "Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedom equal to men." Article 249 of the Penal Code stipulates that anyone who has repeatedly engaged in prostitution is subject up to a year of labor training penalty and serious sex offenders are sentenced up to five years of correctional

labor penalty. Despite these precautionary measures, many North Korean women are reportedly involved in the practice of prostitution following the severe food shortage. Since the currency reform of November 2009, the living conditions of North Korean people has deteriorated and sex for living has significantly increased.<sup>582</sup>

Furthermore, some parents would prod their daughters to offer sex for sale to feed the family.<sup>583</sup> Some husbands even ignore his wife's prostitution activities for the sake of the family.<sup>584</sup> Female *kotjebi* (homeless child beggars) also sell sex,<sup>585</sup> and women engage in these activities not only to support their family, but to make more money.<sup>586</sup> There are also organized prostitution rings and sex brokers. These brokers conduct their business under the "protection" of MPS officers, so they are able to avoid penalties most of the time.<sup>587</sup> If caught engaging in prostitution, the man can be released on bribes, but the woman is punished. The one who sold sex (woman) is subject to a penalty, but the one who "bought sex" (man) is not.<sup>588</sup>

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582\_ Interview with escapee XXX in Seoul on August 11, 2011; Interview with escapee XXX in Seoul on August 17, 2011; Good Friends, "North Korea Today," No. 406 (June 8, 2011).

583\_ NKHR2011000244 2011-11-22; NKHR2013000056 2013-03-19.

584\_ NKHR2012000283 2012-12-18.

585\_ Interview with escapee XXX in Seoul on October 25, 2012.

586\_ Interview with escapee XXX in Seoul on November 1, 2012.

587\_ NKHR2013000055 2013-03-19; NKHR2013000079 2013-04-16.

588\_ NKHR2012000036 2012-03-13; NKHR2013000115 2013-06-11 NKHR2013000134 2013-07-23; NKHR2013000199 2013-10-29.



## D Protection of Motherhood

### Deteriorating Health of Pregnant Women

One of the most serious consequences of malnutrition caused by the famine for North Korean women is the deterioration of health related to pregnancy, birth, and child rearing. More specifically, there has been a drastic decline of women's birth rates due to malnutrition, but pregnancies also result in abortions, stillborns, premature or underweight babies, which also harms the mother. According to the consolidated Third and Fourth Annual Performance Report, North Korea established The Strategy of the DPRK for the Promotion of Reproductive Health, 2006–2010 in order to protect and promote the health of North Korean women and children, with special focus on mothers. According to North Korea, this report contains specific strategies and goals related to reducing mortality rates of mothers and children, managing of women's nutrition and treating maternal diseases. The State of World Population, 2007, released by the United Nations Population Fund, reported that North Korea ranked 60<sup>th</sup> in the world in the ratio of obstetrics-related deaths (67 deaths in 100,000 pregnancies, including deliveries and other related complications).<sup>589</sup> The World Health Statistics, 2011, released by the World Health Organization (WHO) in 2011, reported that the death ratio of North Korean pregnant mothers was 250.<sup>590</sup> However, World Health Statistics 2013 reported that

589\_ UNFPA, "State of World Population 2007: Unleashing the Potential of Urban Growth,," (2007) p. 87. <[http://www.unfpa.org/swp/2007/english/notes/indecators/e\\_indicator1.pdf](http://www.unfpa.org/swp/2007/english/notes/indecators/e_indicator1.pdf)>.

590\_ WHO, "World Health Statistics 2011," (2011), p. 26. <[http://www.who.int/whosis/indicators/WHS2011\\_IndicatorCompenium\\_20110530.pdf](http://www.who.int/whosis/indicators/WHS2011_IndicatorCompenium_20110530.pdf)>.

the same ratio was only 81 in 2011, a significant reduction from the previous year.<sup>591</sup>

In September 2012, UNICEF and North Korea's Central Statistical Bureau jointly conducted a survey on nutrition levels of North Korean children and women.<sup>592</sup> According to this report, 31.2 percent of North Korean women with children were suffering from anemia. The rate was 36.0 percent in Yanggang Province, and 34.2 percent in Jagang Province, but it was only 28.9 percent in Pyongyang. Another serious complication caused by the famine related to women's health is gynecology. Hysteropathy is the most common female affliction among North Korean women, which has much to do with malnutrition. It is reported that a large number of women have experienced irregularities in monthly menstruation due to malnutrition.<sup>593</sup>

Furthermore, the North Korean authorities insist that all women are responsibly and routinely cared for by home doctors and gynecological physicians, with 98 percent of women getting professional help during childbirth.<sup>594</sup> However, North Korean escapees have testified that most North Korean women give birth at home, and their health is often compromised by lack of care during and

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591\_ WHO, "World Health Statistics 2013: A Wealth of Information on Global Public Health," (2013), p. 21.

592\_ CBS with UNICEF · WFP · WHO, "Democratic People's Republic of Korea Preliminary Report of the National Nutrition Survey 2012," (October, 2012), p. 24.

593\_ Interview with escapee XXX in Seoul on October 29, 2012; NKHR2013000019 2013-02-05; NKHR2013000098 2013-05-14; NKHR2013000124 2013-06-25; NKHR2013000222 2013-12-10; NKHR2013000227 2013-12-24.

594\_ The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)," National Human Rights Commission of Korea, Collection of Materials concerning North Korea's National Human Rights Report contained in the UN's Universal Periodic Report, 2009, and South Korea's Report on NGOs and INGOs (Seoul: National Human Rights Commission of Korea, March 2010), pp. 18-19.

after delivery. Recently, it has been reported that if a woman is pregnant, and registers with the local clinic, she can get regular check-ups until childbirth, and is provided with UN-supplied nutrients such as vitamins and minerals.<sup>595</sup> In many cases, however, pregnant women often do not register their pregnancy, and give birth to their child at home with the help of mid-wife, instead of going to hospitals.

### Avoiding Pregnancy and Forced Abortions

As the economic recession continued, the medical distribution system collapsed, making safe contraception difficult. As such, there are many reported cases in which expectant mothers attempted ill advised abortions, risking their lives and the lives of their babies in the process. Premarital and extra-marital sex are subject to punishment in North Korea. However, sexual prejudice against women has been undergoing change with the influx of foreign culture since the end of 1980s. Accordingly, prostitution has increased, leading to more pregnancies from premarital and extra-marital sex as well as prostitution. Women who become pregnant for these reasons attempt to avoid punishment by seeking an abortion, thereby increasing the number of illegal abortions. Moreover, the Second Mothers' Rally in 1998 was held to compensate for the increase in infant and young children's death rates during the food crisis and Kim Jong-il himself issued instructions on childbirth. For these reasons, it has become impossible to obtain contraceptives or go to hospitals for an abortion. The result has

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595\_ This witness gave birth to a child in April 2013 in Hoeryeong, North Hamgyoung Province. NKHR2014000002 2014-02-18.

been a widespread increase in illegal abortions. Sometimes pregnant women bribe doctors or secretly attempt illegal contraceptive procedures at their home. Because anesthetics are not used in these cases, women not only suffer severe post-procedural pain but also risk their health. Even in recent years, many North Korean women would bribe the doctor for illegal abortions at private homes, as they did not want to give birth to or raise a child on their own due to harsh living conditions. In addition, there are many gynecological complications due to such illegal abortions.<sup>596</sup>

According to a related source,<sup>597</sup> North Korean girls receive a brief education during middle school on pregnancy and the menstrual cycle, but they do not get any information concerning venereal diseases, sex hygiene, or methods of contraception. Therefore, most North Korean women must rely on abortions if they do not want to have a child, and these abortions are carried out at home by doctors without anesthesia. They have to do the procedures at home because abortion is illegal in North Korea and also because there are not enough doctors at small city hospitals due to the economic troubles. It is said that the hardship of life after the currency reform in November 2009 led many pregnant women to attempt abortions. They did so by purchasing medicine in the market that were rumored to be effective for abortion and purposely overdosed. Alternatively, they resorted to doctors to perform secret abortions. These women often severely damaged their own health in the process.<sup>598</sup>

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596\_ Interview with escapee XXX in Seoul on September 25, 2012; NKHR2012000022 2012-02-07; NKHR2012000071 2012-04-24.

597\_ Citizens' Alliance for North Korean Human Rights, NKHR Newsletter on North Korean Human Rights, No. 144 (May 2010), p. 9.

598\_ Good Friends, "North Korea Today," No. 400 (April 27, 2011).

Furthermore, many women who underwent forced abortions in detention facilities suffer from deteriorating health from lack of medical help. When pregnant women are sent back to North Korea from China, the North Korean authorities subject them to forced abortions by striking them hard in their abdomen, sentencing them to hard labor or forcing them to undergo surgery.<sup>599</sup>

### Deteriorating Health due to Family-support Activities

Health problems that years of famine have brought about to North Korean women are not limited to affecting nutrition, pregnancies, childbirth and child rearing. During the food crisis, most North Korean women engaged in vending, peddling, and trading to support their families. They operated under constant threat and fear of being pilfered, pick-pocketed, mugged, robbed, trafficked, sexually assaulted and harassed by soldiers and MPS officers at the markets and on the trains. Furthermore, long distance travel, constant walking, and ever present hunger exacerbated the mental anguish and physical exhaustion. In addition, the psychological and emotional strains stemming from the responsibility for providing food for the family became almost unbearable. A heavy workload is a major cause of deteriorating health of North Korean women. The workload includes household chores, peddling on the market, and other family and financial responsibilities. Most North Korean housewives (The Chosun Democratic Women's Union members)

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599\_Hye-gyeong Lee, "North Korean Human Rights and Women's Human Rights Issues from the Perspective of North Korean Escapees," *The First Chaillot Forum on Human Rights in North Korea: Reality of Human Rights in North Korea and Measures for Efficient Intervention* (Seoul: Korea Institute of National Unification, 2011), p. 92; NKHR2013000103 2013-05-28; NKHR2013000128 2013-07-09.

are mobilized almost every morning to work at construction sites, carry dirt and rocks, and every third or fourth day are called for social mobilization in the name of women shock troops. Such mobilization results in heavy physical burdens, and contributes to their deteriorating health.<sup>600</sup> The Chosun Democratic Women's Union members are mobilized to work with shovels and picks at construction sites, and they are forced to work on mending and repairing dirt roads.<sup>601</sup>

The recent trend of drug abuse among North Korean citizens is widely known, and women are no exceptions. It is not unusual for North Korean women responsible for supporting their families to turn to drugs in order to temporarily ease their physical and psychological pain. This, however, often leads to greater harm on their health.<sup>602</sup>

### Gynecological Diseases and Menstrual Sanitation

Following the economic hardship, many North Korean women came down with serious illnesses such as tuberculosis, cervical cyst, uterine tumors and cancer or breast cancer. In addition, many women are suffering from venereal diseases due to prostitution, but they cannot receive hospital treatment. Thus most of them try to treat their diseases at home using Chinese medicine they purchased on the market. Escapees also testified that many North Korean women could not afford to buy good sanitary pads for menstruation, and many of them suffered from vaginitis resulting

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600\_ Interview with escapee XXX in Seoul on September 25, 2012.

601\_ Interview with escapee XXX in Seoul on October 17, 2012.

602\_ Interview with escapee XXX in Seoul on October 11, 2012.

from the use of unhealthy pads.

A particularly noteworthy case in this connection are the horrendous conditions inside the *kwanliso*. The women in the *kwanliso* have to use rags or socks with vinyl covers for sanitary pads and sleep on vinyl floors. They cannot wash clothes for lack of soap.<sup>603</sup> In the 2010–2013 survey, 47.9 percent of respondents said that female detainees in the detention facilities will use “old clothes” to take care of their menstrual sanitation.<sup>604</sup> Only 20 percent said they used “gauze clothes.”<sup>605</sup>

Other escapees testified that some women in detention facilities often missed their monthly menstruation.<sup>606</sup> This was perhaps due to infirmity, disease, and/or extreme stress.

Female escapees testified that disposable sanitary pads are not widely available for North Korean women, and most of them had to use “gauze cloth,” torn-up shirts or underwear as sanitary pads. Women who were well off in Pyongyang or along the border regions were able to use Chinese disposable pads or the Daedonggang sanitary pads.<sup>607</sup> The “Daedonggang pads” manufactured by Daedonggang Sanitary Pads Factory are mainly supplied to female soldiers.<sup>608</sup> And, one out of 10 wealthy women are able to use disposal pads made in China or Chinese gauze cloth pads.<sup>609</sup> According to the 2010 to 2013 survey results, 75.9 percent<sup>610</sup> of the respondents

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603\_ Interview with escapee XXX in Seoul on April 22, 2011.

604\_NKHR2013000018 2013-01-22, and 78 other testimonies.

605\_NKHR2013000027 2013-02-05, and 32 other testimonies.

606\_NKHR2011000188 2011-08-16.

607\_ Interview with escapee XXX in Seoul on May 4, 2011.

608\_ Interview with escapee XXX in Seoul on October 11, 2012.

609\_ Interview with escapee XXX in Seoul on October 12, 2012.

610\_NKHR2013000008 2013-02-08, and 207 other testimonies.

answered that they used pieces of gauze, while other respondents stated that they used scraps of old clothes (11.3 percent),<sup>611</sup> or disposable sanitary pads (9.9 percent).<sup>612</sup>

### Assessment

On December 22, 2010, the Presidium of the SPA adopted the Law for the Protection of Women’s Rights. North Korea emphasized the establishment of this law as a significant step towards protecting women’s rights and interests in all areas.<sup>613</sup> Law for the Protection of Women’s Rights reflects the concerns expressed in the Concluding Observation of the UN CEDAW Committee and contains several new articles, in addition to articulating existing articles in greater detail. These changes in the act suggest that North Korean authorities have responded positively to the international attention focused on poor human rights record and demands for an improvement. In fact, proper laws and systems for the protection of women’s rights cannot be found in North Korea. As a result, the rights of North Korean women are seriously breached, and the situation persists without much improvement. Since the economic hardship period, the financial burden for the family’s livelihood fell on the shoulders of housewives, and many women would often be spot-checked by security agents in the process of vending and other money-making endeavors. The Chosun Democratic Women’s Union is also concentrating on manpower mobilization and volunteer mobilization, instead of representing and promoting

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611\_NKHR2013000041 2013-03-05, and 30 other testimonies.

612\_NKHR2013000069 2013-04-02, and 26 other testimonies.

613\_ *Minju Joseon* (Democratic Chosun), January 26, 2011.



women's rights. The death rate of mothers is very significant, but government measures to protect mothers are not properly functioning due to the economic hardship. Pregnant women, if they register with the local clinic or hospital, could benefit from regular check-ups and other assistance for childbirth. As the free medical treatment system collapsed, however, most pregnant women would rather choose to give birth to their child at home than going to hospitals. The preventive measures against domestic violence are not properly functioning, either. This situation has not improved in 2013.

Chapter I

Chapter II

Chapter III

Chapter IV

Chapter V The Reality of Human Rights of Vulnerable Groups

Chapter VI

## 2

# Children

Article 25, Paragraph 2 of the UDHR stipulates that all children in their childhood are entitled to special care and assistance. The Convention on the Rights of the Child<sup>614</sup> in its preamble also emphasizes that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,” and that “the child should be fully prepared to live an individual life in society and brought up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.” Article 24 of the ICCPR mandates, “every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”

North Korea has insisted that they treat children as ‘kings’ and represent them as the future of the country. To ensure these goals, North Korea has guaranteed the rights of children in the Constitution as well as the Education Law, Public Health Law, Law on the Nursing and Upbring of children, Social Safety Law, the Law on the Protection of Persons with Disabilities and Family Law.<sup>615</sup>

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614\_ Article 1 of the Convention on the Rights of the Child stipulates, “For the purpose of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child maturity is attained earlier.”

North Korea’s position on this subject is stipulated in detail in Law for the Protection of Children’s Rights enacted in December 22, 2010.<sup>616</sup> This law defines a child as young person under the age of 16. (Article 2) The Law states that it is North Korea’s policy “to guarantee the children’s rights and interests on a priority basis.” (Article 4) It further articulates, “the State shall, according to the principle of best things for children, guarantee best things required for the children’s health, education, and social activities on a priority basis.” North Korea defines 17–year–olds as adults, and the legal age for marriage is set at 17 for girls and 18 for boys. In this regard, the UN Committee on the Rights of the Child expressed concern over the different legal ages for marriage between the two genders, and recommended to change the legal age for adulthood and marriage for girls to 18 years of age.<sup>617</sup> The age for adulthood is younger than the age set out in the Rights of the Child Convention, so drafting the young boys to military service or job assignment at the age of 17 is a serious breach of their human rights.

North Korea signed the Convention on the Rights of the Child in September 1990, and submitted the first Rights of the Child Performance Report in February 1996 and the second report in May

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615\_ The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A),” p. 19.

616\_ Law for the Protection of Children's Rights is consisted of six parts and 62 articles, including topics such as the “basis of Law for the Protection of Children's Rights,” “protection of rights of children in social realm,” “protection of rights of children in education/health sector,” “protection of rights of children in families,” “legal protection of rights of children,” and “control and management of projects related to the protection of rights of children.”

617\_ Convention on the Rights of the Child, “Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of Child: Democratic People’s Republic of Korea,” UN Doc. CRC/C/15/Add.239 (July 1, 2004), para. 25.

2000. In December of 2007, North Korea submitted a consolidated report on the third and fourth terms of the implementation of the Convention on the Rights of the Child. In this report, North Korea insisted that the government's policies for children were consistent with the principles and demands of the Convention, and that North Korea has newly enacted or revised existing laws to fulfill the terms of the Convention. In 2002, an effort to promote children's rights to have equal access to education, North Korea established a National Plan of Action on Education for All. In a consolidated report published in 2006, "Strategy of the DPRK for the Promotion of Reproductive Health, 2006–2010," North Korea stated that they have taken positive steps to strengthen the roles and expand the scope of activities of the National Commission for the Rights of the Child (NCRC). It also asserted that North Korea is teaching principles and regulations contained in the Convention on the Rights of the Child to their school children during Socialist Ethics and Socialist Law and Morality classes, two classes that have been introduced to the Elementary and Middle School Curriculum since 2005.

In the final observations (January 29, 2009), the Committee on the Rights of the Child gave an affirmative assessment on administrative measures and other actions North Korea had taken to implement the terms of the Rights of the Child Convention. The Committee favorably noted a number of North Korean policies such as the "DPRK Strategy for the Promotion of Health of Pregnant Women (2006–2010)," the Strategy for Prevention of AIDS (2002–2007), the First Stage Health Promotion Strategy for Mothers and Children (2008–2012), the Overall Action Plan for Handicapped Persons (2008–2010), the population census of October 2008, and the establishment of the Central Committee of Chosun Federation

for Protection of Persons with Disabilities (See Paragraph 3 of the Concluding Observations). However, the UN Committee on the Rights of the Child expressed regret regarding the unsatisfactory performance and incomplete implementation of recommendations the UN Committee proposed after reviewing North Korea’s second regular report submitted in 2002. The UN Committee also called on North Korea to faithfully carry out these recommendations in connection with the third and fourth period combined report (Paragraphs 5 and 6). The UN Committee also expressed concern over the absence of independent watchdog organizations and the lack of independence NGOs had in implementing the “Convention on the Rights of the Child” (Paragraphs 11 and 13).

These expressions of international concern demonstrate the fact that under the tight social control and economic hardship that has been continued since 1990, the rights of North Korean children are suffering from serious breaches of universal rights such as the right to health, right to personal and mental protection, right to education, right to justice, and the right to a nationality.

## **A** The Right to Food and Health

The nutritional level of North Korean children is improving under the continued humanitarian assistance of the international community. However, the growth–impairment of North Korean children owing to chronic malnutrition is rather serious. According to the survey jointly conducted by UNICEF and North Korea’s Central Statistical Bureau on nutritional levels of North Korean children (0–59 months old)<sup>618</sup> and women (15–49 years old), 15.2 percent of children under 5 years of age were underweight, 27.9 percent were suffering from chronic malnutrition, and 7.2 percent

of them were suffering from severe malnutrition. In addition, 4.0 percent of them were suffering from acute malnutrition and 29 percent were anemic. There were significant differences between children in Pyongyang compared to those along the Korean–Chinese border regions. Only 19.6 percent of children in Pyongyang experienced chronic malnutrition, but the malnutrition proportions were 39.6 percent in Yanggang Province, 33.3 percent in Jagang Province, 32.9 percent in South Hamgyoung Province, and 28.7 percent in North Hamgyoung Province. As for acute malnutrition levels, Pyongyang had 2.3 percent of children suffering from acute malnutrition, but it was 6.1 percent in Yanggang Province and 5.7 percent in Jagang Province. As for the underweight proportion, Pyongyang had 10 percent of underweight children, but the ratio was 20 percent in Yanggang Province. In the 2009 survey, 19 percent of children under the age of 5 was underweight, 32 percent was under chronic malnutrition, and 5 percent was suffering from acute malnutrition.<sup>619</sup>

As the economic conditions deteriorated, nurseries, kindergartens, schools, as well as other educational and child protective facilities were not able to perform their proper functions. This situation clearly illustrates that North Korea has been unable to fulfill the terms spelled out in the Convention on the Rights of the Child, specifically “Paragraph 2 of Article 6,” which mandates that “State Parties shall ensure to the maximum extent possible the survival and development of the child.” North Korea has also failed to meet

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618\_ This research was based on a randomly selected group of about 7600 households from ten cities and provinces including Pyongyang. UNICEF, “CBS: Democratic People’s Republic of Korea Preliminary Report of the National Nutrition Survey 2012” (October 2012).

619\_ UNICEF, “The State of the World’s Children 2012” (February 2012), p. 92.

the terms of Article 27 that specifies, “All State Parties recognize that all children are entitled to enjoy the standard of living adequate for the physical, mental, intellectual, ethical and social development.”

Article 24 of the Convention on the Rights of the Child illustrates measures to be taken for the fulfillment of health rights of children. They include measures “to diminish infant and child mortality: 1) to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; 2) to combat disease and malnutrition, including a framework of primary health care, through the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; and 3) to ensure appropriate pre-natal and post-natal health care for mothers.” In connection to the second implementation report, North Korea stated there were no cases where children were denied public health care. The report further stated that although material and technical aspects of children’s health service and some children’s health have deteriorated due to extreme natural disasters, the active efforts by the government, the people, and international aid working together has led to a gradual improvement of North Korean children’s health and the recovery of the public health care services of the early 1990s. In the third and fourth year consolidated report, North Korea said they secured legal guarantees for the protection and promotion of children’s health by revising and updating the Law on Prevention of Epidemics, food, hygiene, and environmental protection and adopting the law on herbal medicine, narcotics control, and cigarette control. They also said that the Strategy for the Promotion of Reproductive Health (2006–2010) and the Strategy for Prevention of AIDS (2002–2007)

were also part of their policy to protect and promote children's health. However, the fact remains that North Korea's medical services have collapsed due to the food crisis and deepening of economic hardships. Therefore, most North Koreans remain unable to receive even the most basic medical treatment. Moreover, due to the absence of epidemic prevention and disinfectant measures, contagious diseases such as typhoid, paratyphoid, cholera, malaria, and tuberculosis are proliferating among the population since the mid-1990s, killing many children. Lack of clean water and un-sanitary living conditions are known to be the main culprits of contagious diseases. According to the third and fourth consolidated report, the most common communicable diseases among North Korean children was reported to be diarrhea and acute respiratory illness.

In the consolidated report, North Korea stated that since 2000, there has been an improvement in the infant mortality rate and as of 2005 the mortality rate for children under the age of 5 was 40 per thousand. However, the State of World Population, 2007 report stated that the actual mortality rate stood at 56 per thousand for boys and 49 for girls. By comparison, infant mortality rates for South Korean children are at 5 per thousand for boys and 5 per thousand for girls.<sup>620</sup> The annual report "State of the World's Children, 2009" released by UNICEF pointed out that the mortality rate of North Korean children under the age of 5 was 55 per thousand, placing North Korea 62<sup>nd</sup> among 189 countries.<sup>621</sup> The State of World Population 2010 reported the death ratio of new-

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620\_UNFPA, "The State of World Population, 2007," p. 91.

621\_UNICEF, "The State of the World's Children 2009: Maternal and Newborn Health," (2008), p. 117.



born babies (“infant mortality rate”) was 47 (out of 1,000) and the ratio of children under the age of 5 was 63 (during 2005–2010).<sup>622</sup> The “State of the World’s Children 2013” released by UNICEF reported that in 2011 the death rate of North Korean children under the age of 5 was 33, ranking it 69th in the world.<sup>623</sup> It was a slight improvement over 2012 when North Korea ranked 73<sup>rd</sup>.<sup>624</sup> The infant death rate (under the age of one) was 26 babies, and the newborn death rate was 18 babies. The “World Health Statistics, 2013” released by WHO reported that death rate of children under the age of 5 was 33, the infant death rate was 26, and the newborn death rate was 17 babies.<sup>625</sup>

In recent years, the main factor threatening the health of North Korean children is narcotics. Narcotics are used by children of wealthy families and families of high ranking officials. Even third graders in elementary school are reported to be taking narcotics during class in Hamhung, where narcotics are manufactured.<sup>626</sup> North Korean escapees testified that some fourth and fifth graders began to take narcotics. They would collect money and take drugs together during the exam week.<sup>627</sup> Even some teachers would ask students to get some narcotics for them, and some students offered narcotics to teachers as bribes. Some students exchanged narcotics as birthday gifts.<sup>628</sup> North Korean escapee XXX testified that six

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622\_UNFPA, “State of World Population 2010: From Conflict and Crisis to Renewal: Generations of Change,” (2010), pp. 96, 102.

623\_UNICEF, “The State of the World’s Children 2013: Children with Disabilities,” (2013), p. 100.

624\_UNICEF, “The State of the World’s Children 2012,” p. 87.

625\_WHO, “World Health Statistics 2013,” p. 51.

626\_Interview with escapee XXX in Seoul on September 25, 2012.

627\_Interview with escapee XXX in Seoul on October 11, 2012.

to seven out of 10 middle school 6th graders used narcotics, and there were black markets for narcotics at schools.<sup>629</sup>

## **B** The Right to Protection from Family and State

### Food Shortage, Economic Hardship, and "Swallow Flowers"

Article 19 of the Convention on the Rights of the Child stipulates, “State Parties shall take all measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.” Furthermore, Article 20 provides, “A child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the State.” On this issue, North Korea declared in the second performance report that they were taking various measures to provide family environments for children who have lost their parents and they were paying great attention to child rearing at both the family and society levels. More specifically, North Korea stated that they have devised a variety of means to solve the problem of children on the streets since 1996. As such, most orphans are sent to vocational schools or institutions where they can get government protection. Moreover, North Korea mentioned in the third and fourth year consolidated report that although children’s facilities had extensive damages due to floods and typhoons in August and September of 2007, they restored children’s facilities as a top

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628\_ Interview with escapee XXX in Seoul on October 12, 2012; Interview with escapee XXX in Seoul on October 18, 2012.

629\_ Interview with escapee XXX in Seoul on October 29, 2012.

priority listed for affected children to return to daily life.

According to escapees, during the food crisis, many parents abandoned their children upon divorce or the death of one parent, which often resulted in putting a heavier burden on the remaining parent. Children who were abandoned or whose parents had died or who had ventured out on their own due to extreme hunger lived on the streets and at marketplaces as *kotjebi* (homeless child beggars) and survived by begging or stealing.

North Korean escapee XXX, who left North Korea in 2012, testified that even in recent years, there were numerous *kotjebi* on the streets of North Korea. They left homes for many reasons, such as death of parents, family feud, abandoned after divorce, and discord with new parent or new brothers and sisters.<sup>630</sup> North Korean escapee XXX testified that many children left their family and lived as *kotjebi* on the streets because of parents' excessive use of narcotics.<sup>631</sup>

Street orphans called *kotjebi* usually gather in marketplaces or in front of train and bus stations where many people congregate. They wander around begging during the day and sleep in the waiting rooms of train and bus stations at night. In Chongjin, North Hamgyong Province, teenagers and young adults in their twenties go around Sunam Market or the station begging for food during the day and sleep on Jaemugi (piles of coal dust) near Gimchaek Steel Mill at night using cooling coal briquettes for warmth.<sup>632</sup>

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630\_ Interview with escapee XXX in Seoul on October 17, 2012; Interview with escapee XXX in Seoul on October 18, 2012; Interview with escapee XXX in Seoul on October 5, 2012.

631\_ Interview with escapee XXX in Seoul on October 12, 2012.

632\_ Good Friends, "North Korea Today," No. 388 (February 2, 2011).

Many *kotjebi* prefer to sleep on Jaemugi (pile of ashes) over homeless shelters where there is usually no heating system. It is said that homeless children become beggars and stay in the station or near the railroad lines in Bukchang County, South Pyongan Province.<sup>633</sup> North Korean escapee XXX who defected in 2012 testified that many *kotjebi* lived a life of “hobos”, hopping on and off trains and moving around.<sup>634</sup> North Korean escapee XXX, who left North Korea in 2011 from Musan, North Hamgyong Province, testified that groups of three to four or six to seven children would live together as “drifters,” and many children around the age of 10 have recently moved into South Hwanghae Province near Daehongdan District and lived there in tent villages.<sup>635</sup> North Korean escapee XXX from Rajin testified that most *kotjebi* moved out of their hometowns and drifted to other towns, and almost 80 percent of them were from “farm families.”<sup>636</sup>

In winter nights, the “swallow flowers” (or, child beggars) would sleep off the street corners under the cover of rags or find a dugout on a farmland to sleep. They would also find a shelter along the hillside or under the staircase of apartment buildings to spend the night.<sup>637</sup> North Korean authorities collected these drifters claiming that it was for protection and supervision and sent them to detention facilities known as relief center, lodging center, boys education center, lodging center for drifters or protection center. The state-run facilities for *kotjebi* included primary institutes and

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633\_ Interview with escapee XXX in Seoul on August 10, 2011.

634\_ Interview with escapee XXX in Seoul on October 17, 2012.

635\_ Interview with escapee XXX in Seoul on September 25, 2012.

636\_ Interview with escapee XXX in Seoul on October 29, 2012.

637\_ Interview with escapee XXX in Seoul on October 18, 2012; Interview with escapee XXX in Seoul on October 29, 2012.

middle institutes. Primary institutes are for elementary school age drifters and middle institutes are for middle school age *kotjebi*. In order to be housed in these institutes, they had to go through a process of ascertaining the status of their parents.<sup>638</sup> Drifters who have parents are housed in Group 9.27. In each 9.27 work unit approximately 70–80 or up to 100 drifters are housed. These young children are mobilized for house repair work or harvest at collective farms.<sup>639</sup>

However, these children reportedly have difficulty adapting to the controls and daily routine at these facilities and are not properly fed. As a result, they often sneak out to wander out in the streets again. Many of them die in the cold winter. The children housed in the state–run primary and middle institutes are known to experience similar conditions as other detention facilities. Children are forced to work in the field while staying in orphanages that do not feed them well and receive no financial support from the state. Thus, most children prefer to live on streets as beggars rather than staying in orphanages.<sup>640</sup> One North Korean escapee testified that in May 2008, some children detained in a relief center were forced to work at a small field outside of the center, while the female children had to gather vegetables from the mountains.<sup>641</sup> Furthermore, the escapee described that children detained in relief centers are ordered by the center managers (instructors of People’s Committee) to obtain certain supplies that are only obtainable by

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638\_Interview with escapee XXX in Seoul on October 5, 2012.

639\_NKHR2010000067 2010–04–27; Interview with escapee XXX in Seoul on October 29, 2012.

640\_Interview with escapee XXX in Seoul on April 29, 2011; Interview with escapee XXX in Seoul on May 12, 2011.

641\_NKHR2011000187 2011–08–16.

stealing.

The number of street orphans seems to have increased dramatically since the currency reform in November 2009. According to survey conducted from 2010 to 2013, 76.1 percent of the respondents answered that the number of street orphans had increased (24.9 percent answered increased very much) as daily life became harder after the currency reform.<sup>642</sup>

According to the North Korean escapees who left North Korea during the late 2011 and early 2012, there were many young *kotjebi* along the Korean–Chinese border regions, including Chongjin, Hyesan, Musan, Gilju, and Hamhung. They were mostly children who lost their parents or from impoverished farms. North Korean escapee XXX testified that there was a great number of drifters inside the fertilizer factory of the Hungnam Union Fertilizer Enterprise. He/she saw a number of children getting injured or killed by various accidents.<sup>643</sup> According to this witness, these *kotjebi* would fall and get themselves killed while trying to collect nitric fertilizers on top of towers. Others would get their legs broken or severed by fertilizer transport trains or trucks while trying to steal fertilizers. Escapee XXX testified that these drifters were between the age of 13 and 18, the average being 15. Most of them were boys, although there were some brothers and sisters.<sup>644</sup> Another escapee XXX testified of an eight-year old *kotjebi*, and he/she even saw a handicapped drifter who looked like a sixth grader in middle school.<sup>645</sup>

Since the currency reform at the end of 2009, poverty of the

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642\_NKHR2013000004 2013-01-08, and 158 other testimonies.

643\_Interview with escapee XXX in Seoul on October 17, 2012.

644\_Interview with escapee XXX in Seoul on October 17, 2012.

645\_Interview with escapee XXX in Seoul on October 18, 2012.

North Koreans exacerbated and the number of *kotjebi* increased. Most citizens turned a cold shoulder to them rather than treating them with compassion. For example, if people saw children lying on the street, they would choose not to pay any attention to them, and many people did not care if someone froze to death, so the corpses were abandoned on the streets.<sup>646</sup> North Korean escapee XXX from Pyongyang who left North Korea in 2009 testified that while on a trip, he/she saw a double-amputee *kotjebi* aged around 12. The child had lost both of his feet, but no one would help the child.<sup>647</sup>

At the same time, the North Korean authorities encouraged individual families to take these *kotjebi* into their families and raise them, saying such practice is a model way of giving back to the society. In the Consolidated Report, North Korea said that as of 2006, a total of 2,528 North Korean families were taking care of these homeless children.

North Korean escapee XXX who left North Korea in 2011, testified that in Hoeryeong, North Hamgyoung Province, there was a family that took care of 25 homeless children. They were sent to school and taken care of. For this family, the government built a separate house for the children and provided grains and furniture. The children were housed according to gender and age group.<sup>648</sup> There were some families who took care of homeless children and received grain rations according to their number, but some escapees testified that the children were leading a life as “errand boys.” North

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646\_Interview with escapee XXX in Seoul on October 18, 2012; NKHR2012000151 2012-07-24.

647\_Interview with escapee XXX in Seoul on August 11, 2011.

648\_Interview with escapee XXX in Seoul on October 12, 2012.

Korean escapee XXX who fled from North Korea in 2011 testified that some of these children were not sent to school. Instead, they had to fetch firewood from the hills, cultivate small patches of land or put in charge of goat husbandry. Some of these children were sexually molested by their parents. The couple were later found guilty for sexual assault of under-age children and were publicly executed after an open trial.<sup>649</sup>

### Sex Exploitation and Mistreatment of Children

The Convention on the Rights of the Child stipulates, “State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.” It further mandates, “State Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (and) (b) the exploitative use of children in prostitution or other unlawful sexual practices” (Article 34). Furthermore, Article 35 stipulates, “State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction, the sale of or traffic in children for any purpose or in any form.” North Korea’s Law for the Protection of Children’s Rights also specifies, “the abduction or traffic in children is prohibited” (Article 18). North Korea’s Penal Code prescribes that the crime of having sex with an under-aged person will be given a sentence of up to one year in a labor training camp, and in repeated cases up to 5 years of correctional labor penalty (Article 281). The crime of stealing or

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649\_ Interview with escapee XXX in Seoul on September 25, 2012.



hiding (kidnapping) a child for profit or retribution will be punished with a penalty of up to 1 year of labor training penalty (Article 277).

In the second implementation report, North Korea stated they were carrying out the terms of Article 35 of the Convention on the Rights of the Child, declaring that prostitution and illegal sexual behaviors were strictly prohibited under the penal code. In the third and fourth Consolidated Report, North Korea insisted that they never had cases of sexual abuse involving children, kidnapping, and human trafficking of children in North Korea. However it is widely known that a large number of human trafficking cases have been reported out of North Korea and China since the food crisis. In addition, since the late 1990s, the trafficking of teenage girls has been reported. North Korean escapee XXX testified that there were cases of young women *kotjebi* aged 15 to 16 being lured into human trafficking in China.<sup>650</sup> Additionally, there are cases of four- and five-year-old children trafficked to China for adoption by Chinese families.<sup>651</sup>

As the food crisis worsened, cases of sex for money involving under-aged girls have been known to take place in North Korea. North Korean escapee XXX who left North Korea in 2011 testified that there were cases in which adults provided room and board for young women *kotjebi* who escaped from primary institutes and forced them to engage in prostitution, adopt them as their daughters and force them into unlawful sexual practices.<sup>652</sup> North Korean escapee XXX who left North Korea in 2011 testified that

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650\_Interview with escapee XXX in Seoul on October 5, 2012.

651\_NKHR2011000223 2011-10-19.

652\_Interview with escapee XXX in Seoul on October 5, 2012.

there were many cases of unlawful sexual practices involving under-aged children in North Korea, and law enforcement authorities were also concerned about such practices. The respondent explained that if 50 under-aged girls are brought to a labor training camp, approximately 20 of them were brought in for unlawful sexual practice.<sup>653</sup>

## **C** Personal Liberty and Safety of the Person

Regarding the rights of the child stipulated in Article 37 of the Convention on the Rights of the Child, North Korea in the second, third and fourth consolidated report states that North Korean law enforcement authorities do not arrest, detain or imprison any child, in principle. It further states that only under inevitable circumstances do the authorities detain a child after school hours in his/her home or specified facility with the approval of a prosecutor in accordance with Articles 189 and 190 of Criminal Procedure Law for a maximum period of one month. The North Korean reports also state that North Korean laws have been revised to comply with international agreements, especially the standards articulated in the Convention on the Rights of the Child. For example, North Korea asserts that the age for assessing the death penalty for young people has been raised from 17 to 18 and not a single incident in which a child was tortured, punished in a cruel and inhumane manner or otherwise mistreated occurred. In the third and fourth consolidated report, North Korea said that there were no cases of mistreatment of children, such as by torture or in-

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653\_ Interview with escapee XXX in Seoul on October 29, 2012.

humane and degrading treatment, during the entire reporting period (2001–2007). In terms of the right to justice, North Korea’s Law for the Protection of Children’s Rights prescribes that “In handling child–related crimes, the law enforcement agencies must fully guarantee all the rights for the child at all steps” (Article 47). In addition, Article 48 prohibits imposing capital punishment or charging criminal responsibility on children. The law in Article 50 also guarantees the right to get assistance in terms of a legal counsel, and to respect the child’s personal integrity, (Article 51) as well as the presence of the child’s next of kin during interrogation (Article 52).

Contrary to North Korea’s claims, children deported from China have experienced various forms of torture, especially verbal and physical abuse, including beatings and intimidation. From the beginning of the questioning process they are known to have suffered from beating, harsh labor and starvation during detention. They have been further detained in facilities designed for adults and forced to endure violence and forced labor.

| Testimonies                                                                                                                                                                                                                   | Testifier ID                 | Remarks     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that in 2008, he saw adults and children thrown into the same room at Group 6.20 in Pyongsung, South Pyongan Province.                                                                       | NKHR2011000101<br>2011–04–26 | Experienced |
| A North Korean escapee testified that in 2009 a 13–year old boy was given a labor training penalty for having watched a South Korean video.                                                                                   | NKHR2012000095<br>2012–05–29 | Witnessed   |
| A North Korean escapee testified that in 2010, he/she saw a 15–year old boy who was mobilized for forced labor while detained at <i>kyohwaso</i> .                                                                            | NKHR2011000247<br>2011–12–20 | Witnessed   |
| A North Korean escapee testified that in 2010, he was only 17 years old, but was detained in detention facilities of border guard, Local branch of MPS, and ‘inspectors agency.’ At these facilities, he was severely beaten. | NKHR2012000187<br>2012–05–22 | Experienced |

|                                                                                                                                                                                                                                                                                                                                                    |                                                                                       |             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------------|
| A North Korean escapee testified that in February 2010 in Musan County security department detention center in North Hamgyoung Province, his/ her 16-year old son was detained for 15 days on charges of receiving remittance by his parents from China. He was often beaten and put to forced labor before he was able to escape from the center. | NKHR2011000134<br>2011-06-07                                                          | Witnessed   |
| A North Korean escapee testified that in 2011 in Sakju County, North Pyongan Province, he/she saw a 14-year old boy detained on charges of using a USB on his computer. He was beaten while detained in a rooming house, and about 40 other boys underwent similar punishment.                                                                     | NKHR2011000105<br>2011-05-03                                                          | Witnessed   |
| A North Korean escapee testified that he was forcibly deported from China and detained in a City security department detention center in Hyesan, Yanggang Province. He was only 16 at the time but was thrown into an adult detention facility.                                                                                                    | NKHR2011000142<br>2012-06-14                                                          | Experienced |
| I was born in 1997, and in 2011 I was detained in Shinuiju <i>Jipkyulso</i> , North Pyongan Province. During the interrogation, the agent struck me.                                                                                                                                                                                               | NKHR2013000032<br>2013-02-19                                                          | Experienced |
| A North Korean escapee testified that at “No. 22 <i>Kwanliso</i> ” (Sechon <i>Kwanliso</i> ) in Hoeryeong, North Hamgyoung Province, they placed children, who were detained with their parents, into hard labor from 10am, and the level of work was very hard. The parents were not allowed to help their children.                              | NKHR2011000134<br>2011-06-07                                                          | Witnessed   |
| A North Korean escapee testified that capital punishment was possible for the criminals above the age of 17.                                                                                                                                                                                                                                       | NKHR2012000066<br>2012-04-20                                                          | Fact        |
| A North Korean escapee testified that they brought six kotjebi (homeless child beggars) children into the labor training camp. They were all forced to work for 15 days, same as adults. This was reported up the channels, and the responsible agent was fired from his job.                                                                      | North Korean<br>escapee XXX during<br>an interview<br>in Seoul on October<br>29, 2012 | -           |
| A North Korean escapee testified that when he/she was detained in a provincial <i>jipkyulso</i> , under-aged young people were also detained in the same space. The young people were not put to hard labor or beatings.                                                                                                                           | NKHR2012000044<br>2012-03-19                                                          | Witnessed   |
| I saw a 15-year old girl detained in Jagang Provincial <i>Jipkyulso</i> on charges of illegal river-crossing (border-crossing). They forced hard work on her even though she was under-aged.                                                                                                                                                       | NKHR2013000018<br>2013-01-22                                                          | Witnessed   |

In terms of detention facilities for under-aged youngsters, some escapees said each county maintained a boys education center,<sup>654</sup> while other escapees testified that boys education center was abolished.<sup>655</sup> Yet another escapee testified that boys education center was recently reestablished.”<sup>656</sup>

## D Assessment

North Korea has enacted Law for the Protection of Children’s Rights and insisted, “a firm legal guarantee has been made to consistently implement our policy to guarantee the rights and interests of our children as a priority.”<sup>657</sup> North Korea’s Law for the Protection of Children’s Rights faithfully prescribes the state’s responsibilities as detailed in the Rights of the Child Convention. However, the law contains a number of declaratory provisions, and in fact no significant improvement has been found thus far. It is therefore necessary to continue to pressure North Korea to improve their laws and policies concerning the welfare of North Korean children.

The most important difference between the Rights of the Child Convention and North Korea’s domestic laws is the age limit between a child and adult. In North Korea, a 17-year old young man will graduate from high school and join the military service or get a job assignment. From the point of international standards, this young man’s case could be regarded as a “child-soldier” or

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654\_NKHR2012000090 2012-05-22.

655\_NKHR2012000066 2012-04-20.

656\_NKHR2012000238 2012-11-06.

657\_ *Minju Joseon* (Democratic Chosun), January 26, 2011.

“child-labor” issue. In 2013, Kim Jong-un built the Okryu Children’s Hospital in Pyongyang, and tried to express a special interest in children’s health. But North Korea still has a number of serious issues such as high death rates of newborn babies and the chronic malnutrition of its young children.

# 3

## Persons with Disabilities

The UDHR prescribes, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” (Article 25, Para. 1). In addition, the Rights of the Child Convention stipulates, “State Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions that ensure dignity, promote self reliance, and facilitate the child’s active participation in the community” (Article 23, Para. 1). More systematic and specific details are stipulated in the Convention on the Rights of Persons with Disabilities, but North Korea is not a signatory. The “persons with disabilities convention” declares that “States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability” (Article 4). On July 3, 2013, North Korea signed on this convention, but has not yet ratified it, so officially it is not a formal signatory. But, signing itself was a welcome gesture.

### The Number of Persons with Disabilities

Following is a report on the recent status and reality of disabled persons in North Korea. World Milal is an international evangelical group that helps the physically challenged around the world. In 1999, the group released a Survey of Disabled Persons in North Korea, which they obtained from the Chosun Association for Supporting the Disabled. According to this survey, there are a total of 763,237 disabled persons in North Korea, or approximately 3.41 percent of the population. The survey showed that 296,518 persons or 38.8 percent of the total had physical disabilities, 168,141 persons were hearing impaired, 165,088 were visually impaired (i.e., blind), 68,997 were suffering from multiple disabilities, and 37,780 were mentally disabled. Disabled persons composed approximately 1.75 percent of the Pyongyang population. The report also illustrated that 64 percent of all physically challenged persons were living in urban areas, while 35.4 percent were living in farm villages.<sup>658</sup>

In addition, in the 2009 report to the UN, North Korea clarified that there were 3,639 children with handicapped mobility, including 2,176 boys and 1,463 girls, according to their own survey conducted in 2005.<sup>659</sup>

| Table V-2 | Handicapped Children by Age |      |      |       | (Unit: Percent) |
|-----------|-----------------------------|------|------|-------|-----------------|
| Age       | 0-4                         | 5-6  | 7-10 | 11-17 |                 |
| 100       | 11.6                        | 11.2 | 30.2 | 47.0  |                 |

658\_ *Yonhap News*, April 9, 2006 and November 23, 2006.

659\_ The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)," p. 20.



According to the “Rodong Shinmun,” the Chosun Federation for Protection of Persons with Disabilities and the Central Statistical Bureau have conducted for the second time a sample survey in 2011 on 2,400 households in three provinces.<sup>660</sup> According to Mun–chol Kim, Deputy Chairman of the Chosun Federation for Protection of Persons with Disabilities Central Committee, who was leading the North Korean sports delegation to the 14th “Paralympics” held in London (August 30–September 10, 2012), the total number of disabled persons in North Korea was 5.8 percent of the population. This number was also confirmed as a result of sample survey North Korean authorities conducted in November 2011 on the number of disabled persons who had disabilities in the five major areas of sight, hearing, limbs, mentality, and multiple disability.<sup>661</sup>

The World Health Organization (WHO) in its 2013 World Report on Persons with Disabilities in the Southeast Asian region estimated that the ratio of persons with disabilities in North Korea was about 3.4 percent as of 2007. In terms of types of disability, the highest number was amongst persons who lost the use of limbs, followed by sight–impaired persons, hearing and speech impaired, and mentally challenged persons, in that order.<sup>662</sup> (837)

Policies for Persons with Disabilities

Taking into consideration the criticism and concerns of the international community, North Korea has enacted the Law on the

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660\_ *Rodong Shinmun*, September 30, 2012.

661\_ *Yonhap News*, September 10, 2012.

662\_ *Voice of America*, September 20, 2013; Kyu–Chang Lee, et al., *A Study on Ways to Promote Human Rights of Vulnerable Class of North Koreans through Humanitarian Assistance* (Seoul: KINU, 2013) p. 82.

Protection of Persons with Disabilities in June 2003. Following is a quick overview of major articles of the North Korean's Law on the Protection of Persons with Disabilities. Article 1 states, (The purpose of this law) is "to provide better living conditions and environment for the disabled persons by firmly establishing systems and order in terms of treatment, rehabilitation, education, work and cultural life." Article 2 defines disabled persons as "citizens whose normal life is hampered for an extended period of time due to the loss or restriction of physical and mental functions." It states, "the State shall respect personal dignity of all disabled persons, and guarantee them equal rights and freedoms, as well as benefits, with healthy citizens in all social and political areas."

In addition, the Law on the Protection of Persons with Disabilities stipulates details concerning Treatment and Rehabilitation (Chapter 2), Education (Chapter 3), Cultural Life (Chapter 4), and Work (Chapter 5). Some of the more salient provisions include Guarantee of Overall Free Treatment Benefits (Article 9), Guarantee of Compulsory Elementary and Middle School Education (Article 17), Guarantee of Admission to Colleges or Vocational Schools based on Personal Desires and Talents (Article 18), Creating and Operating Special Schools and Classes to meet Physical and Mental Needs and Conditions (Article 19), Job Assignments to Agencies, Enterprises, and Organizations based on Individual Preferences (Article 32), and Operation of Disabled Persons Protection Committee and Allocation of Work Projects to Disabled Persons League (Article 45). After signing the Persons with Disabilities Convention, North Korea established an "Assistance Fund for Persons with Disabilities" on November 21, 2013, and revised its Disabled Persons Protection Law, reflecting Article 9 of the convention, which recommends signatories to improve the disabled persons' access to buildings

and other facilities.”<sup>663</sup>

North Korea’s Social Insurance Law (Enacted in December 1946) states, “in the event a person temporarily loses his/her ability to work due to illness, injury or disability, he/she is entitled to compensation.” (Article 1, Para. 2) If a social insurance doctor has determined that an insured worker has completely lost the capability to work due to illness or injury, the worker shall be paid monthly ‘disability payment’ starting the day after the decision has been made until death or recovery (Article 80). Article 81 further prescribes the scope and standard of monthly disability payment into three detailed types: For example, “Type 1 disabled person” includes the blind, deaf, and persons who lost both arms. North Korea’s Constitution stipulates, “Citizens shall have the right to receive free medical care, and persons who are no longer able to work due to old age, illness or physical disability, and the old and children who do not have caretakers, shall have the right to receive assistance. This right shall be guaranteed by free medical care, continuously expanding medical facilities that include hospitals and sanitariums, and the state social insurance and the social security system” (Article 72). In addition, the Labor Law prescribes, “The State shall provide free care at sanitariums and senior citizen care facilities for the old and the disabled who are no longer able to work and who do not have caretakers.” (Article 78) The Public Health Law also stipulates, “The State shall responsibly provide free care benefits for children, the patients with chronic illness, and the old who have lost ability to work and who do not have caretakers” (Article 13).

The Social Security Law prescribes the coverage of benefits for

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663\_ *The Chosun Shinbo*, December 6, 2013; *Yonhap News*, December 6, 2013.

all persons who lost capabilities to work due to physical handicaps, (Article 2) and stipulates various social security measures, including social security pensions and other financial assistance. (Article 17–23) The honored veterans who had sustained injuries in the line of duty, would also be entitled to benefits (Article 4).

The North Korean authorities established a joint disabled persons survey plan. A non-governmental organization called the Chosun Association for Supporting the Disabled was formed in July, 1998. In July 2005, they expanded and reorganized into the Chosun Federation for Protection of Persons with Disabilities. This Federation carries out important tasks, such as conducting surveys on the status of disabled persons, improving health and living conditions, and developing action programs to enhance social awareness on disabled persons. It has branch committees at the county, city and province levels.<sup>664</sup> It has also established in three provinces the Association for the Sight-impaired, the Association for the Hearing-impaired, and the Association for Women with Disabilities.<sup>665</sup>

According to the KCNA, the activities of the Chosun Federation for Protection of Persons with Disabilities include the following: (1) To build and repair various facilities for the disabled and equip rehab facilities for the disabled and help introduce the latest recovery technology to various medical facilities. (2) To build and operate factories that manufacture various “correctional equipment, and to provide the disabled with modern correctional and leg-support equipment. (3) To provide assistance for the disabled to en-

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664\_ Convention on the Rights of the Child, “Consideration of Reports Submitted by States Parties under Article 44 of the Convention: The Combined Third and Fourth periodic Reports of States Parties Due in 2007: Democratic People’s Republic of Korea,” UN Doc. CRC/C/PRK/4 (January 15, 2008), para. 134.

665\_ *Rodong Shinmun*, September 30, 2012.

joy cultural life through cultural, athletic, and recreational activities. (4) To develop necessary conditions for the disabled to actively participate in social work, and (5) To promote exchanges and co-operation with various international and national organizations for persons with disabilities.<sup>666</sup>

The League has also established the Cultural League for the Disabled. In addition, the Disabled Art League, the Disabled Children Fund, and a trading company supporting disabled persons have jointly established a welfare promotion program for disabled persons. Also, a Comprehensive Action Plan 2008–2010 for Disabled Persons has been established. And, it was reported that under the League, two organizations were established and operating: they are the Chosun Disabled Persons Art Association and Chosun Disabled Persons Athletic Association.<sup>667</sup> But, according to a survey conducted by KINU in 2013, 95.1 percent of the escapees said they have not heard anything about Chosun Federation for Protection of Persons with Disabilities, indicating most North Koreans were not aware of the activities or the existence of the Federation.

North Korean authorities insisted that they were taking positive steps, such as building various convenience facilities for persons with disabilities. North Korea said in March 2013 that it has built the “Chosun Disabled Children’s Recovery Center,” and was providing nursing and education for the mentally challenged and

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666\_ *KCNA*, September 17, 2010; Kyu–Chang Lee, et al., *“A Study on Ways to Promote Human Rights of Vulnerable Class of North Koreans through Humanitarian Assistance,”* p. 65.

667\_ Convention on the Rights of the Child, “Consideration of Reports Submitted by States Parties under Article 44 of the Convention: The Combined Third and Fourth periodic Reports of States Parties Due in 2007: Democratic People’s Republic of Korea,” para. 134; Kyu–Chang Lee, et al., *“A Study on Ways to Promote Human Rights of Vulnerable Class of North Koreans through Humanitarian Assistance,”* p. 66.

paraplegic children, as well as early discovery and rehabilitation of various disabilities.”<sup>668</sup>

North Korea has been constructing the “Dongdaewon Gymnasium for the Disabled” in Dongdaewon District of Pyongyang, aiming to complete it by March 2014. In addition, North Korea is building a facility for the disabled persons that does not have any structural obstruction such as stairs or thresholds.<sup>669</sup> On May 2, 2012, the “Chosun Technical and Vocational Skills Class for the Disabled” was open in Pyongyang to help the disabled persons to more actively participate in social life. This “Class” is a one-year course, and the hearing-impaired and other disabled children (including those who lost the use of limbs) are receiving various technical skills education.<sup>670</sup>

In North Korea, it is reported that there are many “correctional” equipment manufacturing outlets, such as the Hamhung Correctional Equipment Factory, Songrim Correctional Equipment Factory, and Pyongyang Honored Veterans’ Correctional Equipment Repair Factory. The Hamhung factory is known to use polypropylene glycol materials to manufacture various correctional equipment. And, the employees of these factories are providing mobile on-site repair service. For example, the employees of the Pyongyang Honored Veterans’ Factory have been visiting various locations to provide on-site repairs for the veterans.<sup>671</sup>

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668\_ *Rodong Shinmun*, September 30, 2012; *KCNA*, March 29, 2013; Kyu-Chang Lee, et al., *A Study on Ways to Promote Human Rights of Vulnerable Class of North Koreans through Humanitarian Assistance*,” p. 69.

669\_ *The Chosun Shinbo*, August 31, 2013; *Yonhap News*, August 31, 2013; Kyu-Chang Lee, et al., above, p. 70.

670\_ *KCNA*, May 2, 2012; *The Chosun Shinbo*, May 9, 2012; *The Chosun Shinbo*, May 23, 2013; *The Able News*, August 9, 2013; Kyu-Chang Lee, et al., above, p. 70.

671\_ *The Chosun Shinbo*, December 10, 2011; May 23, 2013; Kyu-Chang Lee, et al., above,

Through these associations, North Korea has been working to cooperate with South Korea and the international community to increase assistances for the disabled. In fact, as part of the inter-Korean exchange and assistance project for the disabled, an inter-Korean seminar on scientific rehabilitation of disabled persons was held for the first time at the Yanggakdo Hotel in Pyongyang on December 19, 2006. The seminar was attended by a South Korean delegation from Daegu University and a North Korean delegation from the Chosun Red Cross Hospital. Discussions also covered areas such as rehabilitation treatment, special education, and results of related research.<sup>672</sup> In addition, in May 2007, the Botonggang Convenience Complex was built and opened for operation in the Red Avenue, Botonggang District of Pyongyang. This self-reliant rehabilitation center for the disabled was built with the support of South Korea's Lighthouse Foundation. This complex is the first rehabilitation center for the disabled, and is operated jointly with North Korea's Chosun Federation for Protection of Persons with Disabilities.<sup>673</sup>

In North Korea, factories for the disabled, such as the Honored Veterans' Factory, are operating to manufacture and repair various correctional equipment for them. In its 2009 UPR, North Korea reported that it was operating Honored Veterans' Factory and Welfare Service Center for the purpose of creating jobs for the disabled persons. In the 1960s, North Korea had built factories for the blind in Nampo, Chongjin, and other locations to encourage

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p. 71.  
672\_ *Yonhap News*, December 22, 2006.  
673\_XXX, Korea Institute for National Unification advisory meeting, June 29, 2012. Indicated anonymously upon request.

productive activities of the persons with disabilities, and manufactured nails, umbrellas, and briefcase handles. In the midst of “Arduous March” in the mid-1990s, however, these factories were closed down due to financial difficulties.<sup>674</sup>

During the Second Regular Report on Economic, Social, and Cultural Rights, North Korea reported that 3 schools for the blind and 9 schools for the hearing-impaired persons were operating in North Korea, and that 1,800 students were taking primary and secondary education courses there. These children were receiving State-provided scholarships and living in a dormitory specially built for them.<sup>675</sup>

North Korea has also launched campaigns to improve the public image of the persons with disabilities. And, since 2011, North Korea has been observing the “disabled persons day,” and hosting various events. North Korea’s Chosun Federation for Protection of Persons with Disabilities has been sponsoring “Joint Celebrations on the Occasion of the International Day of Persons with Disabilities” to commemorate the “International Day of Persons with Disabilities” on December 3 every year since 2010.<sup>676</sup>

North Korea is also sponsoring joint sports events in which persons with and without disabilities participate together, to promote public interest in disability issues. Also, the State Athletic Guidance Committee was organized in November 2012 to draw public attention to sports events of the persons with disabilities. Recently, table-tennis matches that are participated by persons with dis-

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674\_ *Daily NK*, August 28, 2012; Kyu-Chang Lee, et al., Above, pp. 71–72.

675\_ The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15 (A),” p. 20.

676\_ Kyu-Chang Lee, et al., Above, p. 72.



abilities and those without disabilities are regularly held and the number of participants are also increasing.<sup>677</sup> In 2013, North Korea officially joined the International Paralympic Committee held in Athens from November 21–24, 2013.

### Human Rights of Persons with Disabilities

The ICESCR stipulates, “The State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” (Article 12). The ICCPR also states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation” (Article 7). Furthermore, the UDHR states, “Everyone has the right to freedom of movement and residence within the borders of each State” (Article 13 (1)). The ICCPR also prescribes, “Everyone lawfully within the territory of a State shall within that territory, have the right to liberty of movement and freedom to choose his residence” (Article 12).

However, although North Korea has signed the “Persons with Disabilities Convention” and enacted the Law on the Protection of Persons with Disabilities, and promoted cooperation with the international community, persons with disabilities in North Korea appear to be discriminated against, in reality, and their personal liberty and family rights are infringed upon.

First, the most obvious human rights violations that infringe upon their family rights, and inhumane discriminations would be

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677\_ *Ibid.*, p. 72.

the forced abortions on midget persons.

| Table V-3 Forced Abortions/Sterilization on Midget Persons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                          |                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------|
| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Testifier ID                                                             | Remarks                 |
| A North Korean escapee testified that in 2000 there was a village for little people in Koupku in Kim Hyung-jik County (Huchang County), Yanggang Province. And, he had heard midgets were all sterilized.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | North Korean escapee XXX during an interview in Seoul on October 5, 2012 | Informed                |
| A North Korean escapee testified that in October 2010 he was working at First People's Hospital in Bukcheong County in North Hamgyoung Province. At the time, he saw six little people living in Bukcheong County forced to a sterilization operation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | NKHR2011000182<br>2011-08-09                                             | Witnessed               |
| In May 2012, an unmarried midget living in Rahung District, Iwon County, South Hamgyoung Province said "They give you 10kg of corn if you get an abortion."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NKHR2013000021<br>2013-02-05                                             | Informed                |
| A North Korean escapee testified that he heard from his younger brother who was a neurosurgeon that he was administering sterilization shots on little people once a year. The little people around town were registered as subjects of "No. 71" measures, and they were given sterilization shots, after being told that the shots would make them grow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NKHR2012000066<br>2012-04-20                                             | Informed                |
| A North Korean escapee testified that he was a consulting physician at the Hereditary Section of a hospital. After conducting a survey on little people, he had enforced a sterilization plan as instructed by the Party. Midgets are called the subjects of "No. 71" measures, because in 1971 Kim Il-sung had sent all midgets to collective camps. In North Korea, people below 130cm in height would be classified as little people. In recent years, midgets know they are subject to sterilization shots, so they refuse and resist if doctors try to give them shots. Sometimes they would even file petitions. But these petitions are dismissed because sterilization was the Party's policy. Especially those midgets with lower mental capacity would get sterilization shots after being told that the shots would help them grow. | NKHR2012000072<br>2012-04-26                                             | Experienced / Witnessed |

|                                                                                                                     |                              |      |
|---------------------------------------------------------------------------------------------------------------------|------------------------------|------|
| A North Korean escapee testified that little people were segregated from others, and they were forcibly sterilized. | NKHR2012000073<br>2012-05-08 | Fact |
| They were trying to eradicate the root cause of midg-ets, but not very successful.                                  | NKHR2013000117<br>2013-06-25 | Fact |
| They were forcing abortions on midg-ets, but in reality many midg-ets have children.                                | NKHR2013000200<br>2013-11-12 | Fact |

North Korean authorities were trying to prevent midg-ets from having children by enforcing abortions, but there have been complaints and protests in recent years, and many midg-ets were actually producing their own children. Escapee XXX testified that he/she had heard that midg-ets have staged a protest rally against discrimination in 2000 at Huchang.<sup>678</sup>

Second, an example of restricting the freedom of residence is the operation of segregation facility for midg-ets.

**Table V-4** Cases of Segregation of Midg-ets (1)

| Testimonies                                                                                                                                                                                                                                                                                 | Testifier ID                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| A North Korean escapee testified that in 2000 there was a village for little people in Koupku in Kim Hyung-jik County (Huchang County), Yanggang Province.                                                                                                                                  | North Korean escapee XXX during an interview in Seoul on October 5, 2012 |
| A North Korean escapee testified that in 2003, he saw a village for lit-tle people at Woltan-ri, Kim Hyung-jik County (Huchang County), Yanggang Province.                                                                                                                                  | NKHR2012000083<br>2012-05-15                                             |
| A North Korean escapee who left North Korea in 2008 testified that there was a residential area for midg-ets about a mile outside the Koupku in Jung-ri, Kim Hyung-jik County (Huchang County), Yanggang Province. The little people were allowed to live in this area after sterilization. | NKHR2012000070<br>2012-04-24                                             |

678\_NKHR2013000117 2013-06-25.

|                                                                                                                                                                                         |                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| A North Korean escapee who left North Korea in 2011 testified that there was a collective village for little people in XX-ri, Kim Hyung-jik County (Huchang County), Yanggang Province. | North Korean escapee XXX during an interview in Seoul on October 11, 2012 |
| A North Korean escapee testified that there was a village for little people in Samchang-ri, Kim Hyung-jik County (Huchang County).                                                      | NKHR2012000046<br>2012-03-23                                              |
| A North Korean escapee testified that little people were segregated from others.                                                                                                        | NKHR2012000073<br>2012-05-08                                              |
| I saw midgets working in the field in Yonha-ri, Kim Hyung-jik County (Huchang County), Yanggang Province.                                                                               | NKHR2013000011<br>2013-01-22                                              |
| I heard stories about midgets from a person who used to live in a "midget village."                                                                                                     | NKHR2013000047<br>2013-03-05                                              |
| I once visited my aunt in Sangchang District, Kim Hyung-jik County, Yanggang Province. There I saw midgets living in segregation.                                                       | NKHR2013000060<br>2013-04-02                                              |
| I heard there was a segregation facility for the midgets in Yonghwa-ri, Sinpa County, Yanggang Province.                                                                                | NKHR2013000074<br>2013-04-16                                              |
| I heard the Duji-ri, Kim Hyung-jik County, Yanggang Province, was a "midget village".                                                                                                   | NKHR2013000117<br>2013-06-25                                              |
| Midgets are segregated in Yonha-ri, Kim Hyung-jik County, Yanggang Province.                                                                                                            | NKHR2013000119<br>2013-06-25                                              |

In a 2013 survey conducted by KINU, 58.7 percent of respondents said that persons with disabilities would be segregated. As for the forced abortions, 47.5 percent replied that they do enforce abortions.

Some escapees testified that midgets would be segregated, but other escapees testified that they had seen midgets living in ordinary areas amid general population.

| Table<br>V-5                                                                                                                                          | Cases of Segregation of Midgets (2) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Testimonies                                                                                                                                           | Testifier ID                        |
| In 2010, I saw a midget father and his son working in the field at a farm in No. 7 unit of Yimkang-ri, Musan County.                                  | NKHR2013000165<br>2013-09-03        |
| A North Korean escapee testified that little people used to be segregated, but after Kim Il-sung's death, they were no longer harassed or segregated. | NKHR2012000004<br>2012-01-10        |

|                                                                                           |                              |
|-------------------------------------------------------------------------------------------|------------------------------|
| I saw a midget in Namyang District, Onsung County.                                        | NKHR2013000100<br>2013-05-28 |
| I saw a midget tending a goat in Sinpa-eup, Kim Jong-sook County, Yanggang Province.      | NKHR2013000119<br>2013-06-25 |
| My (mother's side) grandfather's younger sister was a midget, but she was not segregated. | NKHR2013000141<br>2013-07-23 |
| I heard from my sister that midgets were living in Hyesan.                                | NKHR2013000218<br>2013-11-26 |

An escapee testified that one of the discriminations against midgets is that they do not have citizen cards.<sup>679</sup> Another escapee testified that even though they are segregated and discriminated against, they live comfortable lives. Escapee XXX testified that even though midgets were segregated, their economic life appeared rather well-off. Abandoned as they were, they work very hard and actively.<sup>680</sup> Escapee XXX testified that a midget he/she saw in Hyesan was leading a relatively comfortable life.<sup>681</sup>

The third type of discrimination against handicapped persons involves the issue of restricting their residential areas. North Korean escapees have testified that the authorities thoroughly restrict the areas where handicapped persons are allowed to reside, especially in cities such as Pyongyang, Nampo, Gaeseong, and Chongjin, where many foreigners visit. With the exception on people with special skills, the authorities control the residence of handicapped persons, because they may leave an unpleasant impression on the visiting foreigners. North Korean escapee XXX testified that around 1980, he/she could not continue to live in Pyongyang because of

679\_NKHR2013000218 2013-11-26.

680\_NKHR2013000011 2013-01-22.

681\_NKHR2013000218 2013-11-26.

his/her mentally challenged child.<sup>682</sup> North Korean escapee XXX testified that because physically handicapped persons were forced out of the capital, people whose child was struck by polio in his/her childhood could not send the child to school and had to raise him/her at home until they were fully grown. Fully grown adults were more difficult to force out of Pyongyang.<sup>683</sup> North Korean escapee XXX testified that disabled people are classified as subject of action, and are not allowed to live in Pyongyang and the authorities used excuses such as “Pyongyang is North Korea’s face, so we should show only good side of the city to foreigners.”<sup>684</sup> Escapee XXX testified that in the 1980s the authorities decided to reduce the Pyongyang population. And, as part of this move, they drove out all persons with disabilities outside of Pyongyang.<sup>685</sup> Escapee XXX testified that the honored veterans with disabilities were not banished out of Pyongyang, and only ordinary persons with disabilities were relocated out of the city.<sup>686</sup>

However, some escapees testified that there are disabled persons living in the capital.

Table V-6 Cases of Persons with Disabilities Living in Pyongyang

| Testimonies                                                                                                                      | Testifier ID                 |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| When I was staying Pyongyang in May 2011, I saw persons with disabilities (infant polio) in Sansok District and Gangdong County. | NKHR2013000140<br>2013-07-23 |

682\_ Interview with escapee XXX in Seoul on March 10, 2007.

683\_ Interview with escapee XXX in Seoul on July 30, 2010.

684\_ Interview with escapee XXX in Seoul on July 30, 2010.

685\_ NKHR2013000103 2013-05-28.

686\_ NKHR2013000125 2013-07-09.

|                                                                                                                                                                                                                                                               |                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| A North Korean escapee testified that in the past, the authorities gathered handicapped persons and sent them out of the capital, but these days they are able to remain, even in Pyongyang.                                                                  | North Korean escapee XXX during an interview in Seoul on January 24, 2007 |
| A North Korean escapee testified that he saw a handicapped person in Pyongyang. An official's child was struck by polio, but he saw the child in Pyongyang until he left North Korea.                                                                         | North Korean escapee XXX during an interview in Seoul on February 9, 2007 |
| A North Korean escapee testified that in the past they banished disabled persons such as the deaf, hunch-backs, and little people out of Pyongyang. But these days they are not kicked out of the city, and once in a while people can see them in Pyongyang. | NKHR2008000023<br>2008-11-11                                              |
| A North Korean escapee testified that he/she had seen people who lost both legs or both arms in Pyongyang. They were married and had families.                                                                                                                | North Korean escapee XXX during an interview in Seoul on August 11, 2011  |
| There are persons with disabilities in Pyongyang. The authorities will try to control mentally challenged persons, but not physically challenged persons.                                                                                                     | NKHR2013000196<br>2013-10-29                                              |

Other escapees testified that handicapped persons were living freely in areas other than Pyongyang.

**Table V-7** Cases of Persons with Disabilities Living in Non-Pyongyang Areas

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                            | Testifier ID                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| A North Korean escapee testified that he had seen many people on crutches as they had lost one or both legs. He also saw many hunch-back women. They had children and were living just like other citizens. In 2005, he saw a lot of little people in Yonsa County, North Hamgyoung Province. They were married. There used be collective camps for little people in Komak-ri, Yonsa County, North Hamgyoung Province. | North Korean escapee XXX during an interview in Seoul on September 25, 2012 |
| A North Korean escapee testified that he had seen many hunchbacks and blind persons. From his childhood, he had seen a little person who was living with parents. He had not seen him for seven years, however.                                                                                                                                                                                                        | North Korean escapee XXX during an interview in Seoul on October 12, 2012   |
| A North Korean escapee testified that he/she saw a little person who came to visit next door neighbor in 2006.                                                                                                                                                                                                                                                                                                         | NKHR2010000018<br>2010-10-05                                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <p>A North Korean escapee testified that he/she grew up with a mentally challenged female about my age next door in Hoeryeong, North Hamgyoung Province. She was living with her family until he/she fled from North Korea. In 2007, he/she also saw a man living with his brother's family in front of his/her grandmother's home. Between 2006 and 2007, he/she saw a little person in his/her neighborhood, and an uncle of his/her aunt was a little person, but he was married and had children.</p> | <p>North Korean escapee XXX during an interview in Seoul on April 29, 2011</p>   |
| <p>A North Korean escapee testified that in 2010 in Jinam-ri, Shinchoen County, South Hwanghae Province, he saw a female little person who looked over 60 years old.</p>                                                                                                                                                                                                                                                                                                                                  | <p>NKHR2012000006<br/>2012-01-10</p>                                             |
| <p>A North Korean escapee testified that he/she had seen many disabled persons, who lost both legs, and little people, deaf and blind persons. In 2011 in Hamhung, South Hamgyoung Province, he saw a little person about 30 years old. He was living with his parents who were normal.</p>                                                                                                                                                                                                               | <p>North Korean escapee XXX during an interview in Seoul on October 18, 2012</p> |
| <p>A North Korean escapee testified that recently he saw two little people (male) freely living in Sengjang-ku, Unhung County, Yanggang Province.</p>                                                                                                                                                                                                                                                                                                                                                     | <p>NKHR2010000055<br/>2010-11-30</p>                                             |
| <p>A North Korean escapee testified that he had seen a number of hunch-backs, little people, blind persons and people who had been struck by polio on the streets of Hyesan, Yanggang Province. In Pyongsung, South Pyongan Province, there was a village for midgets, but they were not "segregated" camps, but a town they naturally formed. Little people were freely moving around in the town.</p>                                                                                                   | <p>North Korean escapee XXX during an interview in Seoul on May 12, 2011</p>     |
| <p>A North Korean escapee testified that he/she saw little people and hunch-backs, and they all had families.</p>                                                                                                                                                                                                                                                                                                                                                                                         | <p>North Korean escapee XXX during an interview in Seoul on August 17, 2011</p>  |
| <p>A North Korean escapee testified that there was a village for little people in Yongwha-ri, Kim Hyung-jik County (Huchang County), Yanggang Province. He had heard that they were forcibly sterilized. He also saw some of them come to Hyesan for business.</p>                                                                                                                                                                                                                                        | <p>NKHR2012000060<br/>2012-04-10</p>                                             |
| <p>A North Korean escapee testified that he had three little people as classmates when he was going to middle school in Musan County, North Hamgyoung Province.</p>                                                                                                                                                                                                                                                                                                                                       | <p>NKHR2012000099<br/>2012-05-29</p>                                             |
| <p>A North Korean escapee testified that he/she witnessed little people with polio, or those without an arm, a leg or both of legs. In addition, there were many blinds and hunchbacks.</p>                                                                                                                                                                                                                                                                                                               | <p>North Korean escapee XXX during an interview in Seoul on October 5, 2012</p>  |
| <p>A North Korean escapee testified that the husband of her classmate was a little person. They avoided "segregation" by bribing the officials, but both of them were taken to the hospital to get some shots. Her friend never got pregnant, and it was assumed that they received sterilization shots.</p>                                                                                                                                                                                              | <p>NKHR2012000217<br/>2012-10-16</p>                                             |



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A North Korean escapee testified that he saw many deaf and blind persons, as well as handicapped persons who were missing a limb. These disabled persons were leading a life of *Kotjebi* (homeless beggars).

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North Korean escapee XXX during an interview in Seoul on October 17, 2012

In 2013, KINU conducted a survey of persons with disabilities in North Korea. The survey results showed that the North Korean escapees had seen persons with disabilities in North Korea as follows: 59 disabilities with limbs, 24 persons with loss of parts of the body, 15 midgets, 12 sight-impaired, 9 hunched-backs, 7 speech-impaired, 2 hearing-impaired, and 2 mentally challenged.

The North Korean authorities enacted laws for the disabled, including the Law on the Protection of Persons with Disabilities. Through exchanges and cooperation with South Korea and the international community, North Korean authorities are trying to develop and pursue various policies to protect the rights and interests of the disabled. However, many North Korean escapees have testified that discrimination against the disabled has not significantly decreased.

First, it is a matter of perception. Most North Korean escapees who came to South Korea, did not initially understand whom we meant by “persons with disabilities.” When we told them we meant “handicapped persons,” they understood.<sup>687</sup> The 2011 survey results also showed that 77 percent of the respondents<sup>688</sup> felt discrimination against the handicapped still persists and 46 percent of the respondents felt that discrimination is very serious. In the 2012 KINU survey, 63 percent (151 out of 240 respondents) said the

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687\_NKHR2013000003 2013-01-08; NKHR2013000068 2013-04-02; NKHR2013000095 2013-05-14.

688\_NKHR2011000043 2011-01-25 and 95 other testimonies.

discrimination against the disabled was severe. Of the 63 percent respondents,<sup>689</sup> 64 percent (96 out of 151)<sup>690</sup> said the discrimination was very severe. From a survey in 2013, 72.5 percent of the respondents answered that discrimination against the disabled is severe (55.6 percent answered it is very severe ).<sup>691</sup> North Korean escapees testified that there was almost no assistance from the government for the disabled population, and the social attitude towards the disabled was also negative, rather than positive.

Most escapees are not aware of any associations, equipment or convenience facilities for the disabled. The 2011 survey results indicated that only 6 percent of the respondents<sup>692</sup> knew of organizations for the handicapped and 49 percent<sup>693</sup> answered that they knew of no special products or convenience facilities for the handicapped. In the 2012 KINU survey, only 6 percent (14 out of 240 respondents)<sup>694</sup> were aware of the existence of organizations for the disabled. Furthermore, 39 percent (93 out of 240)<sup>695</sup> were unaware of convenience facilities or equipment for the disabled, while 33 percent (80 out of 240)<sup>696</sup> were aware of them. According to a finding in 2013, the number of respondents who said they knew about the organization for the disabled was 4.9 percent (8 out of 185),<sup>697</sup> while those who answered they knew about the facilities

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689\_NKHR2012000003 2012-01-10 and 150 other testimonies.

690\_NKHR2012000001 2012-01-10 and 95 other testimonies.

691\_NKHR2013000003 2013-01-08 and 115 other testimonies.

692\_NKHR2011000042 2011-01-25 and 7 other testimonies.

693\_NKHR2011000042 2011-01-25 and 65 other testimonies.

694\_NKHR2012000009 2012-01-31 and 13 other testimonies.

695\_NKHR2012000002 2012-01-10 and 92 other testimonies.

696\_NKHR2012000001 2012-01-10 and 79 other testimonies.

697\_NKHR2013000073 2013-04-13 and 7 other testimonies.

and equipment for the disabled was 41.7 percent (73 out of 175).<sup>698</sup>

According to North Korean escapees, a correctional equipment factory for the disabled persons was in operation in Hamhung. However, the costs of these equipment such as prosthetic limbs, were so expensive that ordinary persons could not afford to purchase them.<sup>699</sup> In addition to the inaccessibility, the North Korean authorities were unable to improve the accessibility for persons with disabilities, given the overall economic hardship.

North Korea is also trying to promote policies for the persons with disabilities by operating factories for various correctional equipment. Since the budget allocation for this sector was not sufficient, these factories were not operating normally. Given the circumstances, these factories are known to operate in the form of “light workplace.” However, the Honored Veterans’ Factory was operating at a better rate than other similar factories, although it too was not operating full capacity.

Chosun Federation for Protection of Persons with Disabilities is in existence, but most North Koreans are not aware of such an organization. But, one escapee testified that in Wonsan, Gangwon Province, there was a Persons with Disabilities Organization in operation.<sup>700</sup>

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698\_NKHR2013000008 2013-01-08 and 72 other testimonies.

699\_NKHR2013000057 2013-03-19; NKHR2013000070 2013-04-02.

700\_NKHR2013000075 2013-04-16.

Table  
V-8

## Cases of Operation of Factories for Persons with Disabilities

| Testimonies                                                                                                                                                                                                                                                | Testifier ID                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| There is a factory for people who are visually impaired in Susung District, Chongjin, North Hamgyoung Province.                                                                                                                                            | NKHR2013000036<br>2013-02-19 |
| There is a light labor workplace for disabled people in Sungchung-dong, Hoeryeong, North Hamgyoung Province.                                                                                                                                               | NKHR2013000095<br>2013-05-14 |
| There is Honored Veterans' Factory in Sinam District, Chongjin, North Hamgyoung Province.                                                                                                                                                                  | NKHR2013000097<br>2013-05-14 |
| In Namyang convenience cooperatives, Onsung County, North Hamgyoung Province, there is a factory for disabled persons, and in Onsung County, there is Honored Veterans' Factory, manufacturing tableware and vinyl pipes.                                  | NKHR2013000100<br>2013-05-28 |
| There was a factory for the disabled in Musan County, North Hamgyoung Province, but it was not operating for lack of raw materials.                                                                                                                        | NKHR2013000116<br>2013-06-11 |
| There is Honored Veterans' Factory in Hyesan, Yanggang Province.                                                                                                                                                                                           | NKHR2013000119<br>2013-06-25 |
| There is Honored Veterans' Factory in Kokunwon County, Yanggang Province, where they make earthen wares.                                                                                                                                                   | NKHR2013000123<br>2013-06-25 |
| There is Honored Veterans' Factory in Jaeryong County, South Hwanghae Province, where they produced plastic buckets. Also, it is a "light workplace," providing hair-cut service and bicycle repairs, but there were no persons with disabilities working. | NKHR2013000125<br>2013-07-09 |
| There were Honored Veterans' Factory in Wiyon-dong, Songbong-dong, and Yondu-dong, Yonbong 1-dong, in Hyesan, Yanggang Province.                                                                                                                           | NKHR2013000130<br>2013-07-09 |
| There is Raknang Honored Veterans' Factory in Raknang District of Pyongyang, and this is the nation's model factory.                                                                                                                                       | NKHR2013000168<br>2013-09-17 |
| There is a "light workplace" for hearing-impaired and limb-impaired persons.                                                                                                                                                                               | NKHR2013000186<br>2013-09-17 |

North Korea operates special schools and rehabilitation centers for the deaf (hearing-impaired and speech-impaired) and blind (sight-impaired) persons. There are 12 such schools in North Korea; nine for the deaf and three for the blind.<sup>701</sup> Escapee XXX testified that there was a school for the hearing-impaired. Most students there graduate from school at the age of 20. They also get voca-

tional training, but the more one tries to learn skills, the more money one will need to pay.<sup>702</sup> And, the facilities and conditions of these “special schools” were very poor. Escapee XXX testified that his/her nephew, XXX, was hearing-impaired. So, his parents wanted to send him to a school in Wonsan. The parents paid a visit to the school, but the conditions and facilities were so poor that they decided not to send him there.<sup>703</sup>

There are also factories for these disabled persons as well as factories for the decorated retired soldiers. In Hoeryeong, North Hamgyong Province, there is a nail factory run by the blind, and there is an apartment devoted to a “factory run by the blind.”<sup>704</sup> They also reported that some disabled persons such as hunchbacks and paraplegics are engaged in light work such as watch repairs, seal carving, as well as bicycle, shoe, and television repairs. They work at local convenience service centers, with some sight-impaired persons collecting money by playing guitar.

However, North Korean escapees testified that the disabled persons do not benefit from any consideration or protection from the government. In most cases, they live with their families or depend on panning in the street. North Korean escapees testified that only handicapped veterans (*yeong-ae-gun-in*) are entitled to disability benefits or financial support from the government. Other handicapped people without entitlements must work to obtain household supplies and auxiliary products. One obvious example is the

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701\_XXX, Korea Institute for National Unification, Advisory meeting, June 29, 2012. Indicated anonymously upon request.

702\_NKHR2013000154 2013-08-20.

703\_NKHR2013000224 2013-12-10.

704\_NKHR2012000026 2012-02-21.

establishment of a factory operated by handicapped veterans.

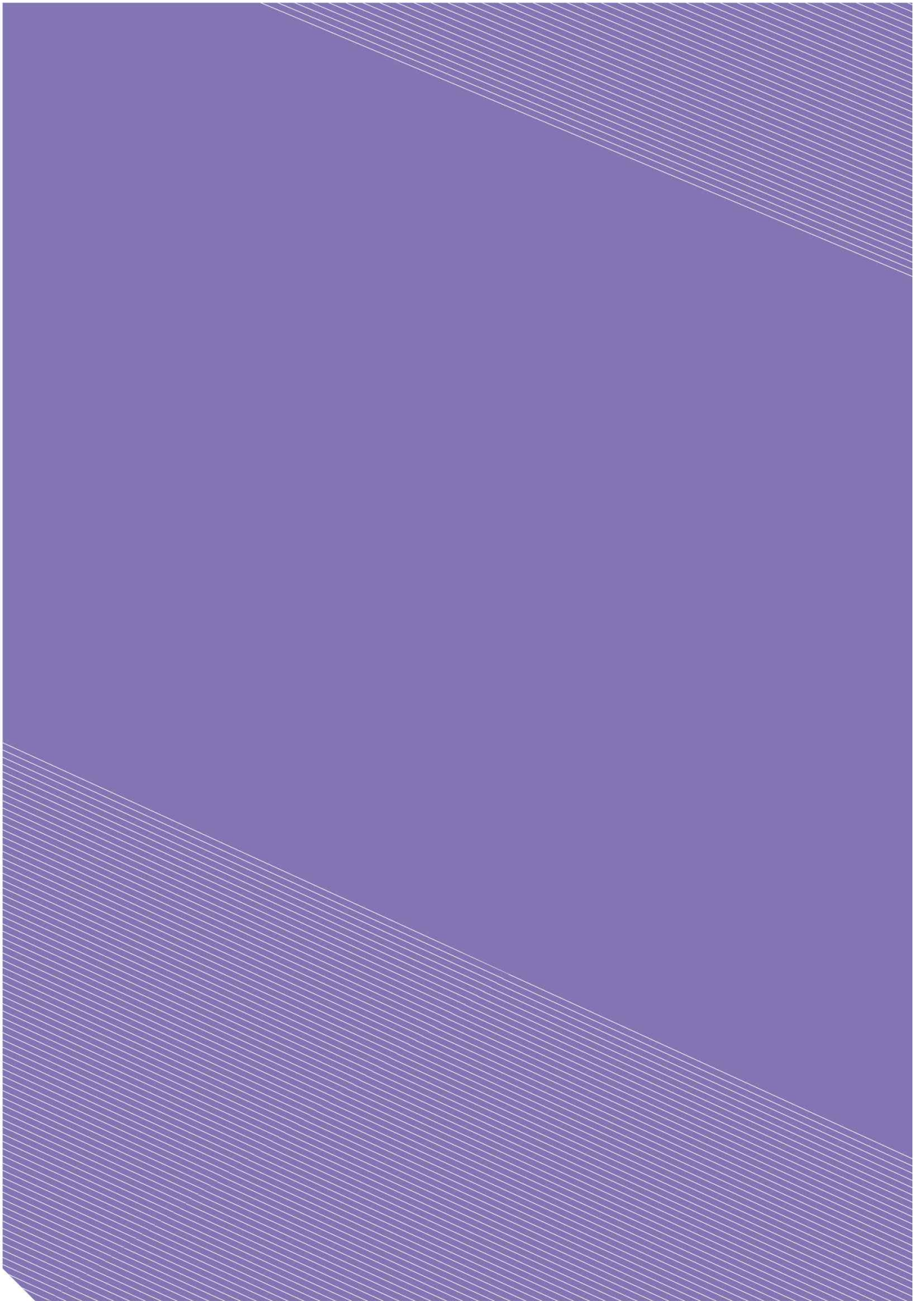
### Assessment

In 2013, North Korea has signed onto the Rights of Persons with Disabilities Convention, and enacted the Law on the Protection of Persons with Disabilities to promote the rights of persons with disabilities. It also became a formal member of International Paralympic Committee. In addition, it has conducted surveys of persons with disabilities, and built the “Chosun Children with Disabilities Recovery Center” and “Dongdaewon Persons with Disabilities Gymnasium.” It has also created the “Chosun Persons with Disabilities Technical and Vocational Skills Class.” These were all part of North Korea’s efforts to promote the rights of persons with disabilities. Nonetheless, there were some protests and complaints about discriminations against persons with disabilities.

Despite these positive measures, persons with disabilities in North Korea are often discriminated against and their liberty rights and family rights are frequently infringed upon. In particular, the discrimination against midgets, their segregation from society, and forced abortions and sterilization on them seem to persist to this day. Despite North Korean government's efforts to improve the public image on persons with disabilities, most North Koreans do not seem to be aware of activities of Chosun Federation for Protection of Persons with Disabilities. Above all, the government’s assistance to provide various correctional equipment and facilities seems to fall far short of realistic demands. The factories manufacturing correctional equipment for the disabled and the poor special school facilities are in need of urgent repairs and support. At the same time, however, it is encouraging to note

that North Korea is trying to increase international cooperation and promote the rights and interests of persons with disabilities.

|                                                            |
|------------------------------------------------------------|
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| Chapter II                                                 |
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Chapter

# VI

## North Korean Escapees and Other Humanitarian Issues

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- 1 North Korean Escapees
- 2 Separated Families
- 3 The Abductees
- 4 Korean War POWs

# 1

## North Korean Escapees

### A The Number and Background of North Korean Escapees Abroad

The ICCPR stipulates, “everyone shall be free to leave any country, including his own” (Article 12, Para. 2). Many North Koreans have fled their country and a large number of North Korean escapees are believed to be residing illegally in China, Russia, and other countries. The collection of accurate data on the exact number and details of individual situations is impossible as most escapees have uncertain legal status and are unable to openly ask for help. The Duman River region is normally used as the defection route for many North Koreans because it is easier to cross than other geographical points. However, there are various ways of fleeing such as escaping workplaces when assigned to jobs abroad,<sup>705</sup> or defecting to a third country while visiting relatives in China on regular passports.

In February 2005, the U.S. State Department announced that the number of North Korean escapees reached its peak between 1998 and 1999, and stated that as of 2000, the number of esca-

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705\_ It is believed that a significant number of North Koreans are living illegally in Russian Far Eastern Provinces after having escaped from various timber-farms and construction sites. But, no estimate is available. We confirmed that 11 cases including NKHR2011000410 came to South Korea via Russia in our basic survey for North Korea escapees.

pees was somewhere between 75 thousand and 125 thousand.<sup>706</sup> In June and July 2005, Good Friends conducted on-site surveys in the rural areas of the northeastern provinces of China, covering areas within a 500km radius of the North Korean border. Based on the survey results, Good Friends announced that the number of North Korean escapees in the area was approximately 50 thousand.<sup>707</sup> In 2006, they conducted another set of surveys in a Korean-Chinese village (about 20 thousand) in the northwestern corner of the Three Far Eastern Chinese Provinces, and in the vicinities of metropolises such as Shenyang, Dalian, and Qingdao (about 30 thousand).<sup>708</sup> The International Crisis Group also estimated the number of North Korean escapees to be as many as 100 thousand based on their interviews with local Chinese and Korean-Chinese, as well as other NGO reports.<sup>709</sup> In 2008, the number of North Korean escapees declined. One analyst estimated the number to be between 20,000–40,000.<sup>710</sup> Professor Courtland Robinson of the Bloomberg School of Public Health at Johns Hopkins University estimated the total number of North Korean escapees in the three

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706\_ U.S. State Department, *The Status of North Korean Asylum Seekers and the U.S. Government Policy toward Them* (The Bureau of Population, Refugees and Migration, February 2005).

707\_ *Yonhap News*, August 21, 2005.

708\_ The Good Friends sample-surveyed 135 villages along the Korean-Chinese border in January 2006. The association has found 267 children born of North Korean women and Chinese men in these sample villages. Based on the number of North Korean women living there in 1999, and assuming the birthrate of about 22 percent per 100 persons, the association estimated the number of newly born children to total about 49,500. It also estimated the total number of defecting North Korean women to have been about 225,000 over the years.

709\_ International Crisis Group, *“Perilous Journeys: The Plight of North Koreans in China and Beyond,” Policy Report* (October 2006).

710\_ Yoonok Chang, Stephan Haggard, and Marcus Noland, *“Migration Experiences of North Korean Refugees: Survey Evidence from China,”* Peterson Institute for International Economics, Working Paper Series (March 2008).

Northeastern Provinces of China to be 6,824 (minimum of 3,572 and maximum of 11,610), and 7,829 children born to North Korean women (minimum of 3,820 and maximum of 13,079).<sup>711</sup>

In late 2012, KINU and Johns Hopkins Bloomberg School of Public Health conducted a joint survey on the number of North Korean escapees and their children born in Heilongjiang Province of China. Again in 2013, KINU and Johns Hopkins conducted the same surveys in Jilin, Liaoning Province and Yanbian Korean Autonomous Province. The 2013 survey results showed that there were about 8,708 (minimum of 4,402, maximum of 13,706) North Korean escapees and 15,675 North Korean children (minimum of 11,028 – maximum of 21,214) in China's three Northeastern Provinces. Overall, the total number of North Korean escapees in these areas did not show a significant difference, but the number of children (of North Korean women) has significantly increased compared to the 2009 estimates, which showed 7,524 children (minimum of 5,851, maximum of 9,326). Based on a research survey conducted in 2012, the National Human Rights Commission of Korea has estimated that the total number of North Korean escapees' children in China to be about 20,000–30,000 maximum, with 4,000 of them in urgent need of protection.<sup>712</sup>

Reasons for the decreasing number of North Korean escapees since 2000 include more stringent border patrols and inspections,<sup>713</sup>

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711\_ Courtland Robinson, "Population Estimation of North Korean Refugees and Migrants and Children Born to North Korean Women in Northeast China," (May 2010), Korea Institute for National Unification advisory meeting, December 7, 2010. Dr. Robinson's survey was conducted by interviewing 324 North Korean refugees living in 108 randomly selected areas of the three northeastern provinces of China.

712\_ Won-woong Lee, *A Survey on the Reality of North Korean Escapees' Children Abroad* (Seoul: National Human Rights Commission of Korea, 2012).

713\_ In July 2010 North Korea's National Defense Commission(NDC) issued "Instruction

forced deportations, the rising costs to defect, increases in the number of legal visitors as China relaxed their procedures for issuing border travel passes,<sup>714</sup> and resettlements in South Korea or another third country. From 2009, as the SSD began to implement a new set of emergency measures against defection, control over every avenue of defection has been tightened, including tighter surveillance and detection of ideological trends,<sup>715</sup> strict and in-depth ideological education,<sup>716</sup> travel permit checks along the borders, bed-checks,<sup>717</sup> and inspections at border security units. Furthermore, it appears that the North Korean authorities have tightened punishment for residents found using cell phones in the border regions and have intensified surveillance of coast guards

0082” to the Chinese border region military units authorizing them to shoot to kill all escapees on site.

- 714\_ In order to obtain a “border travel pass” one still must pay some bribes, but the time required has been significantly shortened. *Good Friends*, “North Korea Today,” No. 377 (November 17, 2010).
- 715\_ The authorities investigated even law enforcement workers (at SSD, local branch of MPS, and prosecutors’ offices) to see if any of their relatives had defected. If so, the employees involved would be punished, removed from their jobs or fired. *Good Friends*, “North Korea Today,” No. 321 (January 5, 2010), and No. 334 (March 2, 2010); According to “NK Intellectuals Solidarity,” the North Korean authorities conducted “in-depth inspections” of all escapee families along with a census survey in May of 2010. They then designated “banishment villages” in remote areas and forcibly banished escapee families to those villages. “Open Radio for North Korea” reported on August 16, 2010 that North Korea’s MPS organized “strike units” at all city and county administrative levels to watch over families of escapees and missing persons. The NK Intellectuals Coalition also reported on July 7, 2010 that the “strike units,” launched in June following up on the April 2010 instructions, were conducting tight control and surveillance aboard trains in Musan County in 2010.
- 716\_ On January 27, 2010, North Korea’s Central Party designated the month of February as a period of in-depth inspections of boarding houses in the border areas. The authorities also decided to punish the party secretaries and administrative supervisors of any enterprises whose employees had defected. *Good Friends*, “North Korea Today,” No. 332 (February 18, 2010).
- 717\_ According to *Good Friends*, in the border region one may be punished merely for allowing a relative to stay overnight at one’s home unregistered. *Good Friends*, “North Korea Today,” No. 326 (January 19, 2010).

to prevent defections by sea.<sup>718</sup>

During the mourning period following Kim Jong-il's death on December 17, 2011, the movement of people was tightly controlled,<sup>719</sup> and every family along the border region was required to take turns to stand guard.<sup>720</sup> The bed-check inspections were reinforced and each Neighbourhood Watch (*Inminban*) had to newly appoint a reporter (or informer).<sup>721</sup> A strong official warning was newly issued to the effect that three generations (in a family) would be destroyed (eliminated) if anyone defected, and escapees would be executed on-site.<sup>722</sup> As a result, the number of defections has reduced dramatically.<sup>723</sup> In Onsong, it is said the authorities threatened by establishing land mines along the border or placing 10cm nail studded wooden boards along the Duman River.<sup>724</sup> Barbed wire fences and cameras were also installed along the major defection routes near the cities of Hoeryeong, Musan, and Onsong. In addition, camouflaged traps were created and noise makers were hung on barbed wire fences for detection.<sup>725</sup>

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718\_ *Yonhap News*, November 7, 2011; and *YTN*, January 3, 2012. There were six cases of defection by sea – two from East Sea and four from West Sea – in 2011; *Yonhap News*, November 6, 2011.

719\_ An official notice was issued to the effect that from January 2012 if anyone was carrying more than 30kg of grain it would be confiscated. *Good Friends*, “North Korea Today,” (January 25, 2012); NKHR2012000212 2012-10-16.

720\_ NKHR2012000260 2012-12-04.

721\_ NKHR2012000151 2012-07-24.

722\_ NKHR2012000151 2012-07-24; NKHR2012000183 2012-09-11; A North Korean escapee from Onsong testified that s/he was found by a border guard while crossing Duman River on February 1, 2011. However, the guard just shouted at him/her without shooting. NKHR2012000165 2012-08-07.

723\_ NKHR2012000094 2012-05-29; NKHR2012000269 2012-12-11; There was an official warning that “3 generations (in a family)” would be wiped out if anyone tried to engage in peddling or other business during the ‘mourning period.’

724\_ NKHR2012000182 2012-09-11; For this purpose, each enterprise was required to submit 5 nail-spike panels (30cm x 50cm).

On the other hand, official grain rations were partially resumed and some relief assistances were offered to discourage defections. In an effort to prevent re-defection, local party secretaries were told that they would be held responsible if they failed to keep a close watch on activities of individuals who attempt defection.<sup>726</sup>

During this time, Hyesan in Yanggang Province became a new defection route, and the authorities installed electronic walls and other devices to detect cell phone activities and prevent defections in the area. As a result, contacting potential escapees became very difficult. While tightening border controls since 2012, North Korean authorities decided to resume ration distributions in Hoeryeong and other areas prone to frequent defections.<sup>727</sup> In addition, those escapees who had children in China or who were suspected of human trafficking, were not included in the “2012 Great Special Amnesty.”<sup>728</sup>

**Table VI-1 Cases of Firing upon Escapees**

| Time | Place                                     | Testimony                                                                                                                   | Testifier ID                 | Source    |
|------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| 2009 | Customs Bridge, Hyesan, Yanggang Province | <ul style="list-style-type: none"> <li>No. of Victims: 2 (a male and a female)</li> <li>Advance Warning: 3 times</li> </ul> | NKHR2012000154<br>2012-07-31 | Witnessed |
| 2010 | Musan, North Hamgyoung Province           | <ul style="list-style-type: none"> <li>Assailant: Guard</li> <li>Advance Warning: Yes</li> </ul>                            | NKHR2010000040<br>2010-10-26 | Informed  |

725\_NKHR2012000213 2012-10-16.

726\_NKHR2013000019 2013-02-05; NKHR2012000140 2012-07-10.

727\_NKHR2013000007 2013-01-08; NKHR2014000001 2014-02-18.

728\_NKHR2013000037 2013-02-19.

|                  |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                             |                              |           |
|------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| 2010             | Musan,<br>North<br>Hamgyoung<br>Province                                             | <ul style="list-style-type: none"> <li>• Assailant: Guard</li> </ul>                                                                                                                                                                                                                                                                                                                        | NKHR2012000043<br>2012-03-20 | Informed  |
| November<br>2011 | Hyesan,<br>Yanggang<br>Province                                                      | <ul style="list-style-type: none"> <li>• No. of Victims: 5</li> <li>• The witness heard that 5 people were killed in an attempt to leave North Korea in November 2011</li> </ul>                                                                                                                                                                                                            | NKHR2012000003<br>2012-01-10 | Informed  |
| 2012             | Daehongdan<br>County,<br>Yanggang<br>Province                                        | <ul style="list-style-type: none"> <li>• Victim: Male (26, witness's son)</li> <li>• Assailant: Border guards</li> <li>• Guards spotted my son and my brother-in-law while crossing the border. My son was killed when a guard fired upon him. (Heard from my brother-in-law)</li> </ul>                                                                                                    | NKHR2013000054<br>2013-03-19 | Informed. |
| 2012             | Yanggang<br>Province                                                                 | <ul style="list-style-type: none"> <li>• Victim: 1 female (34)</li> <li>• Assailant: Border guards</li> <li>• Sustained bullet wounds on her leg.</li> </ul>                                                                                                                                                                                                                                | NKHR2013000111<br>2013-06-11 | Informed  |
| February<br>2012 | Daehongdan<br>County,<br>Yanggang<br>Province                                        | <ul style="list-style-type: none"> <li>• Victim: 1 male (20s)</li> <li>• Assailant: Border guards</li> </ul>                                                                                                                                                                                                                                                                                | NKHR2012000230<br>2012-10-30 | Informed  |
| February<br>2012 | Angup<br>Check-point,<br>Nongsa-ri,<br>Daehongdan<br>County,<br>Yanggang<br>Province | <ul style="list-style-type: none"> <li>• Victims: 3 (1 male, 2 females)</li> <li>• Assailant: Border guards</li> <li>• I heard a man was shot and killed by the guards while the man and 2 women were crossing the border near the Angup check-point. During a Neighbourhood Watch (<i>Inminban</i>) meeting at my village, we were told not to go near Angup to fetch firewood.</li> </ul> | NKHR2013000060<br>2013-04-02 | Informed  |
| 2013             | Sinpa-eup,<br>Kim<br>Jong-sook<br>(Sinpa)<br>County,<br>Yanggang<br>Province         | <ul style="list-style-type: none"> <li>• Victim: A friend of informer's aunt</li> <li>• There was a warning before firing shots. No resistance from the victim. Results unknown.</li> </ul>                                                                                                                                                                                                 | NKHR2013000119<br>2013-06-25 | Informed  |
| April<br>2013    | Duksan,<br>Samjiyon<br>County,<br>Yanggang<br>Province                               | <ul style="list-style-type: none"> <li>• Victim: 1 male (37, a friend of witness)</li> <li>• Assailant: Border guards</li> <li>• There were warnings; and no resistance from the victim. He was killed.</li> </ul>                                                                                                                                                                          | NKHR2013000231<br>2013-12-24 | Witnessed |



It is also reported that, in June 2012, in the Namyangku District of Onsung County, an escapee was isolated on an island while crossing the river due to the sudden water level rise. Five border guards aimed their rifles on the escapee, but decided to arrest him/her instead, as they saw the escapee was exhausted.<sup>729</sup>

Regarding escapees as conduits of information to the outside world, North Korea has classified them as the hostile class. The authorities have forcibly relocated over one thousand escapee families to remote mountainous areas. It has been reported that the persecution of escapee families has become even worse since Kim Jong-un emerged as the successor to Kim Jong-il.<sup>730</sup> As anti-defection measures have tightened, the fee (i.e. bribe) for the “river-crossing guides” to pay the border security guards has increased.<sup>731</sup> This practice has become so widespread that at one point, an order was issued in Onsung County of North Hamgyoung Province that border guards who accept money from river-crossing guides were not penalized as long as they reported it afterward.<sup>732</sup> As the number of whistle-blowing brokers including soldiers increased,<sup>733</sup> some escapees began to investigate details and defect alone without the brokers’ help.<sup>734</sup> As the risk of getting caught

729\_ This testifier had to be penalized for 6-months in a labor training camp, but upon offering bribes he served only two and a half months at the camp. NKHR2013000206 2013-11-12.

730\_ *Radio Free Asia*, April 5, 2011.

731\_ XX Yoon, “The Status and Prospects of North Korean Escapees in China,” Korea Institute for National Unification, Undisclosed advisory meeting, June 14, 2010.

732\_ Good Friends, “North Korea Today,” No. 353 (July 14, 2010).

733\_ After the Central Border Guard Command raised the reward for the arrest of illegal border-crossers in February 2010, there have been increased incidents in which border guards entrap citizens by promising to help them illegally cross the border for a fee, and then reporting them to their higher command for a reward. Good Friends, “North Korea Today,” No. 366 (September 15, 2010).

in the process of defection increased, the number of people trying to enter China to make money significantly decreased.

In addition to China, escapees appear to be attempting to move to Russia, other CIS countries, Mongolia and Southeast Asia, even risking to live illegally in Chinese and Korean immigration communities. Furthermore, assisted by civilian organizations, volunteers and activists, escapees are seeking asylum and safe havens around the world, including Thailand, Japan, Canada, Australia, the United States, EU member states, and Israel. Since 2004, the number of North Korean refugees illegally entering Thailand in hopes of going to South Korea or the United States has risen constantly. In 2004, only 46 North Korean escapees went to Thailand, but in 2005, there were approximately 115, in 2006 about 752, in 2007 about 1,785, in 2009 about 1,838, and in 2010 about 2,500.<sup>735</sup> With increasing number of escapees, Thai authorities have also arrested many more groups of North Koreans illegally crossing into their border. Furthermore, as the detention period grows longer, some refugees have begun to stage hunger strikes in order to protest, hoping for faster proceedings, which has brought speedier entry procedures.<sup>736</sup> An increasing number of North Koreans have also applied for political asylum (refugee status) in the United Kingdom and other EU member states. Many of them were unsuccessful in their attempts as they were registered as Korean–Chinese in China or North Korean escapees who already had resettled in

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734\_ Escapee XXX from South Hwanghae Province said he obtained the necessary information for defection from a discharged border guard and then defected alone in 2008. NKHR2011000028 2011-01-25.

735\_ *Radio Free Asia*, May 7, 2011.

736\_ Thailand served as a major transit country for North Korean escapees on their way to South Korea in 2013.

South Korea. For a North Korean citizen to cross the border and apply for political asylum with the European Union or another Western country, a large amount of cash is needed. Thus, it is very difficult for any North Korean escapee to file an exile application with a Western country, except for a few wealthy people and those working overseas. In light of this trend, in 2009, South Korea revised their Enforcement Decree of the Act on the Protection and Settlement Support of Residents Escaping from North as well as its enforcement. In accordance with the Enforcement Decree, any former North Korean has obtained South Korean nationality and applies for political asylum in a third country afterwards by concealing his/her new nationality the South Korean government may suspend or terminate protection and settlement support.

## **B** The Reality of Human Rights of North Korean Escapees Abroad

Because defections have taken place for over a decade, the lives of North Koreans crossing the border into China has undergone significant changes. Most North Koreans quickly returned to North Korea after getting help from their relatives, and the relatives tried their best to protect them. However, as the food crisis persisted in North Korea, many North Koreans who did not have relatives in China began to cross the border in search of food and employment. Some of these people obtained food and clothing from sympathetic ethnic Koreans in China. They stayed with any family who would take them, doing household chores or paying a little to stay longer.

As the food shortage continued over a long period, more North Korean women ventured into China to earn money for family support, and the number of North Korean women remaining in China began to increase. Many North Korean women, not only

single women, but also married women with husbands and children, chose to live with Chinese men to avoid the famine back home. Some women voluntarily entered into such relationship,<sup>737</sup> while others were sold unknowingly.<sup>738</sup> In cases where female escapees are forced to live as involuntary “domestic partners,” the conditions are often so inhumane and unbearable that the victims take every possible means to run away to a distant region.<sup>739</sup> Others remain, living in fear of forced deportation, giving up all hope. Since most North Korean women in these situations are traded like merchandise, they are usually under the watchful eye and constant supervision of relatives and neighbors of their masters. Indeed, the reality is that any North Korean woman who illegally crosses the river into China cannot survive unless she chooses to live with a Chinese man. Consequently, once they realize the dangers of arrest and other unavoidable realities, most North Korean women accept the situation in which they must live with a Chinese man.<sup>740</sup> After prolonged stays in China, some escapees are able to obtain resident permits (Hokou).<sup>741</sup> Others give birth to Chinese babies.<sup>742</sup> In some cases, children born in China to female escapees have been

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737\_NKHR2010000027 2010-11-26; NKHR2010000084 2010-03-30; NKHR2012000090 2012-05-22 and 55 other testimonies; NKHR2013000008 2013-01-08, and 37 other testimonies.

738\_NKHR2010000001 2010-05-25 and 45 other testimonies; NKHR2011000014 2011-01-04 and other 85 testimonies; NKHR2012000014 2012-01-04 and 167 other testimonies; NKHR2013000019 2013-02-05 and 66 other testimonies.

739\_NKHR2010000060 2010-05-18; NKHR2011000052 2011-02-15; NKHR2011000057 2011-02-22; NKHR2011000073 2011-03-22; NKHR2011000109 2011-05-11; NKHR2011000138 2011-06-14; NKHR2011000212 2011-10-04; NKHR2011000224 2011-10-19.

740\_NKHR2010000007 2010-03-16; NKHR2010000015 2010-10-05; NKHR2010000018 2010-10-05.

741\_NKHR2012000069 2012-01-13 and 8 other testimonies; NKHR2013000128 2013-07-09, and 6 other testimonies.

742\_NKHR2010000001 2010-05-25 and 28 other testimonies; NKHR2011000014 2011-01-04 and 31 other testimonies, NKHR2012000069 2012-01-13 and 48 other testimonies; NKHR2013000036 2013-02-19, and 37 other testimonies.

granted resident permits.<sup>743</sup> In some regions such as Hebei Province, it appears to be easier than other regions to obtain resident permits by offering bribes.<sup>744</sup> However, when North Korean women are forcibly deported to North Korea, a considerable number of children would be abandoned by their Chinese fathers or a majority number of them cannot receive education or medical service as they are not registered. Thus, the problem of these children is recently becoming a serious human rights issue in the international community.<sup>745</sup>

As more North Koreans stayed in China for extended periods of time, practices had to change. Unlike during the earlier phase, more North Koreans are living in Chinese homes rather than in the homes of ethnic Koreans. As they quickly learned the Chinese language and became familiar with the Chinese environment, many escapees rented a room of their own. Some take jobs at an office or in the homes of South Korean businessmen in China. Some escapees have learned to live in China by saving money and engaging in vending business.<sup>746</sup> Also, there were few cases of North Korean escapee women entering into South Korea with South Korean men whom they resided with. Some North Korean women in China find out about settlement support grants offered by the South Korean government through Korean Chinese men they lived with, who went to South Korea first to find jobs. Upon their partners' suggestion, these women come to South Korea through guidance

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743\_NKHR2010000001 2010-05-25 and 19 other testimonies; NKHR2011000014 2011-01-04 and 21 other testimonies, NKHR2012000069 2012-01-13 and 31 other testimonies; NKHR2013000036 2013-02-19 and 24 other testimonies.

744\_NKHR2012000172 2012-08-21; During the "census survey" in early 2012, a large number of children of North Korean women obtained Chinese resident permits after paying fines. NKHR2012000208 2012-10-09.

745\_ *Voice of America*, November, 5, 2011.

746\_NKHR2011000030 2011-01-04.

brokers operating in China. In their effort to receive the settlement support grants offered by the South Korean government, some Korean–Chinese couples voluntarily confess that they came to South Korea on employment visas they obtained with fake Chinese passports.<sup>747</sup> Some North Korean escapees would obtain Chinese passports with forged resident permits and come to Jeju Island (South Korea), where no visa is required, and declare upon arrival his/her identity as a North Korean escapee. However, many female escapees continue to live in farm villages of China, where Chinese people reside. There is little information on South Korea.<sup>748</sup>

In January 2007, South Korea revised the Act on the Protection and Settlement support of Residents Escaping from North and decided to exclude those who lived in a country outside North Korea for not less than ten years. As a result, North Korean escapees who lived in China for many years began to rush their entry into South Korea. In 2008, some North Korean escapees who entered South Korea after staying in China for not less than ten years were excluded from the settlement benefits under the revised South Korean laws. These escapees and citizens groups assisting them staged protest rallies against the government decision. Subsequently, in January 2009 the South Korean Government decided to make some adjustments to the law, allowing some exceptions to the rule in cases of special circumstances.<sup>749</sup> As a result, there is an increasing number of North Koreans who have stayed in China for an extended period of time, entering South Korea

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747\_NKHR2011000127 2011-05-31; NKHR2011000192 2011-08-23.

748\_NKHR2012000186 2012-09-11.

749\_Article 9, Para. 2 of the Act on the Protection and Settlement Support of Residents Escaping from North Korea. Revised on January 30, 2009.

with their Chinese-born children.<sup>750</sup>

In June 2012, there was a 15-day intensive search and arrest operation against North Korean escapees in Yanji conducted jointly by the Chinese security forces and North Korean SSD. Approximately 30 escapees were arrested during this operation.<sup>751</sup> The Chinese security forces also tightened “roadside checks” to prevent North Korean escapees from moving toward Southeast Asian countries.<sup>752</sup> In some cases, the authorities recruited people and disguised them as false escapees. They would befriend real escapee-hopefuls, and report them to the authorities.<sup>753</sup>

## © The Reality of Human Trafficking

Human trafficking is prohibited under international and municipal laws in most countries. Many human rights groups are monitoring human trafficking activities around the world, and promoting international campaigns against these activities. According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime states:

*“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of*

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750\_NKHR2010000065 2010-10-12; Some North Korean women bring their Chinese-born babies, especially girls, without the father’s permission. These incidents occur because the mothers suspect that the Chinese father or grandparents might agree to raise a boy baby, but not a girl.

751\_NKHR2012000196 2012-09-25.

752\_NKHR2012000224 2012-10-23; NKHR2012000226 2012-10-30.

753\_NKHR2012000285 2012-12-18.

*the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”*  
(Article 3 (a))

The main difference between human trafficking and human smuggling is that traffickers continue to exploit women on an on-going basis after the deal (illegal border crossing) has concluded.<sup>754</sup>

Over the years, the international community has repeatedly addressed human trafficking of North Korean women who have crossed the border. Many international reports have pointed out serious human trafficking cases of forced marriages and prostitution involving female escapees. Since 2005, the Trafficking in Persons Report of the U.S. Department of State has put North Korea in Category 3, along with Sudan, Congo and Iran, where no minimum protection standard is available. The report designated North Korea as a country engaged in trafficking of persons, “exporting” adults and under-aged children to forced labor and sexual exploitation for commercial purposes.<sup>755</sup> Furthermore, the report stated that North Korean authorities do not acknowledge

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754\_ Norma Kang Muico, *Absence of Choice: The Sexual Exploitation of North Korean Women in China* (London: Anti-Slavery International, 2005), p. 3.

755\_ U.S. Department of State. The Trafficking in Persons Report 2012 (June 2012), <<http://www.state.gov/documents/organization/192596.pdf>>, pp. 208–210.



human trafficking or abuses of human rights and do not distinguish crimes related to trafficking from other types of crime such as illegal entry into the country. North Korea has yet to join the 2000 UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Furthermore, they have not taken any protective measures regarding forcibly deported women who may have been the victims of human trafficking. Instead, these women are punished.

Human trafficking issues involving North Korean escapees have gone through several stages over the years. Thus, it is necessary to examine the changing patterns at each stage and the punitive measures the North Korean authorities have taken. In the early period, the professional river-crossing guides were involved in human trafficking. These guides approached young attractive women in marketplaces or railroad stations, and tried to entice them by saying “If you get married in China, you can eat and live well and even your family can get financial support.” From 1997 to 1998, when the food crisis was at its worst, it was very important to reduce the number of mouths to feed and the idea that one could support the family was an important incentive for the women. However, given the widespread food crisis in all of North Korea, it was very difficult to distinguish whether certain cases of the illegal border crossings of North Koreans and related brokering activities were actual cases of human trafficking or brokering of illegal entry. In many cases, North Koreans themselves or their families, have asked guides or brokers to help them illegally cross the border to China. In later stages, the brokers would introduce North Koreans to their ethnic Korean contacts in China for money. These professional river-crossing guides inside North Korea operated in close contact with ethnic Koreans in China. They have been involved in the border crossing of many North Koreans.

During the early stages of border crossing, many North Koreans crossed the river without the help of professional guides. For example, some North Koreans crossed the river on their own. Since there was no one around, people waited until someone approached them. If the person who approached them showed sympathy, the illegal North Koreans were inclined to trust them. Some Korean–Chinese helped the North Korean escapees by connecting them to other Korean–Chinese. They provided food and clothing for the North Koreans and provided transportation if necessary. They suggested that since the border region was risky, the North Koreans would be safer to move inland. The illegal border crossers would agree to follow the person and assist them.

As the number of border crossing increased, organized rings of human traffickers began to appear to make profit by handing North Korean escapees to others. There were many incidents in which these ring members tried to capture North Koreans found in train stations or marketplaces for sale. This type of human trafficking went through several stages and involved many people. There were people who lured women across the river and people who received women on the Chinese side. There were brokers involved in the deals, and the cost of transaction increased at every stage. Organized human traffickers even employed violent means to kidnap North Korean women, regardless of their marital status, and sold them for profit. As these organized human traffickers became more involved, the practice of selling North Korean escapees spread to inner areas of China’s three northeastern provinces. In most cases, transactions were to trade North Korean women, but North Korean men were also traded to remote areas of China where manpower was in dire need.

As more human trafficking incidents and cases of human rights

violations were reported, the Chinese authorities launched a massive roundup campaign targeting human trafficking rings. Subsequently, most organized human trafficking rings have disappeared. As North Koreans stay in China for longer periods of time, the illegal North Koreans become involved in trafficking of fellow North Koreans. For example, a North Korean woman living with an ethnic Korean or a Chinese can introduce or trade another North Korean woman to a Chinese man or an entertainment establishment for a fee. The broker (likely Korean–Chinese) trades the female escapee to a Chinese man, telling the woman that she can contact him again if she does not like the man or the work. If the female escapee contacts the broker, he/she moves her to another area for a fee.

As China industrialized, many women in the rural areas began to move to cities or foreign countries such as South Korea to make more money. In turn, the demand for marriage partners and employees in the entertainment industry increased. As the demand for women increased in China, North Korean women who cross borders became targets as live-in partners for Chinese men. Some North Korean women are aware of this before being sold, but most women are unaware until the transaction has been completed. In most cases, they are taken to Chinese men. Even if they know that they were destined to be sold to Chinese men, some North Korean women ask for help in river-crossing to save on the expense for crossing the border.<sup>756</sup> In the process of moving from the border region to the inner regions, Chinese brokers often rape these women.<sup>757</sup>

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756\_NKHR2010000031 2010-11-09.

757\_NKHR2011000003 2010-03-16; She was pregnant as a result of rape by a Chinese broker at the time she came to South Korea.

Human trafficking is illegal in China, and if detected, those involved are heavily fined. Since the go-between usually receive money for their services, others around them keep their distance when they learn of the go-between's activities. It was reported that the border patrol battalions were conducting intensive investigations on North Korean escapees focusing on human trafficking and narcotics trade.

In some cases, when a North Korean woman is forcibly married to a Chinese man, the marriage can last for a long period. However, if the marriage encounters trouble due to sexual abuse, violence, gambling or drinking from the husband, the woman would have tried to run away or would be forcibly deported to North Korea, and the relationship would have ended. When a North Korean woman becomes pregnant after living with a Chinese man, the Chinese man decides whether or not to have the fetus aborted. If the man living with the North Korean woman wants to continue the marriage, he is likely to keep the child, so he will try to obtain a resident permit (Hokou) so she can gain legal status. However, this requires that he invest a significant amount of money to secure the legal status for the woman.<sup>758</sup> Even in forced marriages, the husband desiring to continue the relationship with the North Korean woman is usually required to assume various expenses, such as river-crossing expenses, not only for the woman but also for her family members. Even if a North Korean woman voluntarily decides to “live” with a Chinese man after she illegally crosses the border, her life is not different from a forced marriage. Unable to speak Chinese, it would be impossible for her to work at any public

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758\_NKHR2011000067 2011-03-15. The testifier paid 2000 yuan (CNY) to have her name listed in the resident permit.

place, such as a restaurant. Since she lacks proper legal papers, she would have to stay at home to avoid security checks. Therefore, living with a Chinese man and staying home is the only safe choice.

As North Korean women remain in China for an extended period of time, they gradually learn simple Chinese expressions and adjust to life in China, which may lead to a reduction in the number of forced marriages. Even if the woman is forced into a marriage, she can find ways to escape the situation. However, if a child is born, it becomes difficult for the mother to abandon her child, so she stays in her forced marriage. If she marries a Han Chinese, the marriage is easier and likely to last longer with a baby. In fact, many Chinese men encourage their spouses to have children, so they can maintain a relationship on a longer term basis. But as their stay in China is prolonged, many North Korean women choose to move to a third country or to another location in China, even if they give birth to a child in China. Also, if a man suggests living together, the North Korean woman can accept the proposal depending on the person, conditions, etc. It has been reported that many North Korean women have restarted “live-in” relationships with friendly ethnic Koreans or South Korean men they befriend at places such as restaurants. In some cases, they actively ask their partners for economic compensation, including remittances to their families back in North Korea or expenses for their border crossing. In these cases, the North Korean women are likely to defect again and look for a male companion if they are forcibly deported to North Korea. If a woman has given birth to a child in China, she is more likely to re-defect.

Many North Korean women sold in China are forced to provide sex services at restaurants, bars and karaoke joints.<sup>759</sup> In order to prevent them from fleeing, the restaurant owners withhold their

pay, stating they are saving money for them.<sup>760</sup> It is also reported that organized criminals are operating pornographic computer chatting businesses in China, using North Korean women escapees.<sup>761</sup> They are also involved in telephone scams (voice phishing) targeting South Koreans.<sup>762</sup>

## D Penalties for Defection

### Penalty Provisions for Defection

The penalty provisions for escapees have been revised several times in the past. Defection fall into two different categories according to the 1987 North Korea Penal Code. Article 47 of the Penal Code stipulates that anyone caught fleeing the country has committed treason against the Fatherland and is punished with seven years or more at a correctional labor. At the same time, Article 117 stipulates that anyone who unlawfully crosses the border of the Republic is sentenced to correctional prison labor for up to three years. The 1999 Penal Code is similar to that of the 1987 version in the classification of defections, but Article 47 has been slightly changed to read, “Any citizen of the Republic who commits acts against the country such as defecting to a foreign country for the purpose of overthrowing the Republic shall be committed to correctional prison labor for five to ten years. In cases of ex-

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759\_NKHR2011000030 2011-01-04.

760\_Interview with escapee XXX in Seoul on April 6, 2007.

761\_NKHR2010000017 2010-10-05; NKHR2010000018 2010-10-05; NKHR2010000080 2010-06-15; NKHR2010000082 2010-06-22; NKHR2012000148 2012-07-17; NKHR2013000138 2013-07-23.

762\_NKHR2011000029 2011-01-18.

tremely grave offenses, the offender shall be sentenced to correctional labor penalty for not less than ten years or shall be sentenced to death and confiscate all property.”

Article 233 of the revised 2004 Penal Code revised the definition of border crossings broadly as those “going and coming across the border” instead of “crossing.” Furthermore, the level of the mandatory sentence for the crime of illegal border exit/entry was reduced from three years to two years of labor training. The Penal Code newly installed Article 4 (the principle on handling the criminal(s) who were repentant of their anti-fatherland and anti-people crimes): “All past activities shall be overlooked and no criminal responsibilities charged if they actively participate in the common endeavor for the unification of the fatherland, even if their previous activities were treasonous, anti-state and anti-people.” Also, Article 118 of the 1999 Penal Code used to stipulate a “two to seven years of correctional labor penalty” for border management workers if anyone illegally assisted border-crossings in violation of the Exit/Entry Law. However, in the revised 2004 Penal Code, this penalty was significantly relaxed to “under two years of correctional labor” (Article 234). This revision seemed to reflect the increases in the number of escapees at the time and the appearance of organized “river-crossing” assistance among some border guards.<sup>763</sup>

In 2009, North Korea revised its Penal Code three times respectively on April 28, July 21, and October 19. During the October 19, 2009 revision, Article 27 “the Penalty of Fines” was added to

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763\_ Unlike earlier periods, it is understood that safe border crossings are possible only if advance arrangements are made between the North Korean and Chinese border guards.

the “types of crime.” And, Article 28 stipulates that the Penalty of Fines shall also be imposed on “anti-state and anti-people crimes.”<sup>764</sup>

Article 221 of the Penal Code, as revised in 2012, prescribes “up to one year of labor-training,” and “up to 5 years of correctional labor” in serious cases, for the “crime of illegal border exit/entry.” Article 68 revised in 2012 stipulates that “over 5 years of correctional labor” shall be imposed for crimes of “treason against the fatherland,” “surrender or defection to another country,” or “treasonous behavior such as turning over state secrets or abandoning allegiance to the fatherland;” in particularly serious cases the punishment shall be a “unlimited term correctional labor penalty,” or “capital punishment plus confiscation of all properties.”

The punishment levels for crime of illegal border exit/entry were lowered during the 2012 Penal Code revision. The crime of “assisting illegal exit/entry” has been changed to “the crime of illegal assistance.” In the past, the crime was described as “in case the worker(s) in the border management sector assisted illegal border-crossings.” Under the revision, the expression has changed into “those illegally assisting individuals who are hostile to the Republic,” and the level of penalty was also lowered.

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764\_ Article 28 of Penal Code (Basic Punishment and Additional Penalties) stipulates, “Penalty of fines and ‘deprivation of voting rights’ may be imposed on anti-state and anti-people crimes, and ‘confiscation of property’ may be imposed on crimes subject to capital punishment.”



Table VI-2

Comparison of Penalty Provisions on Defection

| Old Penal Code (October 19, 2009)                                                                                                                                                                                                                                                                                                                                        | Revised Penal Code (May 14, 2012)                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Article 62 (Treason against Fatherland)<br/>If a citizen betrayed fatherland, fled or surrendered, or turned over state secrets to another state, he shall be sentenced to over five years of correctional labor; in more serious cases the penalty shall be unlimited term correctional labor or capital punishment, plus confiscation of all personal property.</p> | <p>Article 63 (Treason against Fatherland)<br/>If a citizen betrayed fatherland, fled or surrendered, or turned over state secrets to another state, he shall be sentenced to over five years of unlimited term correctional labor; in more serious cases the penalty shall be life-term correctional labor or capital punishment, plus confiscation of all personal property.</p> |
| <p>Article 233 (Crime of Illegal Border Exit/Entry)<br/>The crime of illegally entering/exiting the border shall be given up to 2 years of labor training penalty; in more serious cases the penalty shall be up to 5 years of correctional labor.</p>                                                                                                                   | <p>Article 221 (Crime of Illegal Border Exit/Entry)<br/>The crime of illegally entering/exiting the border shall be given up to 1 year of labor training; in more serious cases the penalty shall be up to 5 years of correctional labor.</p>                                                                                                                                      |
| <p>Article 234 (Crime of Assisting Exit/Entry)<br/>In case a worker in the border management sector assisted in an illegal border crossing (exit/entry), he shall be penalized with up to 2 years of labor training; in repeated cases or in case bribery was involved, the penalty shall be up to 5 years of correctional labor.</p>                                    | <p>Article 222 (Crime of Illegal Assistance)<br/>Illegally assisting anyone hostile to the Republic shall be penalized with up to 1 year of labor training; in more serious cases, the penalty shall be up to 2 years of correctional labor.</p>                                                                                                                                   |

In addition to the crime of illegal border exit/entry, North Korean escapees are subject to punishment under a number of laws, including “Dealing in foreign currency” (Article 106), “Crime of transgression of foreign currency management order” (Article 107), “Illegally buying and selling merchandize in foreign currency” (Article 107), and “Smuggling and dealing in Historical Relics” (Article 189). In addition, according to North Korea’s Immigration Law (Enacted in 1996, revised in 1999 and 2012), any North Korean citizen violating this law shall be subject to a penalty of fines and administrative penalty of “exit restrictions;” and in “serious cases” even criminal penalty may be imposed (Article 45).

In addition to North Korea's Penal Code, the terms of punishment for defection are dictated by the People's Security Enforcement Law (enacted on December 28, 1992 and revised on July 26, 2005) and the Administrative Penalty Law (enacted on July 14, 2004 and revised on May 20, 2008 and October 16, 2011). Article 30 of the People's Security Enforcement Law stipulates, "the People's Security Agency shall check and control violations of travel law and disorderly street wandering behavior." Article 57 of the law states violators may be fined on the spot by security agent. These provisions are not intended to directly prevent defections, but are utilized to prevent people from moving towards the border regions. Article 185 of the Administrative Penalty Law stipulates that anyone violating the exit/entry law shall be subject to a penalty of "warning," "stern warning," "confiscation," or "up to three months of unpaid labor or labor education." Article 194 (Violation of Public Order for Travels) prescribes that in case of violation of the travelling order and illegal exit/entry in restricted areas, "warning," "stern warning," "fines," up to three months of unpaid labor or labor education; and in serious cases the penalty shall be over three months of unpaid labor, labor education penalty, demotion, relief or firing from the job.

#### Cases of Actual Punishment

- Interrogation and Transfers

North Koreans caught in China are deported to military units along the border, then to the State Security Agency for a personal identity check and interrogation. They will then be sent back to their hometown. Depending on the case, deportees are sent to local agencies via the border region labor training camps or to

provincial *jipkyulso*. Sometimes they are sent directly to their hometown agency (MPS). Once in the hands of the local agency, cases were found that they will be sent to labor training camps, immediately released or sent home on condition that they make daily reports (self-criticism) to the local MPS. The punishment procedures vary from one detention facility to another. If the initial detention facility is near the detainee’s hometown, the level of punishment is determined more quickly and it is likely that the detainee’s family can exercise some influence or offer bribes to obtain a reduced sentence.<sup>765</sup> However, if the detainee’s hometown is far away, the period of detention is extended, because the detainee’s hometown agents of the MPS have to travel to the border area detention center in person to sign out the escapee. The agent also makes travel arrangements, sets up precautionary measures against unexpected flight, and notifies the immediate family.

Since 2000, the level of punishment has changed and people are rarely sent to political prison camps. Instead, they serve one to six months of labor training penalty. Today, deportees rarely spend more than a year at a detention facility from the time of deportation to final release. In some cases, however, people are detained in the revolutionary zone for having contacts with South Koreans.<sup>766</sup> However, punishment for defection became heavier in

765\_NKHR2009000023 2009-04-16.

766\_Escapee XXX testified that after she was forcibly deported back to North Korea, the interrogating agent told her that she would be released early by stating that she had “contacted South Korean intelligence agents.” She was however later sent to the “Revolutionary Zone” in Yodok Prison, and served as a platoon leader from 2004. In 2004, the inmates locked up there for 3-year terms included XX Cho (Danchon), XX Kim (Eunduck), XX Choi (Hyesan), and XX Kang (Musan). The “Revolutionary Zone” of Yodok Prison was created in 1999 to house escapees and bore the signage “Military Unit No. 0000” (Interview with escapee XXX in Seoul on August 20, 2008).

2009, and it was reported that forced deportation of families became frequent in the border regions. Since the death of Kim Jong-il, the level of punishment for escapees has significantly increased.<sup>767</sup> Instead of imposing a labor training penalty, a correctional labor penalty is imposed.<sup>768</sup> Even if the case was a simple defection, it was treated as a defection to South Korea, and the duration of correctional labor penalty was equivalent to the duration of stay in China.<sup>769</sup>

The deportees are investigated at a first-level detention facility. Most of the SSD detention centers are located in Onsung, Musan and Hoeryeong of North Hamgyong Province, and Shinuiju in North Pyongan Province. Deported escapees are detained after undergoing a naked frisk,<sup>770</sup> a pocket frisk, and health examination (AIDS). There are separate centers for men and women, but when the number of detainees is large, both are often combined in the same facility. Many escapees have testified that the returning North Koreans use a variety of tricks to hide the money earned in China from the inspectors. Article 37 of Law for the Protection of Women's Rights prohibits any inspection of female bodies. The inspectors, however, employ numerous methods to find hidden money or valuables. The inspectors thoroughly examine the detainees, including their uteri. They order people to take off their clothes and make them squat down and stand up repeatedly (so called 'pumping'). Moreover, the inspectors even examine human waste. In the early years of this practice, the inspectors would

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767\_NKHR2012000155 2012-07-31.

768\_NKHR2012000151 2012-07-24.

769\_NKHR2012000090 2012-05-22; NKHR2012000184 2012-09-11.

770\_NKHR2009000023 2009-04-16.

confiscate all items brought from China, but return all personal items and possessions to the detainees upon their release from some point. Many escapees use the money they made in China to reduce the terms of their penalties in the process of interrogation or to support their life inside the labor training camps. In a very rare case, a woman was able to persuade a security agent to accompany her to the border region, where she received financial help from her husband in China who responded favorably to her telephone call. In some cases, the escapee will bribe the law enforcement officers to fabricate the contents of their interrogation documents in order to avoid punishment.

The border region SSD checks various personal details, including personal data, home address, time and frequency of river-crossing, activities after the river-crossing such as any contact with South Koreans or Christians, any travel to South Korea, connections with human trafficking, possession or watching of corrupt videos or South Korean videos, etc. After these interrogations, the deportees are sent either to the Agency detention center or to the provincial *jipkyulso*.

Under the North Korean criminal procedure, the pre-trial is the stage where prosecutors establish the facts of any crime and indict or exonerate the suspect.<sup>771</sup> The purpose of a pre-trial is to discover evidence, scientifically examine any proof on the commission of a crime, and charge the suspect for the crime. In illegal border crossing cases, the testimony of the suspect and other witnesses, along with the personal possessions of the suspect, serve as sour-

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771\_ The Korean Association of North Korean Studies, ed., *Compendium of North Korean Laws under Kim Jong-il* (Seoul: The Korean Association of North Korean Studies, 2005), p. 180.

ces of criminal evidence. According to Article 198 of the Criminal Procedure Law, as revised on May 14, 2012, “two witnesses must be present” during the collection of criminal evidence and physical exams, and “witnesses for women shall be women.” Investigators try to determine every detail concerning the suspect’s activities in China, and try to obtain relevant information from other witnesses through a pre-trial. During this phase, investigators will use blackmail, beatings, as well as abusive language. They will also persuade other deportees to report on the suspect’s activities in China. The duration of a pre-trial is two months. The criminal cases subject to a labor training penalty must be completed within ten days (Article 150, Criminal Procedure Law). In a complicated case for which a pre-trial requires more than ten days, the pre-trial may be extended to up to five months. The case subject to a labor training penalty may be extended for up to five days (Article 151). Even if arrested and detained, young people are usually released without a criminal penalty or turned over to the Group 515 (It is a temporary facility for street orphans).<sup>772</sup>

- Detention of Pregnant escapees and Suspending Enforcement of Penalties

According to Article 430 of the Criminal Procedure Law and Article 38 of the Law for the Protection of Women’s Rights, pregnant suspects are not detained within the period three months before and seven months after childbirth. However, many escapees have testified to cases in which the detaining agent conducted interrogations of pregnant women within this period and measures for

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<sup>772</sup>\_North Korean escapee XXX was forcibly deported in 2006, but was released without any penalty as he/she was considered under-aged. NKHR2011000003 2010-03-16.

forced abortion were conducted.<sup>773</sup> Sometimes a forced abortion was inflicted upon these women, and the international community has sharply criticized such cruel practices and the abandonment of newborn babies to die. For this reason, North Korean authorities in some areas have tried to allow childbirths, but then send the newborn babies to their Chinese fathers. For example, in October 2003, the Onsung County of North Hamgyoung Province SSD permitted a deported pregnant woman to pay for someone from outside to help her deliver the baby. Recently, the authorities would not enforce abortions if the pregnancy was 7-months along. Instead, they will release the pregnant woman, so she can give birth to the baby outside, and re-detain her afterwards.<sup>774</sup> However, cases of forced abortions and disregarding of newborn babies continue to mount since 2004. Cases of forced abortions and abortions induced by beating and mistreatment of pregnant women forcibly deported from China persist in many parts of North Korea. Some of the cases are shown below <Table VI-3>. On the other hand, some North Korean escapees reported that some detention facilities did not practice forced abortions if a woman was at the end of her pregnancy. At some cases, if a woman abort a child, they exempt her from work for about a week or let her work in mess halls or other places where workload is relatively light.<sup>775</sup>

A review of sentencing records indicates that since 1999, most deportees received labor training penalty. This labor training penalty was not an option in 1999, but was introduced in the revised

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773\_NKHR2009000010 2009-02-26; NKHR2009000048 2009-07-30; NKHR2009000078 2009-12-10.

774\_NKHR2014000001 2014-02-18.

775\_NKHR2012000198 2012-09-25.

2004 Penal Code. The labor training penalty before 2004 was based on the Administrative Penalty Law, which contains regulations concerning labor training and unpaid labor.

| Table VI-3     |                                                                                      | Cases of Human Rights Abuse on Deported Women                                                                                                                                                                        |                              |           |
|----------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Time           | Place                                                                                | Testimony                                                                                                                                                                                                            | Testifier ID                 | Source    |
| 2009           | Labor training camp, Onsung County, North Hamgyoung Province                         | <ul style="list-style-type: none"> <li>Abortion victim: Female (21 year old)</li> </ul>                                                                                                                              | NKHR2011000068<br>2011-03-15 | Witnessed |
| January 2009   | Provincial <i>jipkyulso</i> , Shinuiju, North Pyongan Province                       | <ul style="list-style-type: none"> <li>Abortion victim: Female (21, Hamhung, South Hamgyoung Province)</li> <li>Abortion method: Operation at hospital</li> </ul>                                                    | NKHR2010000097<br>2010-06-22 | Witnessed |
| September 2009 | County Security Department Detention Center, Onsung County, North Hamgyoung Province | <ul style="list-style-type: none"> <li>Baby died: Female</li> <li>Method of death: Left to die (or suffocation)</li> </ul>                                                                                           | NKHR2010000031<br>2010-11-19 | Informed  |
| 2010           | Chongjin <i>Jipkyulso</i> , Chongjin, North Hamgyoung Province                       | <ul style="list-style-type: none"> <li>Abortion victim: Female (22, Yonsa County, North Hamgyoung Province)</li> <li>Reason for abortion: Chinese baby</li> <li>Method of abortion: Operation at hospital</li> </ul> | NKHR2011000068<br>2011-03-15 | Witnessed |
| December 2010  | <i>Jipkyulso</i> , Hyesan, Yanggang Province                                         | <ul style="list-style-type: none"> <li>Abortion victim: Female</li> </ul>                                                                                                                                            | NKHR2011000231<br>2011-11-08 | Informed  |



|               |                                                                                                           |                                                                                                                                                                                                                                   |                              |           |
|---------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| December 2010 | <i>Jipkyulso</i> ,<br>Shinuiju,<br>North<br>Pyongan<br>Province                                           | <ul style="list-style-type: none"> <li>• Abortion victim: Female (20)</li> <li>• Time of abortion: 24-week pregnant</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Operation at hospital</li> </ul>  | NKHR2011000253<br>2011-12-20 | Witnessed |
| June 2011     | <i>Jipkyulso</i> ,<br>Yanggang<br>Province                                                                | <ul style="list-style-type: none"> <li>• Abortion victim: Three fellow detainees</li> <li>• Reason for abortion: Chinese babies</li> <li>• Method of abortion: Operation at clinic (4th floor), Yanggang Province</li> </ul>      | NKHR2012000275<br>2012-12-11 | Witnessed |
| July 2011     | City branch<br>of MPS<br>detention<br>center,<br>Hoeryeong,<br>North<br>Hamgyoung<br>Province             | <ul style="list-style-type: none"> <li>• Abortion victim: XXX (26)</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Operation at hospital</li> </ul>                                                   | NKHR2012000255<br>2012-11-20 | Witnessed |
| August 2011   | County<br>branch of<br>MPS<br>detention<br>center,<br>Musang<br>County,<br>North<br>Hamgyoung<br>Province | <ul style="list-style-type: none"> <li>• Abortion victim: Detainee (Female, 32)</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Beating</li> </ul>                                                    | NKHR2012000067<br>2012-04-24 | Witnessed |
| October 2011  | Labor<br>training<br>camp,<br>Onsung<br>County,<br>North<br>Hamgyoung<br>Province                         | <ul style="list-style-type: none"> <li>• Abortion victim: Detainee (Female, 36)</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Beating by Agent (XXX)</li> </ul>                                     | NKHR2012000073<br>2012-05-08 | Witnessed |
| October 2011  | Province<br><i>jipkyulso</i> ,<br>North<br>Pyongan<br>Province                                            | <ul style="list-style-type: none"> <li>• Abortion victim: Fellow detainee (Female, 26)</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Forcible abortion by a military doctor at hospital.</li> </ul> | NKHR2012000198<br>2012-09-25 | Witnessed |

Chapter I

Chapter II

Chapter III

Chapter IV

Chapter V

Chapter VI North Korean Escapees and Other Humanitarian Issues

|                   |                                                                                |                                                                                                                                                                                                                                           |                              |           |
|-------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| November 20, 2011 | <i>Jipkyulso</i> , Yanggang Province                                           | <ul style="list-style-type: none"> <li>• Abortion victim: Fellow detainee (Female)</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Beating by guard (Guk-chol Kim)</li> </ul>                                 | NKHR2012000174<br>2012-09-04 | Witnessed |
| February 17, 2012 | City Security Department detention center, Hoeryeong, North Hamgyoung Province | <ul style="list-style-type: none"> <li>• Abortion victim: Two fellow detainees (Female)</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Operation at hospital</li> </ul>                                      | NKHR2012000285<br>2012-12-18 | Witnessed |
| November 2012     | Local branch of MPS detention center, Hyesan, Yanggang Province                | <ul style="list-style-type: none"> <li>• Abortion victim: Fellow detainee</li> <li>• Reason for abortion: Chinese baby</li> <li>• Method of abortion: Operation at hospital</li> </ul>                                                    | NKHR2012000090<br>2013-04-30 | Witnessed |
| May 2013          | Labor training camp at Gilju, Gilju County, North Hamgyoung Province           | <ul style="list-style-type: none"> <li>• Abortion victim: Fellow detainee</li> <li>• The victim at the time was pregnant. She said working was difficult. But, she was forced to work, and she had her baby aborted naturally.</li> </ul> | NKHR2012000218<br>2013-11-26 | Witnessed |

Even after passing the final sentence, the court could suspend or stop the execution of the sentence in one of the following cases: If the inmate serving unpaid labor, labor training or correctional labor, was seriously ill, or a pregnant woman three months before or seven months after childbirth (Article 18-1 of Sentencing and Decisions Law). North Korean escapees testified during in-depth interviews that the penalty would be suspended in case the inmate was suffering from a communicable disease or death was near (from infirmity, dehydration, or tuberculosis).<sup>776</sup> He/she would then be coming home, escorted by the hometown security agent. However,

in the cases of pregnant women between three months before and seven months after childbirth, the suspension of service is not observed in most cases.<sup>777</sup> The agents would force hard work on her as part of the penalty,<sup>778</sup> or force abortions by beating the pregnant inmate or by injecting abortive medicines. Furthermore, the newborn babies are often deliberately ignored so as that the newborn will die. The security agents would do these things themselves or let other inmates do it in exchange for an early release. If a deported woman were pregnant, her baby would not be mistreated if it was proven that her pregnancy occurred before defection, or if her husband was working in North Korea. In short, a North Korean baby would be saved, while a Chinese baby would be left to die.<sup>779</sup> In a very rare case, a pregnant woman who was forcibly deported, offered bribes and obtained her release from Hyesan *Jipkyulso* in 2006.<sup>780</sup>

An escapee testified that if a woman returned to North Korea with a baby born in China, or if a woman gave birth to a child inside the Provincial *jipkyulso* or SSD detention center, the authorities would inform the baby's father to pick him up and take him back to China.

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776\_NKHR2011000019 2011-01-18.

777\_Escapee XXX testified that she was forcibly deported in April 2004 while pregnant. She was released from the SSD after 6 days of interrogation. This was an exceptional case. At the time, Kim Jong-il's instructions came down, so they did not confiscate any of her possessions except for the cash she carried. NKHR2008000003 2008-07-09.

778\_NKHR2009000025 2009-03-30.

779\_Escapee XXX testified that she was forcibly deported to North Korea on while 8 months pregnant. She was able to prove that she was pregnant before leaving North Korea, and she escaped a forced abortion. NKHR2008000003 2008-07-09; Apparently, if a woman is pregnant with a "North Korean baby," she will not be forced to abort the child. NKHR2009000032 2009-05-19.

780\_NKHR2009000023 2009-04-16.

- Enforcing the Penalty

Since 1999, the punishment for forcibly deported escapees has usually been the labor training penalty. Under the 1999 Penal Code, “labor training penalty” was not prescribed in the law, and it became a type of lawful penalty in 2004. The labor training penalty before 2004 was apparently based on the “labor training” and “unpaid labor” provisions contained in the Administrative Penalty Law.

If the sentence is set during the first-level investigation, the convict serves out the term of labor training penalty in his or her local labor training camp. Because the camp is an implementing agency and not an investigative facility, the labor is very intensive and daily routines are very strict. Under the law, the terms of service is calculated from the date of detention. However, most deportees have testified that the term was usually calculated from the date of sentence. Many of them are not aware of the reason for their punishment nor when the term will end. Some deportees are detained in the SSD in the border areas or at a nearby labor training camp without a trial or a court sentence. Apparently, these cases occur when the provincial *jipkyulso* is crowded with inmates and when the safety agent from the deportee’s hometown is unduly delayed from taking the convict to the provincial *jipkyulso*. The detention period at a provincial *jipkyulso* also varies, depending on how quickly the hometown convoy agent arrives at the center. The detainees whose hometowns are located in the inner-regions, such as Hwanghae or Gangwon Provinces, have to stay in the center for a longer period of time than others, and are exposed to life threatening situations due to the poor, unsanitary detention facilities. Disease and hunger constantly threaten the detainee’s health.<sup>781</sup>

If a new crime subject to a longer sentence is uncovered while

the detainee is serving a labor training penalty, the inmate is transferred to the provincial *jipkyulso*. The detainee goes through another investigation and is transferred to the SSD or MPS in the area for additional punishment. Depending on the time and place, different sentences have been given for crimes involving border crossings. In some cases, the perpetrators are detained in their respective local labor training camps or MPS detention centers.

The North Korean authorities had relaxed the penalty on simple escapees. But recently, they have been enforcing penalties again.<sup>782</sup> Since 2004, heavier penalties are imposed on those forcibly deported or arrested in the process of border-crossing. If a defecting family is captured as a group, the authorities file “attempted defection to South Korea” charges against them. According to reports, since 2004, the punishment for escapees varied considerably from region to region and from person to person.<sup>783</sup> In some cases, escapees were forced to serve longer terms than those recorded as their official sentences.<sup>784</sup> On the other hand, there were many reported cases in which the level of punishment was raised from labor training penalty to correctional labor penalty,

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781\_ NKHR2009000011 2009-03-03.

782\_ The sentences for captured or deported escapees have been raised by 5-7 years since March 1, 2007. Good Friends, “North Korea Today,” No. 114 (March 5, 2008).

783\_ The penalty level could be brought down significantly if the detainee’s family offered bribes as soon as he/she was deported. In August 2006, four persons, including XXX, had been charged for “repeat defections” and sentenced to serve 3 years of correctional labor at Hamhung No. 3 *Kyohwaso*. NKHR2008000011 2008-08-12.

784\_ North Korean escapee XXX testified that he/she was sentenced to serve a year at labor training camp for illegal border crossing, but had to serve one year and four months at No. 11 (Jeungsan) Labor Training Camp under Social Safety Agency (currently MPS). NKHR2008000011 2008-08-12; North Korean escapee XXX testified that in March 2004 at Uiju County, North Pyongan Province he/she and two sisters also received one year sentence on charges of illegal border crossing, but had to serve more than a year at No. 11 educational center. (Interview with escapee XXX in Seoul on June 15, 2008).

but through bribery, inmates were often released on bail (for reasons of illness) or released through general amnesties in the middle of their term.<sup>785</sup>

| Table VI-4    |                                                     | Punishments for Defections                                                        |                            |             |                                                                                         |
|---------------|-----------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------|-------------|-----------------------------------------------------------------------------------------|
| Time          | Place                                               | Testimony                                                                         | Testifier ID               | Source      | Other                                                                                   |
| May 2010      | <i>Jipkyulso</i> , Shinuiju, North Pyongan Province | One month and ten days of custody in the Provincial <i>jipkyulso</i> for Suspects | NKHR2011 000018 2011-01-18 | Experienced | Forcibly deported twice.                                                                |
| January 2011  | Labor training camp, Baekam County                  | Six months of labor training camp                                                 | NKHR2011 000232 2011-11-08 | Experienced | Sentenced to six months in labor training for illegal border crossing (for South Korea) |
| February 2011 | Hyesan, Yanggang Province                           | correctional labor penalty                                                        | NKHR2011 000143 2011-06-14 | Informed    | —                                                                                       |

785\_ Escapee XXX was arrested while trying to come to South Korea from Qingdao in 2005 because of a whistle-blower (a former escapee, Korean), among a total of 13 escapees who were forcibly deported. He was sentenced to a 3-year correctional labor penalty. He was released on general amnesty after serving one and a half years at Jongori *Kyohwaso*. (Interview with escapee XXX in Seoul on August 30, 2008.) Escapee XXX defected with his wife in 2006. When his wife was arrested, however, he returned to North Korea voluntarily. He was, however, sentenced to two years of labor training on family defection charges. He served six months at Oro Training Camp and was released on general amnesty. His wife was sentenced to one-and-a-half years at Jeungsan *Kyohwaso*, and was also released on general amnesty after serving five months. (Interview with escapee XXX in Seoul on September 6, 2008.) Escapee XXX was arrested after returning to North Korea on charges of attempted flight to South Korea. When he learned his penalty would be about 6 years, he bribed the agent in-charge into burning the essential investigation documents. Subsequently, he received a four-month labor training penalty and served as a “tekgan,” or a “whip” who was responsible for ensuring every inmate at the center reported to work. (Interview with escapee XXX in Seoul on July 26, 2008).

|                   |                                                                             |                                      |                            |             |                                                                                                                                                                                                               |
|-------------------|-----------------------------------------------------------------------------|--------------------------------------|----------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 2011     | City Security Department detention center, Shinuiju, North Pyongan Province | Detained in detention center         | NKHR2011 000244 2011-11-22 | Experienced | Detained for illegal river crossing, but escaped from detention center.                                                                                                                                       |
| February 16, 2011 | Hoeryeong, North Hamgyoung Province                                         | 1 year correctional labor penalty    | NKHR2012 000264 2012-12-04 | Experienced | Testifier (19 at the time, from Musan, North Hamgyoung Province) was detained in Jongori <i>Kyohwaso</i> , Hoeryeong                                                                                          |
| 2011              | Musan County, North Hamgyoung Province                                      | Shot to death on site                | NKHR2011 000144 2011-06-14 | Informed    | A witness heard four people (a family) were shot to death on site at County security department without interrogation. They were forcibly deported in 2011 to Musan, North Hamgyoung Province                 |
| 2011              | Hoeryeong, North Hamgyoung Province                                         | Political Prison camp                | NKHR2011 000187 2011-08-16 | Informed    | Victim XXX (male, 26-30 from Hoeryeong) was forcibly deported in 2010, and detained in No. 22 <i>Kwanliso</i> in Hoeryeong, North Hamgyoung province on charges of illegal border crossing (for South Korea). |
| 2011              | Hamhung, South Hamgyoung Province                                           | Six months of labor training penalty | NKHR2012 000213 2012-10-16 | Witnessed   | Testifier's relative XXX was detained in labor training camp in Donghungsan District, Hamhung, for "river-crossing."                                                                                          |

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Chapter VI North Korean Escapees and Other Humanitarian Issues

|                    |                                               |                                            |                                  |                 |                                                                                                                                                                                                                                                                          |
|--------------------|-----------------------------------------------|--------------------------------------------|----------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2011               | Hyesan,<br>Yanggang<br>Province               | Labor training<br>penalty                  | NKHR2012<br>000238<br>2012-11-06 | Witnessed       | Illegal border<br>crossing                                                                                                                                                                                                                                               |
| October<br>2011    | Baekam<br>County,<br>Yanggang<br>Province     | Six months of<br>labor training<br>penalty | NKHR2012<br>000274<br>2012-12-11 | Informed        | XXX (25, female)<br>sentenced to<br>6 month labor<br>training for illegal<br>border crossing.                                                                                                                                                                            |
| 2012               | Hoeryeong,<br>North<br>Hamgyong<br>Province   | Correctional<br>labor penalty              | NKHR2012<br>000198<br>2012-09-25 | Informed        | —                                                                                                                                                                                                                                                                        |
| April<br>3, 2012   | Musan,<br>North<br>Hamgyong<br>Province       | 6 months of<br>labor training<br>camp      | NKHR2012<br>000285<br>2012-12-28 | Experienc<br>ed | Released after a<br>week by bribing<br>(about 5,000 Yuan).                                                                                                                                                                                                               |
| January<br>2012    | Samjiyon<br>County,<br>Yanggang<br>Province   | Labor training<br>camp                     | NKHR2013<br>000018<br>2013-04-25 | Experienc<br>ed | Forcibly deported<br>from China in Aug.<br>2011. Detained in<br>Jagang Province<br><i>Jipkyulso</i> . Later<br>transferred to<br>Samjiyon County<br>labor training camp,<br>Yanggang Province.<br>Fled from camp<br>in five days.                                        |
| January<br>3, 2012 | Daehongdan<br>County,<br>Yanggang<br>Province | 7 months of<br>labor training<br>penalty   | NKHR2013<br>000027<br>2013-02-05 | Experienc<br>ed | Forcibly deported<br>and sentenced to 7<br>months of labor<br>training for illegal<br>border-crossing.<br>Served in Labor<br>Education center in<br>Dukwon-ri, Wonsan,<br>Gangwon Province<br>There were many<br>handicraft class; all<br>products are sold to<br>China. |



|               |                                        |                                       |                            |             |                                                                                                                                                                                                                                                                            |
|---------------|----------------------------------------|---------------------------------------|----------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 2012 | Daehongdan County, Yanggang Province   | Social education                      | NKHR2013 000032 2013-02-19 | Experienced | This testifier (16) was forcibly deported back to City Security Department detention center in Shinuiju, North Pyongan Province. Pre-trial at Detention center of Daehongdan County branch of MPS, Yanggang Province. Sentenced to Social Education and released same day. |
| July 2012     | Hyesan, Yanggang Province              | 10 months of labor training penalty   | NKHR2013 000044 2013-03-05 | Experienced | Days of detention at MPS are counted toward serving terms, but not days at City Security Department detention center.                                                                                                                                                      |
| January 2012  | Yonsa County, North Hamgyoung Province | 1 year of correctional labor penalty  | NKHR2013 000061 2013-04-02 | Experienced | Sentenced to 1 year of correctional labor penalty, but released on the trial day for illness.                                                                                                                                                                              |
| February 2012 | Hoeryeong, North Hamgyoung Province    | 5 years of correctional labor penalty | NKHR2012 000285 2012-12-18 | Witnessed   | When I was detained in Hoeryeong City Security Department detention center, North Hamgyoung Province, a female inmate was deported from Yanji Airport, Jilin Province China for trying to flee to South Korea. She had shortened terms of service by offering bribes.      |
| November 2012 | Hoeryeong, North Hamgyoung Province    | 6 months of labor training camp       | NKHR2013 000107 2013-06-11 | Experienced | Sentenced to 6 months of labor training, but fled 1 month later.                                                                                                                                                                                                           |

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|      |                                                               |                           |                                  |          |                                                                                                                                                                   |
|------|---------------------------------------------------------------|---------------------------|----------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2013 | Checkpoint,<br>Heitandong,<br>Hyesan,<br>Yanggang<br>Province | Susong<br><i>Kwanliso</i> | NKHR2013<br>000228<br>2013-12-24 | Informed | XXX (24, male) was arrested while trying to flee to South Korea. After pre-trial and trial in local MPS detention center, he was sent to Susong <i>Kwanliso</i> . |
|------|---------------------------------------------------------------|---------------------------|----------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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- Punishing Families of North Korean Escapees

Under the deteriorating food shortage, defections increased among the inhabitants along the border, and the relaxed punishment level on escapee families has tightened again. There were reports that the families of escapees living along the border have been forcibly relocated (or, banished) to remote mountainous villages away from the border.<sup>786</sup> In a very rare case, a family was ordered to relocate by a “public trial,” but the family petitioned and the banishment was cancelled.<sup>787</sup> Many North Korean escapees have testified that most banished families move back to their old hometown after a period of banishment. In some cases, local supervisor(s) would be fired if a local resident were to defect.<sup>788</sup> If an escapee family offered bribes to the supervisor to overlook

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786\_ In April 2004, the family of XXX living at Ontan-ku, Onsung County, was banished. The families of XXX and XXX were also banished from Kerim-dong, Hoeryeong in 2005 (Interview with escapee XXX in Seoul on July 8, 2008). In November 2007, XXX was sentenced to a correctional labor penalty and his family was banished from Onsung to Jangjin, South Hamgyong Province Interview with escapee XXX in Seoul on July 2, 2008). In 2004, 20–30 escapee families were banished from Musan County to Gangwon Province (Interview with escapee XXX in Seoul on July 2, 2008). In August 2004, the family of XXX was banished from Sechon County, Hoeryeong, North Hamgyong Province to a farm in South Hamgyong Province because XXX had crossed the river into China. NKHR2008000011 2008-08-12.

787\_ Escapee XXX received a public trial in Shinuiju while attempting to defect in January 2005. A decision was made to banish his family, but the decision was reversed as a result of petition. Interview with escapee XXX in Seoul on October 21, 2008.

788\_ NKHR2008000011 2008-08-12.

the defection, he would either forge or discard relevant documents so he could avoid personal responsibility and still benefit financially. According to our 2013 survey, it appeared that even though surveillance over escapee families has been tightened the banishment would not be enforced unless it was confirmed that the escapee has fled to South Korea.<sup>789</sup> In case a majority of a family defected, the remaining family members would be charged with relatively light penalties such as labor training or illegal use of “hand phones (mobile phones).”<sup>790</sup> In case the remaining family member(s) had contacted with his/her family member(s) in South Korea, he/she would be forcibly banished out of town.<sup>791</sup> The family member of “forcibly deported” escapee would be discharged from the military service on account of the “crime of poor family environment.”<sup>792</sup> An increasing number of escapee families are being punished for having received remittances from abroad.<sup>793</sup>

In December 2012, Kim Jong-un had issued instructions to the effect, “Bring back escapees and given them stable living conditions.” Ever since, the Security Department agents began lectures at the Neighbourhood Watch (*Inminban*) on the importance of embracing the returning escapees and tried to persuade the escapee families to bring escapees back to North Korea.<sup>794</sup>

789\_NKHR2013000036 2013-02-19. NKHR2013000033 2013-02-19. NKHR2013000039 2013-03-05. NKHR2013000121 2013-06-25. NKHR2013000117 2013-06-25. NKHR2013000123 2013-06-25. NKHR2013000180 2013-10-01.

790\_NKHR2013000104 2013-05-28.

791\_NKHR2013000179 2013-10-01.

792\_NKHR2013000098 2013-05-14.

793\_NKHR2013000218 2013-11-26.

794\_NKHR2013000127 2013-07-19.

Table  
VI-5

## Punishments for Escapee's Families

| Time           | Place                                  | Testimony                                                                                                                                                                                                                                                                        | Testifier ID                 | Source      |
|----------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| July 2009      | Musan County, North Hamgyoung Province | <ul style="list-style-type: none"> <li>• Punishment: Forced relocation</li> <li>• Reason: Family of an illegal border crosser</li> <li>• Victim: One female</li> </ul>                                                                                                           | NKHR2010000041<br>2010-10-26 | Witnessed   |
| July 2009      | Hoeryeong, North Hamgyoung Province    | <ul style="list-style-type: none"> <li>• Punishment: Forced relocation</li> <li>• Victims: Two males, two females</li> </ul>                                                                                                                                                     | NKHR2010000101<br>2011-06-15 | Witnessed   |
| September 2009 | Unknown                                | <ul style="list-style-type: none"> <li>• Punishment: Political prison camp</li> <li>• Victims: Two males, two females</li> <li>• Detained because a family member defected to South Korea.</li> </ul>                                                                            | NKHR2011000077<br>2011-03-22 | Witnessed   |
| August 2010    | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>• Punishment: Forced relocation</li> <li>• Reason: Family of escapee already living in South Korea</li> <li>• Victims: One male, four females</li> </ul>                                                                                  | NKHR2011000231<br>2011-11-08 | Witnessed   |
| October 2010   | Sakju, North Pyongan Province          | <ul style="list-style-type: none"> <li>• Punishment: Forced relocation</li> <li>• Reason: Family of escapee</li> <li>• Victims: Two males, one female</li> <li>• All family members were relocated for the defection of a source's brother-in-law.</li> </ul>                    | NKHR2011000105<br>2011-05-03 | Experienced |
| 2011           | Pyongyang, Taedonggang District        | <ul style="list-style-type: none"> <li>• Punishment: "Hwan-gyeong-je-dae"</li> <li>• Reason: Family members of an escapee who attempted to enter South Korea</li> <li>* "Hwan-gyeong-je-dae" indicates being discharged from military service due to family problems.</li> </ul> | NKHR2011000209<br>2011-09-20 | Experienced |
| September 2011 | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>• Punishment: Forced relocation</li> <li>• 30 households of escapees' families living in Hyesan in September 2011.</li> </ul>                                                                                                             | NKHR2012000002<br>2012-01-10 | Informed    |

|           |                                   |                                                                                                                                                                                                                                            |                              |           |
|-----------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| 2012      | Hyesan, Yanggang Province         | <ul style="list-style-type: none"> <li>• Penalty: House confiscation</li> <li>• They confiscated the house of testifier’s neighbor (male) because his family illegally crossed the border.</li> </ul>                                      | NKHR2013000006<br>2013-01-08 | Witnessed |
| July 2012 | Pyongsung, South Pyongan Province | <ul style="list-style-type: none"> <li>• Penalty: (forced) discharge</li> <li>• Testifier’s brother-in-law was a platoon leader at a border guard unit, but was forcibly discharged because the testifier’s uncle had defected.</li> </ul> | NKHR2013000153<br>2013-08-20 | Witnessed |

## E Punishment for Human Trafficking in North Korea

As the international community expressed their concerns on human trafficking of North Korean women, North Korea launched a strong campaign to apprehend those engaged in such practices. Individuals who sold North Korean women in China were publicly executed, and stern warnings were issued against any and all human trafficking activity.

| Table VI-6   |                                        | Punishments for Human Trafficking                                                                                                      |                              |           |
|--------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| Time         | Place                                  | Testimony                                                                                                                              | Testifier ID                 | Source    |
| January 2009 | Musan County, North Hamgyoung Province | <ul style="list-style-type: none"> <li>• Punishment: Public execution (shooting)</li> <li>• Victims: Two males, two females</li> </ul> | NKHR2011000186<br>2011-08-16 | Informed  |
| January 2009 | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>• Penalty: 8-year correctional labor penalty</li> <li>• Victims: One</li> </ul>                 | NKHR2011000209<br>2011-09-20 | Informed  |
| March 2009   | Musan County, North Hamgyoung Province | <ul style="list-style-type: none"> <li>• Penalty: 6-year correctional labor penalty</li> <li>• Victims: 11</li> </ul>                  | NKHR2011000034<br>2011-01-04 | Witnessed |

|                |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                              |             |
|----------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| July 2009      | Hyesan, Yanggang Province               | <ul style="list-style-type: none"> <li>• Punishment: Public execution (Shooting)</li> <li>• Victim: One male from Hyesan</li> </ul>                                                                                                                                                                                                                                                                                                                                     | NKHR2011000231<br>2011-11-08 | Informed    |
| September 2009 | Musan County, North Hamgyoung Province  | <ul style="list-style-type: none"> <li>• Punishment: Public execution (Shooting)</li> <li>• Victims: Two males, two females (XXX, XXX)</li> <li>• Total people involved in human trafficking: About 55</li> <li>• Out of 14 human traffickers, four were publicly executed at the Musan County, Jang-ma-dang market in September 2009, four were given unlimited term correctional labor and the other six were sentenced to 13-15 years of <i>kyohwaso</i>.</li> </ul> | NKHR2011000155<br>2011-07-05 | Informed    |
| November 2009  | Hyesan, Yanggang Province               | <ul style="list-style-type: none"> <li>• Punishment: Public execution (shooting)</li> <li>• Victim: One female from Hyesan</li> </ul>                                                                                                                                                                                                                                                                                                                                   | NKHR2011000070<br>2011-03-15 | Informed    |
| March 2010     | Unknown                                 | <ul style="list-style-type: none"> <li>• Penalty: 13-year correctional labor penalty</li> <li>• Victim: One male (XXX, 30 years old)</li> </ul>                                                                                                                                                                                                                                                                                                                         | NKHR2011000129<br>2011-05-31 | Witnessed   |
| June 2010      | Hyesan, Yanggang Province               | <ul style="list-style-type: none"> <li>• Punishment: Public Execution (shooting)</li> <li>• Victim: One female</li> </ul>                                                                                                                                                                                                                                                                                                                                               | NKHR2011000052<br>2011-02-15 | Informed    |
| August 2010    | Onsung County, North Hamgyoung Province | <ul style="list-style-type: none"> <li>• Penalty: 13-year correctional labor penalty (human trafficking and illegal border crossing)</li> <li>• Victim: One male (XXX, 36, from Onsung County)</li> </ul>                                                                                                                                                                                                                                                               | NKHR2011000183<br>2011-08-09 | Experienced |
| 2011           | Bocheon, Yanggang Province              | <ul style="list-style-type: none"> <li>• Penalty: Correctional labor penalty</li> <li>• Victim: One female</li> </ul>                                                                                                                                                                                                                                                                                                                                                   | NKHR2012000116<br>2012-06-19 | Witnessed   |
| 2011           | Samjiyon County, Yanggang Province      | <ul style="list-style-type: none"> <li>• Penalty: Unlimited term correctional labor penalty</li> <li>• Victim: Mother and daughter (XXX, XXX)</li> </ul>                                                                                                                                                                                                                                                                                                                | NKHR2013000018<br>2013-01-22 | Witnessed   |
| January 2011   | Kim Hyung-jik County, Yanggang Province | <ul style="list-style-type: none"> <li>• Punishment: Not known</li> <li>• Victim: One male (political officer of a squad), one male (soldier)</li> </ul>                                                                                                                                                                                                                                                                                                                | NKHR2011000103<br>2011-05-03 | Witnessed   |

|               |                                        |                                                                                                                                                                                                                                                                                                           |                              |           |
|---------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|
| March 2011    | Unknown                                | <ul style="list-style-type: none"> <li>Penalty: 15-year correctional labor penalty</li> <li>Victim: One male (XXX, 45, from Yeongsa County)</li> </ul>                                                                                                                                                    | NKHR2011000195<br>2011-08-23 | Witnessed |
| May 2011      | Jilin Province, China                  | <ul style="list-style-type: none"> <li>Detained for human trafficking of a North Korean escapee (female, 39)</li> </ul>                                                                                                                                                                                   | NKHR2013000010<br>2013-01-08 | Witnessed |
| July 2011     | Musan County, North Hamgyoung Province | <ul style="list-style-type: none"> <li>Penalty: Unlimited term correctional labor penalty</li> <li>Victim: One male</li> </ul>                                                                                                                                                                            | NKHR2012000055<br>2012-04-03 | Informed  |
| 2011–Summer   | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>Penalty: 5-year correctional labor penalty</li> <li>Victim: One female (32)</li> </ul>                                                                                                                                                                             | NKHR2012000092<br>2012-05-22 | Witnessed |
| February 2012 | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>Penalty: 7-year correctional labor penalty</li> <li>Victim: Arrested on site while helping 5 escapees</li> </ul>                                                                                                                                                   | NKHR2012000155<br>2012-07-31 | Informed  |
| February 2012 | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>Penalty: 5-year correctional labor penalty (released on illness)</li> <li>Victim: One female (testifier's mother)</li> </ul>                                                                                                                                       | NKHR2013000166<br>2013-09-17 | Witnessed |
| April 2012    | Daehongdan County, Yanggang Province   | <ul style="list-style-type: none"> <li>Penalty: Detained in SSD <i>kwanliso</i></li> <li>Victim: 1 male (36)</li> <li>A friend of testifier's son-in-law was arrested on the Daehongdan County market (Yanggang Province) on charges of human trafficking. He was detained in <i>kwanliso</i>.</li> </ul> | NKHR2013000111<br>2013-06-11 | Witnessed |
| May 2012      | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>Penalty: Unlimited term correctional labor penalty</li> <li>Victim: 8 persons</li> </ul>                                                                                                                                                                           | NKHR2012000214<br>2012-10-16 | Witnessed |
| February 2013 | Hyesan, Yanggang Province              | <ul style="list-style-type: none"> <li>Victims: 4 females</li> <li>I saw 4 women put on public trial at Wiyon-dong, Hyesan, Yanggang Province. Not knowing of the trial results.</li> </ul>                                                                                                               | NKHR2013000140<br>2013-07-23 | Witnessed |

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Chapter VI North Korean Escapees and Other Humanitarian Issues

As <Table VI-6> shows, North Korea imposed harsh punishment on human traffickers, not for simple river crossing guides. Public executions were carried out in certain cases of human trafficking, dealing in narcotics or smuggling antiques along the border regions. Public executions for human trafficking took place mostly in areas where border traffic was most frequent, such as Musan, Hoeryeong, Chongjin, and Onsung, North Hamgyong Provinces. Clearly, the North Korean authorities, similar to the Chinese, have taken extreme measures against human trafficking in response to the concerns by the international community. Since 1998, North Korea has increased the level of punishment for human trafficking. The fact that North Korea has publicly executed all human traffickers indicates that they have attempted to remove sources of human trafficking, similar to the Chinese.

In 2007 and 2008, the Central authorities conducted extensive inspections concerning missing persons (escapees). Some family members (parents, siblings) of the escapees (missing persons) were punished on “human trafficking” charges.<sup>795</sup> In 2010 and 2011, families of escapees were charged with crimes of human trafficking and forcibly exiled out of town.<sup>796</sup> Even in 2012, many families of escapees were forcibly moved out of their own towns to remote areas.

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795\_ A report released during the “Hyesan Anti-Socialist Group” on December 27, 2007, contained a list of names of missing persons and human traffickers. Escapee XXX testified that he was banished to a coal mine region in Gapsan County, Yanggang Province on charges of “selling off (human trafficking)” his daughter, who had in fact fled to South Korea. NKHR2008000020 2008-09-17.

796\_ NKHR2012000010 2012-01-31; NKHR2012000029 2012-02-21.



## F North Korean Escapees in South Korea

Since 1994, the number of escapees coming to South Korea has rapidly increased. 312 escapees came to South Korea in 2000, 1,043 in 2001, 1,142 in 2002, 1,285 in 2003, and 1,898 in 2004. However, in 2005, only 1,384 escapees arrived in South Korea. The reason for this decrease may be attributed to tighter controls and surveillance in China and less involvement of individuals and NGOs who previously assisted escapees' entry into South Korea. However, there is an increasing trend overall. A total of 2,028 escapees came to South Korea in 2006; 2,554 in 2007; 2,803 in 2008, and 2,914 in 2009. In 2010, the number of escapees arriving in South Korea totaled 2,402, indicating a slight decrease. In 2011, a total of 2,706 North Korean escapees came to South Korea, and in 2012, a total of 1,502 escapees came to South Korea. 1,516 escapees came to South Korea in 2013, and by the end of 2013, there were 26,124 North Korean escapees living in South Korea.

Recently, the ratio of family defection is steadily increasing. Some escapees come with their families while others who are in North Korea or in China come to South Korea with the help of family members already in South Korea.<sup>797</sup> Since 2004, planned entry attempts through foreign missions or foreign facilities in China have decreased. Attempting to travel to South Korea through China takes a long time, up to two years. Therefore, many efforts have been made to come to South Korea through Southeast Asian

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797\_ According to the Ministry of Unification, the ratio of families entering South Korea increased rapidly from 12 percent in 2010 to 39 percent in 2010, and 49 percent in the first half of 2011. The ratio of escapees who already have family resettled in South Korea also increased from 23 percent in 2009 to 33.4 percent in 2010 and 47 percent in the first half of 2011.

countries such as Thailand. The time required for a North Korean escapee to reach South Korea has reduced. The proportion of those who arrive in the South within a year of defection has increased from 30 percent in 2009, 39 percent in 2010, and 52 percent during the first half of 2013. Due to persuasion and financial support from relatives in South Korea, many escapees' families are coming to South Korea. Their number continued to increase in 2013. Escapees settled in South Korea helping the escape of their relatives is a desirable trend in terms of fulfilling the right of family.

| From Final Defection to Arrival in South Korea | Number (persons) | From Final Defection to Arrival in South Korea | Number (persons) |
|------------------------------------------------|------------------|------------------------------------------------|------------------|
| Less than 1 month                              | 4                | 3-4 years                                      | 3                |
| 1-2 months                                     | 101              | 4-5 years                                      | 4                |
| 2-3 months                                     | 30               | 5-6 years                                      | 1                |
| 3-4 months                                     | 11               | 6-7 years                                      | 3                |
| 4-5 months                                     | 8                | 7-8 years                                      | 5                |
| 5-6 months                                     | 5                | 8-9 years                                      | 4                |
| 6-12 months                                    | 14               | 9-10 years                                     | 3                |
| 12-18 months                                   | 4                | Over 10 years                                  | 10               |
| 18-24 months                                   | 3                | No response                                    | 13               |
| 2-3 years                                      | 11               | <b>Total</b>                                   | <b>237</b>       |

Table VI-8 Motivation for Defection (2013)

| Motivation for defection              | Number (persons) | Ratio (percent) | Motivation for defection         | Number (persons) | Ratio (percent) |
|---------------------------------------|------------------|-----------------|----------------------------------|------------------|-----------------|
| Financial reasons                     | 61               | 25.74           | To avoid penalty for illegal act | 2                | 0.84            |
| Grudges against North Korean regime   | 55               | 23.21           | Other                            | 28               | 11.81           |
| Persuasion from family in South Korea | 73               | 30.80           | No response                      | 7                | 2.95            |
| Fear of punishment                    | 11               | 4.64            | Total                            | 237              | 100             |

As the number of North Korean escapees entering South Korea rapidly increased, South Korea became more aware of the changing motivations, defection types, ages, and occupations of North Koreans. The types of North Korean escapees entering into South Korea in 2012 were similar to previous years. Similar to the past, the majority of the North Koreans arriving in South Korea were women (76 percent).

In the past, most family defections to South Korea were a last resort as a result of background discrimination and/or human rights violation they experienced in North Korea. Recently, the increase in family defections include (a) increasing risks due to tightened Chinese surveillance, (b) more access to information about the South Korean society, (c) economic assistance from escapees who are already in South Korea, and (d) increasing activities of professional intermediaries and business agencies. Many North Korean escapees who have settled in South Korea are

working as “entry–visa” brokers since 2009. A significant number of brokers engaged in making arrangements for entry into South Korea are former female escapees. The broker’s fee in 2013 for arranging and helping entry into South Korea from China was approximately 2.5–3 million KPW in South Korean currency (approximately \$2,200). As the number of brokers has increased, competition among them is also getting fierce. Some of them even visit Korean towns in China where they believe many escapees are hiding in an effort to find and persuade them to relocate to South Korea for money in return.<sup>798</sup>

As family defections increased, the age range of North Korean escapees became more evenly distributed. However, among the escapees, 20 to 40–year old group still represent the highest ratio. There are also cases in which earlier escapees plan and assist their families to defect to South Korea. The cases of North Korean women bringing their children or parents they had left behind in the North are also increasing. There are also various occupational backgrounds of escapees. They range from high officials, diplomats, medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants.

There are a number of cases of North Korean escapees who received South Korean citizenship and resettlement funds that have relocated to third countries such as the United States or Great Britain where they have applied for political asylum or refugee status. A number of these individuals have found to be “disguised

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798\_ In many cases, female escapees staying in “Han–Chinese towns” in remote areas of China do not have accurate information about relocating to South Korea. In those areas, there is invariably conflict between “relocation brokers” and church activists who are trying to protect female escapees in China. See XXX, “Current Status and Prospects for Escapees in China,” Korea Institute for National Unification undisclosed advisory meeting, June 14, 2010.

asylum seekers” and repatriated to South Korea.<sup>799</sup>

In 2012, some North Korean escapees, who had settled in South Korea, decided to return to North Korea. Upon return to North Korea, they even held “news conferences” (a total of 8 persons in 4 cases). Similar cases also took place in 2013. They spoke of lawsuits by their brokers, social discrimination and other “human rights abuses” in South Korea, and made political adulations to the North Korean authorities who detained them as traitors. There was nothing new about some escapees, who settled in South Korea, returning to North Korea. What was new about this situation was that the North Korean authorities were taking advantage of these “returnees” and using their stories to discourage potential escapees from fleeing North Korea. On the other hand, some escapees have been penalized in South Korea for violation of the National Security Act; because they had defected to South Korea, then discreetly returned to North Korea and lived with their family there, and later returned to South Korea again. Escapee Kim Kwang-ho and his wife had returned to North Korea and appeared publicly at a North Korean news conference. Subsequently, his family and relatives fled to China, but the Chinese authorities arrested them. Mr. Kim, his wife, and daughter, who held South Korean passports, were not deported to North Korea, but his wife’s sister and brother were reportedly deported to North Korea. There were other escapees who were arrested for violation of South Korea’s National Security Act. These escapees either had fraudulent bank loans in South Korea or tried to smuggle into North Korea certain personal information of escapees in South Korea.

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799\_ *Yonhap News*, October 6, 2011.

It is a mandatory procedure under the South Korean law to hold newly arrived North Koreans and offer adjustment education. For this reason, some of them have brought lawsuits against the government, claiming that they were held under mandatory detention, and hence experienced violation of certain human rights. These lawsuits, however, were dismissed, as the investigations after arrival in South Korea were found perfectly legal. The Korean Bar Association has formed a “task force” to improve, legally and systematically, the human rights of North Korean escapees in the process of settlement in the South.

## Assessment

The forcible deportation of North Korean escapees is an important human rights issue (“refoulement”) that needs improvement. North Korea has a passport system, but the authorities issue passports to a very limited number of people. It is a serious human rights violation to impose political penalty for the simple reason that a person crossed the border illegally. The penalty puts the person’s life at risk and has serious impact on his/her entire family which is an additional problem. In the aftermath of Kim Jong-il’s death, North Korean authorities have further tightened controls on people’s movements, and raised the punishment levels for violators. They have also imposed heavier responsibilities on local agents and ‘Neighbourhood Watch (*Inminban*) chief’ to prevent re-defection of citizens. The authorities are also offering incentives such as grain rations and clothing distributions to discourage defection. North Korea has also installed “electronic walls” and cameras, as well as detection devices along the border regions to prohibit broker activities. By rotating the border guards, the authorities

are also trying to remove defection-related corruption. Since 2012, the surveillance and control along the border region have been relaxed somewhat compared to the ‘period of mourning’ immediately following Kim Jong-il’s death. However, there is reportedly another layer of “Red Guards” in addition to the regular border guards, to prevent defections. Furthermore, North Korea is tightening the control and punishment of so-called “river-crossing brokers.”

As defection continues, many North Korean female escapees, who are forced to live with Chinese men, are not properly protected because they lack Chinese resident permits. If these women are deported back to North Korea, their children are left behind in China and are not able to receive proper nursing, raising or education, which constitutes as a breach of human rights. Trafficking escapees is also a serious issue. In addition, North Korean female escapees often fall victim to other crimes, such as voice phishing fraud, forced marriage, forced service at sex establishments, and other fraudulent schemes. As Chinese authorities tightened surveillance over North Korean escapees in 2013 as well as 2012, the activities of defection brokers have diminished and the number of North Korean escapees entering South Korea or third countries has also significantly decreased.

## 2

# Separated Families

### A Status of Separated Families

Separated Family refers to family members who are living separately in South and North Korea, including spouses, relatives, cousins and second cousins. Many families were involuntarily separated during the process of division of Korea (August 1945) and the Korean War (1950–1953). General Douglas MacArthur, Supreme Commander of Allied Powers, issued General Order No. 2 on September 2, 1945, which divided the Korean Peninsula in half along the 38th Parallel Northern Latitude. American and Soviet Forces moved in to occupy South and North Korea, respectively. As a result, many Korean families were forced to live separately since free movement across the 38th Parallel was arbitrarily cut off. The situation deteriorated when the two sides during the Korean War agreed on a cease–fire on July 27, 1953 along the Military Demarcation Line through the middle of Demilitarized Zone (DMZ) on the Korean Peninsula, which remains unchanged today. There are many underlying causes of family separation, although the Korean War was the main reason. First, there was the arbitrary division of Korea, and many people voluntarily crossed the dividing line into North or South Korea followed by the Korean War. During the war, North Korea systematically apprehended thousands of South Korean leaders and intellectuals in



the occupied zone and took them to the North, and thousands of others were forced to “volunteer” into the military service. Once the war ended (cease–fire), North Korea held thousands of South Korean POWs. In the years following the war, many Korean families living in Japan were induced to return to North Korea. During the subsequent decades, many North Koreans began to flee to China, South Korea and other countries. The number of separated families is not definite. Several surveys were conducted, but they showed different results over the years depending on the period that survey was taken, who conducted the survey and viewpoints of the separated family. According to a population and housing census conducted in 1955 by South Korea’s Central Statistical Office, a total of 735,501 North Koreans came to South Korea (283,313 before the Korean War and 452,188 during the war). According to more recent Statistical Office surveys, in 1990, a total of 418,000 persons (in South Korea) said they were born in North Korea. The number in 1995 was about 403,000 and in 2000, it was 355,000 persons.<sup>800</sup> The survey conducted in 2005 showed that there were 161,605 persons in South Korea who were born in North Korea.<sup>801</sup> The reason the number of North Korea–born persons decreased after 2000 is because many of them died of old age.

The Ministry of Unification and the Korean Red Cross, along with the Committee of Five North Korean Provinces, jointly established and operated the Integrated Information System for Separated Families. As of the end of December 2013, there were

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800\_ Korean Red Cross, *Sixty Years of Reunion of Separated Families* (Seoul: Korean Red Cross, 2005), pp. 6–7.

801\_ National Statistical Office, Population Census, National Statistics Portal <<http://kosis.kr>> (search date: December 19, 2012).

a total of 129,264 registered members of “separated family,” with 71,480 surviving and 57,784 deceased. Compared to 2012, the number of dead increased by 3,841 persons. As of December 2013, 82 percent of those living were older than 70 years of age. Every year, the age of separated family members is growing older. In 2013, more than 50 percent of the separated family members were 80 years of age or older.

| Table VI-9 |                          | Number of Registered Separated Family Members |                    |  |
|------------|--------------------------|-----------------------------------------------|--------------------|--|
| Year       | No. Registered (persons) | Living (persons)                              | Deceased (persons) |  |
| 2008       | 127,343                  | 88,417                                        | 38,926             |  |
| 2009       | 128,028                  | 85,905                                        | 42,123             |  |
| 2010       | 128,461                  | 82,477                                        | 45,984             |  |
| 2011       | 128,668                  | 78,892                                        | 49,996             |  |
| 2012       | 128,779                  | 74,836                                        | 53,943             |  |
| 2013       | 129,264                  | 71,480                                        | 57,784             |  |

Source: Compiled from the “data center” at the Integrated Information System for Separated Families <reunion.unikorea.go.kr>

| Table VI-10     |               | Number of Surviving Members of Separated Family (As of December 31, 2013) |             |             |                |        |
|-----------------|---------------|---------------------------------------------------------------------------|-------------|-------------|----------------|--------|
| Category        | Over 90-years | 80-89 years                                                               | 70-79 years | 60-69 years | Below 59 years | Total  |
| Persons         | 7,950         | 29,819                                                                    | 20,477      | 7,595       | 5,639          | 71,480 |
| Ratio (percent) | 11.1          | 41.7                                                                      | 28.7        | 10.6        | 7.9            | 100    |

Source: Compiled from “data center” of the Integrated Information System for Separated Families <reunion.unikorea.go.kr>

**Table VI-11** Ratio of 80–Years or Older among Separated Family Members

| Year              | 2010   | 2011   | 2012   | 2013   |
|-------------------|--------|--------|--------|--------|
| Total surviving   | 82,477 | 78,892 | 74,836 | 71,480 |
| 80–years or older | 32,957 | 37,524 | 34,225 | 37,769 |
| Ratio (percent)   | 40.0   | 47.6   | 45.7   | 52.8   |

Source: Compiled from “data center” of the Integrated Information System for Separated Families <reunion.unikorea.go.kr>

**Table VI-12** Number of Deceased Members of Separated Family (As of December 23, 2013)

| Category | 90–years or older | 80–89 years | 70–79 years | 60–69 years | 59–years or younger | Total  |
|----------|-------------------|-------------|-------------|-------------|---------------------|--------|
| Persons  | 29,809            | 22,049      | 5,164       | 627         | 135                 | 57,784 |
| Ratio    | 51.6              | 38.1        | 9.0         | 1.1         | 0.2                 | 100    |

Source: Compiled from “data center” of the Integrated Information System for Separated Families <reunion.unikorea.go.kr>

## B Confirming Current Status of Separated Families and Mutual Contacts

Separated Families are living in South and North Korea respectively and they are not allowed to meet or exchange letters. In fact, many of them do not even know whether their family members are alive or deceased. In short, their “family rights” are seriously breached. The Geneva Convention Relating to the Protection of Civilian Persons in Time of War of August 12, 1949 (Geneva Convention IV) specifically protects family rights<sup>802</sup>:

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802\_ International Committee of Red Cross, “Geneva Convention Relative to the Protection of Civilian Persons in Time of War,” (August 12, 1949).

“Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs ...”  
(Article 27, Para. 1)

At the time of the Korean War, South and North Korea were not parties to the Geneva Convention IV. South Korea signed the Convention on August 16, 1966, and North Korea joined the Convention on August 27, 1957. Soon after the outbreak of the Korean War, the President of the International Committee of the Red Cross (ICRC) stated that both South and North Korea are entitled to the benefits of the Convention even if they are not signatories. On July 5, 1950, South Korean President Syng-man Rhee publicly pledged that his government would observe all provisions of the Geneva Convention. On July 13, 1950, North Korea also sent an official cable to the UN Secretary General accepting the proposition of ICRC. Consequently, the Geneva Convention IV has a legally binding effect on both South and North Korea since the Korean War.<sup>803</sup>

The family rights include the right of a family to live together or the “right to family unification.” The Universal Declaration of Human Rights and other international human rights treaties stipulate that “men and women of full age have the right to marry and find a family,” and the family “is entitled to protection by the society and the State.”<sup>804</sup> A family consists of husband, wife,

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803\_ Sung-ho Je, “Kidnapping of Civilians in Times of War – from the Perspective of International Humanitarian Law,” *Seoul International Law Study*, No. 18, Vol. 1 (Seoul International Law Institute, 2011), p. 200.

804\_ See Article 16, Para. 3 of UDHR; Article 17 and 23 of ICCPR; Article 5 (d) (iv) of ICERD (racial discrimination); Article 12 of ECPHRRF (European Convention); and Article 17, Para. 2 of ACHR (American Convention).

and their children. Article 9 of the CRC stipulates, “a child shall not be separated from his/her parents against his/her will.” The right to family unification is an integral part of the right to marry and find a family, and the right of the child not to be separated from his/her parents.

The family rights and the right to family unification are stipulated in the Constitution of both South and North Korea. Article 36, Para. 1, of the South Korean Constitution stipulates, “Marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of sexes, and the state shall do everything in its power to achieve that goal.” Article 78 of the North Korean Constitution stipulates, “marriage and family shall be protected by the state. The state shall take deep interest in consolidating the family and the basic unit of social life.”

On August 12, 1971, South Korean Red Cross proposed to the North Korean Red Cross an inter-Korean Red Cross meeting to discuss an inter-Korean campaign for the reunion of separated families. As the North Korean side accepted the proposal, the first preliminary meeting for Inter-Korean Red Cross Talks was held on September 20, 1971.<sup>805</sup> The South Korean Government sought to resolve the “separated family” issue through various channels, including the Red Cross Talks and Ministerial meetings. From 2000 to 2011, there has been a total of 18 family reunion meetings, and a total of 4,321 families (21,734 persons) who have met their family members. Based on the agreement made at three Red Cross “working level talks” held between September 17 and October 1, 2010, two inter-Korean “family reunion” meetings were

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805\_Korean Red Cross, *60 Years of Reunion of Separated Families*, p. 18.

held at Mountain Kumgang Resorts on the occasion of “Korean Thanksgiving (or, Chusok)” in 2009 and 2010. From October 30 to November 5, 2010, 110 persons representing 97 North Korean families met with 436 South Korean family members. From November 3 to November 5, 2010, 137 persons representing 94 South Korean families met with 203 North Korean family members.<sup>806</sup> However, since the 18th Family Reunion (October 30–November 5) meeting of 2010, no progress has been made on the separated family issue between the two sides, especially due to North Korea’s bombing attacks on South Korea’s Yonpyong Island.

In 2013, there was no progress between the two sides on the separated family issue. On August 23, 2013, South and North Korea held a Red Cross meeting and agreed to have a separated family reunion meeting of 100 members from each side from September 25–30 at Mountain Kumgang resorts. The two sides further agreed to hold a separated family televised meeting on October 22–23, and an additional reunion during the month of November. The two sides had even exchanged final rosters of family members on September 16. But, on September 21, North Korea one-sidedly announced the postponement of the family reunion meetings.

On February 5, 2014, the two sides in a Red Cross working-level meeting agreed to have a separated family reunion meeting from February 20 to 25, 2014 at Mountain Kumgang resorts. Accordingly, the separated family reunion meetings were held for the first time in 3 years and four months. The 19th separated family reunion meetings were held in two rounds: the first round

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<sup>806</sup> Ministry of Unification, *2012 Unification White Paper* (Seoul: Ministry of Unification, 2012), p. 137.

(from February 20–22) was for 82 South Korean families (or, 140 individuals) to meet with their North Korean relatives (or, 178 individuals); and the second round (February 23–25) was for 88 North Korean families to meet with 357 family members living in South Korea.

| Table VI-13   |                          | Number of Officially Sponsored Exchanges between Separated Families (Unit: cases/(persons)) |                    |                       |                    |
|---------------|--------------------------|---------------------------------------------------------------------------------------------|--------------------|-----------------------|--------------------|
| Year/Category | Living/Dead Confirmation | Exchange of Letters                                                                         | Visiting South     | Visiting North        | On-screen Meetings |
| 1985–2002     | 1,862 (12,005)           | 671 (671)                                                                                   | 331 (2,700)        | 735 (2,817)           |                    |
| 2003          | 963 (7,091)              | 8 (8)                                                                                       |                    | 598 (2,691)           |                    |
| 2004          | 681 (5,007)              | –                                                                                           |                    | 400 (1,926)           |                    |
| 2005          | 962 (6,957)              | –                                                                                           |                    | 397 (1,811)           | 199 (1,323)        |
| 2006          | 1,069 (8,314)            | –                                                                                           |                    | 594 (2,683)           | 80 (553)           |
| 2007          | 1,196 (9,121)            | –                                                                                           |                    | 388 (1,741)           | 278 (1,872)        |
| 2008          | –                        | –                                                                                           |                    | –                     | –                  |
| 2009          | 302 (2,399)              | –                                                                                           |                    | 195 (888)             | –                  |
| 2010          | 302 (2,176)              | –                                                                                           |                    | 191 (886)             | –                  |
| 2011–12       | –                        | –                                                                                           |                    | –                     | –                  |
| <b>Total</b>  | <b>7,337 (53,070)</b>    | <b>679 (679)</b>                                                                            | <b>331 (2,700)</b> | <b>3,498 (15,443)</b> | <b>557 (3,478)</b> |

Source: Ministry of Unification “homepage” (Seoul)

\* “Data/sources– Statistical data - Humanitarian cooperation” <http://www.unikorea.go.kr/index.do?menuCd=DOM-00000105006004000> (Search date: January 15, 2013)

In view of the urgency of the separated family issue, the South Korean government has been filming a series of “video letters” from South Korean families to be delivered to their family members in North Korea on a later date as soon as the inter-Korean exchanges re-open or even after the death of these individuals. From August 6 to September 28, 2012, the South Korean government has identified a total of 16,800 individuals who wanted to

participate in this video project, and 800 of them began their “video letters” from December 2012. Others will also participate in the “video” project in turn.<sup>807</sup>

In addition to government sanctioned exchanges, the South Korean Government has extended support for separated family exchanges at the civilian level. From February 2009, in an effort to promote civilian level exchanges, the government has increased the amount of expense grant for the reunion project. The government has raised the amount from 800,000 to 1,000,000 KPW (about \$1,000) for the confirmation of personal status, and from 400,000 to 500,000 KPW for continued contacts after confirmation of status. The government also decided to increase the amount of the grant from 1.8 to 3 million KPW in the event of a personal reunion for separated family members. However, the number of separated family contacts at the civilian level has decreased every year. In 2013, there were a total of 24 civilian-level exchanges between the separated families, including 9 cases confirming alive/dead, 3 meetings in person, and 22 exchanges of letters.

| Year/Category | Alive/Dead Confirmation | Exchange of Letters | Personal Meetings |
|---------------|-------------------------|---------------------|-------------------|
| 1990          | 35                      | 44                  | 6                 |
| 1991          | 127                     | 193                 | 11                |
| 1992          | 132                     | 462                 | 19                |

807\_Ministry of Unification, *2013 Unification White Paper* (Seoul: Ministry of Unification, 2013), p.132.



|       |       |        |       |
|-------|-------|--------|-------|
| 1993  | 221   | 948    | 12    |
| 1994  | 135   | 584    | 11    |
| 1995  | 104   | 571    | 17    |
| 1996  | 96    | 473    | 18    |
| 1997  | 164   | 772    | 61    |
| 1998  | 377   | 469    | 109   |
| 1999  | 481   | 637    | 200   |
| 2000  | 447   | 984    | 152   |
| 2001  | 208   | 579    | 170   |
| 2002  | 198   | 935    | 208   |
| 2003  | 388   | 961    | 283   |
| 2004  | 209   | 776    | 188   |
| 2005  | 276   | 843    | 95    |
| 2006  | 69    | 449    | 54    |
| 2007  | 74    | 413    | 55    |
| 2008  | 50    | 228    | 36    |
| 2009  | 35    | 61     | 23    |
| 2010  | 16    | 15     | 7     |
| 2011  | 3     | 21     | 4     |
| 2012  | 6     | 16     | 3     |
| 2013  | 9     | 22     | 3     |
| Total | 3,845 | 11,418 | 1,739 |

Source: Separated Family Section, Ministry of Unification (Seoul)

On February 9, 2012, the Ministry of Unification revised the Instructions on Expense Grants for Separated Family Reunion Meetings, and raised the amount from 1 to 2 million KPW for confirmation of life or death, and from 3 to 5 million KPW for family reunions in a third country. The previous 500,000 KPW grant remains unchanged for contacts after the confirmation of life or death.

## ㉔ Current Status of Separated Family Program

On March 25, 2009, South Korea enacted the Act on Confirmation of Life or Death and Promotion of Exchanges of Inter-Korean Separated Families (hereinafter referred to as Inter-Korean Separated Families Act). The Act went into force on September 26, 2009. The law stipulates that a status survey be conducted to identify the current situation and exchange levels between the separated families (Article 6, Para. 1). Accordingly, the Ministry of Unification and Korean Red Cross jointly conducted an extensive survey on all surviving members of the registered 128,000 persons (As of March 2011, 81,800 were surviving). The Matrix Corporation, under contract with the government, conducted a survey from April to November of 2011. Of the 81,800 survivors in South Korea, the survey confirmed 66,611 (81.4 percent) persons. As a part of the survey, questionnaires were distributed to 10,605 persons to collect data and responses necessary for future separated family policies. The survey revealed that separated family members preferred exchange methods in the following order: confirmation of life or death (10.4 percent), personal meetings (35.9 percent), and exchange of letters (10.0 percent). Only 8.4 percent of the respondents were able to confirm the status of their family members (alive or dead). In addition, 55 percent of them agreed and 45 percent disagreed on the collection and preservation of personal DNA for confirmation of family relationship in the future. 44.6 percent of the respondents preferred extending “simple humanitarian assistance” directly to North Koreans, rather than to the North Korean government (34.0 percent).<sup>808</sup>

The Inter-Korean Separated Families Act requires revision and implementation of the basic plan for the promotion of inter-Korean

separated family exchanges every three years (Article 5, Para. 1). Accordingly on July 30, 2012, the government revised and released the Basic Plan for the Promotion of Separated Family Exchanges.

The Inter-Korean Separated Families Act was partially revised on May 22, 2013. The revision included a new section on DNA testing for the purpose of confirmation of family relationship between the separated family members (Article 8-2).

## D Inheriting the Property of Separated Families

The need to resolve the issue of inheritance has been raised for a long time. This involves relationship between the family members living separately in the South and the North, and the need for legal measures. For this reason, the Ministry of Justice enacted the Act on special Cases concerning Family Relationships, Inheritance, Etc. Between Residents in South and North Korea on February 10, 2012 which went into effect on May 11, 2012. Based on this Act, a South Korean court ruled on November 30, 2012 that even if the children of a separated family member inherits the property based on his/her will, the property should go to a trust managed by an independent attorney, rather than going directly to the children.<sup>809</sup> The Act prescribes that if a North Korean resident inherits property rights, he/she should appoint a legal receiver who can manage the property (Article 13). XX Yoon came to South

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808\_Ministry of Unification, Press Release: Results of Current Status of Separated Families, December 15, 2011.

809\_ *Chosun Ilbo*, November 30, 2012.

Korea during the Korean War with his late father, who left his wife, two other sons and three daughters behind in North Korea. Yoon's father remarried his new mother in South Korea and had four children. When his father passed away in 1987 he left some property to his four children, which Yoon claimed that he was entitled to, so Yoon filed a lawsuit in 2011.

## E Human Rights Abuses on Separated Family Members in North Korea

Separated family members left behind in North Korea are socially discriminated against, especially in terms of Party membership, military service, college admissions, and marriage.

Table  
VI-15

Human Rights Breaches of Separated Families in North Korea

| Testimonies                                                                                                                                                                                                                                                                                                                                                                                                         | Testifier ID                 | Remarks     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that he/she had seen a member of a separated family seeking to join the military but was denied in 1996.                                                                                                                                                                                                                                                                           | NKHR201000054<br>2010-06-22  | Witnessed   |
| A North Korean escapee testified that in July 1997, his/her son was discriminated against during his college admission, Party membership and staff positions, because he had a member of his family who fled to South Korea. During the 1990s, several Party instructions were issued emphasizing personal capabilities rather than family background, so he had some hope, but the instructions were not observed. | NKHR2011000126<br>2011-05-31 | Experienced |
| A North Korean escapee testified that her husband was denied Party membership, and had to get a "discharge for livelihood" because his aunt fled to South Korea.                                                                                                                                                                                                                                                    | NKHR2011000112<br>2011-05-17 | Experienced |
| A North Korean escapee testified that North Koreans regarded families of those who fled to South Korea during the Korean War as "families of reactionaries." It was impossible for these children to get Party membership or college admission.                                                                                                                                                                     | NKHR2012000062<br>2012-04-17 | Fact        |

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|                                                                                                                                                                                                                                                                                              |                              |             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|
| A North Korean escapee testified that his/her father was a Party member, but he could not become a State Protection agent or Party staff, and we were banished from Pyongyang when I was in elementary school. The reason was because my great grandfather fled South during the Korean War. | NKHR2013000127<br>2013-07-09 | Experienced |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|

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However, the people’s perception sometimes change towards the person who had someone in the family that fled to South Korea during the Korean War, provided that he/she works honestly and diligently. Initially, people cast negative eyes on the person, but if he/she works diligently, the opinion of that person changed positively.<sup>810</sup> North Korean escapee XXX testified that his grandfather’s brothers fled to South Korea during the Korean War, so his grandfather was discriminated against in Party membership and education. However today, most North Koreans do not discriminate against families of those who fled to South Korea during the war.<sup>811</sup>

## F Assessment

As separated families population is aging, it is more difficult to confirm whether they are alive or dead and pursue personal contacts. To this extent, their family rights are breached. The Geneva Convention IV mandates the protection of family rights. South and North Korea were not signatories to this particular convention at the time of Korean War, but both are bound by the terms of the convention, as both have accepted the terms of the

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810\_NKHR2010000072 2010-10-19.  
811\_NKHR2012000046 2012-03-23.

Convention by taking appropriate actions during the early phase of the war. Family rights are also prescribed in the Constitutions of both Korea.

South and North Korea have had the separated family reunion meetings on February 20–25, 2014 at Mountain Kumgang resorts. It was first such event in 3 years and 4 months. In view of the aging members of separated families, the reunion meetings should be held on a regular basis, and exchanges at government and civilian levels should also continue and be expanded. It is true that a number of variables exist in such events as separated family reunion meetings and their exchanges, because the Kim Jong-un regime is expected to concentrate on maintaining the regime stability in the aftermath of execution of Jang Song-taek. Under the circumstances, it would be hard to expect any improvement of inter-Korean relations or progress of humanitarian issues, especially if North Korea continues to take provocative actions like nuclear test or military challenges against South Korea. Whether or not exchanges will resume at government and civilian levels, including the separated family reunion meetings, will depend on North Korea's truthful and genuine attitude. The policies of South and North Korea toward the Mountain Kumgang tourism project and the separated family reunion meetings are also important variables.

# 3

## The Abductees

### A South Koreans Abducted during the Korean War

#### Current Status of South Koreans Abducted during the Korean War

The exact number of South Koreans abducted by North Korea during the Korean War is unclear at this time. The seven lists of abducted persons identified thus far show significant differences. For example, in 1950 the Statistics Bureau of South Korea's Ministry of Public Information listed the number of abducted Seoul citizens to be 2,438. The Family Association for the Korean War Abducted Persons published a list in 1951, including the names of 2,514 abducted persons. In 1952 the South Korean government published a list of names of 82,959 abducted persons during the war, but the 1953 Statistical Almanac listed 84,532 names. In 1954, The Police Headquarters of the Ministry of Internal Affairs documented 17,940 abducted persons. However the Missing Civilians List compiled by Korean Red Cross in 1956 reported 7,034 persons, and the Missing Civilians List compiled by the Ministry of Defense in 1963 reported 11,700 persons. Many names appear on different lists, indicating that they were clearly abducted by the North during the war.

Table  
VI-16Number of South Koreans Abducted during the Korean War <sup>812</sup>

| Category                                                        | Source (compiled by)                               | Year | Number of victims | List exists?            |
|-----------------------------------------------------------------|----------------------------------------------------|------|-------------------|-------------------------|
| List of victims from Seoul                                      | Statistical Bureau, Ministry of Public Information | 1950 | 2,438             | yes                     |
| List of persons abducted during the Korean War                  | Statistical Bureau, Ministry of Public Information | 1952 | 82,959            | yes                     |
| Number of persons abducted during the Korean War                | Police Headquarters, Ministry of Internal Affairs  | 1952 | (126,325)         | no                      |
| List of persons abducted during the Korean War                  | Statistical Office, Ministry of Public Information | 1953 | (84,532)          | no                      |
| List of persons abducted due to circumstances of the Korean War | Police Headquarters, Ministry of Internal Affairs  | 1954 | 17,940            | yes                     |
| List of citizens registered as missing                          | Korean Red Cross                                   | 1956 | 7,034             | yes                     |
| List of missing citizens                                        | Ministry of Defense                                | 1963 | 11,700            | Vol. 1 yes<br>Vol. 2 no |

Based on the lists available thus far, the Association of Families of Korean War Abducted Persons has concluded 96,013 persons as abducted, excluding overlapping names. The following <Table VI-17> shows the distribution of their age at the time of abduction.

812\_ The Committee on Fact-Finding of Korean War Abductions and the Restoration of the Reputation of the Victims, <[http://www.abductions625.go.kr/report/2012\\_report02.asp](http://www.abductions625.go.kr/report/2012_report02.asp)>.



**Table VI-17 The Age Distribution of South Koreans Abducted during the Korean War<sup>813</sup>**

| Age          | Number of Persons | Ratio (percent) |
|--------------|-------------------|-----------------|
| Under 10     | 338               | 0.4             |
| 11-15        | 376               | 0.4             |
| 16-20        | 20,409            | 21.2            |
| 21-30        | 51,436            | 53.6            |
| 31-40        | 14,773            | 15.4            |
| 41-50        | 5,456             | 5.7             |
| 51-60        | 1,675             | 1.7             |
| Over 61      | 746               | 0.8             |
| Age unknown  | 804               | 0.8             |
| <b>Total</b> | <b>96,013</b>     | <b>100</b>      |

It has not been officially confirmed whether anyone forcibly abducted to the North during the Korean War has returned to South Korea. The fact that no one out of such a large group has been able to return to the South indicates that most of the abductees have been forced to adjust to life in North Korea. Since the onset of the food shortage, a large number of North Koreans came to South Korea, but none of the wartime abductees returned to the South, perhaps because most of them are of old age or they may have chosen not to reveal to their North Korean family that they had been forcibly abducted during the war.

**Confirmation of Life or Death and Contacts with South Koreans Abducted during the Korean War**

The abducted persons during the war are also victims of human

813\_Korean War Abductees Research Institute, *Hanguk chonjaeng nappuk sakon saryojip 2*.

rights abuses similar to separated family members with respect to family reunions, exchange of letters and personal contacts. The Geneva Convention IV stipulates, “individual or mass forced transfers from occupied territory to the territory of the Occupying Power are prohibited, regardless of their motive” (Article 49). Furthermore, detention of civilians is also prohibited (Article 79). North Korea’s abduction of civilians in times of war amounts to crimes against humanity and war crimes under the international law. In accordance with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity<sup>814</sup> adopted on November 26, 1968, the statute of limitation is not applied on North Korea’s abduction of civilians in times of war.<sup>815</sup> North Korea acceded to this Convention on November 8, 1984.

During the fourth Inter-Korean Red Cross meeting held in September, 2002, the two sides agreed to discuss and resolve the status and addresses of “those who went missing during wartime.” During the 15<sup>th</sup> Inter-Korean Ministerial Meeting (June 21–24, 2005) the two sides agreed to “consult humanitarian issues,” including the confirmation of status of those who went missing during wartime (Sec. 3, Joint Press Release). During the 6<sup>th</sup> Inter-Korean Red Cross meeting (August 23–25, 2005) and the 16<sup>th</sup> Inter-Korean Ministerial Meeting (September 13–16, 2005), the two sides agreed again to continue their consultations on confirming the status of

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814\_ UN General Assembly, "Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity," UN Doc. A/RES/2391(X XIII) (November 26, 1968).

815\_ Ji-yoon Cha, “Can the concept of ‘forced missing persons’ under international law be applied to the South Korean civilians forcibly abducted by North Korea during the Korean War?” Citizens’ Alliance for North Korean Human Rights, et al., The 11<sup>th</sup> International Conference on North Korean Human Rights and Refugees, November 23, 2011.

those who went missing during the war. During the 13<sup>th</sup> Family Reunion meeting held on March 22, 2006, an attempt was made to include the families of abducted persons. For that purpose, a request was made to confirm the whereabouts of four abducted persons, but none was confirmed. Only one person (Kyung–chan Lee) was able to meet with the families (an aunt and a cousin) of his uncle (who had formed a new family in North Korea). During the 14<sup>th</sup> Family Reunion meeting in June 2006, eight families of abducted persons requested a meeting. North Korea confirmed the status of one living person (Bong–woo Lee, father of Jung–ok Yoo), but after two weeks said he was the wrong person, canceling the planned meeting. Thereafter, eight families of abducted persons received notice from the North that they were unable to confirm the status of their family members. During the 15<sup>th</sup> Family Reunion meeting in May 2007, four families of abducted persons requested confirmation of the status of their family members. North Korea confirmed one had died, but was unable to confirm the status of others. However, the (South Korean) family of the deceased was able to meet with the family members from the North. In 2010, the inter–Korean family reunions were resumed. During this meeting, South Korea asked the North Korean authorities to confirm the status of five family members abducted during the Korean War, but North Korea sent notice that they were unable to confirm their status.<sup>816</sup> Subsequently, there has been no progress between South and North on the subject of living/dead confirmation of abducted South Koreans and their repatriation issue.

North Korea is treating the separated family reunion issue and the Korean War POW and abducted South Koreans issue separately.

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816\_ *Naeil Newspaper*, November 4, 2010.

In February and August of 2012, South Korea had proposed a working-level inter-Korean Red Cross meeting and South Korea planned to discuss both the separated family issue as well as the POW and abducted South Koreans issue, but North Korea refused to discuss these issues.<sup>817</sup> In August 2013, during the working-level Red Cross meetings for the separated family reunion, South Korea had raised the POW and abducted South Koreans issues in addition to the separated family reunion. However, the POW and abducted South Koreans issue was excluded from the final “inter-Korean Red Cross working-level agreement” adopted on August 23, 2013. The South Korean government had included Mr. Choi Jong-suk and Choi Jong-sik as the abducted South Koreans during the Korean War, and their names were included in the 19th Separated Family reunion meetings held in February 20–25, 2014. But, their South Korean family could not meet with them, as both of them were deceased.

Discovering the Truth of Abduction during  
the Korean War and Restoring Honor of Victims

The issue of South Koreans abducted during the Korean War was not adequately discussed in the period following the formal cessation of overt hostilities. This was due to the difficulty of distinguishing between defection and abduction that took place during the chaos of the war. In fact, the “missing” status of the abductees created difficulties in the lives of entire families. In April 2004 and again in July 2008, National Human Rights Commission of Korea called for studies and special legislation of

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817\_Ministry of Unification, *2013 The Unification White Paper*, p.135.

abductees’ relief and compensation.

On March 26, 2010, South Korea enacted the “Act on Discovering the Truth of Abduction during the Korean War and Restoring Honor of Victims.” On December 13, 2010, the Committee on the Act on Discovering the Truth of Abduction during the Korean War and Restoring Honor of Victims (hereafter ‘Committee’) was officially launched. The committee is chaired by the Prime Minister and consists of five cabinet members (including Ministers of Ministry of Defense, Ministry of Unification, Ministry of Foreign Affairs, Ministry of Security and Public Administration, and the chief of the National Police Agency), three representatives of abducted persons’ families, and six civilian experts. The 15-member committee is expected to conduct fact finding missions and research concerning forcible abduction of South Korean civilians during the Korean War and restoring their honor. The Committee, formally established in February 11, 2011, now operates through a subcommittee with the Vice Minister of Unification as the president. It is further comprised of director-level civil servants, experts, and abductee family groups. The subcommittee discusses preliminary determination of abductee status, ways to encourage reporting, and other matters related to the Committee’s work.

The Committee has held a total of 11 general meetings until December of 2013. The first meeting (December 13, 2010) adopted operating rules, fact finding guidelines, and rules for assistance. At the second meeting, held on March 18, 2011, the Committee established basic identification rules on the abducted persons during the Korean War. The identification of South Koreans abducted to North Korea during the Korean War began from the 3rd meeting. Also, a total of 2,560 individuals have been identified as abducted to North Korea. The 3rd meeting identified and confirmed 55 in-

dividuals, the 4th meeting 217, 5th meeting 120, 6th meeting 351, 7th meeting 364, 8th meeting 467, 9th meeting 417, 10th meeting 274, and 11th meeting 295 individuals.

| Table VI-18       |                                    | Number of Abducted South Koreans during the Korean War |                      |                     |                                  |                | (Unit: persons) |
|-------------------|------------------------------------|--------------------------------------------------------|----------------------|---------------------|----------------------------------|----------------|-----------------|
| Committee meeting | Time                               | Number of decisions                                    | Contents of decision |                     |                                  |                |                 |
|                   |                                    |                                                        | Decided as abducted  | Abduction undecided | Unable to determine as abduction | Appeals denied |                 |
| 3rd meeting       | August 2, 2011                     | 55                                                     | 55                   |                     |                                  |                |                 |
| 4th meeting       | December 3-13, 2011                | 264                                                    | 217                  | 28                  | 19                               |                |                 |
| 5th meeting       | March 19-April 4, 2012             | 144                                                    | 120                  | 11                  | 13                               |                |                 |
| 6th meeting       | June 20, 2012                      | 386                                                    | 351                  | 11                  | 24                               |                |                 |
| 7th meeting       | September 19-October 4, 2012       | 399                                                    | 364                  | 7                   | 27                               | 1              |                 |
| 8th meeting       | December 26, 2012-January 14, 2013 | 490                                                    | 467                  | 5                   | 18                               |                |                 |
| 9th meeting       | May 6, 2013                        | 463                                                    | 417                  | 14                  | 32                               |                |                 |
| 10th meeting      | June 21, 2013                      | 308                                                    | 274                  | 8                   | 26                               |                |                 |
| 11th meeting      | October 15, 2013                   | 327                                                    | 295                  | 5                   | 27                               |                |                 |
| Total             |                                    | 2,836                                                  | 2,560                | 89                  | 186                              | 1              |                 |

Source: Compiled based on “Home-page” of the “Abduction Fact-finding Committee,” Ministry of Unification<<http://www.abductions625.go.kr/dong/dong03.asp>>

The Committee has decided to establish “city/province working committees” at all provinces and cities to handle registration and investigation of Korean War abduction victims, and from January 3, 2011, these committees including Korean embassies abroad, began to receive applications of Korean War abduction victims. In 2011, a total of 1,304 cases were received, and 1,623 cases were reported in 2012.<sup>818</sup> In an effort to more accurately understand the scope and circumstances at the time, the Committee has also collected over 800 relevant documents and records, and has been collecting related materials by visiting various national archives, including the United States, Great Britain, Russia, etc. The Committee is also building up detailed computer database to maintain more accurate records on abducted South Koreans during the Korean War.<sup>819</sup>

## B The Abducted Persons in the Post–War Years

### Current Status of Post–War Abductees

A total of 3,835 persons have been abducted to North Korea since the cease–fire of the Korean War. Some of them have been involuntarily held in North Korea as a result of their usefulness, physical conditions, and educational background.<sup>820</sup> A total of 3,310 of them (86.5 percent) returned to South Korea after being held

818\_ *Ibid.*, pp. 139–140.

819\_ *Ibid.*, pp. 143–143.

820\_ XX Lee who returned to South Korea after abduction to North Korea, testified that the 27–men crew of boats Bongsan No. 21 and No. 22 were transferred from Haeju to Pyongyang. They were interrogated to ascertain whether or not they were spies. In the process, they picked seven healthy and educated (10–years of education or higher) individuals, and gave them special training in Chongjin. The North released the rest of the crew back to South Korea.

for six months to a year. Eight of them defected from North Korea and returned to South Korea. On September 5, 2013, Jeon XX, who was abducted on December 28, 1972, has returned home to South Korea. As of the end of 2013, the total number of abducted South Koreans still detained in North Korea is estimated to be 516 individuals.

| Category              | Total       | Fisher men | Korean Airlines | Soldiers/ Policemen | Other    |          |   |
|-----------------------|-------------|------------|-----------------|---------------------|----------|----------|---|
|                       |             |            |                 |                     | Domestic | Overseas |   |
| Abducted to the North | 3,835       | 3,729      | 50              | 30                  | 6        | 20       |   |
| Returned to the South | Repatriated | 3,310      | 3,236           | 39                  | —        | —        | 8 |
|                       | Defected    | 9          | 9               | —                   | —        | —        | — |
| Detained in the North | 516         | 457        | 11              | 30                  | 6        | 12       |   |

Source: Ministry of Unification, Separated Families Division, Press Release, "Status of Abductees after the Korean War."

| Year | Number Detained | Cumulative Total | Year | Number Detained | Cumulative Total |
|------|-----------------|------------------|------|-----------------|------------------|
| 1955 | 10              | 10               | 1973 | 8               | 429              |
| 1957 | 2               | 12               | 1974 | 30              | 459              |
| 1958 | 23              | 35               | 1975 | 28              | 487              |
| 1962 | 4               | 39               | 1977 | 4               | 491              |
| 1964 | 16              | 55               | 1978 | 4               | 495              |
| 1965 | 20              | 75               | 1980 | 1               | 496              |
| 1966 | 19              | 94               | 1985 | 3               | 499              |
| 1967 | 52              | 146              | 1987 | 13              | 512              |
| 1968 | 133             | 279              | 1992 | 1               | 513              |



|      |    |     |      |   |     |
|------|----|-----|------|---|-----|
| 1969 | 20 | 299 | 1995 | 1 | 514 |
| 1970 | 36 | 335 | 1999 | 1 | 515 |
| 1971 | 20 | 355 | 2000 | 1 | 516 |
| 1972 | 66 | 421 |      |   |     |

Source: Ministry of Unification, Separated Families Division

**Table VI-21** Abducted Persons Who Have Returned to South Korea

| Name | Date of Abduction | Occupation                              | Date of Return     |
|------|-------------------|-----------------------------------------|--------------------|
| XXX  | April 29, 1970    | Crew, the Bongsan No. 22 (fishing boat) | July 26, 2000      |
| XXX  | April 12, 1967    | Crew, the Chundae No. 11                | October 30, 2001   |
| XXX  | November 24, 1973 | Engineer, the Daeyounggho               | June 23, 2003      |
| XXX  | August 17, 1975   | Crew, the Chunwangho                    | July 12, 2005      |
| XXX  | August 17, 1975   | Crew, the Chunwangho                    | January 16, 2007   |
| XXX  | August 17, 1975   | Crew, the Chunwangho                    | September 10, 2007 |
| XXX  | July 2, 1968      | Crew, the Geunyungho                    | January 9, 2008    |
| XXX  | August 17, 1975   | Crew, the Chunwangho                    | February 26, 2009  |
| XXX  | December 28, 1972 | Crew, the Odaeyang No. 61               | September 5, 2013  |

Source: Ministry of Unification, Separated Families Division

**Table VI-22** List of Additionally Confirmed Abducted Persons

| Incident                   | Date             | Name           | Date of Birth    | Address                              | Occupation        |
|----------------------------|------------------|----------------|------------------|--------------------------------------|-------------------|
| Army 2nd Division          | July 14, 1962    | Je-ha Choi     | March 4, 1939    | Youngyang, North Gyeongsang Province | Army corporal     |
| Army 3rd Ordinance Command | October 12, 1977 | Byung-wook Cho | January 31, 1940 | Jinhae, South Gyeongsang Province    | Military civilian |

|                |                  |                |                   |                                           |          |
|----------------|------------------|----------------|-------------------|-------------------------------------------|----------|
| The Kilyong-ho | January 22, 1966 | Sung-man Park  | February 23, 1917 | Tongyoung, South Gyeongsang Province      | Skipper  |
| "              | "                | Kwang-sup Kim  | October 9, 1918   | "                                         | Engineer |
| "              | "                | Ho-keun Yang   | March 5, 1925     | Wando, South Cholla Province              | Crew     |
| "              | "                | Bok-sik Jeong  | August 28, 1941   | "                                         | "        |
| "              | "                | Duk-hwan Lee   | October 23, 1911  | Tongyoung, South Gyeongsang Province      | "        |
| "              | "                | Du-sok Kim     | January 19, 1931  | Gyungnam Geoje, South Gyeongsang Province | "        |
| "              | "                | Jeong-sik Nam  | February 15, 1928 | Sanchung, South Gyeongsang Province       | "        |
| "              | "                | Seng-ki Lee    | December 1919     | Namhae, South Gyeongsang Province         | "        |
| "              | "                | Kyung-nam Kim  | 1935              | Tongyoung, South Gyeongsang Province      | "        |
| "              | "                | Su-tae Lee     | 1935              | "                                         | "        |
| "              | "                | Ui-doh Jeong   | August 10, 1938   | Seo-ku, Busan                             | "        |
| "              | "                | Il-yong Suh    | July 23, 1937     | Young-il, North Gyeongsang Province       | "        |
| "              | "                | Jang-woon Park | July 18, 1937     | Tongyoung, South Gyeongsang Province      | "        |

|                    |                   |                 |                    |                                     |                      |
|--------------------|-------------------|-----------------|--------------------|-------------------------------------|----------------------|
| "                  | "                 | Bok-geum Park   | November 17, 1926  | Yeongdo, Busan                      | "                    |
| The Nampoong-ho    | December 21, 1967 | Young-pil Kim   | May 18, 1935       | Goseong, Gangwon Province           | Engineer, Boat owner |
| "                  | "                 | Dong-hyun Paik  | March 14, 1942     | "                                   | Crew                 |
| "                  | "                 | Seung-ok Kim    | July 9, 1919       | "                                   | "                    |
| "                  | "                 | Young-jun Lee   | May 16, 1945       | Yangyang, Gangwon Province          | "                    |
| "                  | "                 | Bong-rae Kim    | December 7, 1928   | Goseong, Gangwon Province           | Skipper              |
| "                  | "                 | Sung-mun Choi   | 1936               | "                                   | Crew                 |
| Soldier in Vietnam | September 9, 1966 | Hak-su Ahn      | September 23, 1943 | Pohang, North Gyeongsang Province   | Army Staff Sergeant  |
| Row boat           | August 5, 1967    | Seung-yoon Bae  | February 10, 1929  | Ongjin, Incheon                     | Boat owner           |
| "                  | "                 | Seung-ku Bae    | "                  | "                                   | Crew                 |
| "                  | "                 | Chul-kyu Jeong  | May 5, 1943        | "                                   | "                    |
| "                  | "                 | Heung-ho An     | June 4, 1967       | "                                   | "                    |
| "                  | "                 | Jung-soon Hwang | February 9, 1947   | "                                   | "                    |
| Soldier in Vietnam | November 3, 1965  | Sung-ryol Park  | October 19, 1943   | Jinchun, North Chungcheong Province | Army sergeant        |
| The Jinbok-ho      | August 27, 1992   | Chol-jin Lee    | February 5, 1947   | Sinahn, South Jeolla Province       | Boat owner, Skipper  |

Chapter I

Chapter II

Chapter III

Chapter IV

Chapter V

Chapter VI North Korean Escapees and Other Humanitarian Issues

|                   |                   |                 |                          |                                      |                      |
|-------------------|-------------------|-----------------|--------------------------|--------------------------------------|----------------------|
| The Duksung-ho    | July 12, 1968     | Yang-jin Lee    | May 20, 1945             | "                                    | Crew                 |
| The Odaeyang-ho   | December 28, 1972 | Wook-pyo Chun   | November 18, 1946        | Geoje, South Gyeongsang Province     | "                    |
| The Daehan-ho     | January 11, 1968  | Young-chan Jang | Kosung, Gangwon Province | February 23, 1938                    | Skipper              |
| "                 | "                 | Ku-yang Kim     | 1933                     | Unknown                              | Engineer             |
| "                 | "                 | Tae-soon Kim    | 1945                     | Unknown                              | Crew                 |
| "                 | "                 | Young-ju Yoon   | October 20, 1933         | Kosung, Gangwon Province             | "                    |
| "                 | "                 | Sang-ki Lee     | 1918                     | Unknown                              | "                    |
| "                 | "                 | Kuk-hyon Lee    | December 29, 1943        | Gwangsan-ku, Gwangju                 | "                    |
| Army 2nd Division | July 14, 1962     | Ji-won Woo      | October 5, 1930          | Changwon, South Gyeongsang Province  | First lieutenant     |
| "                 | "                 | Keum-sop Lee    | July 19, 1934            | Chungwon, North Chungcheong Province | Sergeant First Class |
| "                 | "                 | Ki-chan Park    | January 19, 1939         | Yongdungpo-ku, Seoul                 | Sergeant             |

Source: Separated Family Section, Ministry of Unification

### Human Rights Abuses on Abducted Persons

Some of the abducted South Koreans are being used in broadcasts to South Korea or in espionage training. The flight attendants from Korean Airlines Kyung-Hee Sung and Kyung-sook Chung have been used in broadcasts to South Korea. Other detainees are used as instructors for North Korean espionage agents sent

to the South. According to the testimonies of escapees who came to South Korea in 1993, about 20 unidentified abductees from South Korea are working as spy instructors at the “Enter for Revolutionizing South Korea” located in the Yongsung District of Pyongyang. This center is a replica of South Korea designed to teach and train graduates of the Kim Jong-il Political Military College (renamed in 1992) on how to adjust to life in South Korea. The center is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South. In addition, North Korea is training some of the abductees in anti-South Korea operations. According to the testimonies of formerly kidnapped fisherman XXX, who defected from North Korea in June of 2000, some of his colleagues were also engaged in anti-South Korea operations after undergoing a period of special training. XXX himself admitted to having some espionage training.<sup>821</sup>

The remainder of the abducted, whom North Korea presumably did not find useful, are likely to be detained in various political prison camps. Some abducted individuals from South Korea are detained in political prison camps and can be identified from the Amnesty International(AI) report. In a special report entitled “New Information on Political Prisoners in North Korea” published in 1994 by AI, the names of abducted individuals, who seemed to be detained in the now defunct prison camp at Seungho-ri until 1990, are included. In January 1999, South Korea’s National Security Planning Agency also reported that 22 South Korean abducted individuals, including Jae-hwan Lee, were detained in a political prison camp.

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821\_Interview with escapee XXX in Seoul on January 7, 2004.

Table VI-23 List of Abducted Persons Reportedly Detained in Political Prison Camps (22 persons)

| Name            | Abducted Year  | Occupation                                                         |
|-----------------|----------------|--------------------------------------------------------------------|
| Young-hoon Lee  | April 1992     | Law Office, manager                                                |
| Rak-ho Jeong    | July 1991      | Crew, Chokwang Marine Company                                      |
| Jae-kwan Lee    | December 1989  | Samsung Electronics Branch Office                                  |
| Heung-rae Cho   | August 1992    | Owner, Sports Shop                                                 |
| Hee-chang Choi  | October 1991   | Crew, Chokwang Marine Company                                      |
| Dae-sik Lee     | September 1988 | Former immigrant to Paraguay                                       |
| Won-shik Shin   | June 1991      | Bridge Designer in USA                                             |
| Kwang-suk Kang  | December 1992  | Realtor                                                            |
| Sung-bae Kim    | May 1983       | Director, Construction Co.                                         |
| Soon-sung Kim   | Unknown        | Former miner in Germany                                            |
| Jae-hwan Lee    | July 1987      | Son of former National Assemblymen Young-wook Lee, studying in USA |
| Jong-suk Choi   | January 1987   | Crew, the No. 27 Dongjin-ho                                        |
| Won-suk Kim     | February 1990  | President, Tourist Agency                                          |
| Chil-sung Yang  | September 1988 | Realtor                                                            |
| Sung-jin Kim    | September 1984 | Army private                                                       |
| O-mun Kwon      |                | Identity unknown                                                   |
| Seng-ku Cho     |                | Identity unknown                                                   |
| Hak-sik Suh     |                | Identity unknown                                                   |
| Chong-shin Park |                | Identity unknown                                                   |
| Chan-soo Lee    |                | Identity unknown                                                   |
| Jae-won Yoo     |                | Identity unknown                                                   |
| Choon-gil Kim   |                | Identity unknown                                                   |

Source: Separated Family Section, Ministry of Unification

North Korea has refused to return abducted South Koreans, arguing that they came to North Korea “voluntarily,” or that they want to remain in North Korea. North Korea even denied holding any South Korean citizens and refused South Korea’s proposal to discuss the issue. In the process of inter–Korean discussions on such issues as Korean War POWs and abducted South Koreans, a new concept or description of these people was introduced; namely, “missing persons who lost contact during the war–time.” During the Fourth South–North Red Cross Talks in September 2002, the two sides agreed to consult and resolve the problem of confirming the status and addresses of those who lost contact during the period of the Korean War. Moreover, the two sides agreed “to consult humanitarian issues including the current status of the “missing persons during the war time” at the 15th Inter–Korean Ministerial Meeting (June 21–24, 2005). At the sixth Red Cross talks (August 23–25, 2005) and the 16th Inter–Korean Ministerial Meeting (September 13–16, 2005), South Korea repeated their call for an early resolution of the two issues, including a pilot project on the status and whereabouts of the missing persons. In response, North Korea proposed that the project be limited to the confirmation on life or death of “missing persons during the war time” without civil military distinctions and also restricted the publication of the results to only family reunion framework. In short, North Korea still refuses to admit any cases of South Korean civilian abductions during the post– war years. At the seventh Red Cross talks (February 21–23, 2006), the two sides officially agreed to consult and resolve this issue by including the life or death confirmation of “those missing during and

after the war” within the framework of family reunion meetings, thus allowing discussion of the abduction issue. However, due to the tension in inter-Korean relations during 2008, discussions on the abducted persons have ceased. In order to continue their effort, the Family Association later inserted the list of abducted persons’ names in leaflets and flew them to North Korea, which caused a strong protest among the North Korean authorities. In accordance with an agreement of Red Cross Talks, a separated family reunion meeting was held during Chusok (Korean Thanksgiving) holidays in 2009 (September 26–October 1, 2009) at Mountain Kumgang Resorts. For this occasion, South Korea requested confirmation of life or death of 12 post-Korean War abducted persons. Two of the post Korean War abductees came to meet with their South Korean families. For the 2010 reunion, South Korea requested confirmation of personal status of 11 additional persons who had been abducted in the post-war period, but North Korea replied that they were unable to confirm any of them.<sup>822</sup>

Two South Korean fishermen (XX Park and XX Choi) have met with their South Korean family members during the 19<sup>th</sup> separated family reunion meetings held on February 20–25, 2014, at Mountain Kumgang resorts. Twenty-five fishermen aboard the Odaeyang No. 61 and 62, including XX Park, had been abducted to North Korea on December 28, 1972, while engaged in fishing off Korea’s West Sea.

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822\_ *Naeil Newspaper*, November 4, 2010.



| Table VI-24               |                | Reunions of Post-War Abducted Persons (2010-2011) |          |                   |                     |                              | (Unit: Persons) |
|---------------------------|----------------|---------------------------------------------------|----------|-------------------|---------------------|------------------------------|-----------------|
| Category                  | Status Unknown | Living                                            | Deceased | Unable to Confirm | Reunion with Family | Number of Persons at Reunion |                 |
| Post-War Abducted Persons | 120            | 17                                                | 22       | 81                | 16                  | 18 families (81 persons)     |                 |

Source: Ministry of Unification, 2012 Unification White Paper, p. 143.

Meanwhile, the South Korean Government enacted Regulations on the Launch and Operation of the Committee for the Return of Abducted Persons (Prime Minister Directive) with a view to leading all matters related to persons abducted to North Korea. As such, the Committee will establish overall policies and resolve pending issues. In 2012, the Committee has held two regular meetings and discussed various ways to help the abducted persons, as well as promoting international cooperation on this issue.<sup>823</sup>

Grants and Assistance for Post-War Abducted Victims to the North

On April 27, 2007, the Post-War Abduction Victims Assistance Law was enacted. (Official title: the Act on the Compensation and Assistance for Victims Abducted to North Korea since the Conclusion of the Armistice Agreement (hereinafter referred to as the “Post-War Abduction Victims Act”) was enacted.) Accordingly, when an abductee returns home, he/she will receive government grant for re-settlement, and his family is also entitled to assistance and compensation from the government. In accordance with

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<sup>823</sup> Ministry of Unification, 2013 *The Unification White Paper*, pp.136-137.

Article 6 of the Act, the Committee on the Compensation and Assistance for Victims Abducted to North Korea (hereinafter referred to as “the Committee”) was formed on November 30, 2007 to review and determine the amount of grant and the scope of assistance and compensation. As of 2013, the Committee has held 42 meetings and decided the amount of grant, scope of compensation, qualification of applicants, etc. The following tables provide the details.

| Table VI-25 |         | Annual Applications for Damages for Abducted Victims |              |       | (Unit: cases) |
|-------------|---------|------------------------------------------------------|--------------|-------|---------------|
| Year        | Damages | Re-settlement                                        | Compensation | Total |               |
| 2008        | 232     | 7                                                    | 0            | 239   |               |
| 2009        | 99      | 1                                                    | 8            | 108   |               |
| 2010        | 97      | 0                                                    | 4            | 101   |               |
| 2013        | 0       | 1                                                    | 1            | 2     |               |
| Total       | 428     | 9                                                    | 13           | 450   |               |

Source: Separated Family Section, Ministry of Unification

| Table VI-26                    |                                | Status of Decisions on Consolation Payments for Abducted Victims (As of December 30, 2013) |                       |  |
|--------------------------------|--------------------------------|--------------------------------------------------------------------------------------------|-----------------------|--|
| Category                       | Number of Applications (Cases) | Disbursement Decisions (Cases)                                                             | Amount (Thousand KPW) |  |
| Consolation Payments           | 428                            | 416                                                                                        | 12,914,573            |  |
| Settlement and Housing Stipend | 9                              | 9                                                                                          | 1,773,612             |  |
| Compensations                  | 13                             | 1                                                                                          | 67,604                |  |
| Total                          | 450                            | 426                                                                                        | 14,755,789            |  |

Source: Ministry of Unification, Separated Families Division

The Ministry of Unification published a White Paper on Compensation and Assistance for Post-war Abduction Victims, with details

on the Committee’s activities and various data and status of abduction victims. Meanwhile, the South Korean Government revised the Post–War Abducted Victims Act on April 28, 2011 to establish a civilian organization aimed at promoting the interests of the former abducted persons and to allow central and provincial governments to provide financial assistance to this organization within the budget (Article 29). Based on the revised law, the Post–War Abducted Victims’ Family Association was established on August 7, 2012, and the government provided this association with part of funds such as program cost for its activities.<sup>824</sup>

### © The Abducted Japanese Issue

From 1970s and 1980s, many Japanese citizens have disappeared both from Japan and Europe. Based on the investigation of the Japanese authorities and the testimonies of former North Korean agents, it has been found that most of these disappearance cases were the results of abduction by North Korea. Accordingly, the Japanese Government has repeatedly raised the abduction issue with North Korea since 1991, but North Korea persistently denied charges. However, during the first Japan–North Korea Summit Meeting held on September 17, 2002, Chairman Kim Jong–il of North Korea admitted the abduction of Japanese citizens for the first time. The Japanese Government believes that a total of 17 Japanese citizens have been abducted to North Korea and is continuing their investigation into the possibilities of more abductions, including the “specific missing persons.”<sup>825</sup> In 1997, the families

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<sup>824</sup> *Ibid.*, p. 136.

of abducted Japanese have formed the “Family Contact Association for Abducted Japanese in North Korea,” and have launched various activities to bring those abducted Japanese back to Japan.<sup>826</sup>

Japan has also enacted a law on June 23, 2006 to resolve the abducted persons issue. The “law to resolve the abduction issue and other problems relating to North Korea’s human rights violations” is widely known as the Japanese version of “North Korean Human Rights Bill.” This law, however, places more emphasis on the resolution of Japanese abduction issue than on the improvement of North Korea’s human rights situation.

The Japanese Government has also launched in October 2009 the “Center for the Resolution of Abduction Issue” chaired by the Prime Minister. This center will develop ways to bring the abducted persons home early, conduct fact-finding as to the whereabouts of missing persons, and carry out overall policies and strategies related to the abduction issue.<sup>827</sup>

Table VI-27

Status of Japanese Citizens Abducted to North Korea

| Name            | Date of abduction  | Age at the time | Remarks                                             |
|-----------------|--------------------|-----------------|-----------------------------------------------------|
| Kume Yutaka     | September 19, 1977 | 52              | North Korea denies this person entered North Korea. |
| Matsumoto Kyoko | October 21, 1977   | 29              | Requested fact-finding. No response.                |

825\_ It describes missing persons who are subject of independent investigation by an NGO ‘Committee on Specific Missing Persons,’ as there are possibilities of abduction by North Korea.

826\_ Japanese Foreign Ministry, *Abductions of Japanese Citizens by North Korea* (Tokyo: Japanese Foreign Ministry, 2012), pp. 1~7.

827\_ *Ibid.*, p. 10.

|                  |                   |    |                                                                                                                                                                 |
|------------------|-------------------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yokoda Megumi    | November 15, 1977 | 13 | During the 3rd working-level meeting in November 2004, North Korea presented remains, stating the person died in 1994. Parts of the bones showed different DNA. |
| Tanaka Minoru    | June 1978         | 28 | Requested fact-finding. No response.                                                                                                                            |
| Daguchi Yaeko    | June 1978         | 22 | North Korea insisted she died from an auto accident in 1986.                                                                                                    |
| Chimura Yasushi  | July 7, 1978      | 23 | Married in 1979. Returned to Japan in October 2002. One daughter and two sons returned to Japan in May 2004.                                                    |
| Chimura Fukie    |                   | 23 |                                                                                                                                                                 |
| Ichigawa Shuichi |                   | 23 | North Korea insisted the person died of heart attack in September 1979.                                                                                         |
| Soga Hitomi      | August 12, 1978   | 19 | North Korea insisted the person died of heart attack in September 1979.                                                                                         |
| Soga Miyoshi     |                   | 46 | North Korea insisted the person never entered North Korea.                                                                                                      |
| Ishioka To-oru   | May 1980          | 22 | North Korea insisted the person died from gas accident in November 1988.                                                                                        |
| Masaki Kaoru     |                   | 26 | North Korea insisted the person died from auto accident in August 1996.                                                                                         |
| Hara Tadaaki     | Mid June, 1980    | 43 | North Korea insisted the person died from cirrhosis of the liver in 1986                                                                                        |
| Arimoto Keiko    | July 1983         | 23 | North Korea insisted the person died from gas accident in November 1988                                                                                         |

Source: Japanese Foreign Ministry, *The Problem of Abduction of Japanese by North Korea*, (Tokyo: Japanese Foreign Ministry, 2012), pp.12-13.

## D Major Issues

### The Forced Detention of Shin Sook-ja and Her Daughter

Gil-nam Oh and his family (wife Sook-ja Shin, two daughters Hei-won Oh and Gyu-won Oh) were living in Germany. In 1985, the entire family voluntarily went to North Korea. A year later

Oh alone was able to flee from North Korea, but his wife and two daughters were detained. In May 2011, a campaign to release them from North Korea began in the southern port city of Tongyoung, which is Shin's hometown, and the campaign spread across South Korea. ("Return Daughters of Tongyoung Home!") In November 2011, the UN Special Rapporteur on North Korean Human Rights Marzuki Darusman personally interviewed Gil-nam Oh. On December 8, 2011, the Canadian Parliament adopted a resolution for an early release of Sook-ja Shin. On July 20, 2012, the "Return Daughters of Tongyoung Committee" was launched, and on October 4, 2012, an international seminar was held to discuss the "return of Sook-ja Shin and her daughters." In November 2011, ICNK (International Coalition to Stop Crimes against Humanity in North Korea) filed a petition for the release of Sook-ja Shin and her daughters with the Office of the High Commissioner for Human Rights (OHCHR) in New York for action by the Working Group on Arbitrary Detention (WGAD) under the UN Human Rights Council in Geneva. In their response on April 27, 2012, North Korea reported that Sook-ja Shin died from hepatitis that she suffered from since the 1980s. Her two daughters did not regard Oh as their father since he abandoned the family altogether. The exact time and date of her death was unknown.<sup>828</sup> The WGAD concluded that North Korea's detention of Sook-ja Shin and her two daughters was arbitrary and that it was in violation of the Universal Declaration of Human Rights and the ICCPR.<sup>829</sup>

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828\_ UN Doc. A/HRC/WGAD/2012/4(16 July 2012), "Opinions Adopted by the Working Group on Arbitrary Detention at its Sixty-Third Session, 30 April-4 May 2012," para. 15.

829\_ *Ibid.*, para. 27.

During the third reunion meeting of separated families held in 2001, Kyung-hee Sung and Hu-dok Lee came to meet their South Korean family members. They were among the kidnapped persons aboard the Korean Airliner in 1969. Subsequently, the families of passengers and crew of the skyjacked airliner began a new campaign for the status confirmation and reunion with their missing family members.<sup>830</sup> In May of 2008, the Family Association for the Kidnap Victims (hereinafter referred to as Family Association) of KAL was launched.<sup>831</sup> The Family Association has filed three petitions with the Working Group on Enforced or Involuntary Disappearance (WGEID) under the UN Human Rights Council for the return of their missing family members: Won Hwang (file date: June 17, 2010), Dong-ki Lee (file date: October 8, 2010), and Jeong-woong Choi (file date: November 8, 2010). In addition, on March 10, 2011, the Association also filed a letter with South Korea's Ministry of Unification addressed to North Korea's Red Cross and the Director of United Front Department requesting confirmation of personal status and an early return of 11 family members aboard KAL. The Ministry of Unification attempted to deliver the letter to the North Korean side of Panmunjom on March 30, 2011, but North Korea refused to accept the letter. On April 20, 2011, Korean Red Cross filed a request in cooperation with ICRC concerning the safe return of 11 KAL kidnap victims to South Korea.<sup>832</sup> In response to the petition of the Family

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830\_ In 1969, a total of 50 persons (46 passengers and 4 crew) aboard Korean Airliner were kidnapped to North Korea. On February 14, 1970, North Korea did return 39 passengers, but refused to return 7 passengers and 4 crew members.

831\_ In-chol Hwang (son of kidnap victim Won Hwang) is heading the "family association."

Association, North Korea said that “the three unreturned persons did not meet ‘enforced or involuntary disappearance criteria,’ and that “there was absolutely no one in North Korea who was detained against their will or part of ‘enforced or involuntary disappearance.’” During a meeting of ‘enforced and involuntary disappearance group’ held in Geneva in March 2012, North Korea argued that the kidnapped persons issue “was a product of provocative scheme of the forces hostile to North Korea.” As for the ICRC’s repatriation request of April 2011 and the South Korean Government’s June 2006 request for confirmation of life or death, North Korea said “confirmation of life or death is impossible.”<sup>833</sup> Meanwhile, on February 14, 2012, the Family Association filed a lawsuit in Seoul against Chang-hee Cho, who skyjacked the Korean Airline in 1969. However, South Korea’s Prosecutors’ Office dismissed the case on March 20, 2012 based on statutory limitation. On March 12, 2013, a public hearing was held on the skyjacking of KAL airlines. At the parliament of UK, In-chol Hwang emphasized that the retention in North Korea of 11 former KAL passengers was unfair and unjustified, and that they should be allowed to testify in a third country whether their stay in North Korea was based on voluntary decisions.

## Assessment

North Korea’s abduction of civilians in times of war is a flagrant

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832\_ In-chol Hwang, “The Tragedy of Families of KAL Kidnap Victims,” Citizens’ Alliance for North Korean Human Rights, et al., *The 11th International Conference on North Korean Human Rights and Refugees*, November 23, 2011.

833\_ *Yonhap News*, <[www.yonhapnews.co.kr](http://www.yonhapnews.co.kr)>, September 18, 2012.



violation of the Geneva Convention IV which prohibits forcible transfer and detention of civilians, and kidnapping civilians in the post-war period is tantamount to crimes against humanity and war crimes under international law. Abduction and kidnapping also violates the victims' family rights. The South Korean Government has been trying to confirm life or death of war time abduction victims, but there has been no progress since 2010 when North Korea notified that they were unable to confirm life or death of five persons who were abducted during the Korean War. There also has been no progress on post-war kidnap victims since North Korea responded in 2010 that they were unable to confirm life or death of the 11. In 2013, there was little progress in the area of confirming life or death status of abducted South Koreans. At the time of the 19th Separated Family Reunion Meetings on February 20–25, 2014, two post-war abducted persons in North Korea were able to meet with their South Korean families, but two war time abducted persons South Korean families wanted to meet did not come to the reunion as they have already passed away.

However, it is unclear at this point whether any progress is possible in connection with the abducted persons issue. If some progress is made in the separated family issue, the abducted persons issue may also see some progress.

# 4

## Korean War POWs

### A The Status of Korean War POWs

The term “Korean Armed Forces prisoners” refers to those members of the South Korean Armed Forces detained in other enemy countries, unable to return to South Korea. The UN Command at the time of the armistice following the Korean War estimated 82,000 members of the Korean Armed Forces to be missing, but the number of POWs who returned during prisoner exchanges between April 1953 and January 1954 was only 8,343. Accordingly, it is estimated that many more South Koreans remain detained in North Korea.<sup>834</sup>

According to the escapees and POWs who have returned to South Korea, as of the end of 2012, there are approximately 500 surviving Korean War POWs still held in North Korea. The Military Personnel Management Act requires all Missing in Action (hereinafter referred to as MIA) and MIAs be re-classified as killed in action after a certain period has elapsed, so that their families may benefit from compensation and consolation payments. Since the late Lt. Chang-ho Cho, a former Korean War POW, returned to South Korea in 1994, few other POWs have also returned. As

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<sup>834</sup> Ministry of Defense (ROK), *2012 Defense White Paper* (Seoul: Ministry of Defense, 2012), p. 110.

of December 2013, a total of 80 Korean War POWs have returned home to South Korea, and they have 400 members of their family surviving. An absolute majority of former POWs returning home came from North Hamgyoung Province. The reason is because the former POWs were forcibly assigned to work at coal mines in North Hamgyoung province.

Since 2011, there has been no former POW returning home to South Korea. The reason appears to be that Kim Jong-un has tightened the patrol and surveillance along the border regions and the POWs themselves were growing old, which made it physically hard for them to try to cross borders on their own.

| Table VI-28 |                | Status of Returning POWs by Year<br>(As of December 30, 2013) |              |                |       | (Unit: persons) |
|-------------|----------------|---------------------------------------------------------------|--------------|----------------|-------|-----------------|
| Year        | Returning POWs | Total                                                         | Year         | Returning POWs | Total |                 |
| 1994        | 1              | 1                                                             | 2005         | 11             | 59    |                 |
| 1997        | 1              | 2                                                             | 2006         | 7              | 66    |                 |
| 1998        | 4              | 6                                                             | 2007         | 4              | 70    |                 |
| 1999        | 2              | 8                                                             | 2008         | 6              | 76    |                 |
| 2000        | 9              | 17                                                            | 2009         | 3              | 79    |                 |
| 2001        | 6              | 23                                                            | 2010         | 1              | 80    |                 |
| 2002        | 6              | 29                                                            | 2011-13      | -              | 80    |                 |
| 2003        | 5              | 34                                                            | <b>Total</b> | <b>80</b>      |       |                 |
| 2004        | 14             | 48                                                            |              |                |       |                 |

Source: Ministry of Defense, Republic of Korea

| Table VI-29  |                 | Origin of POWs in North Korea<br>(As of December 30, 2013, Including the Deceased) |               |               |          |        |                |                |         |       |
|--------------|-----------------|------------------------------------------------------------------------------------|---------------|---------------|----------|--------|----------------|----------------|---------|-------|
| Province     | North Hamgyoung | South Hamgyoung                                                                    | North Pyongan | South Pyongan | Yanggang | Jagang | North Hwanghae | South Hwanghae | Gangwon | Total |
| No (persons) | 60              | 9                                                                                  | 0             | 3             | 4        | 1      | 1              | 1              | 1       | 80    |

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|                    |      |      |     |     |     |     |     |     |     |     |
|--------------------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|
| Ratio<br>(percent) | 74.8 | 11.3 | 0.0 | 3.8 | 5.0 | 1.3 | 1.3 | 1.3 | 1.3 | 100 |
|--------------------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|

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Source: Ministry of Defense, Republic of Korea

According to the testimonies of escapees and returned POWs, many POWs were re-enlisted the KPA during the war and after the war between 1954 and 1956. During this time, they were group assigned to coal mines, factories, and farm villages to participate in rehabilitation projects. According to a U.S. Department of Defense document declassified on April 12, 2007 (A Report on the Transfer of Korean War POWs to the Soviet Region),<sup>835</sup> several thousand South Korean POWs were transferred to Okhotsk and other Soviet Far Eastern ports between November of 1951 and April of 1952. They were then detained in Kholima Detention Center near Yakutsk.<sup>836</sup> The number of POWs transferred to the Chukotski Sea region was at least 12,000. The report also mentioned that the death toll was high from difficult road and airfield construction work where they were sent to. With regard to this issue, the Ministry of National Defense of South Korea announced on December 18, 2007 that it was unable to confirm or discover any evidence concerning the transfer of South Korean soldiers (POWs) into Russian Far Eastern Province, even though it has conducted extensive interviews with relevant Pentagon personnel, Korean Russian veterans who had participated in the Korean War, former POWs, and over 100 North Korean escapees in South Korea. The Ministry of National Defense commissioned a project

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835\_ This report was written on August 26, 1993, as part of the investigative activities of the “Joint U.S.–Russian Committee for POWs and MIAs,” which was formed after the Cold War to confirm the status of Korean War U.S. POWs in Russia and the return of their remains.

836\_ *Yonhap News*, April 13, 2007.

in 2008 called “Research on Transfers of Korean War POWs to the Soviet Union during the Korean War.”<sup>837</sup> As part of a fact finding mission, a team of researchers from the Institute of Military History paid a visit to the “Magadan” region of Siberia where a Soviet prison camp was located. The team also collected and analyzed a United States–Russia joint research report on the United States POWs and MIAs during the Korean War. However, the research team was unable to find conclusive evidence concerning the transfer of Korean War POWs to Siberia during the war. The team was only able to collect a few testimonies from North Korean escapees about their transfer story.

On May 13, 2013, the ‘Dream Makers for North Korea’ has opened the ‘Report Center for Returning POWs.’ This was the first–ever “report center” that appeared in South Korea. And the center is confirming the status of POWs as soon as they receive the ‘report,’ checking against the original POW register, the status of living/dead, and updating the list of Korean War POWs.

## **B** Human Rights Abuses on POWs and Their Families

Most Korean War POWs are believed to have been assigned to coal mines in North and South Hamgyong Provinces. At the time, many South Korean POWs were employed there as North Korea was in great need of manpower at their coal mines and ordinary North Koreans were reluctant to work in them. North Korean escapees testified that many former South Korean POWs were assigned to work and live at various coal mines. Working at

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<sup>837</sup> Dr. Sung–hoon Cho at the Institute of Military History conducted this research from December 2008 to August 2009.

the Sanghwa Coal Mine in Onsung County, North Hamgyoung Province, were former POWs Hwa-sik Ahn, Kwang-yoon Woo, XX Jang, Seung-ro Hong, In-kong Park, Sang-jin Kim, Sang-won Shin, XX Choi, Sam-sik Ok, Myong-jo Bae, Bu-jae Baek, Won-mo Chung, and Bok-man Lee.<sup>838</sup> Working at the Musan Coal Mine (North Hamgyoung Province) were Gap-do Lee, Young-ho Kang, and Hee-keun Lee.<sup>839</sup> Working at the Hakpo Coal Mine in Sechon County, Hoeryeong, were Yong-yon Jang, Tae-in Ryu, XX Oh, Jeung-ho Lee, and Soo-hwan Jeong.<sup>840</sup> The POWs assigned to work as miners had to work on a 12-hour shift schedule and up to 1,100–1,200 Korean War POWs had been assigned to coal mines in North Hamgyoung Province.<sup>841</sup>

After the Korean War, Korean War POWs were apparently detained in No. 25 *Kwanliso* in Chongjin. This *kwanliso* was used as a “POW camp,” and later transformed into a political prison camps.<sup>842</sup> Korean War POWs were given citizen ID cards and released to the society from political prison camp in June 1956, but most were assigned to coal mines near their previous political prison camp as the authorities needed more manpower. In addition, they were constantly subjected to oppression and discrimination, in terms of their choice of jobs and residence because of their background as former POWs. Since their personal background was certain to impact the lives of their children, many POWs chose not to tell their children about their past personal history.

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838\_NKHR2008000021 2008-09-23.

839\_NKHR2008000016 2008-09-02.

840\_NKHR2008000011 2008-08-12.

841\_ *The Chosun Ilbo*, April 30, 2013.

842\_ Interview with escapee XXX in Seoul on September 27, 2012.

Notwithstanding that fact, the children of former POWs are discriminated against in their careers, as well as in cases of Party membership, and college admission. An escapee testified that North Koreans called the Korean War POWs “puppet soldiers” (captured soldiers).<sup>843</sup>

Former South Korean POWs and their families are severely discriminated against in North Korea. North Korean escapee XXX testified that her husband’s colleague was the son of a former POW, and he could not join the Party even though he had served 10 years in the military.<sup>844</sup> However, other escapees testified that even the families of former POWs can join the Party and it does not have any negative impact in their daily lives.

| Table VI-30 | Discriminations against POWs and Their Family                                                                                                                                                                                                                                                     |                              |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
|             | Testimonies                                                                                                                                                                                                                                                                                       | Testifier ID                 |
|             | My father was denied Party membership because both my grandfathers (mother’s side included) were POWs. Daily lives, however, were similar to all other ordinary North Koreans.                                                                                                                    | NKHR2011000176<br>2011-08-02 |
|             | My father was a returned POW in North Korea. So, he was not allowed party membership on suspicion that he might have received some secret instructions from South Korea. Later on, he was allowed party membership after instructions that said, “Don’t look into the past; look at the present!” | NKHR2011000178<br>2011-08-02 |

### © Confirmation of Personal Status and Family Reunion

Similar to the kidnapped South Koreans and other separated families, the human rights of former POWs are routinely violated

843\_NKHR2008000011 2008-08-12.

844\_NKHR2011000044 2011-02-08.

in regards to family reunions and exchange of letters. For this reason, former POWs are classified as special separated families along with the kidnapped persons. With a view of protecting POWs, the international community has adopted the Geneva Convention Relating to the Treatment of Prisoners of War of August 12, 1949 (Geneva Convention III).<sup>845</sup> Article 118 of Geneva Convention III stipulates that prisoners of war must be released or returned without delay after the cessation of hostilities. The Geneva Convention III further specifies, “prisoners of war must at all times be humanely treated.” (Article 13) Article 52 also prohibits endangering the health of a prisoner of war. At the time of the Korean War, North Korea was not a party to this convention, but joined on August 27, 1957. As discussed earlier in connection with separated families, North Korea did express their willingness to abide by the Geneva Convention III.

Table  
VI-31

## Major Provisions in the Geneva Convention III

|             |                                                                                                                                                                                                                                                                                                             |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Article 13  | Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the detaining power causing death or seriously endangering the health of a prisoner of war in their custody is prohibited and will be regarded as a serious breach of the present Convention. (The rest is omitted) |
| Article 51  | Prisoners of war must be granted suitable working conditions, regarding accommodation, food, clothing and equipment. These conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work. (The rest is omitted)                                            |
| Article 52  | Unless it is voluntary, no prisoner of war may be employed on labor unhealthy or dangerous in nature. (The rest is omitted)                                                                                                                                                                                 |
| Article 118 | Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities. (The rest is omitted)                                                                                                                                                                           |

845\_ International Committee of Red Cross, "Geneva Convention Relating to the Treatment of the Prisoners of War," (August 12, 1949)



From the time when prisoner exchanges that took place after the war, to the 1960s, the United Nations Command at Military Armistice Commission meetings repeatedly demanded the resolution of the remaining South Korean POWs to North Korea. But North Korea insisted that they returned “all” South Korean POWs to the Neutral Nations Supervisory Commission, and that there are no South Korean POWs forcibly detained in North Korea. North Korea’s position on this issue remains unchanged.<sup>846</sup>

After the inter-Korean summit meeting in June 2000, inter-Korean Red Cross Talks and inter-Korean Ministerial meetings were held. At these meetings, the two sides agreed to consult and resolve the POW issue, along with the separated family issue. At the seventh inter-Korean Red Cross Talks held in February 2006, the two sides agreed to consult and resolve the issue of confirming the current status of those who lost contact during and after the wartime as part of the separated family issue. This principle was reaffirmed at the 20th Ministerial meeting held in February 2007 and at the eight inter-Korean Red Cross Talks held in April 2007.<sup>847</sup> From the second to the 18th Red Cross reunion meetings of separated families, a total of 126 requests were made about POW status confirmation and North Korea confirmed 19 alive, 14 deceased, but was unable to confirm status of 93 POWs. 17 former POWs were able to meet with their South Korean families.<sup>848</sup> During the 2009 reunion of separated

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846\_ Ministry of Defense, *2012 Defense White Paper*, p. 110.

847\_ *Ibid.*, p. 111.

848\_ On the occasion of the family reunion meeting in 2010, it was confirmed that former POW Pil-hwan Suh (82) had died, while four POWs previously classified as “killed-in-action” attended and met with their loved ones from South Korea. They were Won-jik Lee, 77, Jong-ryol Lee, 90, Tae-young Yoon, 79, and Young-won Bang, 81.

families on Chusok (Korean Thanksgiving), the status of 10 former POWs were confirmed, but only one, who was identified, was able to meet with his South Korean family. On the same occasion in 2010, South Korea again requested the status of 10 POWs, and North Korea responded by confirming that one had deceased.

| Table VI-32       |                | Status of Reunion of Former POWs (2010–2011) |          |                        |         |                    | (Unit: persons) |
|-------------------|----------------|----------------------------------------------|----------|------------------------|---------|--------------------|-----------------|
| Category          | Status Request | Living                                       | Deceased | Unable to Confirm/Etc. | Reunion | Number of Families |                 |
| South Korean POWs | 126            | 19                                           | 14       | 93                     | 17      | (119 persons)      |                 |

Source: Ministry of Unification, 2012 Unification White Paper, p. 143.

Family reunions for South Korean POWs should be permitted as soon as possible. Most surviving POWs in South Korea are over 80 years of age, and 30 of the 80 former POWs who returned to South Korea have already passed away.

| Table VI-33     |    | Status of Surviving POWs by Age (As of December 30, 2013) |    |    |    |    |    |    |    |    |    |       |
|-----------------|----|-----------------------------------------------------------|----|----|----|----|----|----|----|----|----|-------|
| Age             | 80 | 81                                                        | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | Total |
| No. (persons)   | 2  | 6                                                         | 6  | 7  | 10 | 5  | 2  | 4  | 4  | 3  | 1  | 50    |
| Ratio (percent) | 4  | 12                                                        | 12 | 14 | 20 | 10 | 4  | 8  | 8  | 6  | 2  | 100   |

Source: Ministry of Defense, Republic of Korea

| Age             | Under 70 | 71-75 | 76-80 | 81-85 | Over 86 | Total |
|-----------------|----------|-------|-------|-------|---------|-------|
| No. of persons  | 2        | 4     | 10    | 14    | 0       | 30    |
| Ratio (percent) | 6.7      | 13.3  | 33.3  | 46.7  | 0.0     | 100   |

Source: Ministry of Defense, Republic of Korea

The Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War has been revised on March 22, 2013 and went into force on June 23, 2013. In connection with the living/dead status of POWs and their families from the area the POWs returned from, the revised law contains a provision allowing DNA tests to ascertain the family relationship. (Article 6-3) The South Korean National Assembly has also adopted a resolution calling for the repatriation of Korean War POWs. (Kim Jin-tae sponsored the resolution, which was adopted on May 15, 2013.)

### D Treatment and Assistance for Returning POWs

South Korean Government has set standards and detailed rules about the treatment and assistance for the former POWs who have returned, and on January 29, 1999, enacted the “The Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War” They also enacted the “The Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War” on March 24, 2006 in an effort to help resettle and assist returned POWs and their families. Based on the Act on the Repatriation, Treatment of the Republic of Korea Armed

Forces Prisoners of War and Enforcement Decree of this Act, all returned POWs receive back pays, pensions, resettlement grants and housing assistance, based on their days served from the date they were taken prisoner, to the day they retired from active duty after returning to South Korea. If a POW deceased in North Korea, where he had been detained, his spouse or children upon return to South Korea receive special grants for the POW families in addition to normal settlement assistance other North Korean escapees receive upon entry into South Korea.

The Ministry of Defense has revised the Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War on December 31, 2008 and inserted a new section allowing “social adjustment education” for the returning POWs. (Article 6-2) Since the late 2008, Ministry of Defense has conducted special reorientation programs for the returned POWs so they can quickly adjust to their life in South Korea. They also receive professional education and psychiatric assistance offered by civilian organizations to gain necessary skills and knowledge for new life in South Korea.<sup>849</sup>

The Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War as revised on March 22, 2013, upgraded assistance and support for POWs and their families. It also provides protection of personal security for the POWs and their families (Article 5-2). It provides assistance in job-searches for the POW families, (Article 15-2), free admissions to old palaces (Article 15-3), and preferred status for the POWs (Article 15-4).

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849\_Ministry of Defense, *2012 Defense White Paper*, p. 112.

**Table VI-35 Residences of POWs (Including the Deceased) (As of December 30, 2013)**

| Area            | Seoul | Incheon | Gyeonggi | Gangwon | Daedong | Chungnam | Chungbuk | Daegu | Gyeongbuk |
|-----------------|-------|---------|----------|---------|---------|----------|----------|-------|-----------|
| Persons         | 20    | 2       | 17       | 6       | 2       | 0        | 2        | 4     | 6         |
| Ratio (percent) | 25.0  | 2.5     | 21.3     | 7.5     | 2.5     | 0.0      | 2.5      | 5.0   | 7.5       |

| Area            | Busan | Ulsan | Gyeongnam | Gwangju | Jeonnam | Jeonbuk | Jeju | Total |
|-----------------|-------|-------|-----------|---------|---------|---------|------|-------|
| Persons         | 5     | 2     | 7         | 1       | 4       | 2       | 0    | 80    |
| Ratio (percent) | 6.3   | 2.5   | 8.8       | 1.3     | 5.0     | 2.5     | 0.0  | 100   |

Source: Ministry of Defense, Republic of Korea

**Table VI-36 Status of Surviving POW Residence (As of December 30, 2013)**

| Area            | Seoul | Incheon | Gyeonggi | Gangwon | Daedong | Chungnam | Chungbuk | Daegu | Gyeongbuk |
|-----------------|-------|---------|----------|---------|---------|----------|----------|-------|-----------|
| Persons         | 13    | 2       | 12       | 4       | 1       | 0        | 2        | 2     | 3         |
| Ratio (percent) | 26.0  | 4.00    | 24.0     | 8.0     | 2.0     | 0.0      | 4.0      | 4.0   | 6.0       |

| Area            | Busan | Ulsan | Gyeongnam | Gwangju | Jeonnam | Jeonbuk | Jeju | Total |
|-----------------|-------|-------|-----------|---------|---------|---------|------|-------|
| Persons         | 2     | 2     | 2         | 1       | 3       | 1       | 0    | 50    |
| Ratio (percent) | 4.0   | 4.0   | 4.0       | 2.0     | 6.0     | 2.0     | 0.0  | 100   |

Source: Ministry of Defense, Republic of Korea

## ⑤ Assessment

Detention of POWs by North Korean authorities is in violation of the obligation to release and return them without delay after the cessation of hostilities and treat them humanely at all times under the Geneva convention III. Also, it violates the responsibility to protect and respect the family rights of POWs. In 2013, there has been little progress on the POW issue between South and North Korea. Since the execution of Jang Song-taek, the Kim Jong-un regime is likely to tighten the surveillance and control along the borders and the POWs will certainly grow old by the day. For this reason, the defection and return of Korean War POWs held in North Korea are likely to decrease in number. In addition, the Kim Jong-un regime will likely concentrate on consolidation of internal cohesion, rather than improve inter-Korean relations. Thus, the confirmation of living/dead status of POWs will be difficult, as will the reunion with their families. However, if the separated family issue makes progress and the POW issue is included in the negotiations, significant progress can be made, including reunion of families and confirmation of the status of POWs.



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