

White Paper on Human Rights in North Korea 2015

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Do, Kyung-ok (Research Fellow,
Center for North Korean Human Rights Studies)

Kim, Soo-Am (Director,
Research Management Division)

Han, Dong-ho (Director,
Center for North Korean Human Rights Studies)

Lee, Keum-Soon (Senior Research Fellow,
Center for North Korean Human Rights Studies)

Hong, Min (Research Fellow,
North Korean Studies Division)

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Preface

The 2015 edition of the *White Paper on Human Rights in North Korea* marks the 20th year of the series since its first publication in 1996. This *White Paper* is based on in-depth interviews with 221 of the 1,396 North Koreans who escaped to South Korea in 2014. These samples were selected with their demographic characteristics and social backgrounds taken into account. Below are the key highlights of the survey:

In its national report for the Universal Periodic Review submitted to the United Nations (UN) Human Rights Council on January 30, 2014, North Korea explained that death penalty is applied to extremely restricted cases. In reality, however, North Korea has an extensive list of crimes punishable by the death penalty, defined not just by the Criminal Law but also by its Addendum; the death penalty may also be imposed by promulgations, instructions and other alternative formats. North Korean defectors, who have witnessed the death penalty carried out in public, have provided testimony that it has actually been given for a wide range of crimes. Of special note is that over the last few years, the number of people put to death for watching/distributing South Korean video recordings or smuggling/trafficking narcotics is on a remarkable rise. This was widely observed in our 2014 survey, too.

Human rights violations in ordinary prison camps (*kyohwaso*), labor training camps (*rodongdanryunda*), holding centers (*jipkyulso*), detention centers, political prison camps (*kwanliso*), and other detention facilities are still known to be serious. Inhumane treatment

including torture and beatings are part of the daily routine; nutrition, medical care, and hygiene are also very poor. In our 2014 survey, however, some interviewees suggested that the human rights conditions in ordinary prison camps (*kyohwaso*) were improving somewhat. North Korean defector XXX, who was held for a long time at the Jongori *kyohwaso*, where a massive number of violent incidents and human rights violations reportedly took place, explained that beatings at the *kyohwaso* was on the decrease. North Korean defector XXX, who had been detained at the Jongori *kyohwaso* until recently, said that strenuous effort was being made to bring fatal incidents under control as the reality of the human rights infringements at the *kyohwaso* were known to the outside world through former inmates.

Meanwhile, the 2014 survey results include testimonies on those released from political prison camps (*kwanliso*) in 2012 and 2013—after Kim Jong-un took over as the new leader of North Korea. Witnesses explained that their release was “based on Kim Jong-un’s policy that those who have one percent of a conscience are given a second chance despite 99 percent of their faults”; and that “these people were released as Kim Jong-un, upon taking office, told those whose crimes were motivated by personal grievance, as opposed to criticism of the state, should be freed, which is within the context of his politics of law.” Similar cases can be found in North Korea’s On-site Open Trials System, too. Testimonies from North Korean defectors show that, when On-site Open Trials were conducted for a large number of people held for the same charge, some of them are executed immediately in public as “examples” while others are found innocent and released, allegedly due to Kim Jong-un’s consideration or policy. While unleashing a reign of terror against the power elites, the young leader seems to be

seeking to present himself to ordinary citizens as a leader who loves the people. Nonetheless, the very fact that these measures are possible shows his policies and instructions have supra-legal authority in North Korea.

A typical infringement on freedom of residence, the practice of forced deportation is still found to be widespread. North Korean defector XXX testified that in 2013, during his on-site instructions in Musan, Kim Jong-un ordered transformation of the city boundaries into an exemplary area. This led to the forced deportation of more than 600 households living within 300 meters of the city boundaries. Such massive involuntary relocation was enforced primarily upon family members of illegal border crossers or those with criminal records (such as illegal use of a mobile phone). A number of testimonies also suggested that forced deportation has been on the increase since mid-2013 in Samjiyon County, within which is the hometown of Kim Jong-il. In particular, those whose parents are from rural areas, former detainees at ordinary prison camps (*kyohwaso*) and their family members, and illegal border crossers are first to be relocated.

According to the 2014 survey results, little progress has been made in improving North Koreans' rights to food and health. When it comes to the right to food, the total volume of food available has increased since 2010, but North Korea's discriminatory distribution policies has led to continued discrepancy among ordinary citizens in their access to food. Collection of excessive amounts of produce from farm workers, in particular, has undermined their right to food on a continuous basis. This seems partly attributable to the assignment of unrealistically high production quota and the falsification of distribution documents. Excluded from the Public Distribution System (PDS), marginalized

members of North Korean society tap into money offered by loan sharks to deal with the scarcity, ending up suffering even more. In the 2014 survey, however, a large number of interviewees said the public distribution supply has temporarily improved since 2012 as North Korean authorities released military provisions.

As for the right to health, the uneven distribution of resources as a result of economic hardship and military-first politics has destroyed the medical system as a whole. The absolute lack of medicine and basic medical equipment has continued, while some interviewees pointed out in the 2014 survey that an increasing amount of medicine was being provided by Jungsung Pharmaceuticals. Meanwhile, as the North's free treatment system is not working properly, patients in need of surgery often end up paying for the related costs for themselves. The military ranks are also seeing their right to health deteriorating: Some interviewees stated that the military was also short on medicine, and not just civil society. The community doctor system and other mechanisms of preventive medicine propagandized by the North Korean authorities are not functioning properly. Community doctors are currently incapable of treating patients and can only issue medical certificates; they are known to work primarily on vaccinations (such as preventive injections against epidemics). A large number of interviewees in the 2014 survey said that vaccination was being offered. Vaccination seems to be improving efforts to prevent disease. Areas receiving aid from the UN and other international actors also enjoy relatively better medical treatment.

Despite many constraints and the resulting shortcomings, we hope that this *White Paper* will draw more attention at home and abroad to the issue of human rights in North Korean while contributing to domestic and international discussion and action on

improving the situation.

Last but not least, we would like to thank our researchers In-sook Kim, Ye-sun Hong, and Myung-ah Son for their hard work and dedication throughout the whole process—from in-depth interviews with North Korean defectors to publication. Our sincere gratitude also goes to another researcher of ours, Hee-jin Shin, and our intern Eun-je Cha who helped with proofreading and editing the manuscript.



Chapter

I

Purpose for Publication and Research Methodology

- 1 Purpose for Publication
- 2 Research Methodology

1

Purpose for Publication

North Korea has one of the worst human rights records. As systematic and widespread human rights violations continue, the international community has been urging the North more strongly than ever to improve the situation. The United Nations (UN) Human Rights Council and the UN General Assembly itself have adopted resolutions on North Korean human rights each year since 2005 to express the grave concerns of the international community. In March 2013, the UN Human Rights Council began running within the Council a year-long Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (hereinafter referred to as "the COI"). A one-year investigation by the COI indicated that systematic, widespread, and grave human rights violations have been committed by the Democratic People's Republic of Korea (DPRK), its institutions, and its officials, with many of these violations constituting crimes against humanity. The UN Human Rights Council and the UN General Assembly adopted resolutions on North Korean human rights on March 28, 2014 and December 18, 2014, where most of the recommendations and the conclusion from the COI Report were incorporated. In the meantime, North Korean human rights became an agenda item for the first time at a UN Security Council meeting on December 22, 2014, providing a forum for discussion there. An objective investigation and analysis of North Korean human rights situation should be made towards realizing substantial results from the endeavors of the international

community to improve things.

The Korea Institute for National Unification (KINU) established the Center for North Korean Human Rights Studies in December 1994 for professional and systematic management of data on North Korean human rights. The Center has published the Korean and English editions of the *White Paper on Human Rights in North Korea* every year since 1996. In an effort to examine the reality of North Korean human rights situation and thereby provide basic materials for the *White Paper*, the KINU Center for North Korean Human Rights Studies has been conducting a series of systematic and professional interviews with North Korean defectors during their first days after arrival in the South. The *White Paper* seeks to maintain the highest level of objectivity in the interviews and of professionalism in the researchers. The 2015 edition of the *White Paper* consists of the following sections: “International Human Rights Standards and Human Rights in North Korea”; “The Reality of Civil and Political Rights”; “The Reality of Economic, Social and Cultural Rights”; “The Reality of Human Rights of Vulnerable Groups”; and “North Korean Defectors and Other Humanitarian Issues.” As we explore various issues regarding North Korean human rights in a comprehensive and systematic manner, we hope this *White Paper* will help kindle more interest in these issues both at home and abroad while providing a major opportunity to promote discussion and action in Korea and worldwide to improve the human rights situation in the North.

2

Research Methodology

This *White Paper* describes the realities of human rights for North Korean residents from two perspectives. First, North Korea is a State party to 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 the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP2), and a signatory to the Convention on the Rights of Persons with Disabilities (CRPD). This *White Paper* is thus structured around rights stipulated in these covenants and conventions. More specifically, descriptions on the civil and political rights of North Koreans will be based on the ICCPR, and their economic, social and cultural rights based on the ICESCR. The rights of women, children, and persons with disabilities will also be examined as special domains. Second, North Korea has enacted and revised domestic laws on human rights, so we aim to assess whether North Korean authorities abide by their own laws when evaluating their human rights situation. Therefore, we first set out international standards on human rights at the beginning of each chapter, take a look at relevant domestic laws in North Korea, and review the reality of related human rights there in as much detail as possible.

On-site investigations are essential to understanding the human rights situation of any country. The international community has repeatedly asked the North Korean authorities to grant access to the country so they can find out what its human rights conditions are like, but the North Korean authorities have refused to allow a visit by the UN Special Rapporteur on the Situation of Human Rights in the DPRK as well as by any international human rights organization or international non-governmental organization (NGO). This has made it impossible to monitor human rights infringements independently or have direct access to internal information. Despite all these constraints, the KINU has investigated the reality of North Korean human rights and published the *White Paper* using the following methods:

First, the KINU interviewed North Korean defectors who have settled down in the South and utilized these in-depth interviews as its primary source of information. The 2015 edition of the *White Paper on Human Rights in North Korea* is based on the outcome of these interviews with 221 of the 1,396 North Korean defectors who entered South Korea in 2014. These samples were selected with their demographic characteristics and social backgrounds taken into account (such as recency of escape, detention experience, area of residence). During the interviews, participants were asked to fill out professionally-composed questionnaires on major human rights covered in the *White Paper*, followed by two hours of face-to-face surveys. Below is a demographic profile of the 221 interviewees in 2014:

Table I-1		Demographic Profile of In-depth Interviewees in 2014	
Category	Details	Events (Persons)	Ratio
Gender	Male	67	30.32
	Female	154	69.68
Subtotal		221	100
Year of final defection	Before 2000	3	1.35
	2001~2006	14	6.34
	2007~2010	31	14.03
	2011	13	5.88
	2012	23	10.41
	2013	54	24.43
	2014	83	37.56
Subtotal		221	100
Date Arriving in South Korea	2013	8	3.62
	2014	213	96.38
Subtotal		221	100
Age Groups	Teens (1995~)	5	2.27
	20s (1994~1985)	85	38.46
	30s (1984~1975)	61	27.60
	40s (1974~1965)	50	22.62
	50s (1964~1955)	18	8.14
	Over 60s (~1954)	2	0.91
Subtotal		221	100
Number of River-Crossing	Once	147	43.49
	Twice	48	14.20
	3 times	12	3.55
	4 times	6	1.78
	5 times	6	1.78
	No response	2	0.59
	Subtotal		221

Category	Details	Events (Persons)	Ratio
From Final Defection to Arrival in South Korea	Less than 1 month	6	2.71
	1~2 months	50	22.62
	2~3 months	25	11.31
	3~4 months	7	3.17
	4~5 months	3	1.36
	5~6 months	6	2.71
	6~12 months	25	11.31
	12~18 months	11	4.98
	18~24 months	16	7.24
	2~3 years	11	4.98
	3~4 years	15	6.79
	4~5 years	4	1.81
	5~6 years	9	4.27
	6~7 years	4	1.81
	7~8 years	8	3.62
	8~9 years	4	1.81
	9~10 years	4	1.81
Over 10 years	6	2.71	
No response	7	3.17	
Subtotal		221	100
Motivation for defection	Financial reasons	86	38.91
	Grudges against North Korean regime	43	19.46
	Persuasion from family in South Korea	30	13.57
	Fear of punishment	14	6.33
	To avoid penalty for illegal act	4	1.81
	Other	31	14.03
	No response	13	5.88
Subtotal		221	100

The KINU carefully managed these data by assigning unique personal identification numbers (e.g. NKHR2014000000) to all North Korean defectors participating in the in-depth interviews. When citing their responses in the *White Paper*, the respondents were referred to only by their respective identification numbers to protect their personal information. In addition to these interviews conducted during their first days after arrival in the South, additional interviews were carried out when more detailed information was needed on specific human rights. As for these surveys, the sources of information were marked in the form of “North Korean defector XXX, [Month] [Day], [Year], interviewed in Seoul.” Also used as an additional source of information were memoirs by North Korean defectors.

Second, the KINU leveraged North Korean documents including proclamations and rulings by the Ministry of People’s Security (MPS).

Third, reports published at home and abroad on North Korean human rights situation were used for comparison and verification.

Fourth, the KINU used UN documents on North Korean human rights, including reports submitted by North Korean authorities to the UN’s human rights organs, reports by the Special Rapporteur on the Situation of Human Rights in the DPRK, UN resolutions on North Korean human rights, and General Comments and Concluding Observations from the UN Human Rights Committee and Committee on Economic, Social and Cultural Rights.

Fifth, survey results and statistics from the World Health Organization (WHO), the UN Children’s Fund (UNICEF), the UN Population Fund (UNFPA), Statistics Korea (South Korea), and other various organizations were taken into account.

Sixth, when necessary, information from the *Korean Central*

News Agency (KCNA), the *Rodong Shinmun*, and other relevant North Korean literature were utilized.

As such, in preparing the 2015 edition of the *White Paper*, the KINU Center for North Korean Human Rights Studies has leveraged various methods of comparison and verification so it can successfully capture the stark reality of human rights in North Korea despite limited access to relevant information.



Chapter

II

International Human Rights Standards and Human Rights in North Korea

- 1 International Human Rights Law
- 2 North Korea and International Human Rights Law
- 2 International Responses to the Human Rights Situation in North Korea

1

International Human Rights Law

Having viewed issues concerning individual citizens historically as domestic problems, the international community, under the leadership of the United Nations (UN), began international discussions on human rights in earnest after witnessing the massive abuse of human rights by Nazi Germany during World War II. Adopted in December 1948 by the UN General Assembly, the Universal Declaration of Human Rights (UDHR) sets out a minimum universal standard for dignity and rights that every human being deserves. In an effort to uphold these basic human rights, the 21st session of the UN General Assembly in December 1966 adopted two major international covenants on human rights—the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—which took effect in 1976. Other various international agreements on human rights also contributed to the remarkable development of the international human rights regime in the second half of the 20th century. Today, the issue of human rights is no longer a “domestic” problem; it is now seen as a universal value and common concern of the entire international community.

By ratifying or joining various international agreements on human rights, states decide voluntarily to be bound by these treaties and to adhere to international obligations as their state parties. Under these treaties, states have not simply passive obligations to “respect”

individual rights (i.e. not infringing upon those rights) but active obligations to “protect” individual rights from third parties and, by extension, to “fulfill”¹ related rights. These wide-ranging obligations apply in general terms to both political rights and social rights, while the ICCPR and the ICESCR may have different views and levels of emphasis.

Each state holds primary responsibility for ensuring the human rights of its citizens. The issue of human rights, however, can no longer be seen as a domestic problem, and the state may become a perpetrator at any time. For this reason, the international community has built a wide range of mechanisms for the enforcement and supervision of human rights. These mechanisms are broadly divided into two categories: (a) the UN system spearheaded by the UN Human Rights Council, which includes special procedures, complaint procedures, and the Universal Periodic Review (UPR); and (b) a series of human rights treaties designed to oversee the implementation of various treaty terms and requirements. The table below shows the monitoring mechanisms specified in key international human rights agreements:

1_ “Obligations to fulfill” as positive duties are divided again into obligations to “facilitate, provide, and promote.” Daniel Moeckli *et al.* (eds.), *International Human Rights Law* (Oxford: Oxford University Press, 2010), pp. 130~132.

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	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	Human Rights Committee (Article 28)	YES (Article 40)	YES (Articles 41~43, Declaration Protocol)	YES (1st Optional Required)	No
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Committee on the Elimination of Racial Discrimination (Article 8)	YES (Article 9)	YES (Articles 11~13)	YES (Article 14, Declaration Required)	No
CEDAW	Committee on the Elimination of Discrimination against Women (Article 17)	YES (Article 18)	No	YES (Optional Protocol)	YES (Optional Protocol Articles 8~10)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Committee against Torture (Article 17)	YES (Article 19)	YES (Article 21, Declaration Required)	YES (Article 22, Declaration Required)	YES (Article 20)
CRC	Committee on the Rights of the Child (Article 43)	YES (Article 44)	No	No	No

2

North Korea and International Human Rights Law

As a member of the international community, North Korea has joined and ratified multiple international treaties on human rights. As a State party to these treaties, it has the responsibility to respect, protect and fulfill various political and social rights internationally as explained above. Having joined the ICCPR and the ICESCR in 1981, the North became a State party to the Convention on the Rights of the Child (CRC) 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.² It went through two UPRs by the UN Human Rights Council in 2009 and 2014. It signed the UN Convention on the Rights of Persons with Disabilities (CRPD) on July 3, 2013; it also ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP2) on November 10, 2014. Meanwhile, the UN Special Rapporteur on the Situation of Human Rights in the DPRK has been carrying out his mission since 2004 under special

² North Korea indeed underwent the reviews of these supervisory systems by submitting two periodic reports to the Human Rights Committee in 1984 and 2000; three to the Committee on Economic, Social and Cultural Rights in 1984, 1989 and 2002; three to the Committee on the Rights of the Child in 1996, 2002 and 2007; and one to the Committee on the Elimination of All Forms of Discrimination against Women in 2002.

procedures of the Council, but North Korea has refused to accept the need for the Special Rapporteur’s activities and denied his entry to the North.

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	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	Accessed in 1981 ³	YES	No (No Declaration)	No (Not a party to the Optional Protocol)	N/A
ICERD	Not a party	N/A	N/A	N/A	N/A
CEDAW	Accessed in 2001	YES	N/A	No (Not a party to the Optional Protocol)	No (Not a party to the Optional Protocol)
CAT	Not a party	N/A	N/A	N/A	N/A
CRC	Ratified in 1990	YES	N/A	N/A	N/A
CRC-OP2	Ratified in 2014	YES	N/A	N/A	N/A

Based on a collective world view, North Korea tends to place more value on collective human rights and social rights than it

3_ North Korea announced its withdrawal from the ICCPR in 1997 to protest the adoption of a resolution on North Korean human rights at the UN Sub-Commission on the Promotion and Protection of Human Rights. The UN Secretary-General, however, stated in his aide-mémoire to the North on September 23, 1993 that any withdrawal from the Covenant was impossible unless all the other parties agree. North Korea later resumed its activities in the Human Rights Committee, thereby recognizing its status and obligations as a signatory to the ICCPR.

does on individual human rights and political rights. It works hard to stress the nature of international human rights norms as recommendations and, like many other socialist countries have done, it often highlights the importance of state sovereignty over human rights.⁴ In the meantime, however, the North has been trying to some extent to conform its laws and regulations on human rights to global standards. These developments have become especially apparent since a human rights provision was added to the amended Constitution in April 2009. Below is a list of human rights-related laws and regulations in North Korea:

Table II-3

Human Rights Laws and Regulations in North Korea

	Rights	Relevant Laws and regulations
	Right to life, right to liberty and security of person, rights to humane treatment in detention	Criminal Law, Addendum to the Criminal Law (General Crimes), Administrative Penalty Law, People's Security Enforcement Law, Prosecution and Surveillance Law
	Right to fair trial	Criminal Procedure Law, Lawyer's Law, Law on Constitution of Court, Sentence and Decisions Enforcement Law
ICCPR	Right to equality	Gender Equality Law, Law for the Protection of Women's Rights, Law for the Management of Capital City of Pyongyang
	Freedom of residence, movement and travel	Immigration Law, Law on City Administration, Law on Dwellings
	Freedom of opinion and expression	Publication Law
	Right to political participation	Delegates Election Law for All Levels of People's Assembly

4_ Soo-Am Kim *et al.*, *2012 White Paper on Human Rights in North Korea* (Seoul: KINU, 2012), pp. 49~53; see Yong-so Han, "Understanding of international legal systems related to human rights protection," *Journal of Kim Il-sung University: Historical Jurisprudence*, Vol. 56, No. 4 (2010), pp. 132~136.

	Rights	Relevant Laws and regulations
ICESCR	Right to health	Public Health Law, Law on Prevention of Epidemics, Law on Medical Care, Medicine Control Law, Mineral and Hot Springs Law
	Right to work	Socialist Labor Law, Labor Protection Law, Labor Output Standards Law, People's Economic Planning Law, Law on Basic Standards for Consumption of Materials
	Right to education	Education Law, Elementary School Law, High School Law, "On Implementing 12 year Compulsory Education"
CEDAW	Rights of women	Gender Equality Law, Law for the Protection of Women's Rights
CRC	Rights of children	Law on the Nursing and Upbringing of Children, Law for the Protection of Children's Rights
CRPD	Rights of persons with disabilities	Law on the Protection of Persons with Disabilities

Although North Korea has introduced several laws on human rights, the provisions of these laws are not always enforced as they should be. Most of the laws related to rights to work and health, for instance, are not being enforced in the wake of economic hardship. The Criminal Law, the Administrative Penalty Law and other laws for regime sustainability and social control are observed in a relatively strict manner but may often be overridden by instructions from the Supreme Leader under the North's unique political system. In North Korea, law is considered a political tool. A North Korean legal scholar defined the concept of law as "expressions of our Party's policies and a powerful weapon to carry out these policies."⁵ Kim Jong-il also said, "Our laws are

5_Yon-su Jeong, "Firm establishment of law and order is an essential precondition for effective protection and management of national and social assets," *Social Science*, Vol. 1 (1983), p. 60.

important weapons for the realization of our national policies.”⁶ Against this backdrop, Kim Il-sung’s instructions and the words of Kim Jong-il are treated as supra-legal norms. *Ten Principles for the Firm Establishment of the Party’s Unitary Leadership System* (hereinafter referred to as “the *Ten Principles*”) stipulates that the teachings of Kim Il-sung and Kim Jong-il, Party guidelines, policies, and instructions are laws that North Koreans should thoroughly comply with (Principle No. 5). In 2011, a survey was conducted on 80 North Korean defectors. Given a list of choices to describe what they thought law was while they were still in the North, 90.5 percent of the respondents chose Kim Jong-il’s words and instructions, followed by: proclamations from the Ministry of People’s Security (MPS) (86.5 percent); state laws like the Constitution and the Criminal Law (79.7 percent); orders of the National Defense Commission (NDC) (77 percent); Party directives (74.3 percent); the *Ten Principles* (71.6 percent); and cabinet decisions and instructions (56.8 percent). When it came to influence on their daily lives, 52.9 percent of those surveyed stated that Kim Jong-il’s words had the greatest impact, with Party orders, cabinet decisions, Party cadre instructions, and the Constitution (and other laws) following in descending order.⁷ Instructions from Kim Jong-un also have supra-legal power.⁸

6_ Jong-il Kim, *On Strengthening Socialist Lawful Life* (Pyongyang: Korean Workers’ Party Publishers, 1989), p. 11.

7_ Bong-dae Choi, *A Case Study of Legal Awareness of North Korean Defectors* (Seoul: Policy Report Submitted to the Ministry of Unification, 2011), pp. 10~12.

8_ Kyu-Chang Lee and Gwang Jin Chung, *A Study of North Korea’s Criminal Trial System: Characteristics and Reality* (Seoul: KINU, 2011), pp. 37~45.

3

International Responses to the Human Rights Situation in North Korea

The international community has sought to engage in constructive dialogue with North Korea to improve its human rights conditions in accordance with universal international standards on human rights. Since the dialogue has failed to produce tangible results, other international efforts are also underway to address the issue. The UN Commission on Human Rights started adopting resolutions on North Korean human rights in 2003 with the UN General Assembly doing the same beginning in 2005. The successor of the Commission, the UN Human Rights Council has been adopting relevant resolutions since 2008. All this reflects the gravity of the human rights situation in North Korea and the keen attention of the international community on this issue.

Table II-4		List of UN Resolutions on North Korean Human Rights		
Organizations	Document Number	Date Adopted	Voting Results	
UN Commission on Human Rights	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	

Organizations	Document Number	Date Adopted	Voting Results
UN General Assembly	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
	A/RES/69/188	2014.12.18.	Yea 116, Ney 20, Abstention 53
UN Human Rights 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
	A/HRC/RES/25/25	2014.03.28.	Yea 30, Ney 6, Abstention 11
A/HRC/RES/28/22	2015.03.27.	Yea 27, Ney 6, Abstention 14	

As already explained above, the UN Human Rights Council established the Commission of Inquiry (COI) during its 22nd session in March 2013,⁹ marking the very first time when a COI was set up without any armed conflict going on.¹⁰ The COI made oral reports at the 24th session of the UN Human Rights Council on September 17, 2013 and at the 68th session of the UN General Assembly on October 29. Its final report was released on February 7, 2014 and submitted to the 25th session of the UN Human Rights Council.¹¹

9_ UN Doc. A/HRC/RES/22/13 (2013).

10_ Soo-Am Kim *et al.*, *A Case Study on the Operations of the UN Commission of Inquiry (COI)* (Seoul: KINU, 2013), p. 113.

11_ Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea, UN Doc. A/HRC/25/63 (2014); Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, UN Doc. A/HRC/25/CRP.1 (2014).

In its written report, the COI stated that systematic, widespread and grave violations of human rights have been, and are being, committed by North Korea and that these violations of human rights constitute crimes against humanity. It claimed that the UN must ensure that those responsible for such crimes are held accountable, suggesting the following options to achieve this end: (a) The Security Council referral of the situation to the International Criminal Court; and (b) the establishment of an ad hoc tribunal on the issue of North Korea. The COI went on to suggest: the international community must accept its responsibility to protect the people of North Korea, because its government has manifestly failed to do so; those most responsible for the crimes against humanity should be held fully accountable; stronger engagement with North Korean authorities is needed on human rights-related matters; gradual changes should be promoted on the basis of dialogue at the private level; and an agenda should be set up for inter-Korean reconciliation. By implementing these multi-faceted strategies, the COI pointed out, the international community can fulfill its responsibility to protect the people of North Korea.

The UN Human Rights Council and the UN General Assembly have since adopted strong resolutions on North Korean human rights that took into account the COI's findings.¹² The Council resolution, in particular, urged the UN Office of the High Commissioner for Human Rights (OHCHR) to consider establishing a field-based

At the request of the UN Commission of Inquiry on Human Rights in the DPRK, the KINU published the Korean translations of the two aforementioned reports on July 31, 2014. The Korean versions are available on the official websites of the UN Office of the High Commissioner for Human Rights (www.ohchr.org) and the Korea Institute for National Unification (www.kinu.or.kr).

12_UN Doc. A/HRC/RES/25/25 (2014); UN Doc. A/RES/69/188 (2014).

structure with respect to the human rights situation in North Korea as per the COI's recommendations. On this basis, it has been decided that a new UN Human Rights Office will be launched in South Korea. Furthermore, the issue of North Korean human rights has now been adopted as an agenda item at the UN Security Council.¹³ This reiterates international concerns that grave human rights violations in North Korea may have a serious impact on international peace and security as well.

13_UN Security Council Press Release, UN Doc. SC/11720 (2014).



The Reality of Civil and Political Rights

- 1 Right to Life
- 2 Right to Liberty and Security of Person, and Right to Humane Treatment in Detention
- 3 Right to a Fair Trial
- 4 Right to Equality
- 5 Freedom of Residence, Movement and Travel
- 6 Freedom of Religion and Conscience
- 7 Freedom of the Press and Publication,
and Freedom of Assembly and Association
- 8 Right to Political Participation

1

Right to Life

Without effective protection of the right to life, all other human rights are pointless. The right to life is a supreme right, laying the foundation for all other human rights. This is why key international documents on human rights at universal and regional levels state that all human beings have the right to life. Article 3 of the Universal Declaration of Human Rights (UDHR) indicates that everyone has the right to life; the International Covenant on Civil and Political Rights (ICCPR), to which North Korea is a party, mentions the right to life in Article 6, the very first of its provisions on substantive rights. More specifically, paragraph 1 thereof states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” paragraph 2 also specifies that, in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the ICCPR and to the Convention on the Prevention and Punishment of the Crime of Genocide. paragraph 4 goes on to add that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. paragraph 5 also indicates that sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. On the basis of these criteria, we will now discuss the right to life in North

Korea.

A Imposition of Death Sentence upon a Wide Range of Crimes

Article 6, paragraph 2 of the ICCPR states that in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. Here “the law” is generally understood as law in a formal sense. There may be room for argument as to what constitutes a “most serious” crime due to the ambiguity of the notion, but the United Nations (UN) Human Rights Committee explained in its General Comment on the right to life that the expression “most serious crimes” must be read restrictively to mean that the death penalty should be a quite exceptional measure.¹⁴ In its Concluding Observations on multiple national reports, the Committee pointed out that imposing the death penalty for treason, piracy, robbery, trading of toxic or hazardous substances, narcotics-related crimes, draft dodging, property crimes, economic crimes, adultery, corruption, and political crimes violates Article 6 of the ICCPR as these offences do not constitute the “most serious crimes.” This leaves nothing but premeditated murder or attempted murder, and deliberate infliction of serious injury classified as the “most serious crimes.”

The North Korean Criminal Law¹⁵ stipulates that capital punishment may be imposed on conspiracy to overturn the state,

14_ UN HRC, General Comment, No. 6 (1982), para. 7.

15_ Ordinance No. 2387 as of May 14, 2012 from the Presidium of the Supreme People's Assembly (SPA).

terrorism, treason against the fatherland, clandestine destruction,¹⁶ treason against the people, smuggling/trafficking of narcotics,¹⁷ and premeditated murder. The crimes subject to the death penalty and their elements are listed in the table below:

Table III-1	Crimes Subject to Capital Punishment under the Criminal Law and their elements
Conspiracy to Overturn the State (Article 60)	Participation in political revolt, civil disturbance, demonstrations or violent attacks, and conspiracies for anti-state purpose; 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/trafficking narcotics (Article 208)	Smuggling/trafficking of 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.

Meanwhile, North Korea added a unique supplementary provision called “Addendum to the Criminal Law (General Crimes)”¹⁸ in 2007. The Addendum strengthens punishments for general crimes while

16_ The 2009 revision of the Criminal Law included the death penalty as the maximum punishment.

17_ The 2012 revision of the Criminal Law included the death penalty as the maximum punishment.

18_ Ordinance No. 2483 as of December 19, 2007 from the Presidium of the Supreme People's Assembly (SPA).

making it possible to impose the death penalty for: willful destruction of combat equipment and military facilities; plundering of state property; theft of state property; willful destruction or damaging of state property; counterfeiting of currency; smuggling/trafficking of precious or colored metals; smuggling of state resources; smuggling/trafficking narcotics; escape by a prisoner; gangster-like behavior; operation of an unlawful business; deliberate infliction of serious injury; kidnapping; rape; theft of private property; and other exceptional crimes subject to sentence of death. The table below shows the crimes subject to capital punishment under the Addendum to the Criminal Law (General Crimes) and its elements:

Table III-2	Crimes Subject to Capital Punishment under the Addendum to the Criminal Law (General Crimes) and its Elements
Willful destruction of combat equipment and military facilities (Article 1)	Extremely serious cases of wilfully destroying combat equipment and/or military facilities
Plundering of state property (Article 2)	Extremely serious cases of plundering state property
Theft of state property (Article 3)	Extremely serious cases of stealing state property
Willful destruction or damaging of state property (Article 4)	Extremely serious cases of wilfully destroying or damaging state property
Counterfeiting of currency (Article 5)	Extremely serious cases of counterfeiting currency
Smuggling/trafficking of precious or colored metals (Article 6)	Extremely serious cases of smuggling/trafficking of precious or colored metals
Smuggling of state resources (Article 8)	Extremely serious cases of unlawfully selling state resources such as state-owned underground resources, forest resources, and fishery resources to another country
Smuggling/trafficking narcotics (Article 11)	Extremely serious cases of smuggling/trafficking narcotics
Escape by a prisoner (Article 14)	Cases in which a prisoner serving a heavy prison term flees before the term ends
Gangster-like behavior (Article 17)	Extremely serious cases of gangster-like behavior

Operation of an unlawful business (Article 18)	Cases in which sexual services are organized at restaurants or boarding houses
Deliberate infliction of serious injury (Article 19)	Extremely serious cases of deliberately inflicting serious injury
Kidnapping (Article 20)	Extremely serious cases of kidnapping person(s)
Rape (Article 21)	Extremely serious cases of rape
Theft of private property (Article 22)	Extremely serious cases of stealing another person's private property
Other exceptional crimes subject to sentence of death (Article 23)	Cases in which multiple crimes committed by a single criminal are extremely serious or in which the criminal displays no remorse at all

As such, North Korea uses the death penalty as the most severe legal punishment for a wide range of crimes including property crimes, economic crimes, narcotics-related crimes, and political crimes. This runs against Article 6, paragraph 2 of the ICCPR which stipulates that sentence of death may be imposed only for the “most serious crimes.” Article 23 of the Addendum, in particular, does not specify the types of crime but simply states that capital punishment may be imposed “when multiple crimes committed by a single criminal are extremely serious or when the criminal displays no remorse at all,” hence the risk that North Korean authorities might freely expand the scope of crimes subject to the death penalty at will. In its national report for the Universal Periodic Review (UPR) submitted to the UN Human Rights Council on January 30, 2014, North Korea explained that death penalty is applied to extremely restricted cases; in the case of a crime that harmed a person’s life, for instance, death penalty is not imposed unless it is, though intentional, an extremely heinous and grave act.¹⁹ A report released on September 13, 2014 by the DPRK Association for Human Rights Studies also argues: “The death penalty is the most severe

form of punishment that deprives criminals of their physical lives and has been imposed for especially serious crimes in extremely limited circumstances.” It went on to list conspiracy to overturn the state, terrorism, treason against the fatherland, clandestine destruction, treason against the people, smuggling/trafficking narcotics, and premeditated murder as crimes subject to capital punishment. All these are crimes subject to the death penalty stipulated in the Criminal Law. In other words, the North did not officially mention crimes subject to the death penalty specified in the Addendum to the Criminal Law. This seems to be an attempt to deflect international criticism that it effectively expanded the scope of the death penalty through enactment of the Addendum.

Capital punishment in North Korea involves another problem: Article 6, paragraph 2 of the ICCPR stipulates that sentence of death shall be imposed in accordance with the law in force at the time of commission of the crime; Article 6 of the North Korean Criminal Law also requires that criminal responsibility shall be borne only for crimes specified by the Criminal Law. In practice, however, death sentences are being imposed even on the basis of promulgations and instructions. For instance, as described in 〈Figure III-1〉, one promulgation from North Korean authorities warned that the distribution of foreign currency was strictly banned and that any violator may face punishment up to and including the death penalty. The promulgation was announced by the Ministry of People’s Security (MPS, formerly “People’s Security Agency”) on December 28, 2009, immediately after the currency reform.

19_ UN HRC, “National Report Submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21, Democratic People’s Republic of Korea,” UN Doc. A/HRC/WG.6/19/PRK/1 (January 30, 2014), para. 30.

Given the clause, “This Promulgation [...] will be come into effect January 1, 2010,” it may be seen as remaining effective after the announcement. Crimes related to foreign currency, however, are not subject to sentence of death under the Criminal Law — either at the time when the promulgation was announced or at the time of writing.

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**

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:

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

Testimonies from North Korean defectors who witnessed public executions in person show how laws and regulations on capital punishment are implemented in practice. Many of the defectors testified that they saw people being executed for watching/distributing South Korean video recordings; smuggling/trafficking narcotics; murder; plundering, stealing or destroying state property; human trafficking²⁰ and rape. What is noteworthy here is that the number of people executed for watching/distributing South Korean video recordings²¹ or smuggling/trafficking narcotics has risen dramatically over the last few years. A number of defectors testified that they saw similar instances in Chongjin, North Hamgyong Province. It seems the North Korean authorities are seeking a stronger response as narcotics spread across the North and a growing number of North Koreans watch video recordings from South Korea. Many other interviewees also suggested that they had heard of public executions for anti-state or treasonous acts, such as trading relics of revolutionary history,²² being nobbled by South Korea's National Intelligence Service (NIS),²³ siphoning

20_ North Korean Criminal Law and Addendum to the Criminal Law do not contain any provision on direct punishment for human trafficking. By applying Article 20 of the Addendum (kidnapping) or Article 23 thereof (other exceptional crimes subject to sentence of death), however, punishment up to and including the death penalty may be imposed.

21_ It is unclear exactly which provision is applied to justify imposing the death penalty on those watching/distributing South Korean video recordings. Under the North Korean Criminal Law, the most severe punishment for the crime of bringing in and spreading decadent culture (Article 183) and the crime of committing an act of decadence (Article 184) is correctional labor penalty, with the death penalty not specified as statutory punishment here. Against this backdrop, chances are high that North Korean authorities have interpreted watching/distribution of South Korean video recordings as anti-state acts and applied the crime of conspiracy to overturn the state (Article 60).

22_ NKHR2008000007 2008-07-30; NKHR2008000007 2008-07-30; NKHR2008000013 2008-08-19; NKHR2008000027 2008-12-02; NKHR2009000011 2009-03-03; NKHR2012000095 2012-05-29; NKHR 2012000164 2012-08-08; NKHR2012000196 2012-09-25; NKHR2013000109 2013-06-11.

23_ NKHR2012000143 2012-07-17.

off rice to the NIS,²⁴ possessing the Bible,²⁵ helping North Koreans flee to the South,²⁶ failures related to currency reform,²⁷ and failure to transmit electricity to Pyongyang²⁸.

- Acts related to South Korean Video Recordings

Testimonies	Testifier ID
In October 2008, a woman was executed at Sinpung Stadium in Sinpung-dong, Wonsan, Gangwon Province for the crime of selling South Korean compact discs.	NKHR2011000158 2011-07-05
In May 2010, a man was shot to death at the Sunam Market in Chongjin, North Hamgyoung Province for watching and selling numerous South Korean compact discs.	NKHR2011000176 2011-08-02
In January 2013, two men were executed in Sunam District, Chongjin, North Hamgyoung Province for a crime related to South Korean video recordings.	NKHR2014000056 2014-05-20
In 2013, two university students were shot to death in Jedangryong, Hyesan, Yanggang province for watching South Korean adult videos.	NKHR2014000109 2014-07-29

24_ NKHR2012000153 2012-07-24; NKHR2012000152 2012-07-24.

25_ NKHR2011000209 2011-09-20.

26_ NKHR2013000226 2013-12-10.

27_ NKHR2011000221 2011-06-09; NKHR2011000070 2011-03-15; NKHR2011000088 2011-04-05; NKHR2011000217 2011-10-04.

28_ NKHR2011000133 2011-06-07; NKHR2013000039 2013-03-05. A firsthand testimony is found in NKHR2013000229 2013-12-24 (In 2012, four people, including a supervisor, working for the Jangjin River Power Plant were executed in Sapo District, Hamhung, South Hamgyoung Province for mishandling the supply of electricity to Pyongyang and thereby causing disruptions to national events, including the blackout across Pyongyang on Kim Jong-un's birthday in January 2012).

• Smuggling/Trafficking Narcotics

Testimonies	Testifier ID
In the summer of 2008, five people (four men and one woman), including the section chief of the provincial inspection office, were shot to death at a market in Hyesan District, Hamhung, South Hamgyoung Province for dealing in <i>bingdu</i> (a type of drug trafficked in North Korea; also known as "ice").	NKHR2010000036 2010-11-02
In July 2011, a 45-year-old man living in Hamhung, South Hamgyoung Province was shot on the banks of Hoeryeongchon Stream, Hoeryeong, North Hamgyoung Province for selling drugs (<i>bingdu</i>).	NKHR2012000041 2012-03-20
On December 4, 2011, three men and one woman (including two officers) were shot on the banks of Susongchon Stream, Chongjin, North Hamgyoung Province for selling drugs (<i>bingdu</i>).	NKHR2012000107 2012-06-12 NKHR2012000122 2012-06-26
In 2013, three men and one woman (including the witness's cousin and cousin-in-law) were shot to death on the banks of Susong Stream, Chongjin, North Hamgyoung Province for trading drugs (<i>bingdu</i>).	NKHR2013000155 2013-08-20
In 2013, a man (in his mid-40s) and a woman (in her early 50s) were shot to death on the banks of Susong Stream, Chongjin, North Hamgyoung Province for trading 9 and 12 kilograms of narcotics, respectively.	NKHR2013000163 2013-09-03
In October 2013, three people (including one man and one woman) were shot to death in Pyongsung, South Pyongan Province for a crime related to drugs (<i>bingdu</i>).	NKHR2014000158 2014-09-23

• Murder

Testimonies	Testifier ID
In the summer of 2009, a student attending a university in Wonsan, Gangwon Province was executed in the riverside area of Cheonnae, Gangwon Province for killing the mother of his classmate.	NKHR2011000196 2011-09-06
In the summer of 2009, two men (one in his early 20s, one in his 40s) from Taepyeong District, Bocheon County, Yanggang Province were shot to death in front of the Bocyon County Power Distribution Center for killing a middle-aged woman from Hyesan, Yanggang Province.	NKHR2013000067 2013-04-02
In the summer of 2009, a man in his 40s was executed in Gapsan-eup, Gapsan County, Yanggang Province for murdering his lover.	NKHR2013000120 2013-06-25

Testimonies	Testifier ID
In October 2009, a 65-year-old woman was shot to death in Kumya County, South Hamgyong Province for killing the director of the Kumya County Clinic.	NKHR2012000049 2012-03-27
In January 2010, two men were shot to death on Dongmyeong Mountain, Wonsan, Gangwon Province for committing murder.	NKHR2011000158 2011-07-05
On October 22, 2010, two women (aged 27 and 30) were shot to death on the banks of Susong Stream in Songpyong District, Chongjin, North Hamgyong Province for committing murder.	NKHR2012000052 2012-03-28
In the fall of 2010, two men were shot to death on the banks of Susong Stream, Chongjin, North Hamgyong Province—one for killing an old bicycle mechanic by mixing diazepam with his drink, and the other for killing a man that had pushed him to pay back his money.	NKHR2013000143 2013-08-06

- Plundering, Theft, or Destruction of State Property

Testimonies	Testifier ID
In October 2007, a man was shot to death in Suncheon, South Pyongan Province for stealing factory equipment (generator).	NKHR2010000093 2010-03-30
In October 2008, a man serving as the director of a North Korean company earning foreign currency was executed at the Sinpung Stadium in Sinpung-dong, Wonsan, Gangwon Province for misappropriating government money.	NKHR2011000158 2011-07-05
In January 2009, a man in his 30s was shot in Sariwon, North Hwanghae Province for stealing communication lines.	NKHR2012000072 2012-04-26
In July 2009, three men, including the chairman of the management committee of Yonglim-ri, Mundok County, South Pyongan Province, were executed at the Pyongsung Stadium in Pyongsung, South Pyongan Province for squandering state property.	NKHR2011000111 2011-05-17
In September 2011, two brothers were shot to death in Sukchon County, South Pyongan Province for attempting to steal an electrical generator.	NKHR2013000134 2013-07-23
In 2012, the brother-in-law of a foreman on Yong-o Island was executed for stealing government funds.	NKHR2013000097 2013-05-14

• Human Trafficking

Testimonies	Testifier ID
In May 2009, two men in their 20s and one woman in her 40s were executed in Hyesan, Yanggang Province on charges of human trafficking for helping 27 people, who voluntarily sought to go to China, cross the border.	NKHR 2012000046 2012-03-23
In September 2009, a group of 14 prisoners detained in the local MPS detention center in Musan County, North Hamgyoung Province were tried in public for human trafficking, with four of them executed.	NKHR2013000225 2013-12-10
In November 2009, 11 men were tried in public in Musan County, North Hamgyoung Province on the charge of human trafficking. Four of them were shot on the spot.	NKHR2013000204 2013-11-12
In July 2010, two men and four women were shot to death at a market in Musan County, North Hamgyoung Province for engaging in human trafficking.	NKHR2012000101 2012-06-05
In October 2010, two men and two women were shot in Musan County, North Hamgyoung Province after being tried in public on human trafficking charges.	NKHR2011000160 2011-07-12
In the fall of 2011, two university students—one male and one female—were shot to death at an airfield in Hyesan, Yanggang Province on charges of human trafficking.	NKHR2014000034 2014-04-15

• Rape

Testimonies	Testifier ID
In June 2009, a man living in Musan County, North Hamgyoung Province was shot on charges of rape at a local market.	NKHR2011000155 2011-07-05
In July 2009, a 34-year-old shoe factory worker living in Suncheon, South Pyongan Province was shot to death in Baekam County, Yanggang Province on charges of rape and murder.	NKHR2012000129 2012-07-03
In February 2010, a man living in Sadong District, Pyongyang was shot to death for raping a minor.	NKHR2011000085 2011-04-05
In 2012, a foreman on Yong-o Island was executed in Chongnam District, North Pyongan Province for raping a minor and listening to South Korean songs.	NKHR2013000097 2013-05-14
In November 2013, a 30-year-old man attending Hyesan University of Agriculture and Forestry was shot to death on charges related to drugs (<i>bingdu</i>), illegal video recordings, and rape.	NKHR2014000063 2014-06-03

B Summary Execution

Article 6, paragraph 1 of the ICCPR states: “No one shall be arbitrarily deprived of his life,” paragraph 2 thereof also maintains that sentence of death may not be imposed contrary to the provisions of the ICCPR and may only be carried out pursuant to a final judgment rendered by a competent court. This means that the death penalty may be imposed only after fair and open interrogations of the defendant and by a competent, independent, and fair court designated by law. With regard to several individual communications, the UN Human Rights Committee pointed out that sentence of death imposed in violation of Article 14 of the ICCPR, which covers a wide range of rights to fair trial, also constitutes a violation of Article 6, paragraph 2 thereof.

North Korean Criminal Procedure Law has detailed provisions concerning investigations into and trials on criminal cases. The basic structure of these procedures is: investigation, pre-trial, prosecution, first trial, second trial, and enforcement. Article 419 of the Criminal Procedure Law, in particular, requires that a sentence shall be enforced after the judgment is finalized; the death penalty may be carried out only with the approval of the relevant organization.²⁹ The text passages below indicate that North Korea has issued death sentences for crimes specified under the Criminal Law and, once the judgments were finalized, carried

29_ Article 419 of the previous version of the Criminal Procedure Law, revised on May 6, 2004, stipulates, “Capital punishment may be carried out only with the approval of the Presidium of the Supreme People’s Assembly (SPA).” The new version revised on May 24, 2012, however, simply states, “Capital punishment may be carried out only with the approval of the applicable organization”. It remains unclear what the expression “applicable organization” refers to.

out executions in accordance with predefined procedures. 〈Figure III-2〉 shows a request for the approval of public execution that the Pyongyang District Court sent to the Supreme Court concerning a man whose death sentence was finalized for deliberately destroying state property. 〈Figure III-3〉 is a request for the approval of public execution, sent by the North Pyongan Provincial Court to the Supreme Court, with respect to a man who received the final sentence of death for deliberately destroying state property.

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 Criminal Law)
- 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 Criminal Law (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 Criminal Law (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 intentional 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 Criminal Law (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 Criminal Law (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 Criminal Law (the crime of smuggling/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.

This, however, does not guarantee that capital punishment in North Korea is always carried out in accordance with the aforementioned procedures. In some cases, summary executions are performed without any form of trial. Such executions are especially widespread within detention facilities, under the pretext of maintaining order and rules. In a village in North Hamgyoung Province, for instance, North Korean defector XXX saw several farm workers being shot without trial for killing a cow for food without permission; North Korean defector XXX witnessed executions being conducted without trial in a political prison camp (*kwnaliso*), based only on the judgment of the Inspection Bureau set up by the State Security Department (SSD). North Korean defector XXX testified that he saw people being executed without trial in an ordinary prison camp (*kyohwaso*) for stealing food kept in the storage room and for trying to escape. On the basis of these testimonies, the COI suggested in its report of the detailed findings that there were cases where executions were made in North Korea

without any trial.³⁰ North Korean defector XXX testified that he saw a male prisoner being killed on the spot while trying to escape from the Jongori *kyohwaso* in 2009.³¹ Most summary executions are carried out in public to promote fear and maintain control over prisoners, but some are known to be carried out in secret. North Korean defector XXX said that secret executions were done in the No. 7 *kyohwaso* situated behind the Sariwon Cigarette Plant.³² North Korean defector XXX, a former guard at a political prison camp (*kwanliso*), testified that security agents would engage in arbitrary secret executions within political prison camps (*kwanliso*).³³ Whether done in public or secret, summary executions are a clear violation of Article 6 of the ICCPR.

Even in the case of executions performed after formal trials, some may have been based on summary trials, or the defendants may have not been granted a minimum level of rights in the course of the trials. A case in point is the purging of Jang Song-taek in 2013. On December 8, North Korean authorities arrested Jang, who was the deputy chairman of the National Defense Commission (NDC), at an enlarged meeting of the Politburo of the Party Central Committee. On December 12, he was tried at a Special Military Court under the SSD, on charges of conspiracy to overturn the state attempting “to overthrow the popular sovereignty of the Republic in ideological collusion with the enemy.” He was sentenced to death according to Article 60 of the Criminal Law, and was immediately

30_ Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, UN Doc. A/HRC/25/CRP.1 (2014), paras. 831, 834, 835.

31_ NKHR2013000019 2013-02-05.

32_ NKHR2009000012 2009-03-05.

33_ North Korean defector, July 9, 1996, interviewed in Seoul.

executed.³⁴ As the whole process from arrest through execution took only four days, it is hard to believe that he was allowed a minimum level of rights that any suspect or defendant deserves in criminal procedures; his sentence of death was handed down by a single court. All this constitutes a violation of Article 14 of the ICCPR, and furthermore, goes against Article 6, paragraph 2 of the same Covenant, as the death sentence was given when requirements under Article 14 thereof had not been fulfilled. As described above, “conspiracy to overturn the state” does not constitute one of the “most serious crimes.” This also breaches Article 6, paragraph 4 of the ICCPR, which states that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Against this backdrop, it seems that North Korea is not even complying with procedures stipulated in its own Criminal Procedure Law, which will later be examined in detail in the third section of Chapter 3.

³⁴ *Rodong Shinmun*, December 13, 2013.

As explained earlier, public executions are a frequent occurrence in North Korea. The practice has continued even after Kim Jong-un became the new leader in 2012. Public executions hold great significance here, as testimonies from North Korean defectors who witnessed them in person help in understanding the reality of capital punishment practices in the North and identifying its wide-ranging violations of relevant provisions in Article 6 of the ICCPR. Moreover, it should be noted that executions performed in public themselves constitute a violation of the ICCPR. Article 7 of the ICCPR stipulates, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” a provision that public executions run against. A violation of the same provision is also recognized for people who witnessed such public executions.³⁵ In its report of the detailed findings, the Commission of Inquiry (COI) asserted: “Especially for young children and relatives of the victim, the experience [of watching such killings] is often so horrifying, that the witnesses must themselves also be considered victims of inhuman and cruel treatment in contravention of Article 7 of the ICCPR.”³⁶

It should be noted that public executions may be divided into two types: (a) one is sentenced to death on charges of a crime specified under the Criminal Law as subject to capital punishment. The finalized sentence is imposed in accordance with predefined procedures, with the execution being carried out in public; (b) one undergoes a summary execution which is performed in public. The latter case breaches both Articles 6 and 7 of the ICCPR, while the former violates Article 7 thereof only, if the judgment and execution comply with Article 6 of the ICCPR. In either case, it is clear that public executions go against the ICCPR.

Interviews with North Korean defectors between 2008 through 2014 show that a total of 1,382 people were executed in public from 2000 through 2014. The number of victims was the highest in 2008 (161), and in 2009 (160), followed by 106 in 2010, 131 in 2011, 21 in 2012, 82 in 2013, and 5 in 2014.

C Death Sentence for Crimes by Juveniles and the Death Penalty for Pregnant Women

According to Article 6, paragraph 5 of the ICCPR, “Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.” What should be noted is that the ban on the imposition of sentence of death for crimes committed by juveniles is based on the age at the time of the commission of the crime, not at the time of judgment. North Korea added a relevant provision in the 1999 revision of the Criminal Law. Article 29 of the current Criminal Law stipulates, “Those below the age of 18 at the time of commission of a crime shall not be sentenced to death; sentence of death shall not be carried out on pregnant women.” This complies with Article 6, paragraph 5 of the ICCPR.

There are some cases, however, where this provision has not been complied with: North Korean defector XXX stated that he saw five boys and girls, seemingly around 15 years of age, being taken out of the SSD detention center in August 2007 and executed on charges of economic crimes and social delinquencies.³⁷ North Korean defector XXX testified that a 16-year-old boy who killed two people was shot to death; the authorities waited one year and a half until he reached the legal age of majority.³⁸ In this

35_ Testimonies from North Korean defectors who were forced to watch public executions can be found in:

NKHR2012000012 2012-01-31; NKHR2012000020 2012-02-07; NKHR2012000048 2012-03-27; NKHR2012000059 2012-04-10; NKHR2012000283 2012-12-18; NKHR2014000007 2014-02-18; NKHR2014000064 2014-06-03; NKHR2014000012 2014-03-04.

36_ Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, UN Doc. A/HRC/25/CRP.1 (2014), para. 830.

37_ NKHR2014000012 2014-03-04.

38_ NKHR2012000066 2012-04-20.

case, the death penalty was handed down and carried out on a person who was aged under 18 at the time of the commission of the crime, so this constitutes a clear violation of relevant provisions even though the judgment and execution were made after he turned 18.

Meanwhile, other testimony included an account of a married couple who were executed in public in 2003 in Bocheon County, Yanggang Province for stealing and selling communication lines. The wife, who was pregnant at the time, was forced into abortion prior to her trial. The two then went through an open trial and were shot to death.³⁹ According to North Korean defector XXX, four men and women were executed in September 2009 after an open trial on charges of human trafficking at a local MPS detention center in Musan County, North Hamgyong Province. One of them, who was pregnant, underwent a forced abortion at a local hospital and then was shot.⁴⁰ North Korea may claim that they did not breach relevant provisions as the woman was not pregnant at the time of execution. Banning the imposition of capital punishment on pregnant women, however, is intended to protect unborn children, so forcing a pregnant woman to undergo a surgical abortion and subsequently executing her should be seen as a violation of the ICCPR.

39_ NKHR2009000032 2009-05-19.

40_ NKHR2013000225 2013-12-10.

D Other Infringements on the Right to Life

There are many other instances found in North Korea of infringements of people's right to life. In detention facilities, which will be discussed further in the next section, severe labor, malnutrition, illness, beatings and other inhumane treatment are combined with poor hygiene and medical systems, resulting in the continued occurrence of deaths (see Chapter 3, Section 2, "Rights to Liberty and Security of Person, and Rights to Humane Treatment in Detention"). Recent reports of the shooting of people attempting to cross the border, and on the forced abortion of pregnant defectors and the killing of infants after deportation represent cases where North Korean authorities directly infringed upon the right to life of their citizens (see Chapter 6, Section 1, "North Korean Defectors"). When it comes to social rights that North Korea has the obligation to actively realize, the deaths of North Korean people from starvation has to do with the right to life (see Chapter 4, Section 1, "Right to Food"); a recent increase in the mortality rates of infants and mothers also demonstrates that the right to life of North Korean citizens is not being properly protected (see Chapter 4, Section 2, "Right to Health").

2

Right to Liberty and Security of Person, and Right to Humane Treatment in Detention

Articles 3, 5, and 9 of the UDHR stipulate the rights to liberty and security of person, prohibition of torture and other inhumane treatment, and prohibition of arbitrary arrest or detention. Articles 7, 9, and 10 of the ICCPR also set out rules on the prohibition of torture and other inhumane treatment, the right to liberty and security of person, and the human rights of detainees. In other words, no one shall be subject to torture or cruel, inhuman or degrading treatment or punishment (Article 7); no one shall be subject to arbitrary arrest or detention, and no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law (Article 9); and any person deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person (Article 10). Torture and other atrocities under Article 7, in effect, take place while the victims are detained, so at issue here is the relationship between these atrocities and Article 10, which prescribes the treatment of detainees. The UN Human Rights Committee interpreted the ban on torture and other atrocities in Article 7 is supplemented by Article 10 which stipulates active obligations.⁴¹

41_UN HRC General Comment No. 20 (1992), para. 2.

Therefore, the poor human rights conditions in detention facilities may be seen as violations of both articles. The Human Rights Committee seems to be viewing individual communications differently according to specific circumstances, but in principle, the criteria for acts to be considered violations of Article 10 are less strict than those for Article 7. In other words, there were cases where poor confinement conditions were recognized as violating Article 10 only, and not Article 7. On the basis of these criteria, we will now take a look at the reality of people's right to liberty and security of person and rights to humane treatment in detention in North Korea.

A Arbitrary or Unlawful Arrest or Detention

Article 9 of the ICCPR stipulates the right to liberty and security of person. There are a total of five paragraphs in the Article. The first paragraph states that no one shall be subjected to arbitrary or unlawful arrest or detention. The next three paragraphs define procedures to ensure the right to liberty and security of person, including the arrested person's right to be notified of his/her rights prior to trial, and the right to request an investigation into the validity of imprisonment. The last paragraph then prescribes compensation for the victims of unlawful arrest or detention.

The North Korean Constitution has prohibited any arrest or detention of the people that is not prescribed by law. The current Constitution guarantees the right to liberty by stating, "Citizens shall not be detained or arrested without legal grounds" (Article 79). Revised on May 14, 2012, North Korean Criminal Procedure Law makes it clear that, as specified in the Constitution, "Citizens shall not be arrested or detained for reasons not prescribed in the

laws or legal procedures” (Article 176). More specifically, citizens shall not be arrested without arrest warrants (Article 179). If a pre-trial investigator needs to apprehend a non-confined suspect for detention, he shall send an application and receive an arrest warrant from a prosecutor (Article 180). When arresting a suspect for detention or imprisonment, the investigator shall present proof of identity and the arrest warrant; in order to detain or imprison a person already in custody, a written decision of detention/imprisonment approved by the prosecutor shall be presented (Article 181). Once the decision for arrest and detention is made, the suspect shall be notified immediately; the suspect’s family or his workplace shall also be informed within 48 hours of the reasons for arrest and the location of detention (Article 182). Meanwhile, the North Korean Criminal Law stipulates that law enforcement agents conducting any illegal arrest, detention, or apprehension shall be subject to a year or less of labor training penalty (Article 241). This legal measure aims to protect North Korean citizens’ right to liberty and security of person. The penalty, however, was weakened in the 2012 revision of the Criminal Law from two years or less of labor training penalty to a year or less of labor training penalty, which may be seen as a step back for human rights protection in North Korea.

Table III-3	Comparison of Old & New Provisions	
	Previous Criminal Law (October 19, 2009)	Revised Criminal Law (May 14, 2012)
<ul style="list-style-type: none"> • In case a law enforcement agent unlawfully arrests, detains, or arranges, or searches a person's body or residence 	<ul style="list-style-type: none"> • Up to two years of labor training penalty 	<ul style="list-style-type: none"> • Up to one year of labor training penalty
<ul style="list-style-type: none"> • In case the aforementioned illegal acts were repeated or caused public protests 	<ul style="list-style-type: none"> • Up to three years of correctional labor penalty (Article 252) 	<ul style="list-style-type: none"> • Relevant provision removed (Article 241)

Such provisions under the Criminal Law and the Criminal Procedure Law, however, are still not being fully complied with in the process of law enforcement. In the 2014 Survey on the Reality of Human Rights in North Korea by the Korean Bar Association, only a small share of North Korean defectors replied that they were presented with an arrest warrant or written decision for detention/imprisonment or that their family or workplace was notified of the reasons for arrest and the location of detention.⁴² As such, the arbitrary arrest and detention of suspects without legitimate legal procedures seems to be a prevalent practice in North Korea.

As discussed in detail in the latter part of this *White Paper*, North Korea has various detention facilities that include labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*), and political prison camps (*kwanliso*), in addition to ordinary prison camps (*kyohwaso*) as official correctional institutions specified in the Criminal Law. The first three entail fundamental elements of

42_ Korean Bar Association, *2014 White Paper on Human Rights in North Korea* (Seoul: Korean Bar Association & KBA Human Rights Foundation, 2014), pp. 154~165.

human rights abuse as they are not official detention facilities designated by law; the situation is vividly illustrated by the arrest and detention of political prisoners. North Korean defector XXX testified that the decision to send someone to a political prison camp (*kwanliso*) is made solely by the SSD without trial,⁴³ although they seemingly go through certain procedures in this process. North Korean defector XXX said such decisions should be approved by county, city and provincial authorities before being ratified by the Party.⁴⁴ The eldest brother of North Korean defector XXX, who was then serving as a low-level Party secretary at the General External Insurance Bureau, was detained at a political prison camp (*kwanliso*) in April 2005 for embezzling Party funds; the decision, she testified, was made through a secret trial.⁴⁵ This is the process by which suspects of political crimes are being sent to political prison camps (*kwanliso*), so it is hard for ordinary citizens to know who are locked up in these political prison camps (*kwanliso*) and what their situation is like. Some defectors, however, said they discovered through documents that their family members were being held in political prison camps (*kwanliso*). North Korean defector XXX, for example, learned from documents about himself that two of his uncles were held in political prison camps (*kwanliso*).⁴⁶ In its report of the detailed findings, the COI explained that suspects of political crimes in North Korea are regularly held incommunicado, with even close family members not notified about the reasons for the arrest or the whereabouts of the victim, which seems to

43_ NKHR2013000154 2013-08-20.

44_ NKHR2011000165 2011-07-19.

45_ NKHR2011000085 2011-04-05.

46_ NKHR2013000001 2013-01-08.

be a deliberate feature of the system.⁴⁷ This, the COI added, “puts the population on notice that anyone who does not demonstrate absolute obedience can disappear at any time for reasons determined solely by, and known only to, the authorities.”

B Human Rights Violations in Detention facilities

(1) Current Status of Detention facilities

North Korean Criminal Law specifies nine types of punishment: death, unlimited term correctional labor penalty, limited term correctional labor penalty, labor training penalty, disfranchisement, confiscation of property, fines, disqualification, and suspension of qualification (Article 27). The first four are basic punishments, while the remaining five are considered additional punishments (Article 28). The unlimited term correctional labor and limited term correctional labor penalties put criminals into ordinary prison camps (*kyohwaso*) to have them work; the duration for limited term correctional labor ranges from one to 15 years (Article 30). Labor training penalty refers to sending people to certain locations and forcing them to work for a period of six months to a year (Article 31). The term “Certain locations” given in Article 31 of the Criminal Law seemingly refers to labor training camps (*rodongdanryundae*). Other detention facilities include holding centers (*jipkyulso*) and detention centers. The table below shows types of crimes and the detention facilities to which perpetrators are sent to, as stipulated in the Criminal Law:

47_ Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, UN Doc. A/HRC/25/CRP.1 (2014), paras. 698, 699.

Table III-4 Types of Crimes and Detention facilities

Category	Ordinary prison camp (<i>kyohwaso</i>)		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/trafficking narcotics (3 types)	Importing and spreading depraved culture (25 types)	Importing and spreading depraved culture (16 types)
Crimes injurious to administrative systems (39 types)	-	Collective disturbance; Interfering with official business (30 types)	Interfering with official business; Creation or dissemination of false information (29 types)
Crimes harmful to socialist collective life (20 types)	-	Acts of hoodlumism or racketeering (15 types)	Acts of hoodlumism or racketeering (18 types)
Crimes injuring the life or damaging the property of citizens (26 types)	Deliberate murder or kidnapping (4 types)	Deliberate murder (25 types)	Excessive self-defense (13 types)

(A) Ordinary prison camps (*kyohwaso*)

Ordinary prison camps (*kyohwaso*) are prisons where those sentenced to correctional labor by the court are confined. The

specific locations and sizes of ordinary prison camps (*kyohwaso*) in North Korea have yet to be systematically identified. The table below shows information on known North Korean ordinary prison camps (*kyohwaso*) identified through the KINU’s interviews with defectors:

Table III-5 Ordinary prison camps (<i>kyohwaso</i>) in North Korea		
Region	Name	Remarks
Wonsan, Gangwon Province	No. 5 <i>kyohwaso</i> / Wonsan <i>kyohwaso</i>	
(Sokhyon-ri), Wonsan, Gangwon Province	Dokwon No. 88 <i>kyohwaso</i>	
Cheonnae, Gangwon Province	Cheonnae <i>kyohwaso</i>	
Yongdam Workers' District, Cheonnae, Gangwon Province	Yongdam <i>kyohwaso</i>	* It was testified that the No. 8 <i>kyohwaso</i> and the No. 10 <i>kyohwaso</i> were merged to create Yongdam <i>kyohwaso</i> .
Songgan, Jagang Province		* It was testified that the <i>kyohwaso</i> houses workers from munition factories only.
Gaechon, South Pyongan Province	Gaechon No. 1 <i>kyohwaso</i>	
Sunchon, South Pyongan Province	Sunchon <i>kyohwaso</i>	
Jungsan County, South Pyongan Province	Jungsan No. 11 <i>kyohwaso</i>	* It was testified that the <i>kyohwaso</i> is called "Jungsan Women's <i>kyohwaso</i> ."
Dongrim County, North Pyongan Province	Dongrim <i>kyohwaso</i>	
Shinuiju, North Pyongan Province	Baectori No. 3 <i>kyohwaso</i>	
Pyongyang	Pyongyang <i>kyohwaso</i>	

Region	Name	Remarks
Pyongyang	Hyongsanri <i>kyohwaso</i>	
Pyongyang	Gangdong (No. 4) <i>kyohwaso</i>	
Pyongyang	Hyongjesan District <i>kyohwaso</i>	
Gomdok, South Hamgyoung Province	No. 8 <i>kyohwaso</i>	
Gowon County, South Hamgyoung Province	Gadam <i>kyohwaso</i>	
Danchon, South Hamgyoung Province	No. 77 <i>kyohwaso</i>	
Yonggwang (Oro) County, South Hamgyoung Province	Hamhung No. 11 <i>kyohwaso</i>	
Dongjung-ri, Yonggwang (Oro) County, South Hamgyoung Province	Oro No. 22 <i>kyohwaso</i>	* It was testified that the <i>kyohwaso</i> was relocated to Jagang Province.
Jongpyong County, South Hamgyoung Province	Wangjang <i>kyohwaso</i>	
Hamhung, South Hamgyoung Province	Yonggwang <i>kyohwaso</i>	
Hoesang District, Hamhung, South Hamgyoung Province	No. 9 <i>kyohwaso</i> / Hamhung <i>kyohwaso</i>	- Main center: Hoesang District - Satellite centers: Somun-ri, Hamhung / Dongryung-ri, Yonggwang County
Hamhung, South Hamgyoung Province	<i>kyohwaso</i> for Boys	
Jongo-ri, Hoeryeong, North Hamgyoung Province	Jongori <i>kyohwaso</i>	
Sinhung-dong, Sariwon, North Hwanghae Province	No. 7 <i>kyohwaso</i>	
Sariwon, North Hwanghae Province	Sariwon <i>kyohwaso</i>	* It was testified that the <i>kyohwaso</i> had been built for inspection purposes only as the international community raised concerns about North Korean ordinary prison camps (<i>kyohwaso</i>).
Sariwon, North Hwanghae Province	Sinsang <i>kyohwaso</i>	

- Jongori *kyohwaso*

Figure III-4

Satellite View of Jongori *kyohwaso*



The majority of testimonies related to ordinary prison camps (*kyohwaso*) are about the Jongori *kyohwaso* in Hoeryeong, North Hamgyong Province. The Jongori *kyohwaso* is located in the border area at 42,2103 degrees north latitude and 129,7536 degrees east longitude. It holds a high percentage of deported defectors as it is located in North Hamgyong Province. North Korean defector XXX testified that around 70 percent of the total detainees were arrested for illegal border crossings.⁴⁸

The Jongori *kyohwaso* currently houses both men and women. It was designed as a male-only *kyohwaso* but began to accommodate female prisoners as well at some point of time. Testimonies differ as to when the *kyohwaso* started housing women,⁴⁹ but most

48_ NKHR2014000048 2014-05-13.

of them suggest that detention facilities for women were built in March 2007. It was also testified that the facilities ran out of space in 2008 as the number of deported defectors increased⁵⁰ and that the new female prison building launched in 2010 made it possible to accommodate more than 120 persons per room.⁵¹ With all this considered, it seems that the female prisons were built or expanded sometime between 2008 and 2010.

Meanwhile, interviewees disagreed on the number of prisoners held at the Jongori *kyohwaso*. North Korean defector XXX, who was imprisoned at the *kyohwaso* for three years starting January 2010, for instance, said that by the time of her release in 2012, the *kyohwaso* had approximately 6,000 prisoners in total, with about 860 of them being women.⁵² North Korean defector XXX, who spent two years and two months there starting April 2010, stated that there were around 1,200 female prisoners when she was put into the *kyohwaso*, while the figure decreased to 700~800 when she was released in 2012.⁵³ North Korean defector XXX detained in the *kyohwaso* for three years and six months from July 2009, on the other hand, claimed that nearly 1,200 prisoners were there back in 2009, but the special pardon celebrating the 100th birthday of Kim Il-sung reduced the number to around 900 at the time of his/her release in 2012.⁵⁴ North Korean defector

49_ Testimony that a female prison building was built in 2007 under Kim Jong-il's instructions (NKHR2012000077 2012-05-08); that the female prison building was completed around July 2006 (NKHR2009000059 2009-09-26); that the imprisonment of women began in 2003 (NKHR2013000048 2013-03-05); that female detention facilities were created in March 2007 (NKHR 2012000089 2012-05-22, NKHR2012000069 2012-04-24, NKHR2012000205 2012-10-09, NKHR2012000264 2012-12-04); etc.

50_ NKHR2012000015 2012-02-07.

51_ NKHR2013000019 2013-02-05.

52_ NKHR2014000048 2014-05-13.

53_ NKHR2013000198 2013-10-29.

54_ NKHR2014000132 2014-08-26.

XXX, who stayed in the *kyohwaso* for one year and six months starting November 2009, said that approximately 1,200 prisoners were held at the *kyohwaso* back in 2009, but due to the massive special pardon between 2010 and 2012, only 800 were left by the time he/she was released in April 2012.⁵⁵ Although all of them were released in 2012, the four witnesses differed significantly in the number of prisoners accommodated at the Jongori *kyohwaso*. While the first two estimated the number of female prisoners at around 800, the other two said the total number of prisoners stood at about 800~900. Given the nature of detention facilities (such as isolation), it indeed would be hard for prisoners to figure out the number of detainees. It seems clear, however, that the figure decreased considerably after the special pardon in 2012. One interviewee explained that not all criminals are eligible for the special pardon; human traffickers, murderers, illegal traders of nonferrous metals, and those who tried to escape to South Korea are excluded from the pardon.⁵⁶ Among the deported border crossers, those recorded as having a child in China are excluded from the special pardon.⁵⁷ A contrasting testimony, however, suggested that human traffickers and those having given birth to a child in China may be eligible for the special pardon, but the shortening of their prison terms by the pardon is less than for other inmates.⁵⁸ In accordance with Kim Il-sung's declaration, "50 percent of one's prison term should be served," special pardons are granted only to prisoners who have served half or more of their prison terms.⁵⁹

55_ NKHR2013000096 2013-05-14.

56_ NKHR2013000022 2013-02-05.

57_ NKHR2013000022 2013-02-05.

58_ NKHR2013000198 2013-10-29.

The Jongori *kyohwaso* groups its prisoners into five sections. Male prisoners belong to Sections No. 1, 2, 4, and 5, while their female counterparts are assigned to Section No. 3.⁶⁰ Each section is divided again into work units. Section No. 1 has around 12 units, while Sections No. 2 and 3 have 10 units each; Sections No. 4 and 5 consist of about four and three units, respectively.⁶¹ As most of the North Korean defectors imprisoned at the Jongori *kyohwaso* are female, their testimonies have made it possible to understand the situation in the female prison, Section No. 3, in more detail. It was testified that prison staff for Section No. 3 comprises the section manager, secretary, doctor, and three female guards.⁶² The section is divided into the potato unit, vegetable unit, bean unit, corn unit, rock collection unit, wig/eyelash unit, firewood unit, animal husbandry unit, cooking unit (providing meals for the inmates), and the undernourished unit.⁶³ It remains unclear on how inmates are divided into these units, but some units seem to have special criteria in place. The vegetable unit is comprised of second-time offenders, who are known to face a heavier workload and stronger discipline than first-timers. The firewood unit includes inmates who have less than six months left to serve; those who are weak or receive no food from outside visitors are not sent to the unit.⁶⁴ Assigned to the cooking unit are long-term prisoners, patients, and the elderly, while the wig/eyelash unit is primarily made up of younger or sharp-sighted inmates.⁶⁵

59_ NKHR2014000175 2013-10-01.

60_ NKHR2012000185 2012-09-11; NKHR2013000040 2013-03-05; NKHR 2013000046 2013-03-05; etc.

61_ NKHR2012000185 2012-09-11.

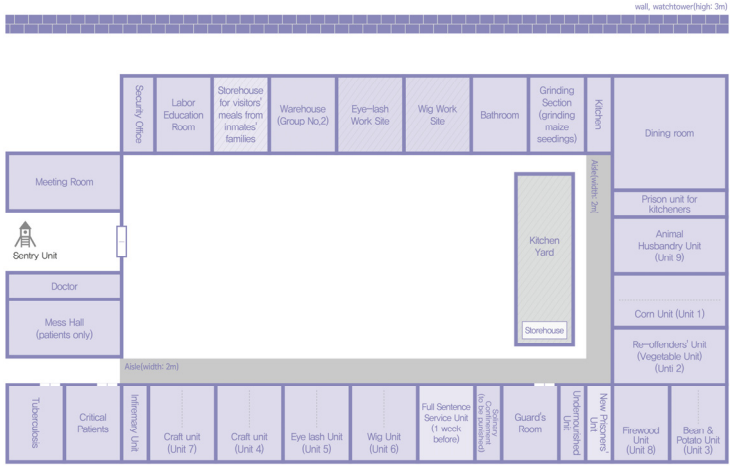
62_ NKHR2014000048 2014-05-13.

63_ NKHR2014000048 2014-05-13; NKHR2011000248 2011-12-20.

64_ NKHR2013000096 2013-05-14.

65_ NKHR2013000122 2013-06-25.

Figure III-5 Inside of Section No. 3 at Jongori *kyohwaso*



* Based on testimonies from North Korean defectors (NKHR2014000031 2014-04-15; NKHR2014000040 2014-04-29)

- Gaechon *kyohwaso*

Figure III-6 Satellite View of Gaechon *kyohwaso*



Testimonies related to the Gaecheon *kyohwaso* have also been made from time to time. The Gaecheon *kyohwaso* is located at 39.7083 degrees north latitude and 125.9233 degrees east longitude. It was reported converted from part of an existing political prison camp (*kwanliso*), one interviewee testified.⁶⁶ In the vicinity of the *kyohwaso* are the private homes of prison guards.⁶⁷ The Gaecheon *kyohwaso* is divided into male and female zones, with the latter being split again into unlimited term and limited term zones.⁶⁸ These female inmates given unlimited term and limited term punishments are situated in separate buildings. Given that it houses female prisoners sentenced to unlimited term correctional labor penalty, the *kyohwaso* seems to be intended for serious offenders. Work units in the female zone are comprised of the farming unit, animal husbandry unit, knitting unit, vegetable unit, fruit unit, and plowing unit.⁶⁹ According to North Korean defector XXX, members of the farming, fruit and animal husbandry units live in one-storied houses; the knitting unit stays in a two-storied building near the guards' residences, since it is made up of prisoners sentenced to unlimited term correctional labor as well as flight risks (e.g. illegal border crossers and human traffickers).⁷⁰ Testimonies also vary on the number of prisoners held at the Gaecheon *kyohwaso*.

- Newcomers' Class in the Ordinary prison camps (*kyohwaso*)

New inmates at the ordinary prison camps (*kyohwaso*) are supposed

66_ NKHR2013000121 2013-06-25.

67_ NKHR2013000115 2013-01-22.

68_ NKHR2014000175 2013-10-21.

69_ NKHR2013000156 2013-08-20.

70_ NKHR2013000121 2013-06-25.

to receive education during the first month of their prison terms prior to starting work.

Table III-6	Testimonies on Newcomers' Class in Ordinary prison camps (<i>kyohwaso</i>)	
	Testimonies	Testifier ID
	A North Korean defector 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.	NKHR2010000015 2010-10-05
		NKHR2011000102 2011-05-03
	A North Korean defector also testified that once detained in the ordinary prison camp (<i>kyohwaso</i>), inmates are to receive education in the Newcomers' Class for one month before beginning forced labor.	NKHR2011000241 2011-11-22
	A North Korean defector 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 2011-12-20

- Visits from Outside

The Jongori *kyohwaso* and the Gaecheon *kyohwaso* are said to allow one visit per prisoner per quarter. North Korean defector XXX stated that, under Gaecheon *kyohwaso* regulations, one may receive one outside visit every three months; each visit may last up to ten minutes but is usually around five minutes.⁷¹ North Korean defector XXX explained that the Jongori *kyohwaso* allows one outside visit each quarter, while he himself was able to visit the *kyohwaso* once every two months or even every month.⁷² Each time he paid a visit, he would give one cigarette to the visit agent and one pack of cigarettes to the sentry agent; this way he could make sure his visit lasted 10~15 minutes each time. North Korean

71_ NKHR2013000130 2013-07-09.

72_ NKHR2013000017 2013-01-22.

defector XXX, whose mother and sister were imprisoned at the Jongori *kyohwaso*, testified that he had to offer bribes when visiting them and was given “assignments” such as bringing antibiotics.⁷³ Antibiotics were available in a store run by a guard’s family; only a handful of antibiotics bought this way were distributed to the inmates, while the rest was brought back to the store, with the guard and his family taking advantage. Similarly, it was also testified that outside visitors to the Cheonnae *kyohwaso* had to offer bribes and were also given “assignments.”⁷⁴

There were serious food shortages at these ordinary prison camps (*kyohwaso*), and food brought by outside visitors was the only way to address the situation. “Food is money in the *kyohwaso*,” said North Korean defector XXX, who was released from the Jongori *kyohwaso* in 2012; those receiving no outside visitors, he added, had to save some of the already inadequate amount of food provided and use it to buy clothes, shoes, and soap within the *kyohwaso*.⁷⁵ The ordinary prison camp (*kyohwaso*) had a separate storage room for the food given by visitors,⁷⁶ and was managed by the head of the visit unit; the food kept there was offered once a day.⁷⁷ In addition to food, visitors brought penicillin, painkillers, amoxicillin, and other medicines; those who did not receive any visitors reportedly had to take over someone else’s work duties in exchange for medicines.⁷⁸

73_ NKHR2014000127 2014-08-26.

74_ NKHR2014000050 2014-05-13.

75_ NKHR2014000132 2014-08-26.

76_ NKHR2013000156 2013-08-20.

77_ NKHR2014000031 2014-04-15.

78_ NKHR2014000031 2014-04-15.

(B) Labor training camps (*rodongdanryondae*)

Designed mainly for those convicted of theft or disruption of collective living, labor training camps (*rodongdanryondae*) have the capacity to house 500~2,500 people. They were initially run as temporary organizations called “education camps” (*gyoyangdae*) but were later transformed into permanent organizations. In the 2004 revision of its Criminal Law, North Korea added labor training penalty as one of its punishments (Article 31). In addition, the Prosecutory Supervision Law states that, “when seeking to put an offender on pre-trial, bring him to the Socialist Law-Abiding Life Guidance Committee or the Comrade Judgment Council, or punish him with labor training or detention,” with a prosecutor making his decision with the aim of rectifying the legal violation or holding the offender legally accountable (Article 40, paragraph 3). In other words, the labor training penalty is defined under the Criminal Law as a type of sentence awarded by the court, while labor training is specified as one of the “punishments.” North Korean defector XXX testified that those sentenced at trials to labor training penalty were detained in labor training camps (*rodongdanryundae*) under the jurisdiction of the Ministry of People’s Security (MPS, formerly “People’s Security Agency”; widely referred to as “PSA training camps (*sungdanryundae*)” by North Korean defectors), while those subject to the punishment of labor training were sent to labor training camps (*rodongdanryundae*) at city, county, and district levels. Labor training camps (*rodongdanryundae*) in Wonsan, Gangwon Province and in Jungsan County, South Pyongan Province are known to be run by the MPS.⁷⁹ It remains

79_ NKHR2014000065 2014-06-03.

unclear, however, whether those sentenced to labor training penalty by the courts and those imprisoned at labor training camps (*rodongdanryundae*) without trial are imprisoned in a totally separate manner as described above.

Let us now take a brief look at the reality in these labor training camps (*rodongdanryundae*). One example, No. 55 *rodongdanryundae* in Hamhung, used to be the No. 22 education camp (*gyoyangso*) but was reportedly renamed in 2000. The labor training camp (*rodongdanryundae*) is comprised of three sections: The main section (Section No. 1), the farming section (Section No. 2), and the mining section (Section No. 3).⁸⁰ An educational labor training camp for youth has also been established and is in operation. North Korean defector XXX stated that a school boy was detained in the Nampo educational labor training camp for youth in July 2003 for watching compact discs from South Korea.⁸¹ Military troops have their own labor training camps (*rodongdanryundae*), too. North Korean defector XXX stated that military labor training camps (*rodongdanryundae*) were being run in Danchon, South Hamgyoung Province and Hoechang, South Pyongan Province.⁸² North Korean defector XXX testified that separate labor training camps (*rodongdanryundae*) were established within military camps and that there was one in Gimchaek as well. Labor training camps (*rodongdanryundae*) in military units are reportedly run by the General Staff Department of the Korean People's Army (KPA).⁸³

80_ NKHR2009000011 2009-03-03.

81_ NKHR2009000036 2009-06-03.

82_ NKHR2009000017 2009-03-24.

83_ NKHR2011000213 2011-10-04.

(C) Holding centers (*jipkyulso*)

Holding centers (*jipkyulso*) are detention facilities where travelers who overstay their authorized duration or designated region, homeless children, those whose cases are pending, and deported defectors are interrogated and detained before being sent back to their respective places of residence. Each province has its own holding center (*jipkyulso*) run by the provincial branch of the MPS. Holding centers (*jipkyulso*) are known to exist in Hyesan, Yanggang Province; Chongjin, North Hamgyoung Province; Shinuiju, South Pyongan Province; and Manpo, Jagang Province. In Hyesan, Yanggang Province, holding centers (*jipkyulso*) for travelers and illegal border crossers are situated close to each other.⁸⁴ Most of the testimonies on holding centers (*jipkyulso*) are about the Provincial *jipkyulso* in Chongjin, North Hamgyoung Province, an area with a large number of border crossers and deportees. Situated in the village of Nongpo, the *jipkyulso* is also called the Nongpo *jipkyulso*.⁸⁵ According to North Korean defector XXX, the Chongjin *jipkyulso*, as of July 2005, had two prison cells (one for men, the other for women), which were about 66 square meters each and had bunk beds. Approximately 100 male and female prisoners were detained there. They had to curl up and squeeze together during sleep, since 70~80 of them were detained in one cell. The figure below shows the layout of the prison cells as portrayed by a witness.⁸⁶ North Korean defector XXX, who was detained at the Chongjin *jipkyulso* from March through July 2010, said that only those who were caught for crossing the border were held at the *jipkyulso*,

84_ NKHR2013000179 2013-10-01; NKHR2013000170 2013-09-17.

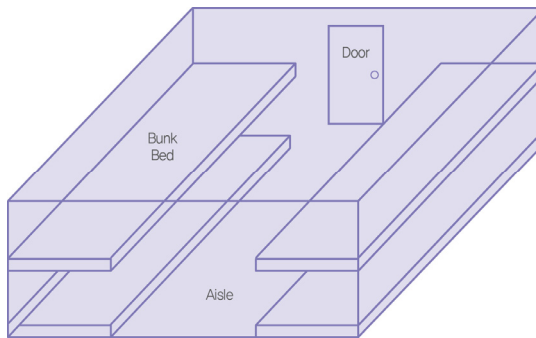
85_ NKHR2013000129 2013-07-09; NKHR2013000189 2013-10-17; etc.

86_ NKHR2010000069 2010-10-26.

which could accommodate around 100 people.⁸⁷

Figure
III-7

Detention Room at the Provincial *jipkyulso* in Chongjin



(D) Detention centers

Detention centers are places where suspects are detained and investigated before trials. North Korean Criminal Procedure Law stipulates that the investigations and pre-trials for anti-state and anti-nation crimes shall be handled by investigators and pre-trial investigators at the SSD (Article 46) and that the investigations and pre-trials for general crimes shall be carried out by investigators and pre-trial investigators at the People's Security Agency (MPS) (Article 48). For this reason, detention centers are divided into SSD and MPS detention centers. The SSD organization consists of the central SSD, the Provincial SDD in each province, and city SDD in individual cities and counties. Each security department reportedly operates their own detention center. The MPS organ-

87_NKHR2014000064 2014-06-03.

ization is made up of the central MPS, provincial branches of MPS, county branches of MPS, and local branches of MPS. Each MPS organization has its own detention center in place, where suspects are brought in whenever needed for investigation and pre-trial procedures.⁸⁸

SSD detention centers consist of five to ten rooms; however, the scale varies depending on the location. Each room is 13 to 16 square meters and houses between nine to fifteen people. Detention centers have a pre-trial investigation room, a room for solitary confinement, and ordinary rooms. According to North Korean defector XXX, who was detained at the SSD detention center in Onsung County, North Hamgyong Province in June 2009, the Center had five to six rooms, each around ten square meters and housing approximately 25 persons per room.⁸⁹ Male and female suspects were held in separate rooms;⁹⁰ those waiting to be sent to ordinary prison camps (*kyohwaso*) with prescribed sentences were separated from ordinary suspects. The situation in MPS detention centers is known to be similar. However, SSD detention centers do not allow any visitation until the investigation is over; those with prescribed sentences are not allowed to see anyone—even their family members. MPS detention centers, on the other hand, allow some degree of visitation, except for those involved in sensitive cases.

88_ See North Korean Human Rights Archives, *The Operational System of Detention facilities in North Korea and the Reality of Human Rights There* (Seoul: Information Center for North Korean Human Rights, 2011), pp. 41~44.

89_ NKHR2011000040 2011-01-18.

90_ NKHR2012000086 2012-05-15.

(2) Human Rights Violations

(A) Harsh Treatment

Torture, beating, and other types of inhumane treatment have continued in various detention facilities such as ordinary prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*), and detention centers. Such violence has resulted in injury, illness, or even death; in some cases, those attempting to escape are killed on the spot. Families are sometimes notified of the death of prisoners, but in most cases, this does not happen. Instead, family members are left to realize this on their own when they come to visit. Violence is more often committed by unit leaders or fellow inmates as per a guard's directions than by the guard himself. Testimony on this stated that this was due to the fact that violence committed by the guards could be reported. This seems to imply that the North Korean government is conscious of external criticism.

- Ordinary prison camps (*kyohwaso*)

Beatings and other forms of human rights infringement are known to continue within ordinary prison camps (*kyohwaso*). The majority of testimonies on such violence are about the Jongori *kyohwaso*, but more recently, a number of reports have been given about inhumane treatment at the Gaechon *kyohwaso* and others. In some cases, those violating regulations are denied access to food for a certain period of time. Some testimonies, however, indicate that the human rights situation in ordinary prison camps (*kyohwaso*) is showing some improvement. North Korean defector XXX, who was detained at the Jongori *kyohwaso* for nine years from August 2003, stated that beatings were prevalent within the

kyohwaso until 2008 but the situation improved later.⁹¹ North Korean defector XXX, detained at the *kyohwaso* from April 2010 through January 2013, testified that there is a visible effort to decrease the deaths at ordinary prison camps (*kyohwaso*) as such human rights violations have become known to the outside through released detainees.⁹²

Table III-7 Examples of Mistreatment at Ordinary prison camps (*kyohwaso*)

Testimonies	Testifier ID
In April 2008, the defector was beaten with a gun because he helped his colleague who was in poor health during mining labor at the Jongori <i>kyohwaso</i> .	NKHR2011000172 2011-07-26
In July 2009, when the defector was detained at the Jongori <i>kyohwaso</i> , an officer beat him as he could not work because of fever. As a result, he suffered from backache.	NKHR2011000173 2011-07-26
In October 2009 at the Gaechon <i>kyohwaso</i> , one of the defector's fellow detainees was severely beaten by an officer because he/she did not do enough knitting but talked a lot. He/she died 20 days after the beating took place.	NKHR2013000124 2013-06-25
When the defector was detained at the Jongori <i>kyohwaso</i> in 2010, one of his fellow detainees (27 year-old male) from Gyongwon (Saeyol) County, North Hamgyoung Province had to carry a dung bucket as punishment for stealing food from the cafeteria. He was dragged on the ground and beaten to death by the leader because he did not work well.	NKHR2012000123 2012-06-26
In 2010 in Gaechon <i>kyohwaso</i> , one of the defector's fellow detainees was beaten while in poor health. He/she was hospitalized but died in 15 days. This was not communicated to the family.	NKHR2013000115 2013-06-11
In March 2010, when the defector was detained at the Jongori <i>kyohwaso</i> , a slip of paper was found, written by a fellow detainee who was trying to complain to the head of the center about the guard in charge. The detainee was beaten by that guard.	NKHR2011000242 2011-11-22

91_ NKHR2014000081 2014-07-01.

92_ NKHR2014000090 2014-07-15.

Testimonies	Testifier ID
In January 2011 at the Jongori <i>kyohwaso</i> , the defector observed a female detainee being beaten to death. As black liquid came out from her mouth when she died, the center argued that she had died from eating sewage, not because of the beating.	NKHR2011000248 2011-12-20
In the spring of 2011, a female detainee in Group 3 at the Jongori <i>kyohwaso</i> died from being beaten on the head with a rock because she stole a cabbage seedling.	NKHR2013000019 2013-02-05
In the summer of 2011 at the Jongori <i>kyohwaso</i> , a fellow detainee was weak and ill, but an officer said the detainee was faking and directed the leader to beat him (her), and he/she later died.	NKHR2013000019 2013-02-05
In December 2012 at the Jongori <i>kyohwaso</i> , a woman in the farming unit was severely beaten after she was caught while escaping. She died in February or March of the next year after being ill without proper treatment.	NKHR2014000095 2014-07-15
From 2009 to 2012 when the defector was detained at the Jongori <i>kyohwaso</i> , the guard frequently beat or directed fellow detainees to beat him in the group. Sometimes, they had to run while carrying rocks for 200 meters or 300 meters. When the defector fell due to his physical weakness, some people stepped on him as they ran.	NKHR2014000132 2014-08-26
In March 2012, at the Gaechon <i>kyohwaso</i> , a fellow detainee in his 40s was beaten with a hand hoe by the officer in charge for saying, "Let's slow down," during composting work and had severe bleeding. He later died as he was also physically weak.	NKHR2013000156 2013-08-20
At the No. 5 <i>kyohwaso</i> in Gangwon Province, food was not allowed for seven days when one violated rules of the center.	NKHR2013000160 2013-09-03
At the Oro <i>kyohwaso</i> in Hamhung, about two or three people died every day. The defector observed a work unit to whom the deceased had belonged put the corpse in a straw bag, and bury it in the mountains.	NKHR2013000189 2013-10-17

- Labor training camps (*rodongdanryundae*)

As in ordinary prison camps (*kyohwaso*), harsh treatment in labor training camps (*rodongdanryundae*) is also known to be at an alarming level, but some testimonies show that in some cases, instructions are issued to avoid using violence. North Korean defector XXX testified that, while he was detained at a labor training

camp in Musan County in February 2009, instructions “not to beat” inmates arrived, and the acts of violence actually declined.⁹³

Table III-8	Examples of Mistreatment at Labor training camps (<i>rodongdanryundae</i>)	
	Testimonies	Testifier ID
	In February 2009 at a labor training camp (<i>rodongdanryundae</i>) in Onsung County, North Hamgyoung Province, the guard frequently beat fellow detainees with a chair.	NKHR2012000183 2012-09-11
	In February 2010, when the defector was detained at a labor training camp (<i>rodongdanryundae</i>) in Gimchaek, North Hamgyoung Province, a fellow detainee was beaten to death by an officer for stealing and eating fodder for goats (boiled corn).	NKHR2011000213 2011-10-04
	In March 2010 at a labor training camp (<i>rodongdanryundae</i>) in the Dongheung Mountain region in Hamhung, South Hamgyoung Province, a fellow detainee was beaten. As it could be reported if an officer beats someone in person, the officer directed another detainee to beat him (her).	NKHR2011000088 2011-04-05
	In August 2010, at a labor training camp (<i>rodongdanryundae</i>) in Musan County, North Hamgyoung Province, the defector and his fellow detainees were beaten while studying rules in the evening and beaten severely when they ran away from the work field, to the extent that they could not stand up. Sometimes they were ordered to repeatedly sit and stand while carrying a log.	NKHR2012000101 2012-06-05
	In September 2010 when the defector was detained at a labor training camp (<i>rodongdanryundae</i>) in Bocheon County, Yanggang Province, the group leader beat a fellow detainee with a club for not following instructions well.	NKHR2011000076 2011-03-22
	In 2011, at a labor training camp (<i>rodongdanryundae</i>) in Yonsa County, North Hamgyoung Province, a male detainee was arrested as he ran away and was beaten to death. There was no punishment for the assailant and the victim was reported as dying from illness in the camp.	NKHR2013000001 2013-01-08
	In 2013 while the defector was detained at a labor training camp (<i>rodongdanryundae</i>) in Daehongdan County, Yanggang Province, he was beaten with a one meter-long, three or four centimeter-thick club by a quota officer for failing to meet the labor quota.	NKHR2014000041 2014-04-29

93_ NKHR2013000135 2013-07-23.

- Holding centers (*jipkyulso*)

Human rights infringements in holding centers (*jipkyulso*) are as serious as in ordinary prison camps (*kyohwaso*) and labor training camps (*rodongdanryundae*). Most of the testimonies are about inhumane treatment in the Provincial *jipkyulso* in Chongjin, North Hamgyoung Province.

Table III-9	Examples of Mistreatment at Holding centers (<i>jipkyulso</i>)	
	Testimonies	Testifier ID
	In October 2007, at a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province, the defector was stepped on, beaten with the palms or fists of a male officer in his 30s.	NKHR2013000185 2013-10-17
	In 2008, when the defector was detained at a holding center (<i>jipkyulso</i>) in Sariwon, North Hwanghae Province, an officer directed his sister to sing. When she refused, the officer directed the leader to beat all of her fellow detainees.	NKHR2011000168 2011-07-19
	While the defector was detained at a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province from November 2009 to February 2010, a soldier (then aged 21~25) beat his legs with a club saying he was moving too slowly.	NKHR2011000067 2011-03-15
	The defector was beaten at a holding center (<i>jipkyulso</i>) in Manpo Jagang Province in 2010.	NKHR2014000031 2014-04-15
	In 2010, at a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province, a detainee who was appointed as the leader talked badly about a guard, and fellow detainees who were on bad terms with the leader reported this to the guard. As a result, he was beaten by a group of officers and died a few days later.	NKHR2011000067 2011-03-15
	In July 2010, at a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province, the defector was beaten by two guards on the chest with oak branches until he collapsed for failing to keep guard well.	NKHR2013000132 2013-07-09
	In 2011, at a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province, a fellow detainee was caught as he/she attempted to escape and died from the violent response by the guards.	NKHR2013000186 2013-10-17
	In 2011 at the Kanli <i>jipkyulso</i> in Pyongyang, the defector was beaten with fists and the center controlled his physiological phenomenon. He also observed two people dying from violent treatment.	NKHR2013000134 2013-07-23

- Detention centers

Beatings, torture, and other types of inhumane treatment are committed routinely at local MPS detention centers, too.

Table III-10	Examples of Mistreatment at Detention centers in Local MPS	
	Testimonies	Testifier ID
	In 2006, the defector was beaten at a local MPS detention center in Gyongwon (Saebyol) County, North Hamgyoung Province	NKHR2013000149 2013-08-06
	In 2007, at a local MPS detention center in Musan County, North Hamgyoung Province, a guard woke sleeping detainees and treated them cruelly, including forcing them to stay in a fixed position and beating them for even the slightest movement.	NKHR2014000040 2014-04-29
	In 2008, the defector had to do some “pumps” (repeatedly sitting and standing up while locking fingers together behind one’s head or having both arms stretched out front in a horizontal position) 150 times at a local MPS detention center in Hyesan, Yanggang Province.	NKHR2013000152 2013-08-20
	In April 2009, at a local MPS detention center in Musan County, North Hamgyoung Province, a fellow detainee was kicked and beaten with a club by an officer (then 36~40 years old) from the criminal investigation section. The victim was sent to the detention center for stealing a bicycle and hobbled because of cruel treatment by the officer for false testimony. The victim was transferred to a labor training camp (<i>rodongdanryundae</i>) and after four months of detention, had to have his leg removed at a hospital.	NKHR2011000116 2011-05-17
	In 2010, the defector received cruel treatment, including being forced to remain in a fixed position and doing “pumps” in the middle of the night, at a local MPS detention center in Samjiyon County, Yanggang Province.	NKHR2014000085 2014-07-01
	In April 2010, two guards treated a male detainee (then 19 years old) cruelly, having him do “pumps” and forcing him to sit with his knees on edges to make it easier to get statements at a local MPS detention center in Onsung County, North Hamgyoung Province.	NKHR2012000184 2012-05-07
	From September 2010 to August 2012, the defector was forced to keep a fixed position from the time he got up (6 am) until he went to bed (10 pm) while he was detained at a local MPS detention center in Hoeryeong, North Hamgyoung Province.	NKHR2014000065 2014-06-03
	On October 14, 2011, a male detainee (a driver, then 50 years old) was kicked to death by about four MPS officers at the local MPS detention center in Hyesan, Yanggang Province.	NKHR2012000210 2012-10-16

Testimonies from numerous North Korean defectors suggest serious human rights abuses at SSD detention centers as well, especially at those in border areas, in an attempt to maintain order in the wake of an increase in the number of defectors.

Table
III-11

Examples of Mistreatment inside SSD Detention centers

Testimonies	Testifier ID
In 2009, the defector lost consciousness after being beaten with tree branches and kicked with boots by a lieutenant colonel at the local SSD detention center in Musan County, North Hamgyoung Province.	NKHR2013000098 2013-05-14
In June 2009, the defector was beaten for three days by SSD agent Jeong-cheol Lee (then 31~35 years old) who asked him to disclose who trafficked him at the local SSD detention center in Onsung County, North Hamgyoung Province.	NKHR2011000040 2011-01-18
In December 2009, the defector was beaten in the face at the local SSD detention center in Onsung County, North Hamgyoung Province. His face swelled up and turned black.	NKHR2013000156 2013-08-20
In 2010, a fellow detainee was beaten by an SSD agent for not being honest when he/she was detained at the local SSD detention center in Onsung County, North Hamgyoung Province. The detainee was hospitalized for a month.	NKHR2011000183 2011-08-09
In January 2010, the defector was caught at the border trying to cross and was beaten all over his body with a club and fists and was given electric shocks every time he was transferred to the Security Platoon in Hyesan, Yanggang Province, and the Jagang Province Security Department. As a result, he lost consciousness or could not move his body properly.	NKHR2012000105 2012-06-05
In May 2010, drunk guards beat the defector harshly with fists and belts at the local SSD detention center in Gyongwon (Saebjol) County, North Hamgyoung Province. He still suffer chronic pain because of it.	NKHR2013000132 2013-07-09
In May 2012, one of the defector's neighbors, who was dragged to the security department just because his/her youngest brother/sister was missing, was tortured for 40 days at the local SSD detention center in Shinuiju, North Pyongan Province and was returned unconscious and with a broken collarbone.	NKHR2014000073 2014-06-17
From August to October 2013, the defector was treated harshly by being forced to remain in a fixed position, being hung in the air, suffering beatings, sleep disturbance and other means when he was detained at the local SSD detention center in Chongjin, North Hamgyoung Province. There were many cases of suicide due to the harsh treatment.	NKHR2014000121 2014-08-12

(B) Forced Labor

- Labor training camps (*rodongdanryundae*)

As explained above, labor training camps (*rodongdanryundae*) house not only those sentenced to labor training penalty by the court but also those given labor training without a trial. Article 8, paragraph 3 of the ICCPR states that no one shall be required to perform forced or compulsory labor, except in countries where imprisonment with hard labor may be imposed as punishment for a crime, and the performance of hard labor is to be in pursuance of a sentence to such punishment by a competent court. This triggers questions about forced labor, as “labor trainees” in the latter case are forced into labor even though they are not recognized as an exception under the ICCPR. Labor training camps (*rodongdanryundae*) at the city, county, and district level are run by the Labor Mobilization Department of the Provincial or City People’s Committee; inmates serve terms of up to six months without a trial. The Labor Mobilization Department of the People’s Committee has jurisdiction over all forms of non-workplace labor mobilization, utilizing inmates at labor training camps (*rodongdanryundae*) wherever labor is needed.⁹⁴

94_ NKHR2015000059 2015-03-24.

Table III-12 **Examples of Forced Labor at Labor training camps (*rodongdanryundae*)**

Testimonies	Testifier ID
A North Korean defector 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 am, and worked from 7 am to 8 pm. After that, he had to attend life-assessment meetings and education programs, so he usually went to bed at around midnight.	NKHR2011000213 2011-10-04
A North Korean defector testified that she was sent to the Provincial People's Committee of Daehongdan County (Yanggang Province) labor training camp in August 2010. She was put through hard labor, and sometimes late night work lasted until 11 pm or midnight. If the work site was too far to return to the camp, they pitched tents and spent the night in there.	NKHR2012000088 2012-05-22
In August 2010, while the defector was detained at a labor training camp (<i>rodongdanryundae</i>) of the Provincial People's Committee of Musan County, North Hamgyong Province, He was forced to work from 7:30 am until 7 pm, and was forced to run while he worked.	NKHR2012000101 2012-06-05
In January 2011, while the defector was detained at the labor training camp (<i>rodongdanryundae</i>) of a People's Committee in Hoeryeong, North Hamgyong Province, he was forced to work on the most difficult tasks in the city, including road construction, carrying rocks and constructing embankments, and so forth.	NKHR2012000005 2012-01-10

- Holding centers (*jipkyulso*)

The situation varies by holding centers (*jipkyulso*), with some forcing their inmates to perform labor. Those who remained in China for a longer period of time than others, and those who had attempted to escape multiple times but ended up being deported are known to be forced into harsher labor.

Table III-13 Examples of Forced Labor at Holding centers (*jipkyulso*)

Testimonies	Testifier ID
From August 30 to November 18, 2009, the defector was detained at a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province and sometimes had to wake up at 4 am and work until late night.	NKHR2011000040 2011-01-18
For 40 days in June and July of 2010, the defector was detained at a holding center (<i>jipkyulso</i>) in Shinuiju, North Pyongan Province. Deportees with a record of a long stay in China and frequent defection formed working groups and were harshly forced to work.	NKHR2011000018 2011-01-18
From June to August 2010, the defector was harshly forced to work more than ten hours a day weeding, planting corn, harvesting, and so forth, at a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province.	NKHR2013000132 2013-07-09
In September 2011, the defector was engaged in construction labor while detained at a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province. Approximately 15 people died because of the harsh labor conditions.	NKHR2012000174 2012-09-04

Under what is known as the “contract system,” holding centers (*jipkyulso*) check the progress of individual inmates. North Korean defector XXX, who was forced into performing labor while detained at a holding center (*jipkyulso*) in Shinuiju, North Pyongan Province in 2010, explained that the contract system led to very intense labor and long hours.⁹⁵ Holding centers (*jipkyulso*) pay no compensation for forced labor; some prisoners were even forced to pay for their food and other living expenses during the period of detention, testimonies suggest.⁹⁶

95_ NKHR2011000018 2011-01-18.

96_ NKHR2011000214 2011-10-04.

(C) Poor Nutritional/Medical Conditions and Deaths

- Ordinary prison camps (*kyohwaso*)

The disastrous conditions at ordinary prison camps (*kyohwaso*), including food shortage, poor hygiene, and a lack of adequate medical treatment, leave many inmates to suffer and even die in many cases. As with the inhumane treatment outlined above, a number of testimonies refer to the Jongori *kyohwaso* when discussing these conditions as well. It seems that a minimum amount of care is given to the gravely ill, mostly amounting to allowing them to avoid work, but medicine and medical treatment are reportedly not provided to inmates.

Table III-14	The Reality of Right to Food and Health at Ordinary prison camps (<i>kyohwaso</i>)
Testimonies	Testifier ID
Between May and July 2009, many detainees lost their lives from fever at the Jongori <i>kyohwaso</i> . In all of 2009, around 300 people died; the defector heard that more people died in 2010. While hygienic conditions for female detainees were good in a new annex exclusively for them, the building for male detainees was old and dirty and the sanitary conditions were terrible, resulting in many deaths among the male detainees.	NKHR2011000184 2011-08-16
In July 2009, when the defector was detained at the Jongori <i>kyohwaso</i> , a fellow detainee died from fever and his/her weak physical condition. The Jongori <i>kyohwaso</i> categorized weak physical conditions into levels 1, 2 and 3 and ran a group made up of such persons. The 3rd level weak physical condition group was prohibited from engaging in forced labor and was provided with additional side dishes, but treatment was not provided. The “Patient (病) Group” had four rooms in the center. People with liver ascites and tuberculosis were separated, but the patients had to bear the cost of medicine and treatment and they were given injections of saline solution.	NKHR2011000173 2011-07-26

Testimonies	Testifier ID
In December 2009, while the defector was detained at the Jongori <i>kyohwaso</i> , a fellow detainee died due to disease and excessive labor and the body was kept in a morgue, carried out by a cart and cremated in Mountain Bulmang. Moreover, there had been a separate group for people at the Jongori <i>kyohwaso</i> since 2009 and many people in the group died.	NKHR2011000242 2011-11-22
In January 2010, while the defector was detained at the Jongori <i>kyohwaso</i> , she saw a female detainee die due to weak physical condition and fever. She had fever but was not treated.	NKHR2012000008 2012-01-10
In the winter of 2010, five people a day died on average at the Jongori <i>kyohwaso</i> as fever broke out.	NKHR2014000031 2014-04-15
In February 2010, while the defector was detained at the Jongori <i>kyohwaso</i> , around 20~30 people died due to their weak physical condition. She observed the death of around 200~300 women during her detention period (from October 2008 to July 2011). Bodies were kept in a morgue and cremated in Mountain Bulmang.	NKHR2014000015 2014-03-18
In June 2010, while the defector was detained at the Jongori <i>kyohwaso</i> , a fellow detainee died from malnutrition. He observed numerous deaths at the center during his detention there.	NKHR2011000241 2011-11-22
In July 2010, a female detainee (then 36~40 years old) died from malnutrition at the Hamhung <i>kyohwaso</i> in Younggwang County, South Hamgyong Province. The Hamhung <i>kyohwaso</i> saw the number of deaths increase in 2010 and almost every day someone died.	NKHR2011000066 2011-03-15
In November 2010, five fellow detainees in the same work unit died from fever at the Jongori <i>kyohwaso</i> .	NKHR2013000040 2013-03-05
In 2011, the defector observed the death of two fellow detainees at the Jongori <i>kyohwaso</i> : one tuberculosis and the other from his weak physical condition. The families were not notified of the deaths, and they became aware only when they came to the center to visit the detainees.	NKHR2013000022 2013-02-05
From 2003 to 2012, the defector was detained at the Jongori <i>kyohwaso</i> , and there were epidemics for two to three months every year due to the lack of sanitation. 30~50 people lost their lives each time.	NKHR2014000081 2014-07-01

- Labor training camps (*rodongdanryundae*)

A continued series of testimonies indicate that many inmates at labor training camps (*rodongdanryundae*) die of illness and malnutrition; some also cite the lack of timely medical treatment

as the cause of death. Meanwhile, there also are some cases where sick inmates are hospitalized or released on bail, as detention facilities should take responsibility for deaths occurring there. North Korean defector XXX, who was detained at a labor training camp (*rodongdanryundae*) in Hyesan, Yanggang Province in 2011, said that weak inmates were sent to hospitals or released on sick bail to prevent deaths within the camp.⁹⁷

Table III-15 The Reality of Right to Food and Health at Labor training camps (*rodongdanryundae*)

Testimonies	Testifier ID
In August 2009, a fellow detainee had severe diarrhea, but was not brought to a hospital and eventually died at a labor training camp (<i>rodongdanryundae</i>) in Onsung County, North Hamgyoung Province. There was a doctor in the labor training camp (<i>rodongdanryundae</i>), but the detainees had to pay for medicine.	NKHR2011000045 2011-02-08.
In February 2010, one of the defector's neighbors died from disease and physical weakness at a labor training camp (<i>rodongdanryundae</i>) in Baekam County, Yanggang Province.	NKHR2013000042 2013-03-05
In June 2011, there were three detainees who were too weak to work at a labor training camp (<i>rodongdanryundae</i>) in Hyesan, Yanggang Province. They were not released on sick bail and instead remained neglected in the camp. Two of them died.	NKHR2013000186 2013-10-17
On July 13, 2011, a fellow detainee died from malnutrition while the defector was detained at a labor training camp (<i>rodongdanryundae</i>) in Baekam County, Yanggang Province.	NKHR2011000232 2011-11-08
In November 2011, three people died due to their weak physical condition at the No. 88 <i>rodongdanryundae</i> in Wonsan, Gangwon Province.	NKHR2013000044 2013-03-05

- Holding centers (*jipkyulso*)

As in other detention facilities, malnutrition and other debilitating conditions at holding centers (*jipkyulso*) are putting North Koreans'

97_ NKHR2013000195 2013-10-29.

right to life at peril. Most detainees suffer from chronic malnutrition; some of them die of physical exhaustion.

Table III-16	The Reality of Right to Food and Health at Holding centers (<i>jipkyulso</i>)	
Testimonies		Testifier ID
<p>In 2010, a fellow detainee died from malnutrition at a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province. The detainee became very weak while working in a timber forest. In February 2010, a pregnant women had a severe cough and fever but the Chongjin <i>jipkyulso</i> did not recognize her as a patient. In the end, her condition worsened due to tuberculosis and weakness. She was moved to a hospital but died during transit.</p>	<p>NKHR2011000067 2011-03-15</p>	
<p>In 2010, a sick fellow detainee did not receive treatment and could not eat. He/she died after 20 days at a holding center (<i>jipkyulso</i>) in Manpo, Jagang Province.</p>	<p>NKHR2014000031 2014-04-15</p>	
<p>On January 3, 2011, a fellow detainee died from malnutrition at a holding center (<i>jipkyulso</i>) in Shinuiju, North Pyongan Province. The body was wrapped in a blanket and put in a warehouse until the next day, when an MPS doctor performed a postmortem and the body was buried.</p>	<p>NKHR2011000253 2011-12-20</p>	
<p>In September 2011, a fellow detainee died from malnutrition at a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province.</p>	<p>NKHR2012000174 2012-09-04</p>	

- Detention centers

Malnutrition-related deaths at local MPS detention centers are also reported on a continual basis.

Table III-17	The Reality of Right to Food and Health at Detention centers	
Testimonies		Testifier ID
<p>In January 2009, the defector observed a person who was about to die from malnutrition at a detention center of the local MPS detention center in Kim Hyung-jik (Huchang) County, Yanggang Province.</p>	<p>NKHR2010000017 2010-10-05</p>	
<p>In December 2009, a fellow detainee died from malnutrition at the local MPS detention center in Hoeryeong, North Hamgyoung Province.</p>	<p>NKHR2011000120 2011-05-24</p>	

Testimonies	Testifier ID
In April 2010, the defector observed a person who was close to death due to malnutrition being transported to a hospital from the local MPS detention center in Samjiyon County, Yanggang Province. The person died and never came back.	NKHR2014000085 2014-07-01
In September 2010, a fellow detainee died from malnutrition at the local MPS detention center in Hoeryeong, North Hamgyoung Province.	NKHR2014000065 2014-06-03

Nutrition at SSD detention centers is no better. North Korean defector XXX, who was held at a local SSD detention center in Onsung County, North Hamgyoung Province from July 1 to July 14, 2010, said that the three meals he had there each day consisted of four to five spoonfuls each of boiled corn flour ground with corn husks.⁹⁸ North Korean defector XXX, who had been detained at a local SSD detention center in Chongjin, North Hamgyoung Province from August to October 2013, testified that he was given three meals a day; the meals, however, were very poor, consisting simply of rice with corn, pickled radish, and the like.⁹⁹ North Korean defector XXX was detained at a provincial SSD detention center in Hyesan, Yanggang Province from January 9 to January 21, 2014, and at a local SSD detention center in Kim Jong-suk (Sinpa) County, Yanggang Province from January 21 to March 8, 2014. Meals offered at the detention center in Hyesan, he explained, were extremely horrible as all he received for each was 120 kernels of corn; the situation was relatively better at the detention center in Kim Jong-suk County.¹⁰⁰

98_ NKHR2011000186 2011-08-16.
 99_ NKHR2014000121 2014-08-12.
 100_ NKHR2014000203 2014-12-02.

(D) Forced Abortion and Sexual Violence

Forced abortions for pregnant women deported to the North Korea seem to continue. Most of these are carried out at detention centers as the facilities for initial investigation, and at holding centers (*jipkyulso*) where they stand by before being transferred to local MPS offices in their respective areas of residence. In most cases, the reason for forced abortion is “the baby was half Chinese.” Abortions are induced mainly by means of surgical procedures at hospitals, forced labor, beatings, and injections.

Table III-18	The Reality of Forced Abortions in Detention facilities	
	Testimonies	Testifier ID
In March 2005, a guard named Ho-nam Jeon brought a detainee (then 33 years old) to a hospital for an abortion at a local MPS detention center in Samjiyon County, Yanggang Province.		NKHR2013000191 2013-10-17
In April 2006, a female deportee was brought to a hospital to have an abortion at the local SSD detention center in Onsung County, North Hamgyoung Province.		NKHR2014000070 2014-06-17
In 2009, a female doctor gave an injection to induce abortion to a detainee in the second month of pregnancy, as directed by an SSD agent at a local SSD detention center in Shinuiju, North Pyongan Province.		NKHR2013000026 2013-02-05
In August 2009, at a holding center (<i>jipkyulso</i>) in Shinuiju, North Pyongan Province, a female military doctor conducted an abortion on a female detainee (then 26 years old, in at least the 26th week of pregnancy) by removing the fetus with rusty metal equipment.		NKHR2012000077 2012-05-08
In November 2009, a fellow detainee was brought to a hospital for an abortion since the baby was half Chinese, at a local SSD detention center in Musan County, North Hamgyoung Province.		NKHR2013000098 2013-05-14
In December 2010, three pregnant women (seven months, four months and one month respectively) were brought to a hospital for abortions at the local SSD detention center in Onsung County, North Hamgyoung Province.		NKHR2014000175 2014-10-21

Testimonies	Testifier ID
In March 2011, the defector was hospitalized for an appendicitis operation and there was a pregnant detainee—from the local MPS detention center in Bocheon County, Yanggang Province—in the same room. The MPS officer watching her cursed her out, saying, “Here, I will get rid of the baby you got pregnant with in China,” and she had a procedure which seemed to be an abortion.	NKHR2014000013 2014-03-04
In August 2011, a female detainee (then 33 years old) miscarried from a beating at a local MPS detention center in Musan County, North Hamgyong Province. The detainee died one week after the miscarriage.	NKHR2012000067 2012-04-24
On November 20, 2011, a guard named Kuk-cheol Kim at a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province caused a pregnant detainee to miscarry by kicking her in the belly with his boots on because she was pregnant with a half-Chinese baby.	NKHR2012000174 2012-09-04
In November 2012, a fellow detainee (then 19 years old) at the local MPS detention center in Hyesan, Yanggang Province, who was six months pregnant was forced to have an abortion because the baby was half Chinese.	NKHR2013000090 2013-04-30

Some detention centers, however, are giving consideration for pregnant women in their last three months before delivery and new mothers during the first seven months of their motherhood.

Table III-19

The Reality of Human Rights of Pregnant Inmates at Detention facilities

Testimonies	Testifier ID
At the No. 88 <i>rodongdanryundae</i> in Gangwon Province, pregnant women are imprisoned until they are eight months pregnant and imprisoned again six months after giving birth.	NKHR2013000044 2013-03-05
Bocheon County in Yanggang Province complies with the rule of “[not putting pregnant women work in] the last three prenatal months and the first six postpartum months.”	NKHR2013000067 2013-04-02
The Kanli <i>jipkyulso</i> in Pyongyang does not put pregnant women to work.	NKHR2013000134 2013-07-23
There is consideration for pregnant women in labor training camps (<i>rodongdanryundae</i>) and compliance with the rule of limited detention for pregnant women in their final trimester until seven months after giving birth.	NKHR2013000135 2013-07-23

There are cases of sexual violence and harassment at detention facilities. North Korean defector XXX testified that she was raped by a guard in 2010 at a holding center (*jipkyulso*) in Manpo, Jagang Province.¹⁰¹ North Korean defector XXX said that she saw a guard (aged 24 at the time) sexually harassing her fellow detainee (aged 23) at a detention center in Samjiyon County, Yanggang Province in 2012, kissing her and punishing her if she refused him.¹⁰²

C Political prison camps (*kwanliso*)

(1) Current Status of Political prison camps

North Korea has been known to operate a total of six political prison camps (*kwanliso*), although their existence has officially been denied. Testimonies from recent defectors from North Korea,¹⁰³ however, suggest that the figure has been reduced to five as the No. 22 *kwanliso* in Hoeryeong, North Hamgyoung Province began to relocate in 2009~2010 and was finally closed in May 2012.¹⁰⁴ The reason for its closing seems to be its close proximity to the border, and thus more exposed to the outside world. Its inmates have seemingly been relocated to other political prison camps (*kwanliso*). Another change observed in 2012 is that what

101_ NKHR2014000031 2014-04-15.

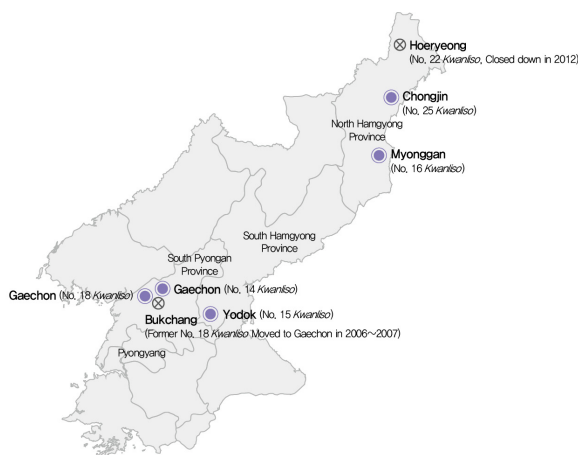
102_ NKHR2013000018 2013-01-22.

103_ NKHR2012000161 2012-08-07; NKHR2012000168 2012-08-21; NKHR2012000185 2012-09-11; NKHR2012000198 2012-09-25.

104_ It was possible to continue collecting testimonies on the relocation of the Hoeryeong No. 22 *kwanliso* from the subjects of in-depth interviews in 2014. NKHR20140000001 2014-02-18; NKHR2014000010 2014-03-04; NKHR2014000019 2014-03-18; NKHR2014000117 2014-08-12; 2014000126 2014-08-26; NKHR2014000127 2014-08-26.

was formerly known as the No. 18 *kwanliso* in Bukchang, which was situated in Sinhung-ri and Sampo-dong, Bukchang County, North Pyongan Province was significantly downsized and relocated to Donglim-ri, Gaecheon, South Pyongan Province. The area where the No. 18 *kwanliso* used to operate became a general facility after the *kwanliso* was phased out; the remaining unreleased inmates were sent to the Gaecheon area between 2006 and 2007.¹⁰⁵ The KINU's 2013 survey shows that the No. 18 *kwanliso* now houses 2,000~5,000 prisoners, a sharp decrease from the South Korean government's previous estimate of 19,000 in 2009.¹⁰⁶

Figure III-8 Locations of Political prison camps (*kwanliso*)



105_ Testimonies on the relocation of the No. 18 *kwanliso* from Bukchang to Gaecheon were obtained in 2013 and 2014. NKHR2013000126 2013-07-09; NKHR2013000129 2013-07-09.

106_ Keum-Soon Lee *et al.*, *Political prison camps in North Korea* (Seoul: KINU, 2013), p. 31.

The total number of inmates in all political prison camps (*kwanliso*) had been estimated at around 150,000~200,000. However, the KINU constructed a new estimate in 2013, based on defector testimonies and satellite photographs. The resulting estimate features a considerable decrease in the total number of inmates: now an estimated 80,000~120,000 political prisoners are held in five political prison camps (*kwanliso*).¹⁰⁷ The recent closing of the No. 22 *kwanliso* in Hoeryeong and the downsizing/relocation of the No. 18 *kwanliso* in Bukchang seem to support this estimate. Furthermore, many defectors testified that the size of the new detention facilities built from the 1990s on are not as large, and that a large number of prisoners working in mines and other locations have died as a result of the poor working conditions. The downsizing of detention facilities, however, does not necessarily mean that the perception and policy of North Korean authorities toward political prison camps (*kwanliso*) are changing. What is important here is that even under Kim Jong-un's regime, the North still maintains the political prison camp (*kwanliso*) system to separate groups and individuals that are either hostile or pose potential threats in society to the regime.¹⁰⁸

Political prison camps (*kwanliso*) are 50~250 square kilometers in area and house between 5,000 and 50,000 people. Prisoners are selected and managed by the No. 7 Bureau of the SSD, under the supervision of the Guidance Department of the Secretariat of the Korean Workers' Party (KWP) Central Committee. Each camp under the control of the No. 7 Bureau of the SSD has political, security, and management units, security guards, and supply service units. The duty of the political unit is to monitor the ideological

107_Keum-Soon Lee *et al.*, *Political Prison Camps in North Korea*, pp. 19~21.

108_ *Ibid.*

behavior of security agents and security guards and punish those engaging in irregularities. The people in the security unit punish those who commit crimes. The security unit monitors the ideological behavior of inmates and identifies any suspicious elements (e.g. would-be defectors, murderers, and malingerers) for execution or reassignment to harsher labor. The management unit maximizes the workload and is responsible for attaining 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, each camp has a supply service unit responsible for supplying food to the security agents and guards; a materials unit that supplies materials for construction projects inside the camps; and a chemicals unit for supplying dynamite to the mines. Other units include finance, transportation, and communications. Most dreaded by the prisoners are the security and guard units, as both hold the power to determine a prisoner's fate. As an exception, the No. 18 *kwanliso* is operating under a guard unit of the MPS, instead of the SSD.¹⁰⁹

(2) Total Control Zones and Revolutionary Zones

Political prison camps (*kwanliso*) in North Korea are divided into two types: “total control zones” and “revolutionary zones.” The former is for lifetime confinement; once sent to this facility, one can never be released. The prisoners will eventually die in the camp after a life of hard labor at mines or lumber yards.

¹⁰⁹ North Korean defector XXX claimed that the MPS operates another political prison camp called the No. 17 *kwanliso* in Doksong County, North Hamgyong Province (NKHR2013000129 2013-07-09). Further information is needed to confirm the existence of this camp.

These inmates do not receive any ideological education, only receiving training necessary for production (e.g. farming and mining). Political criminals detained in the revolutionary zones, on the other hand, go through a process called “revolutionization”; they may be released depending on the results of their evaluation in the process. Here “revolutionization” refers to a sort of mental re-organization through political/ideological education. Before their release, inmates must sign an oath promising they will never divulge any information about life inside the camp. Anyone breaking this oath is sent back to the camp. Even after release, these individuals will be classified as part of the “remnants of the hostile class”, meaning they belong to the lowest echelon of society. They are put under priority surveillance by the SSD, and their daily activities, such as work and travel, are restricted. Returnees from Japan and their families who have had close personal connections with North Korean elites and senior officials of the pro-government General Association of Korean Residents in Japan, are detained in revolutionary zones within the political prison camps (*kwanliso*). The policy is to have them endure torture and thus make them more obedient to North Korea’s system before returning to society. Other political prisoners are all held in total control zones. According to Ahn Myong-col and Kang chol-hwan, two North Korean defectors, a very few of the prisoners in total control zones may be transferred to revolutionary zones.

Among all the political prison camps (*kwanliso*) currently operating in North Korea, only the No. 15 *kwanliso* in Yodok has both revolutionary and total control zones. The No. 16 *kwanliso* in Myonggan and the No. 14 *kwanliso* in Gaechon are known to be run as total control zones. The former No. 18 *kwanliso* in Bukchang did not have a separate revolutionary zone in place, but some of

the prisoners there were able to return to society as was the case at the No. 15 *kwanliso*. Hye-suk Kim, who was detained at the No. 18 *kwanliso*, wrote in her autobiography that she was discharged from the camp on February 16, 2001, on the birthday of Kim Jong-il, by offering livestock. Seven households were released together with her.¹¹⁰ At the former No. 18 *kwanliso* in Bukchang, the detainees were called “immigrants,” and breaking away from the status of “immigrant” through evaluation was referred to as “release.” In other words, the No. 18 *kwanliso* accommodated the “immigrants” with two contrasting options (i.e. release or lifetime confinement) while having no particular division between zones.¹¹¹ The No. 25 *kwanliso* in Chongjin is also known to have both categories of detention: one allowing no return to society, and the other where inmates were released at the end of their term.¹¹²

Some of our interviewees in 2014 testified about people who were detained at political prison camps (*kwanliso*) and released in 2012 and 2013. North Korean defector XXX said that her husband’s friend and his family were detained at the No. 15 *kwanliso* in Yodok in 2004, but eight years later (April 2012), they were released as the accusations against them proved false.¹¹³ She said that more than 40 prisoners nationwide were reportedly released at the time. North Korean defector XXX testified that a neighbor of his detained at the No. 16 *kwanliso* in Myonggan in 2007 was released in 2013 in accordance with Kim Jong-un’s policy of ‘those with one percent of conscience are given a second chance despite 99 percent of

110_ Hye-suk Kim, *A Prison Camp Created in Tears* (Seoul: Zeitgeist, 2011), pp. 85~88.

111_ Keum-Soon Lee *et al.*, *Political prison camps in North Korea*, p. 47.

112_ *Ibid.*, p. 14.

113_ NKHR2013000007 2013-01-08.

their faults.¹¹⁴ Another testimony includes a case in which the head of the Prosecutors Office in Hyesan, Yanggang Province, and his family were released from a political prison camp (*kwanliso*) and returned home in 2012. He was sent to the camp with his family for posting a defamatory message of the provincial party chief secretary in front of a station in 2005.¹¹⁵ According to the witness, their return in seven years was “in the context of Kim Jong-un’s politics of law, as he ordered, upon taking office, that those whose crimes were motivated by personal grievance, as opposed to criticism of the state, should be freed.” These testimonies deserve special attention due to references to the releases from Kim Jong-un’s policy, and the releases from the No. 16 *kwanliso* in Myonggan which operates as a total control zone and is known to be very strictly controlled.

Table III-20	Status of Operation and Management of Political prison camps (<i>kwanliso</i>)				
	No. 14 <i>kwanliso</i> in Gaechon	No. 15 <i>kwanliso</i> in Yodok	No. 16 <i>kwanliso</i> in Myonggan	No. 18 <i>kwanliso</i> in Gaechon (Old Building)	No. 25 <i>kwanliso</i> in Chongjin
Type	Village	Village	Village	Village	<i>kyohwaso</i>
Return to society	Impossible	Impossible/ Possible	Impossible	Impossible/ Possible	Impossible/ Possible
Accompanying family	With family	Single/ With family ¹¹⁶	With family	Single/ With family	Single
Operator	SSD	SSD	SSD	MPS	SSD

Source: Keum-Soon Lee *et al.*, *Political prison camps in North Korea*, p. 17.

114_ NKHR2014000127 2014-08-26.

115_ NKHR2014000131 2014-08-26.

116_ The No. 15 *kwanliso* in Yodok runs and manages two separate zones: The “bachelor zone” for individual prisoners and the “family zone” for prisoners and their family members.

(3) Reality in the Political prison camps (*kwanliso*)

We will now take a look at the reality of life in these political prison camps (*kwanliso*), through the testimonies from North Korean defectors who worked there or were detained but managed to escape.

(A) No. 14 *kwanliso* in Gaechon

The No. 14 *kwanliso* in Gaechon is located around Chang-dong, Jamsang-ri, and Dongchang Village in Gaechon, South Pyongan Province. The testimonies from Shin Dong-hyok, North Korean defector XXX, who has claimed that he was born and raised at the camp and escaped at the age of 22, seems to reveal the reality of the camp to some extent. The overall credibility of his testimonies, however, is being seriously questioned as he confessed in January 2015 that some of his testimonies were not true.

(B) No. 15 *kwanliso* in Yodok

The No. 15 *kwanliso* in Yodok spans five sub-counties in Yodok County, South Hamgyoung Province (i.e. Guup-ri, Ipsok-ri, Yongpyong-ri, Pyongjon-ri, and Daesuk-ri), a vast area taking up a third of the entire County. The camp is divided into a total control zone and a revolutionary zone. Those living in the revolutionary zone can live with their families and retain their status as citizens. Those in the total control zone, on the other hand, are much worse off, as they lose this status and are not allowed to live with family members, even facing summary execution in some cases. The revolutionary zone has elementary and middle schools,

but the total control zone has elementary schools only.¹¹⁷ North Korean authorities are known to have riot units in place so they can effectively keep the camp under control in the event of an emergency. North Korean defector XXX said that a battalion of riot police is stationed outside of the camp to put down potential rebellions.¹¹⁸

(C) No. 16 *kwanliso* in Myonggan

The No. 16 *kwanliso* is situated in Buha-ri, Myonggan County, North Hamgyong Province. It is also known as the “Hwasong *kwanliso*,” Myonggan’s former name. The camp is reportedly operating as a total control zone. North Korean defector XXX testified that a country security agent at the No. 16 *kwanliso* would come out to the town of Myonggan once a week, and said the whole of the camp was a total control zone.¹¹⁹ North Korean defector XXX said the *kwanliso* is most tightly run and is divided into Villages No. 1, 2, and 3. Village No. 1 is the least strictly controlled; inmates can live together with their families, and they may be released if their “crimes” are reviewed and prove to be false. Village No. 3, on the other hand, is under the tightest control; only the most serious criminals are pent up here, and they are not allowed to stay with their family members.¹²⁰ North Korean defector XXX testified that, while he was attending Heechon Industrial College, he met two transfer students who were military guards at the No. 16 *kwanliso*. They told him that the camp had high patrol towers

117_Keum-Soon Lee *et al.*, *Political prison camps in North Korea*, pp. 57~64.

118_NKHR2013000065 2013-04-02.

119_NKHR2013000043 2013-03-05.

120_NKHR2013000189 2013-10-17.

with machine guns in place, which the guards could shoot to kill if any inmate attempted to escape.¹²¹

(D) No. 18 *kwanliso* in Gaecheon (formerly known as No. 18 *kwanliso* in Bukchang)

As explained earlier, the No. 18 *kwanliso* has now been relocated from Bukchang to the village of Donglim-ri in Gaecheon. Except for its location, no specifics have become known about the camp.

As for the former No. 18 *kwanliso* in Bukchang, the autobiography of Hye-suk Kim illustrates part of the reality of life there.¹²² Detained at the *kwanliso* in 1975 at the age of 13, she spent 27 years there until August 13, 2002. She arrived in South Korea in March 2009.

The former No. 18 *kwanliso* in Bukchang had a total of six schools. The children of immigrants and guards attended elementary and middle schools together, but the former were not allowed to matriculate to college. There was a separate school named “No. 1 High School,” which was designed exclusively for the children of camp employees.¹²³ It also had a school for immigrants, which was a single-storied building with 28~32 men and women in each class. Staff members at the school were the children of the *kwanliso*’s administrative workers or MPS/SSD officials, and they were known for their harsh treatment of their students. From the third grade in middle school, students were assigned to night shift guard duty of the school building from 9 p.m. to 6 a.m. This duty was carried out by groups of four to five students each; at the

121_NKHR2013000104 2013-05-28.

122_Hye-suk Kim, *A Prison Camp Created in Tears*, pp. 15~58.

123_NKHR2013000126 2013-07-09; NKHR2013000129 2013-07-09.

end of each night shift, they had to complete a night shift log. All graduates of the immigrant school became coal mine workers. If a student does not come to school, all his/her classmates go to the student's home to 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 they are mobilized to dig mud and transport it to the *kwanliso's* coal mines.

There were several coal mines at the former No. 18 *kwanliso* in Bukchang. Hye-suk Kim used to work in a coal mine called the Shimsan Coal Mine, where she carried coal as a member of a 15-strong work group. The work schedule is composed of three shifts (i.e. midnight shift from midnight to 8 a.m.; morning shift from 8 a.m. to 4 p.m.; and afternoon shift from 4 p.m. to midnight), but workers rarely finished work on time. The workload at the Shimsan Mine was more than what a woman could handle. Disciplinary regulations at the mine were very strict: Being late three times meant you lose a day's worth of grain rations.¹²⁴

(E) No. 22 *kwanliso* in Hoeryeong

As discussed earlier, the No. 22 *kwanliso* in Hoeryeong is believed to have been closed in May 2012. Also known as the Sechon *kwanliso*, the No. 22 *kwanliso* was smaller than a county but accounted for ten percent of the entire agricultural output in North Hamgyong Province, according to testimony by North Korean defector XXX.¹²⁵ According to North Korean defector XXX, who was

124_ See Keum-Soon Lee *et al.*, *Political prison camps in North Korea*, pp. 44-50 for further information on the former No. 18 *kwanliso* in Bukchang.

125_NKHR2009000021 2009-04-13.

a resident of Sechon District, Hoeryeong, the family members of SSD agents at the No. 22 *kwanliso* did well for themselves by selling off produce from the *kwanliso* such as maize and pork that were considered to be high quality and rare, and therefore highly priced.¹²⁶

North Korean defector XXX said that children confined at the No. 22 *kwanliso* started their heavy labor at 10 a.m. If a mother helped with her child's work, the child was punished. All inmates had to finish their duties on their own; this applied even to parents and their children. Husband and wives were assigned to opposite work shifts to prevent any physical contact. A waterway was located within the No. 22 *kwanliso*, which was reportedly built to drown inmates in case they had to kill them and thereby save bullets. Three corn meals were given a day, but those caught helping their child or found by an MPS officer to be breaking the rules would lose their food ration for two days. The No. 22 *kwanliso* was also known as having underground cells. When an inmate failed to finish his/her tasks or misspoke about something, he/she was placed in solitary confinement for 20~30 days in a room 1m×1m, with only half of the normal amount of food being given.¹²⁷ North Korean defector XXX explained that it was impossible to escape from the *kwanliso* as the surrounding fence was wired with a powerful 3,300V electric current; children confined in the No. 22 *kwanliso* attended school up to the fourth grade and then started work.¹²⁸

126_ NKHR2014000204 2014-12-02.

127_ NKHR2011000134 2011-06-07.

128_ NKHR2011000165 2011-07-19.

(F) No. 25 *kwanliso* in Chongjin

Sometimes referred to as the Susong *kyohwaso*, the No. 25 *kwanliso* in Chongjin is actually a political prison camp (*kwanliso*).¹²⁹ After the Korean War, it was used as a detention facility for South Korean POWs (Prisoners of War). It is not structured as a village but is a fenced facility that looks like an ordinary prison camp (*kyohwaso*) and is designed for collective living arrangements. The No. 25 *kwanliso* houses political prisoners only, while those who committed economic crimes are not allowed into the facility. Some inmates are released upon completion of their term as terms are fixed. Political criminals are detained alone without their families.¹³⁰ North Korean defector XXX testified, “Military personnel are sent off to the Susong *kyohwaso* [No. 25 *kwanliso*] if their alleged crimes are of a political nature. The Susong *kyohwaso* [No. 25 *kwanliso*] is for those serving terms of 10 years or longer, but they can return to society once they complete these terms.”¹³¹ It was also testified that the No. 25 *kwanliso* housed senior staff at the Provincial Party, the head of a local MPS office, and other high-ranking officials.¹³² North Korean defector XXX testified that the father of his friend used to perform the duty of turning over Korean War POWs to South Korea, but he was arrested while attempting to cross the border at the river in Namyang, Onsung County, North Hamgyoung Province. He ended up at the No. 25 *kwanliso* in Chongjin.¹³³

129_North Korean defector XXX, January 9, 2008, interviewed in Seoul.

130_Keum-Soon Lee *et al.*, *Political prison camps in North Korea*, p. 64.

131_NKHR2013000154 2013-08-20.

132_NKHR2014000056 2014-05-20; NKHR2014000010 2014-03-04.

133_NKHR2013000106 2013-05-28.

(4) Detention and Punishment of Political Prisoners

The North Korean government employs the so-called crime by association system, under which it punishes not only political criminals but also their immediate family members, or in some cases, even their relatives. According to two North Korean defectors, the system usually applies to one's immediate family members only. When one is accused of a political crime, his/her spouse is not sent to a political prison camp (*kwanliso*) if he/she chooses to divorce. If the husband is convicted of a political crime, the wife will be automatically divorced and sent to her hometown; if the wife's family is punished for a political crime, the husband does not face any punishment.¹³⁴ North Korean defector XXX testified that married persons sent to a political camp were asked whether they wanted a divorce; if the spouse said yes, the political prisoner alone (or sometimes with his/her family) would be confined at a political prison camp (*kwanliso*).¹³⁵ North Korean defector XXX added that when someone was sent to a political prison camp (*kwanliso*), his son-in-law and daughter-in-law, if any, would not be detained together as other family members would ask them to divorce their spouses.¹³⁶

As the number of defectors increased, North Korea began to charge people with the crime of espionage and send them to political prison camps (*kwanliso*) when they were 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

134_ North Korean defectors XXX and XXX, November 30, 2002, interviewed in Seoul.

135_ NKHR2013000154 2013-08-20.

136_ NKHR2011000196 2011-09-06.

South Korea would also be found guilty and sent off to political prison camps (*kwanliso*). In the event of a family defection, other family member(s) left behind in North Korea would be sent to political prison camps (*kwanliso*). Many North Korean defectors in South Korea have testified about the well-known incident in which a ranking secretary of the “League of Socialist Working Youth of Korea” (currently called “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 (*kwanliso*).¹³⁷ Cases of incarceration on charges of engaging in religious activities (e.g. attending a church service) are also on a constant rise.

Table III-21	Cases of Detention in Political prison camps (<i>kwanliso</i>)	
	Testimonies	Testifier ID
The defector’s father told him that in 2000, a 40-year-old man residing at 18-ban, Kunbong-dong, Danchon was imprisoned in a political prison camp (<i>kwanliso</i>) (and later got divorced) for asking why he should sing the praises of Kim Il-sung when he was not getting rations.		NKHR2013000138 2013-07-23
The defector heard that, in 2000, a 58-year-old security office chief handled a state project in an unauthorized manner, which was against Party policy. He and his family members, including his son, daughter, and grandchildren, were imprisoned in the No.18 <i>kwanliso</i> in Bukchang, North Pyongan Province. They were released five years later, but only after his daughter and grandson had died.		NKHR2012000066 2012-04-20
In December 2002, XXX, residing in Ri Myong-su District, Samjiyon County, Yanggang Province, was imprisoned in a political prison camp (<i>kwanliso</i>) for criticizing Kim Jong-suk while watching a movie.		NKHR2013000140 2013-07-23
The defector was told that in fall 2007, her father-in-law’s brother and his family were caught while attempting to flee to South Korea and were imprisoned in a political prison camp (<i>kwanliso</i>).		NKHR2014000009 2014-03-04

137_NKHR2013000175 2013-10-01; NKHR2013000180 2013-10-01.

Testimonies	Testifier ID
In January 2008, the defector heard from one of his neighbors that XXX was imprisoned in the No. 22 <i>kwanliso</i> in Hoeryeong for attempting to escape from North Korea after talking on the phone with his sister in South Korea.	NKHR2010000053 2010-06-29
In October 2008, the defector's aunt, XXX, was imprisoned in the No. 15 <i>kwanliso</i> in Yodok for dealing with money with a person from South Korea during a campaign to find separated families.	NKHR2010000068 2010-04-27
In 2009, the head of the 49th power plant in Kyongsung County, North Hamgyong Province was imprisoned in a political prison camp (<i>kwanliso</i>) for possessing a grenade in his house which was found during a house search after he was reported in the course of a security agency investigation regarding Kim Jong-il's field guidance.	NKHR2013000066 2013-04-02
A man from the defector's neighborhood in Hyesan, Yanggang Province was imprisoned in the No. 15 <i>kwanliso</i> in Yodok for arranging a reunion of separated families.	NKHR2013000158 2013-09-03
In September 2009, four family members (two men, two women) in Pohang-dong, Sinpo, South Hamgyong Province were imprisoned in a political prison camp (<i>kwanliso</i>) because the other family members had fled to South Korea.	NKHR2011000077 2011-03-22
In 2010, the brother-in-law of the first secretary of the Youth League in Yanggang Province was imprisoned in a political prison camp (<i>kwanliso</i>) for spying and possessing smuggled goods.	NKHR2013000145 2013-08-06
In 2010 in Hyesan, Yanggang Province, a judge at the local prosecutors' office, who used to be a member of the Guard Unit of the General Bureau of Protective Force, and his wife, a former member of the Party's No. 5 Senior Staff Division, were reportedly imprisoned at a political prison camp (<i>kwanliso</i>) on charges of affiliation with South Korea, including phone calls with someone in the South.	NKHR2014000096 2014-07-15
The defector heard from his mother in July 2010 that three family members residing in Sambong District, Onsung County, North Hamgyong Province were taken away while having a worship service at home, and imprisoned in a political prison camp (<i>kwanliso</i>).	NKHR2011000196 2011-09-06
The defector heard that a security agency field instructor in Musan County fled to South Korea in October 2010, and his remaining family members were imprisoned in a political prison camp (<i>kwanliso</i>) in Chongjin afterwards.	NKHR2011000058 2011-02-22
The defector heard that in 2011, XXX, residing in Dongmyeong-dong, Hoeryeong, North Hamgyong Province, was imprisoned in the No. 22 <i>kwanliso</i> after he was arrested in China while attempting to enter the South Korean Embassy and forcefully repatriated to North Korea in 2010.	NKHR2011000187 2011-08-16

Testimonies	Testifier ID
All family members of XXX (parents, two daughters and one son) were imprisoned in a political prison camp (<i>kwanliso</i>) after he/she re-entered North Korea in an attempt to bring his/her family members to South Korea.	NKHR2012000030 2012-02-21
Eight family members were imprisoned in a political prison camp (<i>kwanliso</i>) after someone heard them talking on the phone, on the day when the election of deputies of the SPA was held, in an attempt to go to South Korea.	NKHR2013000074 2013-04-16
The defector knew a person who witnessed the head of the Hyesan Prosecutors Office and his family taken away in the middle of the night for what he had said, which is supposedly against the Party.	NKHR2013000090 2013-04-30
The defector heard that XXX, president of Kumsanbong Company, who resided in Onsung County, North Hamgyoung Province, was imprisoned in the No.25 <i>kwanliso</i> in Chongjin for taking "black money" from South Korea.	NKHR2013000100 2013-05-28
The father of the defector's friend, XXX, born in South Korea, was imprisoned in a political prison camp (<i>kwanliso</i>) for contacting people in the South.	NKHR2013000128 2013-07-09
Four families, including XXX's, in a neighborhood of Sukchon County, North Pyongan Province, were taken away by men in plain clothes and imprisoned in a political prison camp (<i>kwanliso</i>) without any trial for talking favorably about South Korea to their colleagues after listening to the radio.	NKHR2013000134 2013-07-23

In some cases, confinement is imposed at political prison camps (*kwanliso*) as a punishment for deviant behavior. Cases of individuals sent to political prison camps (*kwanliso*) for human trafficking, for instance, are steadily increasing. Two defectors separately testified that they were sent off to political prison camps (*kwanliso*) simply because their relatives had committed human trafficking crimes.¹³⁸ In addition, serious economic criminals are also confined at political prison camps (*kwanliso*). North Korean defector XXX testified that in February 2010, the manager, bookkeeper, and

138_NKHR2011000068 2011-03-15; NKHR2011000124 2011-05-24.

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 (*kwanliso*). 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.¹³⁹

(5) Life inside a Political prison camp (*kwanliso*)

(A) Deprivation of Civil and Family Rights

Once a condemned person enters a political prison camp (*kwanliso*), the camp first 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. Any normal rations or medical benefits are suspended; no marriage or childbirth is allowed. The two rare exceptions are the revolutionary zone at the No. 15 *kwanliso* in Yodok, and the former No. 18 *kwanliso* in Bukchang run by the MPS. They did not confiscate inmates’ citizenship cards and allowed marriage, childbirth, and even access to Party membership.¹⁴⁰ Hye-suk Kim became an exemplary member of the North Korean Democratic Youth League at the former No. 18 *kwanliso* in Bukchang; in October 1984, she entered the Party on recommendations from the Primary Party Committee and the Primary League of Socialist Working Youth while imprisoned at the former No. 18 *kwanliso* in Bukchang. She also married a colleague responsible for blasting in coal mines, and gave birth to his child.¹⁴¹ North Korean defector

139_ NKHR2011000196 2011-09-06.

140_ NKHR2012000066 2012-04-20.

XXX testified that the former No. 18 *kwanliso* in Bukchang issued citizen ID cards to immigrants, too. They, however, were identified in the “blood type” column of the card, as a red mark would be put for “released” residents and a black mark for “immigrants.”¹⁴²

(B) Summary Execution

As discussed in Chapter 3, Section 1, summary executions have been performed within political prison camps (*kwanliso*) both in public and in secret.

(C) Forced Labor

In political prison camps (*kwanliso*) in North Korea, prisoners are regarded as a workforce and are thus subject to intense labor.¹⁴³ The types of labor vary by political prison camp (*kwanliso*): the former No. 18 *kwanliso* in Bukchang focused on labor in coal mines; geographic circumstances there made it impossible to engage in farming.¹⁴⁴ The No. 15 *kwanliso* in Yodok has industry, agriculture, and other types of units.¹⁴⁵ Labor in coal mines is on the basis of “production plans”; if one fails to fulfill the daily workload quota, he/she must continue working until the quota is met.¹⁴⁶ Weekend breaks are never granted, so everyone works on Saturdays and Sundays. In the case of the former No. 18 *kwanliso* in Bukchang,

141_ Hye-suk Kim, *A Prison Camp Created in Tears*, pp. 60~68.

142_ NKHR2013000126 2013-07-09.

143_ Keum-Soon Lee *et al.*, *Political prison camps in North Korea*, p. 61.

144_ North Korean defector XXX, September 14, 2012, interviewed in Seoul; North Korean defector XXX, October 12, 2012, interviewed in Seoul.

145_ North Korean defector XXX, September 27, 2012, interviewed in Seoul.

146_ North Korean defector XXX, September 14, 2012, interviewed in Seoul.

detainees were mobilized on holidays to work in the houses of coal mine agents or MPS officers. They worked on plowing fields, planting potatoes, weeding, or carrying coal to be stored inside the warehouse.¹⁴⁷

Forced labor results in death in some cases. At the former No. 18 *kwanliso* in Bukchang, many of the inmates died from various accidents within the coal mines. Hye-suk Kim's brother also lost his life while working in a coal mine.¹⁴⁸ North Korean defector XXX, who worked in a coal mine at the former No. 18 *kwanliso* in Bukchang, said that about 10 miners per year died while on duty.¹⁴⁹

In enforcing forced labor, agents will routinely use violent means including man-handling, mistreatment, and beating. North Korean defector XXX testified that a coal mine foreman at the former No. 18 *kwanliso* in Bukchang kicked him and struck him with a bat when he failed to come up with the required amount of coal.¹⁵⁰

It has been revealed that political prison camps (*kwanliso*) paid wages for forced labor in the past. Hye-suk Kim saved her wages and purchased 80 kilograms of seaweed from a store.¹⁵¹ Her husband also received wages. In addition, each coal mine worker at the former No. 18 *kwanliso* in Bukchang was provided with a piece of soap and a pair of gloves each month, and a pair of shoes every six months.¹⁵²

147_ Hye-suk Kim, *A Prison Camp Created in Tears*, p. 38.

148_ *Ibid.*, pp. 42-44.

149_ NKHR2013000126 2013-07-09.

150_ NKHR2013000126 2013-07-09.

151_ Hye-suk Kim, *A Prison Camp Created in Tears*, pp. 34~35.

152_ *Ibid.*, p. 66.

(D) Poor Nutritional and Medical Conditions

The food situation within political prison camps (*kwanliso*) is extremely poor. In the case of Hye-suk Kim, her seven family members were given only eight kilograms of Annam rice (*allyangmi*) per month. Since there was no way to obtain more rice, they had to go out and climb hills and mountains, even when off-duty, to pick wild greens and use them to fill their hungry stomachs.¹⁵³ Holidays were not much different. Kim and her family were able to have Annam rice (*allyangmi*) with corn simply without greens. The situation worsened during winter. Kim's mother used to bring a millstone to grind all of the rationed corn, with which she cooked porridge.

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra, and other diseases, mainly due to malnutrition and heavy labor, but everyone, without exception, is forced to work. When a prisoner becomes very ill and the foreman decides he/she can no longer work, the prisoner is sent to a sanatorium for critical patients, who are generally quarantined and abandoned as medication and doctors are not available on site. While detained at the former No. 18 *kwanliso* in Bukchang, the mother of North Korean defector Hye-suk Kim climbed into the hills to catch worms in a bucket and feed hens and ducks kept at the farm. The hard work made her weak, but she was not treated with proper medication even though her abdomen was swollen from ascites. Kim bought nutritional supplements for her mother by selling Annam rice (*allyangmi*). The supplements helped relieve her symptoms for a while, but once they ran out her

153_ *Ibid.*, pp. 73~76.

conditions would worsen. After being confined to her home with the illness for six months, she passed away at the age of 43.¹⁵⁴ Hye-suk Kim's husband contracted pellagra from the former No. 18 *kwanliso* in Bukchang during the Arduous March. Many inmates in the prison camp died from pellagra, and many suffered from nutritional deficiencies.¹⁵⁵ North Korean defector XXX said that while he worked at the former No. 18 *kwanliso* in Bukchang, his father died of chronic illness and malnutrition, and his brother of malnutrition in 1997. His sister was diagnosed with blood poisoning in the same year, and died as she could not get any treatment.¹⁵⁶ Hospitals in the political prison camp (*kwanliso*) are a mere formality, and have barely any meaningful function. North Korean defector XXX testified that there is a Yongjong Hospital in the former No. 18 *kwanliso* in Bukchang, where in April 2004 medical staff only took an X-ray of his injured leg, without giving any medical treatment, before they told him his leg should be amputated.¹⁵⁷

(E) Forced Abortion and Sexual Violence

Hye-suk Kim said that in the former No.18 *kwanliso* in Bukchang, she had to tear her underwear to use as sanitary pads after she gave birth. She criticized the poor conditions in political prison camps (*kwanliso*) where even basic sanitary items were unavailable for a woman who had just given birth.¹⁵⁸ Meanwhile, North Korean defector XXX testified that women work until they are eight months

154_ *ibid.*, pp. 27~29.

155_ *ibid.*, pp. 27~29.

156_ NKHR2013000126 2013-07-09.

157_ NKHR2013000126 2013-07-09.

158_ Hye-suk Kim, *A Prison Camp Created in Tears*, p. 68.

pregnant before being given maternity leave for childbirth and childcare.¹⁵⁹

It is known that violations of women's rights such as by forcing abortion and through sexual violence are prevalent within the political prison camps (*kwanliso*). North Korean defector XXX said that in the No. 18 *kwanliso* in Bukchang, two women who were fellow detainees with her mother and had just been freed from imprisonment were raped by a senior staff's son and both became pregnant with his child. Both of them had forced abortions, with one miscarrying after a beating. Also in this camp, perpetrators who were sons of senior staff were not punished even if they were reported.¹⁶⁰

159_NKHR2013000126 2013-07-09.

160_NKHR2013000126 2013-07-09.

3

Right to a Fair Trial

Article 10 of the UDHR stipulates, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.” Article 14 of the ICCPR requires that states concerned shall guarantee the right to a fair trial under the respective judicial system. Article 14, paragraph 1 thereof provides that everyone shall be equal before the courts and tribunals, and shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14, paragraphs 2 through 7 thereof also stipulate legal procedures in criminal trials and minimum guarantees for criminal suspects and defendants. The details are shown in <Table III–22>, followed by the observed situation in North Korea regarding the right to a fair trial in accordance with the ICCPR.

Table
III-22

Article 14 of the ICCPR

paragraph 1	All persons shall be equal before the courts and tribunals. 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. (The rest is omitted)
paragraph 2	Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

paragraph 3	<p>In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:</p> <ul style="list-style-type: none">(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;(c) To be tried without undue delay;(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;(g) Not to be compelled to testify against himself or to confess guilt.
paragraph 4	<p>In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.</p>
paragraph 5	<p>Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.</p>
paragraph 6	<p>When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed 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. (The rest is omitted)</p>
paragraph 7	<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>

A Denial of Independence of the Judiciary

North Korea establishes its courts based on its Constitution and Law on Constitution of Courts. The judicial system in North Korea consists of the Supreme Court, courts of the province and municipality directly under central authority, city/district and county people's courts, and special courts (Article 159 of the Constitution). Among the special courts are military courts, rail-road courts, and military logistics courts (Article 3 of the Law on Constitution of Courts; Article 52 of the Criminal Procedure Law). People's courts try general offences that do not fall under the jurisdiction of courts of the province and municipality directly under central authority, special courts, or the Supreme Court (Article 50 of the Criminal Procedure Law). Courts of the province and municipality directly under central authority try persons indicted for the first instance of general offences, including anti-state crimes, treason against the people, and those crimes subject to death penalty or an unlimited term of correctional labor penalty, and try second instances of appeals ruled by a people's court within the given province or municipality directly under central authority (Article 51 thereof). Special courts try the second instances of appeals that courts of the province and municipality directly under central authority and special courts have tried as first instances (Article 53 thereof).

Under North Korean regulations, judges are elected. In other words, the head of the Supreme Court is elected by the Supreme People's Assembly (SPA) (Article 91, sub paragraph 12 of the Constitution); other Supreme Court judges by the Presidium of the SPA; and judges for courts of the province and municipality directly under central authority and the people's court by the people's

assembly of the province and municipality directly under central authority concerned (Article 4 of the Law on Constitution of Courts). The Supreme Court is also held accountable by the SPA, and the Presidium of the SPA when the SPA is in recess (Article 168 of the Constitution). However, in accordance with centralism, and as the Party holds the dominant position, the KWP controls all institutions and organizations in practicality, including the SPA which, nominally, is the highest sovereign organization. Thus, judicial agencies in North Korea have a limited function, and are supervised and regulated by its higher authorities, the SPA and the KWP.¹⁶¹ “In the process of trials, the courts are independent, and conduct trials in accordance with law” (Article 166 of the Constitution; Article 271 of the Criminal Procedure Law). However, North Korea only declares the independence of individual courts as an organizational system, rather than guaranteeing the independence of individual judges, which makes it difficult to guarantee the independence of trials.¹⁶² Moreover, Article 11 of the Prosecution and Surveillance Law provides, “Prosecutors should monitor whether trials and arbitration cases are heard and tried in time as mandated by law.” In the end, the Public Prosecutors Office engages in case hearings, and, in turn, has authority to monitor trials and arbitration cases. It can be said that in North Korea’s judicial system, the prosecutor has a higher authority than the judge.¹⁶³

Meanwhile, North Korea has adopted the People’s Jury System.

161_ Kyu-Chang Lee and Gwang Jin Chung, *A Study of North Korea’s Criminal Trial System: Characteristics and Reality*, p. 49.

162_ *Ibid.*, pp.49~53.

163_ Dong-han Kim, “Evaluation of Judiciary related law in North Korea,” *60 Years of Division: The Past and Present of North Korea* (Proceedings of the North Korea Law Society Conference, 2005).

This allows the layman to form an en banc together with a judge to conduct trials, providing them with the opportunity to fully participate in a trial as a decent member of the court, exercise their equal rights to a judge, and decide a case through majority vote. North Korea introduced the People's Jury System on November 23, 1945 with the Decree No. 4, "Case Regarding Court Organization," issued by the Department of Justice, and has been using it ever since. North Korea stipulates the People's juror shall participate in first instance trials. The first instance trial court consists of a chief judge and two People's jurors (Article 9 of the Law on Constitution of Courts). Judgments and decisions are adopted by majority vote of the judge and the People's jurors (Article 17 thereof).

Like judges, People's jurors are also elected. People's jurors of the Supreme Court are elected at the Presidium of the SPA, while People's jurors at courts of the province and municipality directly under central authority and people's courts are elected at a relevant people's assembly (Article 4 of the Law on Constitution of Courts). Practically, only those who are loyal to the KWP can be elected as People's jurors, which makes it natural for them to abide by KWP orders. Against this backdrop, the People's Jury System is a means for the KWP to systematically control the courts.¹⁶⁴ The fact that the People's Jury System is the KWP's *de facto* legal control system over the courts is also proven to be true by the article of a North Korean scholar, who explained that the System was in place to guarantee and deliver the revolutionary characteristics of a trial effectively.

164. Kyu-Chang Lee and Gwang Jin Chung, *A Study of North Korea's Criminal Trial System: Characteristics and Reality*, p. 64.

"The People's Jury System is a legal framework that guarantees the revolutionary characteristics of the Republic's trials. ... The Republic's trials legally guarantee the realization of our people's democracy dictatorship. The role and function of the Republic's trials in realizing the people's democracy dictatorship is seamlessly fulfilled by the People's Jury System."¹⁶⁵

B Lack of Fair Trials

North Korea has a special system called "pre-trial" between investigation and prosecution. A pre-trial is held to determine the defendant and reveal the criminal case completely and accurately (Article 147 of the Criminal Procedure Law). However, contrary to this legal provision, there are testimonies that sentences are decided at pre-trials that exclude the judge and the People's jurors. North Korean defector XXX, who fled in January 2010, testified that when he was tried once, a prosecutor and two pre-trial investigators sentenced him to correctional labor penalty in the pre-trial phase.¹⁶⁶

The first instance trial proceeds in five phases: court trial, factual inquiry, prosecution and defense, defendant's final testimony, and pronouncement of judgement (Article 300 of the Criminal Procedure Law). A case identified by the testimony of North Korean defector XXX shows that North Korean criminal court procedures follow the legal process of the Criminal Law, the Criminal Procedure Law, and the Law on Constitution of Courts. North Korean defector XXX, who had been tried at the Musan County court in May 2007, testified that a total of five authorities were present at the trial:

165_ Dok-il Kim, "The Nature of People's Jury System," *Political and Legal Study*, No. 2012-2 (Scientific Encyclopedia Publishing: 2012), p. 34.

166_NKHR2010000089 2010-06-08.

a vice-chief justice, two People’s jurors, a lawyer, and a prosecutor. The trial proceeded with the argument of the prosecutor and the lawyer’s defense, followed by judgment by the vice-chief justice and the People’s jurors.¹⁶⁷ Nevertheless, some testimonies reveal the existence of paper trials as well.

Table
III-23

Cases of Written Decisions without Trials

Testimonies	Testifier ID
A North Korean defector 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.	North Korean defector XXX, March 7, 2007, interviewed in Seoul
A North Korean defector 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 defector cases are disposed of by written decisions without a trial.	North Korean defector XXX, January 16, 2008, interviewed in Seoul

Trials are more about formality. One is determined guilty even if he/she does not answer the question, “Do you admit to your crime?” and the defendant is not allowed to speak or ask any questions.¹⁶⁸

North Korea operates an “On-site Open Trials System” with an objective as stipulated in the Criminal Procedure Law: “The court may organize a trial on the ground to awaken the people and prevent crimes. In such cases, leaders of institutions, enterprises, and organizations may expose and condemn a criminal’s act” (Article

167_ NKHR2008000022 2008-11-05.

168_ NKHR2012000036 2012-03-13.

285). The On-site Open Trials are known to be conducted in the official form of a trial with the presence of a judge, prosecutor, lawyer, and People's jurors.¹⁶⁹ Whether the punishment is confirmed at the open trial, or at the court before or after the open trial, is yet to be confirmed. In general, a trial is conducted and punishment is imposed at the court, followed by an announcement of the decision in front of the general public to serve as a warning to them at an On-site Open Trial.¹⁷⁰ Some contrasting testimonies exist that punishment is imposed after the On-site Open Trial.¹⁷¹ Types of crime to be heard in open trials are not fixed but vary depending on which crimes the KWP wishes to raise awareness about, or for "social refinement" of the people.¹⁷² Among the variety of crimes that are heard at trials are human trafficking,¹⁷³ watching/distributing South Korean video recordings¹⁷⁴, and narcotics-related crimes.¹⁷⁵ Those who engaged in adult entertainment and video chatting, practiced the Christian faith, or attempted to escape to South Korea during their stay in China are tried in On-site Open Trials.¹⁷⁶

As On-site Open Trials are held to enforce an atmosphere of

169_ NKHR2014000065 2014-06-03; NKHR2014000085 2014-07-01; NKHR2014000096 2014-07-15.

170_ NKHR2014000130 2014-08-26; NKHR2014000145 2014-09-02; 2014000149 2014-09-23; NKHR2014000220 2014-12-30.

171_ NKHR 2013000089 2013-04-30.

172_ Court Administration Agency, *The Criminal Law of North Korea* (Seoul: CAA), p. 30.

173_ NKHR2012000063 2012-04-17; NKHR2013000057 2013-03-19; NKHR2013000140 2013-07-23; NKHR2014000033 2014-04-15.

174_ NKHR2012000084 2012-05-15; NKHR2013000022 2013-02-05; NKHR2013000055 2013-03-19; NKHR2014000166 2014-10-07.

175_ NKHR2013000007 2013-01-08; NKHR2013000120 2013-06-25; NKHR2014000065 2014-06-03; NKHR2014000144 2014-09-02; 2014000188 2013-11-04.

176_ NKHR2012000065 2012-04-17.

terror by exposing and condemning criminals publicly, they often conclude with public executions. Many noteworthy testimonies were obtained regarding this during our interviews in 2014. It was testified that on-site Open Trials were conducted with many people charged with the same things; some were publicly executed while others were acquitted and released in accordance with Kim Jong-un's generosity or policy. These cases were found to have taken place in many regions in the second half of 2013. North Korean defector XXX testified that such was the case during that time in all provinces to win the hearts of the people.¹⁷⁷ North Korean defector XXX said, "Kim Jong-un is killing only a few as examples as he cannot kill everyone. With the aim of solidifying his regime, he is orchestrating all this so [the pardoned] people will not commit any more crimes."¹⁷⁸ The fact that some criminals found guilty of the same charges were executed immediately while others were acquitted not by court decision but by the generosity or policy of Kim Jong-un, is a clear violation of Article 14 of the ICCPR, which stipulates the right to fair trial.

177_ NKHR2014000050 2014-05-13.

178_ NKHR2014000112 2014-08-12.

Table III-24 Release of Persons after On-site Open Trials in Accordance with Kim Jong-un’s Policy

Testimonies	Testifier ID
<p>An open trial of fifteen persons, including the head of a local MPS office in Chongjin, North Hamgyoung Province who was bribed to free a criminal, was held in December 2013. After he was shot to death by firing squad, an order to stop the execution was issued. The KWP said that those subject to the sentence were exempted from the death penalty and given a second chance for new life thanks to special consideration by Comrade Kim Jong-un.</p>	<p>NKHR2014000050 2014-05-13</p>
<p>In October 2013, an open trial of about 300 people was conducted in Shinuiju, North Pyongan Province for viewing of “impure” video recordings. After a round of execution by firing squad was completed, the remaining persons were “declared innocent because Kim Jong-un, leader of the KWP, ordered that they be absolved of their crimes.” In response, the people who avoided execution by firing squad chanted in tears, “Hurray for General Kim Jong-un.”</p>	<p>NKHR2014000112 2014-08-12</p>
<p>Two men were shot to death following an open trial at an airfield in Hyesan, Yanggang Province in October 2013 on grounds that they showed people South Korean videos at home and provided space for promiscuous sexual relations. About ten men and women who watched the videos and engaged in sexual promiscuity in the house were also subject to an open trial. All of them were released after Kim Jong-un’s policy was read aloud. They reportedly said, “Hurray for General Kim Jong-un.”</p>	<p>NKHR2014000119 2014-08-12</p>

C Comrade Trial System

North Korea has a Comrade Trial System, an independent and unique form of trial system designed to control its population through a social institution without going through regular trial organizations and proceedings. Following abolishment of the Crowd Trial System which was temporarily enforced during the Korean War, North Korea has run the Comrade Trial System by region since 1972. Legal rationale for the system is found in the Prosecution and Surveillance Law. Article 40, paragraph 3 of the Law stipulates that a prosecutor may declare a Comrade Trial to rectify a violation

of law or inquire into legal accountability when he intends to subject criminals to a pre-trial, refer lawbreakers to the Socialist Law-Abiding Life Guidance Committee or the Comrade Trial Board, or penalize them with labor training or detention.

Targets of a Comrade Trial are people who commit economic crimes, cause losses through negligence, or are involved in minor incidents hindering Kim Il-sung's Unitary Ideology, and other relevant offenders. In a Comrade Trial, these people may be subject to unpaid labor of no longer than six months, while perpetrators of economic improprieties may be subject to administrative fines (where a fine equal to ten to twenty times more than the amount of their undue gain is deducted from their salaries), suspension of exercise of administrative rights, demotion, self-criticism, stern warnings, admonitions, and so forth. However, there seem to be no appellate procedures in place.¹⁷⁹

The Comrade Trial System is mainly carried out in the military. Comrade Trials of men in uniform are conducted from the battalion level in the presence of an immediate superior under any circumstances. Although results are predetermined by a higher department, a Comrade Trial is enforced to set an example. The worst possible penalty is a dishonorable discharge.¹⁸⁰

179_Court Administration Agency, *An Overview of North Korea's Juridical System* (Seoul: CAA, 1996), pp. 630~670.

180_NKHR2013000154 2013-08-20.

Table III-25	Cases on Comrade Trials	
	Testimonies	Testifier ID
	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 2013-05-14
	A North Korean defector 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.	NKHR2011000209 2011-09-20
	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.	Radio Free Asia, "A North Korean Platoon Leader Wounded; Some Soldiers Flee," (2010.11.25)
	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.	NKHR2012000247 2012-11-20

The ICCPR provides that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law (Article 14, paragraph 1). The North Korean Comrade Trial System breaches this right in that it is being run as part of a quasi-judicial system.

D Trials for Political Crimes

When it comes to the punishment of crimes, North Korea has made it a policy to clearly distinguish political crimes from general crimes. For separation of anti-state and anti-national crimes from

ordinary crimes, its Criminal Procedure Law provides that anti-state and anti-national crimes shall be subject to investigations and pre-trials by security departments and that a court of the province and municipality directly under central authority shall serve as a court of first instance (Articles 46, 48 and 51).

Testimonies suggest, however, that even trials are conducted by the SSD contrary to the applicable provisions of the Criminal Procedure Law. According to North Korean defector XXX, who used to be an SSD agent, if a criminal fact is established based on a pre-trial including suspect interrogation by the Provincial Security Department, it is reported to the Prosecution Bureau of the SSD. If the Bureau determines that the suspect committed the criminal act, he/she is tried in the place where the pre-trial organization is located. In the capacity of a judge, a prosecutor at the Prosecution Bureau of the SSD renders a decision in the name of the Central Court (currently the Supreme Court). A sentence is decided pursuant to the Criminal Law during such trials, which are held behind closed doors. The SSD also determines whether it would be appropriate to detain all members of a family, and whether the criminal will be imprisoned for life. There reportedly exists no literature which provides a basis for such determination. Relevant officers hold a meeting of the Case Council to decide how to handle a case and then determine the scope and duration of imprisonment.¹⁸¹ Similarly, North Korean defector XXX, who performed related work in the SSD, said that at the end of a pre-trial, a prosecutor from the Prosecution Bureau of the SSD renders a final decision. He also stated that, in Nampo, a prosecutor from the Prosecution Bureau of the SDD came to the Nampo SSD to make adjudication. Other

181_ North Korean defector XXX, April 19, 2005, interviewed in Seoul.

cities and counties also transfer the control of these affairs to the SSD, with a prosecutor from the Bureau making a decision at the Provincial Security Department. In sum, political prisoners allegedly do not undergo formal legal proceedings.¹⁸²

Trials of political prisoners in North Korea go against human rights for the following reasons: First, trials are held by a non-court entity. The ICCPR provides that everyone shall be entitled to a fair and public hearing by a tribunal established by law in the determination of any criminal charge against him (Article 14, paragraph 1). Second, North Korean political prisoners are deprived of an opportunity for appeal. The ICCPR stipulates that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law (Article 14, paragraph 5). Third, the North Korean authorities arbitrarily stretch the definition of political prisoner. North Korea often labels ordinary criminals as political prisoners even though they can hardly be regarded as such.¹⁸³

E Perfunctory Operation of the Appeal System

The North Korean Criminal Procedure Law provides that any accused person, lawyer, or claimant for compensation who has objection to a judgment or decision by a court of first instance may file an appeal with a higher tribunal (Article 356). An aspiring appellant must submit a written appeal within ten days from receipt of a certified copy of a sentence or decision to the court of first

182_North Korean defector XXX, October 10, 2005, interviewed in Seoul.

183_Keum-Soon Lee *et al.*, *Political prison camps in North Korea*, pp. 1~2.

instance, while a person sentenced to labor training penalty must submit a written appeal within three days therefrom (Article 359). A sentence or decision is finalized upon expiration of the set appeal period (Article 362). However, it is not permitted to appeal against or challenge a sentence or decision adopted by the Supreme Court as the court of first instance as well as a decision adopted by the court of second instance, emergency appellate trial, and retrial (Article 358). Prohibition of appeal against any sentence or decision by the Supreme Court as the court of first instance conflicts with Article 14, paragraph 5 of the ICCPR that guarantees the right of appeal.

Apparently, North Korea perfunctorily runs an appeal system. Appeals are accepted only in exceptional cases. An appeal there places tremendous disadvantage on the appellant. As a result, actual appeal cases are known to be uncommon, but it seems that appeals have occasionally been filed recently.¹⁸⁴

Table III-26	Cases of Giving up Appeals	
	Testimonies	Testifier ID
	In July 2009, the defector watched the trial of his neighbor accused of human trafficking at a court in Yanggang Province. A heavier sentence is handed down in the event of an appeal.	NKHR2011000148 2011-06-28
	In practical terms, objections are not raised because an appeal results in a heavier penalty.	NKHR2011000021 2010-06-07
	Nobody files an appeal because it leads to a heavier penalty.	NKHR2010000038 2010-11-02

.....

184_ NKHR2013000166 2013-09-17.

Testimonies	Testifier ID
An appellant will be sentenced to ten more years in prison if he loses the appeal while his prison term will be halved if he wins. There is only a remote possibility for North Korean people to win an appeal due to their lack of knowledge of law.	NKHR2014000089 2014-07-15
One may file an appeal only when he has money or connections. Otherwise, an appellant will face one or two more years in prison.	NKHR2014000161 2014-10-07

It seems that generally no appeals are lodged regarding defection from North Korea. However, it is unclear whether this is because an appeal itself is impossible or whether an appeal produces no practical benefit. Some testify that those who illegally cross the border are not allowed to file appeals.¹⁸⁵ Others say that unlawful border crossers do not enter an appeal in order to serve their prison term as quickly as possible because there is no ambiguous or disputable matter regarding their admission of charges.¹⁸⁶ According to some testimonies, it is impossible to appeal against a decision made in an On-site Open Trial as well. North Korean defector XXX testified that a judge said in an open trial of a felony that the criminal was sentenced to execution by firing squad according to certain legal provisions and that no appeal might be filed against the decision.¹⁸⁷ North Korean defector XXX stated that it is impossible to lodge an appeal against an On-site Open Trial because implementation of such trial itself indicates that there exists substantial evidence.¹⁸⁸

185_ NKHR2012000184 2012-09-11.

186_ NKHR2014000151 2014-09-23.

187_ NKHR2011000131 2011-06-07.

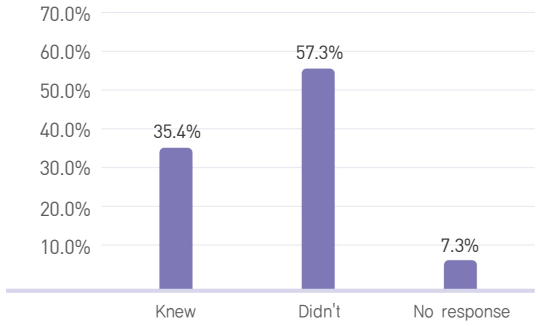
188_ North Korean defector Song Hyon-wuk's consultation with the director of human rights investigation at the Committee for the Democratization of North Korea (November 8, 2011).

F Infringement on the Right of Defense

(1) Right to Counsel

The ICCPR stipulates that everyone shall be entitled to defend himself in person or through legal assistance of his own choosing (Article 14, paragraph 3(d)). Article 164 of the North Korean Constitution also provides, “A trial shall be open and an accused person’s right of defense be guaranteed.” Its Criminal Procedure Law states, “In handling criminal cases, the right of defense of a person suspected or accused of a crime shall be guaranteed” (Article 58). The Law also requires, “A person suspected or accused of a crime shall be entitled to legal aid from a lawyer of his choice” (Article 60). If a suspect who has not chosen a lawyer is prosecuted, the judge shall request the Lawyers’ Association to appoint a lawyer (Article 63). The Law for the Protection of Children’s Rights enacted on December 22, 2010 also stipulates that children aged 14 or older shall be entitled to aid from a lawyer (Article 50). According to the findings from a survey of North Korean defectors who entered South Korea from March to October 2010, 35.4 percent knew that a person subject to a trial has the right to defense by a lawyer of his choice; 57.3 percent lacked such knowledge; 7.3 percent did not answer.

Figure III-9 Awareness among North Korean Residents of Their Right to Counsel¹⁸⁹



In principle, a lawyer must be present in court examination (Article 275 of the Criminal Procedure Law). During court examination, the lawyer shall ensure that the real facts of a criminal case are clearly revealed, the accused party's acts are adequately analyzed and evaluated, and his legal rights are thoroughly safeguarded (Article 278). People who recently fled North Korea testify that lawyers appear in legal proceedings mostly. Even when lawyers present themselves in litigation, however, they neither aid nor defend the accused substantively. As a natural consequence, North Korean people are unable to properly recognize the role of lawyers.

189_Keum-soon Lee and Hyun-joon Chon, *A Study on North Koreans' Awareness of Human Rights* (Seoul: KINU, 2010), p. 79.

Table III-27	Cases Where a Legal Assistance was Not Given in Court	
Testimonies	Testifier ID	
When the defector was tried in Onsung County, North Hamgyong Province in 2007 for circulation of video recordings, a lawyer did not argue the case for him.	NKHR2010000074 2010-04-20	
The defector said: "Lawyers in North Korea were not for people who committed crimes. Lawyers told what judges demand, currying favor with them. They did not and could not say even a word in defense of the detainee. I watched trials myself and felt that lawyers were unnecessary."	NKHR2011000148 2011-06-28	

Some North Korean defectors, however, said that lawyers made statements in their favor.

Table III-28	Cases Where a Legal Assistance was Given in Court	
Testimonies	Testifier ID	
In August 2009, the defector was tried at the Hyesan People's Court on charges of "border crossing." His lawyer defended him, requesting that his status as a student (seventeen years old at the time) be considered.	NKHR2010000018 2010-10-05	
In May 2006, the defector was tried at the Hyesan People's Court for watching/distributing videos. He was sentenced to three years' correctional labor penalty, but his lawyer defended him by saying, "Let us reconsider [the penalty] as he is young." The sentence, as a result, was reduced to one-year labor training penalty.	NKHR2012000032 2012-03-13	
When the defector was tried, his lawyer defended him by pleading for commutation of his sentence.	NKHR2013000186 2013-10-17	

(2) Roles and Duties of Lawyers

A lawyer has a duty of "ensuring accurate handling of a criminal case and guaranteeing the rights of a person suspected or accused of a crime according to law" (Article 59 of the Criminal Procedure Law). In the event a lawyer gains the knowledge that the rights

of a person suspected or accused of a crime are not being guaranteed, he may submit his opinion to a prosecutor or court (Article 73). The Lawyer's Law (enacted on December 23, 1993) also sets forth the rights and obligations of lawyers by stating, "When a lawyer serves as counsel in a criminal case at the request of a person suspected or accused of a crime or as commissioned by a court, he shall disclose the facts of the case thoroughly, help judges conduct an accurate analysis and render a fair decision, and guarantee the rights of a person suspected or accused of a crime" (Article 12).

In reality, however, North Korean lawyers are mandated to uphold and carry through the policy of the state or the KWP, rather than protect the rights and interests of individuals. The Lawyer's Law sets forth the duties of lawyers by stating, "Lawyers shall interpret the state's laws and regulations for people and help people comply with them" (Article 11). This implies that lawyers in North Korea are obligated to ensure that the policy of the KWP and the government is institutionalized among the people for seamless execution. Accordingly, the role of a lawyer is more of persuading or inducing a suspect to admit his guilt than defending him. Furthermore, Article 6 of the Lawyer's Law guaranteeing independent activities by lawyers conflicts with Article 8 thereof, which provides that a lawyer "shall engage in activities under guidance of the appropriate lawyers committee." Lawyers' associations of different levels are supposed to routinely guide and control the activities by lower-level committees and lawyers (Article 30, paragraph 4 of the Lawyer's Law).

A North Korean scholar underscores that while lawyers guarantee the legal rights and interests of the accused in criminal trials in North Korea, the essence of their activities is to cooperate with

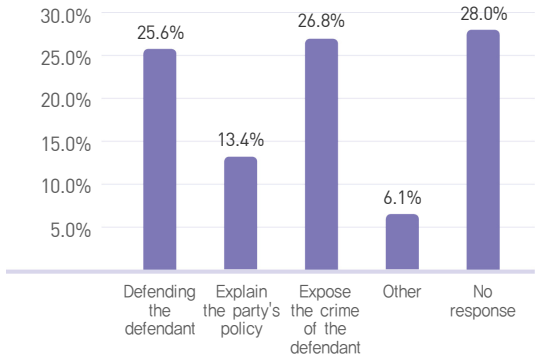
the judicial organizations in criminal proceedings and achieve judicial policy of the KWP:

“In criminal trials in the Republic, lawyers’ activities are intended to guarantee the legal rights and interests of the accused in response to criminal prosecution. However, lawyers’ activities in the Republic’s criminal trials are not simply aimed at protecting or advocating the accused, but aiding and cooperating with courts for correct resolution of cases …. Ultimately, their activities are designed to provide assistance to courts so that all cases may be handled in accordance with the KWP’s policy and legal requirements based on law epitomizing the state’s intentions, not to merely champion the rights and interests of the accused at their will.”¹⁹⁰

In a 2010 survey of North Korean defectors, 25.6 percent answered that a lawyer plays the role of “defending a suspect” while 13.4 percent said that a lawyer “explains the policy of the KWP.” Respondents who replied that a lawyer “exposes the criminal conduct of a suspect” accounted for 26.8 percent. Those who gave “other responses” or did “not reply” equaled 6.1 percent and 28.0 percent, respectively. As shown above, the percentage of people who regard a lawyer’s role as disclosing a suspect’s crime or expounding the KWP’s policy, not speaking for and defending a defendant, was as high as 40.2 percent.

190_Yong-tae Yu, “The Nature of Lawyer Activities in the Republic’s Criminal Trials,” *Political and Legal Study*, No. 2006-1 (Scientific Encyclopedia Publishing, 2006), pp. 28~29.

Figure III-10 The Role of Legal Counsel in North Korea¹⁹¹



(3) Right of Access to a Lawyer

To receive assistance from a lawyer, the right of access to a lawyer must be guaranteed. The North Korean Criminal Procedure Law stipulates, “A selected lawyer may contact and converse with a person suspected or accused of a crime. A pre-trial investigator, judge and court shall allow a lawyer and a person suspected or accused of a crime to meet each other if requested by either of them” (Article 69). In addition, the North Korean Lawyer’s Law provides that a lawyer is entitled to converse or correspond with a person suspected or accused of a crime (Article 9, paragraph 1). Although the right of access to a lawyer is exercised in some cases, it seems to be perfunctory.

191_Keum-soon Lee and Hyun-joon Chon, *A Study on North Koreans’ Awareness of Human Rights*, p. 80.

Table
III-29

Cases Where an Access to a Lawyer was Given before a Trial

Testimonies	Testifier ID
When the defector was being investigated at a local MPS detention center in Musan County in 2007, somebody came to him and said, "Were you beaten? If yes, file a complaint." The defector is not sure whether he was a lawyer or not, but contacting a lawyer is simply a cursory event.	NKHR2012000089 2012-05-22
When the defector was in a detention center in February 2007, a lawyer visited him.	NKHR2012000087 2012-05-22
The defector was tried in a court in Daehungdan County, Yanggang Province on December 1, 2011 on charges of illegal river-crossing. During his pre-trial period, he contacted a lawyer.	NKHR2013000027 2013-02-05
During his pre-trial period, a lawyer visited the defector and asked him whether his "(crime-related) records are true and correct" and whether he "sustained any injury during the pre-trial period."	NKHR2012000095 2012-05-29
Although a lawyer visited the defector once and asked him whether he was beaten, he could not tell the lawyer the truth because guards were next to them, listening to the conversation.	NKHR2012000184 2012-09-11

G Infringement on 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.

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 Korean Criminal Law. 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.¹⁹² Kenneth Bae had also declined legal assistance.¹⁹³

192_Euna Lee, *The World is Bigger Now* (New York: Broadway Books, 2010), p. 187.

193_Korean Central News Agency, May 9, 2013.

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.¹⁹⁴ 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.¹⁹⁵ The Swedish embassy staff was also present at the trial of Gomes.¹⁹⁶ Also, in the case of Kenneth Bae, the Swedish embassy staff interviewed him on behalf of the U.S.¹⁹⁷ 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 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

194_ Kyu-Chang Lee and Gwang Jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, pp. 33~34.

195_ *Ibid.*, pp. 35~36.

196_ *Korean Central News Agency*, April 7, 2010.

197_ *Voice of America*, June 1, 2013.

consul.¹⁹⁸ 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 and municipality directly under central authority 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, paragraph 5 of the ICCPR).

Fifth, North Korean authorities appear to have applied Criminal Law provisions arbitrarily. Euna Lee and Laura Ling were sentenced to 12 years of correctional labor penalty based on ‘hostility to the North Korean people’ (Article 69) and ‘illegal entry’ (Article 233).

198_Kyu-Chang Lee and Gwang Jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, p. 36.

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 defectors) 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.”¹⁹⁹ However, this argument is wrong; because according to North Korea’s Criminal Law, ‘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 Criminal Law 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.²⁰⁰ 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 Criminal Law, North Korea discriminated against these foreigner compared to North Korean citizens.²⁰¹ It is not known whether or not a ‘special *kyohwaso*’ is different from a ‘regular *kyohwaso*,’ or, whether the ‘special center’ is designed

199_ *Korean Central News Agency*, June 16, 2009

200_ Kyu-Chang Lee and Gwang Jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, pp. 18~19.

201_ *Korean Central News Agency*, May 15, 2013.

exclusively to house foreigners.²⁰² 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 defectors 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 correctional labor 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.²⁰³ 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 ordinary prison camp (*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 holding centers (*jipkyulso*), detention centers, labor training camps (*rodongdanryundae*), or ordinary prison camps (*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

202_ *Voice of America*, June 1, 2013.

203_ Euna Lee, *The World is Bigger Now*, pp. 212~254.

guest-house clearly was not 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.

4

Right to Equality

The UDHR states, “All are equal before the law and are entitled without any discrimination to equal protection of the law” (Article 7). The ICCPR and ICESCR also prohibit “discrimination of any kind.” The right to equality is closely associated with non-discrimination which, together with equality before the law and the right to equal treatment under the law, constitute the basic principles of human rights protection.²⁰⁴

Table III-30	International Human Rights Norms against Discrimination
Article 7 of the UDHR	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.
Article 2, paragraph 2 of the ICESCR	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.
Article 2, paragraph 1 of the ICCPR	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.

204_ Human Rights Committee, “General Comment No. 18: Non-discrimination,” (1989), para. 1.

Article 26 of
the ICCPR

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.

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 (Persons with Disabilities) of Chapter V.

A Discrimination by *Songbun* and Class

(1) Categorization of Citizens by *Songbun* and Class

North Korea claims that their people have de jure rights and equal rights as their Constitution states that “Citizens enjoy equal rights in all spheres of State and public activity” (Article 65). With a series of citizen registration programs carried out following Korea’s liberation from Japanese colonial rule, North Korea has divided its people into three classes and 56 categories and then separately into 25 types of personal background (*songbun*).²⁰⁵

205_ It has been previously known that North Korea had three classes: the core class, the wavering class, and the hostile class. *The Reference Book for Citizen Registration Projects (Strictly Confidential)*, published in 1993 by the Press of the Ministry of Social Security (currently called the Ministry of People’s Security) shows that it uses the three classes of the basic masses, the complex masses, and remnants of the hostile class, which are then subdivided into 56 categories. Twenty-five *songbuns* are also used for classification purposes (Kim Sang-son & Ri, Sang-hui, *The Reference*

The regulations on *songbun* and class are aimed at: “Isolating hostile elements and serve the majority of the people.” North Korea requires that one’s *songbun* be “accurately defined on the basis of extensive research on the economic conditions at the time of his/her birth; the class *songbun* of his/her family and its influence; his/her own social and political activities; the particularities of our nation’s historical development and class relations; and class policies that the Party has implemented at each phase of the Revolution.” *Songbun* is divided into two types: Family background (*chulsin songbun*) and social background (*sahoe songbun*). One’s *songbun* serves as basic data for determining his/her class.²⁰⁶ There are three classes: the basic masses, the complex masses, and remnants of the hostile class. These classes are divided again into 56 categories.

The basic masses, first of all, are defined as: “Those from the basic class who have always dedicated themselves at each phase of the Revolution, with single-minded commitment, to fight for our Great Leader, Comrade Kim Il-sung, and our Supreme Commander, Comrade Kim Jong-il, and will resolutely continue their struggle

Book for Citizen Registration Projects (Strictly Confidential) (Pyongyang: Ministry of Social Security Press, 1993). This book became the basis of Hyun In-ae’s thesis, “A Study on North Korea’s Citizen Registration System” (master’s thesis, Department of North Korean Studies, Ewha Women’s University, 2008), which this *White Paper* has referred to in discussing issues regarding *songbun* and class, as we have been unable to have direct access to Kim & Ri’s book.

206_ One’s family background is determined by the profession that his/her parents had for the longest period of time from his/her time of birth to the point of time when he/she enters a social occupation. If the parents had several jobs for similar periods of time, the child’s family background is defined by what had the most significant impact on the child’s development of values. Social background, on the other hand, is determined by the profession that one has had for the longest period of time. Likewise, if he/she had several jobs for similar periods of time, the one that had the most significant impact on his/her values will become the basis of the person’s social background.

under the banner of Kim Il Sung–Kim Jong Ilism.” They are grouped again into 13 categories, including revolutionaries; families or bereaved families of revolutionaries; honored veterans; those who knew Kim Il–sung or Kim Jong–il, or are otherwise recognized by the Party’s Central Committee (*jopgyonja*); discharged soldiers; and families of the war dead and civilians who died during the war.

The complex masses are: “Those with politically complex issues in terms of class background, socio–political activities, and family circumstances.” They are classified into 31 categories, including draft dodgers from the Korean People’s Army (KPA); repatriated soldiers; those who cooperated with reactionary groups; those who served in Japanese organizations before liberation; liberation soldiers; discharged construction workers; defectors to the North; and former political prisoners.

The remnants of the hostile class are defined as: “Traitors to the nation who sold off the State and the nation to the remnants of the overthrown exploiting class, Japanese imperialists, and American imperialists.” They are subdivided into 12 categories including: landowners; rich farmers; comprador capitalists; pro–Japanese collaborators; pro–American collaborators; factionalists; spies; and merchants.

Table III-31

Classification of North Korea's Residents by *Songbun* and Class

Class and <i>songbun</i>	Category (56 in total)
Basic masses	1. Revolutionaries; 2. Families of revolutionaries; 3. Bereaved families of revolutionaries; 4. Honored veterans wounded in service; 5. Honorary veterans wounded in action; 6. <i>Jopgyonja</i> ; 7. National heroes; 9. Discharged soldiers; 10. Families of the war dead; 11. Families of civilians who died during the war; 12. Families of patriots who sacrificed for socialism; 13. Others (Members of the core masses, including those who have long worked faithfully and played a leading role, always committed to serving the Party at the revolutionary guard post entrusted to them by the Party; and laborers, farmers, soldiers, and intellectuals with sound class background, family circumstances, and socio-political activities)
Three key classes	1. Draft dodgers from the KPA; 2. Deserters from the KPA; 3. Repatriated soldiers; 4. Repatriated citizens; 5. Those who cooperated with reactionary groups; 6. Those who served in Japanese organizations before liberation; 7. Liberation soldiers; 8. Discharged construction workers; 9. Defectors to the North; 10. Personnel associated with No. 10 Guerilla Operations Area; 11. Personnel associated with Kumgang School; 12. Former political prisoners; 13. Religious personnel; 14. Families of defectors to South Korea; 15. Families of the executed; 16. Families of the arrestees; 17. Families of former political prisoners; 18. Families of non-repatriated POWs; 19. Families of defectors overseas; 20. Families of landowners; 21. Families of rich farmers; 22. Comprador capitalists; 23. Pro-Japanese collaborators; 24. Families of pro-American collaborators; 25. Evil religious personnel; 26. Families of factionalists; 27. Families of those complicit with factionalists; 28. Families of spies; 29. Families of agricultural foremen; 30. Families of entrepreneurs; 31. Families of merchants
Remnants of the hostile class	1. Landowners 2. Rich farmers; 3. Comprador capitalists; 4. Pro-Japanese collaborators; 5. Pro-American collaborators; 6. Evil religious personnel; 7. Factionalists; 8. Those complicit with factionalists; 9. Spies; 10. Agricultural foremen; 11. Entrepreneurs; 12. Merchants
<i>Songbun</i> (25 in total)	1. Revolutionaries; 2. Professional revolutionaries; 3. Laborers; 4. Soldiers; 5. Farmhands; 6. Poor farmers; 7. Farmers; 8. Farm managers; 9. Mid-sized farmers; 10. Better-off mid-sized farmers; 11. Agricultural foremen; 12. Rich farmers; 13. Landowners; 14. Office workers; 15. Students; 16. Craftsmen; 17. Foremen; 18. Small- and mid-sized entrepreneurs; 19. Converted businessmen; 20. Entrepreneurs; 21. Petit-bourgeois; 22. Small- and mid-sized merchants; 23. Merchants; 24. Religious personnel; 25. Those who served in Japanese organizations before liberation

Source: See Hyun In-ae, "A Study on North Korea's Citizen Registration Programs," pp. 31~35.

North Korean authorities strictly control their people based on this class and *songbun* classification system; any movement between classes is also controlled. One who makes a brilliant achievement, for example, may see his class upgraded from “remnants of the hostile class” to “the complex masses,” but it is virtually impossible to climb all the way up from “remnants of the hostile class” or “the complex masses” to “the basic masses.” These “remnants of the hostile class” and “the complex masses” face discriminatory treatment across the entire spectrum of social life from employment, education, residence, and medical benefits.

As stated above, North Korean authorities define the value of individuals based on his/her personal background.²⁰⁷ Based on one’s background, the entire population is categorized into classes and treated differently. Therefore, this policy is a clear violation of both the ICCPR and ICESCR.

(2) Social Discrimination by *Songbun* and Class

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.²⁰⁸

207_ 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.

208_ 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.

North Korea requires extensive investigation and documentation on the families and relatives of all citizens under the pretext of “citizen research” (*jumin yohaeh*). “In our citizen research,” it explains, “It is impossible to accurately evaluate individual citizens if we simply explore their class background and socio-political activities while overlooking their relations with all their family members and relatives.” In principle, its citizen research targets everyone without exception. The scope of citizen research by person can be summarized as follows: (a) Immediate family – grandfather, father, mother, son, daughter (son-in-law), grandson, elder brother, younger brother/sister, nephew, elder sister, brother-in-law, niece, uncle, cousin, and cousin’s child or great-uncle’s child; (b) In-laws – wife’s parents and brother; and (c) aunt, and aunt’s husband. Those classified as “remnants of the hostile class” are subject to more rigorous research. In this case, regardless of relational distance, all family members and relatives should be researched. From this perspective, North Korea states: “Research should be made even on all the family members and relatives that fall into the scope of research but are effectively nonexistent, including those who are dead, those who fled to another country, those whose whereabouts are unknown, and those that have been executed.”²⁰⁹

Discrimination by class based on the guilt-by-association system is more strictly applied to separated families. North Korea has classified these families—a huge group accounting for 25~30 percent of the total population—as defectors to South Korea often known as “traitors,” or “families of traitors,” treating them as part of the complex masses. They are still denied their basic rights or face

209_Hyun In-ae, “A Study on North Korea’s Citizen Registration Programs,” p. 25.

various disadvantages, due to the wrongdoings of their ancestors from long ago, under Japanese colonial rule or during the Korean War. If one has a family member who served as a South Korean civil police agent during the Korean War or was a former POW, he/she may be exiled to a remote area, or to a coal mine or lumber mill, where he/she will be forced into hard physical labor. South Korean POWs, in particular, reportedly suffer severe discrimination in terms of *songbun*. Not just the POWs themselves but also their family members and children are subject to surveillance and face numerous disadvantages in employment and social life.²¹⁰

Despite these problems, North Korean authorities have yet to officially acknowledge social discrimination against their citizens under the *songbun* policy.

(3) Political or Institutional Discrimination by *Songbun* and Class

North Koreans nowadays place great emphasis on financial ability and wealth. In addition, corruption is spreading all across society. Against this backdrop, it seems that one's *songbun* or class is deemed relatively less important than before. Some have even testified that one can change his/her *songbun* and class through bribery.

210_NKHR2014000179 2014-10-21.

Table III-32 Cases of Changing *Songbun* and Class by Bribery

Testimonies	Testifier ID
A North Korean defector who fled to South Korea in April 2010 testified that people can change their background by bribing and fabricating documents.	NKHR2011000243 2011-11-22
A North Korean defector who fled to South Korea in September 2011 testified that people who had a defector 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 2011-12-20

However, *songbun* and class still has a significant impact on one’s life in North Korea. We conducted surveys on North Korean defectors who entered the South over the last five years (2010~2014), asking them to express the perceived level of discrimination by *songbun* and class in North Korea on a five-tier scale. In our 2010 survey, 64 percent of the respondents believed such discrimination in North Korea was “severe” (with “very severe” included), followed by 64 percent in 2011, 67 percent in 2012, 54 percent in 2013, and 67 percent in 2014. With the year 2013 as an exception, 64~67 percent of those surveyed each year believed that discrimination on the basis of *songbun* and class categorization was severe, implying that such discrimination has continued over time.²¹¹

211_The statistics in the 2014 edition of the *White Paper* on Human Rights in North Korea differ from what is found in the 2015 edition. This is because the results from interviews with North Korean defectors who entered South Korea in 2014 were incorporated into the statistics. The same applies to the rest of the statistics herein.

Table III-33 Levels of Discrimination Based on *Songbun* and Class (Unit: frequency)

Year of Defection	Very Severe		Severe		Normal		Weak		Very Weak		Total	
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%
2010	33	40.43	20	22.34	12	15.96	16	19.15	2	2.13	83	100
2011	42	25.29	67	42.35	28	17.06	23	13.53	3	1.76	163	100
2012	35	19.7	80	44.44	25	13.64	39	21.21	2	1.01	181	100
2013	13	14.39	35	40.15	16	19.7	24	22.73	1	3.03	89	100
2014	9	14.75	32	52.46	10	16.39	10	16.39	0	0	61	100

In an effort to clarify the levels of discrimination based on *songbun* and class, another survey was conducted focusing on areas such as employment as an official, party membership, college admission, and job assignment.

- Employment as an Official

One's *songbun* and class play a significant role in joining political authorities like Party organizations, the SSD, or the MPS and becoming a member of the senior staff. North Korean defector XXX testified that anyone who had connections with South Korea cannot join any of the party positions, even though background considerations were largely relaxed.²¹² Defector XXX testified that personal background was still important in hiring party officials, even though money (bribery) can play an important role.²¹³ However, personal background is relatively less important in hiring lower level positions or administrative workers.

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212_ NKHR2014000013 2014-03-04.
 213_ NKHR2014000017 2014-03-18.

We will now look at related examples: North Korean defector XXX said he belonged to a martyr's family. The grandfather and his brothers, their children, and even their grandchildren mostly had good professions such as members of Party staff. His father worked for a school, but he received as good a house as the party secretary, where a phone was also installed.²¹⁴ North Korean defector XXX, on the other hand, said that her younger brother learned aviation skills in the military and was chosen as a pilot, but this arrangement was later cancelled by the Political Department, citing that it was impossible for someone with parents from South Korea to become a pilot.²¹⁵

All this suggests that the extent of discrimination based on *songbun* and class varies by the characteristics, type of work, and responsibilities of organizations hiring senior staff. Especially in the case of political and general administrative workers, representing Party organizations and key political authorities, respectively, it seems that people face different levels of discrimination by *songbun* and class in the selection of senior staff. The KINU interviewed North Korean defectors from 2010 to 2014 to understand the extent of discrimination by *songbun* and class in the selection of senior staff, and the results do indicate such discrepancies. For political workers, the combined percentage of respondents who viewed the level of discrimination by *songbun* and class as “very severe” and “severe” has been overwhelming. With 98.59 percent in 2010, 100 percent in 2011, 98.95 percent in 2012, 96.95 percent in 2013, and 95.31 percent in 2014. In the case of administrative workers, in contrast, the figures were 20 percent in 2010, 16.21

214_NKHR2009000011 2009-03-03.

215_NKHR2014000073 2014-06-17.

percent in 2011, 22,02 percent in 2012, 43,3 percent in 2013, and 58,73 percent in 2014, implying they face relatively less discrimination than their political counterparts. Even if sampling errors are taken into account, it is noteworthy that the level of discrimination among administrative workers is also on the rise.

Table III-34-1 Levels of Discrimination by *Songbun* and Class in the Selection of Senior Staff (Political Workers) (Unit: frequency)

Year of Defection	Very Severe		Severe		Normal		Weak		Very Weak		Total	
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%
2010	56	78,87	14	19,72	1	1,41	0	0	0	0	71	100
2011	106	72,11	41	27,89	0	0	0	0	0	0	147	100
2012	130	68,42	58	30,53	2	1,05	0	0	0	0	190	100
2013	97	73,46	31	23,49	2	1,52	2	1,52	0	0	132	100
2014	40	62,5	21	32,81	3	4,69	0	0	0	0	64	100

Table III-34-2 Levels of Discrimination by *Songbun* and Class in the Selection of Senior Staff (Administrative Workers) (Unit: frequency)

Year of Defection	Very Severe		Severe		Normal		Weak		Very Weak		Total	
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%
2010	3	12	2	8	11	44	7	28	2	8	25	100
2011	1	2,7	5	13,51	14	37,84	15	40,54	2	5,41	37	100
2012	3	9,09	4	12,12	14	42,42	11	33,33	1	3,03	33	100
2013	6	6,19	36	37,11	30	90,93	15	15,46	10	10,31	97	100
2014	10	15,87	27	42,86	13	20,64	10	15,87	3	4,76	63	100

- Party Membership

North Korean defectors testified that from the mid-2000s, people could join the party by discreetly providing bribes, even if they had unfavorable *songbun* and class. Similar testimonies continue today.

Table III-35 Cases of Getting Party Membership by Bribery

Testimonies	Testifier ID
A North Korean defector, 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 2011-07-26
North Korean defector 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 2011-09-20
A North Korean defector 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 2011-10-04

Nevertheless, the outcome of our interviews suggests that the *songbun* and class of would-be Party members play a crucial role. Among the North Korean defectors who defected in 2014, 64.06 percent of those surveyed said discrimination by *songbun* and class was “severe” (including “very severe”) when seeking to gain Party Membership.

Table III-36 Levels of Discrimination Based on *Songbun* and Class When Becoming a Party Member (Unit: frequency)

Year of Defection	Very Severe		Severe		Normal		Weak		Very Weak		Total	
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%
2010	39	47.78	17	22.22	11	13.33	11	13.33	2	3.33	80	100
2011	52	32.77	52	31.64	31	18.08	22	13	8	4.52	165	100
2012	56	29.56	63	34.48	29	15.76	24	14.78	9	5.42	181	100
2013	19	18.25	40	43.8	9	10.95	21	21.9	1	5.11	90	100
2014	17	26.56	24	37.5	5	7.81	12	18.75	6	9.4	64	100

The families of defectors to South Korea and South Korean civil police agents during the Korean War, former detainees of political prison camps (*kwanliso*)²¹⁶, and attempted defectors to South Korea²¹⁷ are not allowed to join the Party.

Some North Korean defectors said that as the advantages of Party membership have decreased nowadays, many people no longer wish to join the Party if they have to offer bribes.²¹⁸ It was also testified that, since the Arduous March in the 1990s, the need for Party membership has declined. Some Party members even hope to return their membership cards, as the value of these cards has plunged.²¹⁹ This is because they find it a burden to be a member of the Party and engage in its activities, as they restrain their relatively free economic/business activities.

- College Entrance, Job Assignment

For college admission and job allocation, the degree of discrimination by *songbun* and class is relatively light, but it does have a huge impact on one's career and social prospects. North Korean defector XXX suffered continued discrimination as his father had served as a South Korean civil police agent during the Korean War. At school, his friends would tease him by calling him "No. 49," and his teacher refused to write a letter of recommendation for him.²²⁰ North Korean defector XXX was selected as one of the candidates for the Military Academy during his military service

216_ NKHR2011000184 2011-08-16.

217_ NKHR2011000185 2011-08-16.

218_ NKHR2011000239 2011-11-22.

219_ NKHR2011000233 2011-11-08.

220_ NKHR2014000030 2014-04-15.

and underwent a *songbun* check. It turned out that his mother was once sent to ordinary prison camps (*kyohwaso*), and as a result, the defector could not join the Military Academy.²²¹ North Korean defector XXX also experienced discrimination in college admission and promotion as his relatives were missing in North Korea.²²²

When it comes to college admission, the extent of discrimination by *songbun* and class is shown to vary between central universities like Kim Il-sung University, the University of People's Economy, and the Pyongyang University of Foreign Studies, and general universities at provincial and city levels. The KINU's surveys of North Korean defectors from 2010 to 2014 point out that discrimination at central universities was generally higher. In 2010, 63.33 percent of respondents chose "very severe" or "severe," followed by 53.4 percent in 2011, 67.17 percent in 2012, 76.92 percent in 2013, and 57.41 percent in 2014. As for general universities at provincial levels, on the other hand, an overwhelming number of respondents said the level of discrimination was "minor" or "very minor" (78.79 percent in 2010; 93.06 percent in 2011; 85.9 percent in 2012; 66.67 percent in 2013; and 54.23 percent in 2014). This illustrates that discrimination based on *songbun* and class proves a more challenging obstacle for aspiring applicants of central universities, as they offer greater possibilities to join Party organizations and key political authorities. For students wishing to enter general universities, whose graduates usually go for local administrative authorities or lower-ranking positions, the level of discrimination seems to be relatively low.

Meanwhile, the respondents were also asked how high they felt

221_NKHR2014000079 2014-07-01.

222_NKHR2014000019 2014-03-18.

the level of discrimination by *songbun* and class was while seeking to land a job. With the exception of 2010, there were more respondents from 2011 to 2014 who thought such discrimination was “minor” or “very minor” than those choosing “very severe” or “severe.” This means *songbun* and class are still important in job assignments, while the further marketization of North Korean society and the growing role of bribery and human networks are driving changes.

Table III-37-1		Levels of Discrimination by <i>Songbun</i> and Class in College Admission (Central Universities)											
Year of Defection	Very High		High		Average		Low		Very Low		Total		
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	
2010	18	30	20	33.33	22	36.67	0	0	0	0	60	100	
2011	21	20.39	34	33.01	47	45.63	1	0.97	0	0	103	100	
2012	22	16.42	68	50.75	42	31.34	2	1.49	0	0	134	100	
2013	47	40.17	43	36.75	18	15.39	8	6.84	1	0.85	117	100	
2014	17	31.48	14	25.93	11	20.37	11	20.37	1	1.85	54	100	

Table III-37-2		Levels of Discrimination by <i>Songbun</i> and Class in College Admission (General Universities)											
Year of Defection	Very High		High		Average		Low		Very Low		Total		
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	
2010	1	3.03	1	3.03	5	15.15	17	51.52	9	27.27	33	100	
2011	0	0	3	4.17	2	2.78	54	75	13	18.06	72	100	
2012	2	2.56	4	5.13	5	6.40	44	56.41	23	29.49	78	100	
2013	0	0	17	18.28	14	15.05	47	50.54	15	16.13	93	100	
2014	4	6.78	7	11.86	16	27.12	19	32.20	13	22.03	59	100	

Table III-38 Levels of Discrimination Based on *Songbun* and Class at the Time of Job Assignment

Year of Defection	Very High		High		Average		Low		Very Low		Total	
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%
2010	3	3.7	27	37.04	17	27.16	13	16.05	11	16.05	71	100
2011	7	4.55	43	31.82	39	25.32	42	28.57	15	9.74	146	100
2012	12	8.11	52	29.19	40	22.7	46	27.03	21	12.97	171	100
2013	3	3.31	17	23.14	16	20.66	31	38.02	11	14.88	78	100
2014	4	7.23	17	30.91	10	18.18	11	20	13	23.64	55	100

(4) Social Discrimination Based on *Songbun* and Class in Court Sentences and Marriage

North Korea implements discriminatory measures on people according to *songbun* and class which can affect sentencing in court. For instance, *songbun* and class play a crucial role for criminals who are facing the death penalty in a final judgment on whether or not to reduce a sentence. Otherwise, criminals who have inferior backgrounds or origins, including orphans are usually sentenced to death without hesitation or consideration. People who have kept an eye on the cases of executions and other sentencing express that they are unfair and arbitrarily decided by authorities based on one’s background.

According to the testimony of Defector XXX, the suspect’s family records are returned from MPS from the suspect’s hometown if a criminal charged is deemed to be warranted during the investigation process at SSD. In determining the type of punishment, information on the suspect’s class background and socio-political activities, and the record of legal sanctions stated on his/her citizen ID card are used as reference. In short, a person’s family

background and class are taken as important factors in the imposition of punishments. If the suspect has many Party members in his/her family, the authorities may assume that the suspect can be reformed as his/her family environment is good. North Korean defector XXX shared his experience of witnessing a “security meeting” before a trial. These meetings determine the fate of the accused, so by presenting a certificate of patriotic martyrdom during the security meeting, the defector proved that he was a member of a patriotic martyr’s family and was able to reduce his prison term.²²³

In our interviews with North Korean defectors who escaped in 2014, 44.82 percent of respondents said discrimination by *songbun* and class upon marriage was “severe” (including “very severe”) while 36.21 percent chose “minor” (including “very minor”). *Songbun* and class play an important role in marriage between individuals, as one’s career and prospects are affected by the spouse’s *songbun* and class.

Table III-39

Levels of Discrimination Based on *Songbun* and Class in Terms of Marriage

Year of Defection	Very High		High		Average		Low		Very Low		Total	
	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%	Events (Persons)	%
2010	9	14.29	24	28.57	11	17.86	22	27.38	8	11.91	84	100
2011	9	5.96	50	37.75	37	24.5	33	22.52	14	9.27	151	100
2012	9	5.88	56	35.29	46	25.13	35	20.86	23	12.83	187	100
2013	5	6.5	23	34.15	19	17.89	23	25.2	11	16.26	123	100
2014	5	8.62	21	36.21	11	18.97	10	17.24	11	18.97	58	100

223_NKHR2009000066 2009-11-11.

(5) *Songbun* and Class Based Discrimination in Housing

North Korea assigns housing to people based on their *songbuns* and classes and takes action on relocating people from one place to another. The North Korean authorities fear the possibility that people with unfavorable *songbuns* and classes, 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 *songbuns* are not allowed to live in Pyongyang, Nampo, near the coast or in other sensitive areas.

Even those with great *songbuns* or classes are often deported from Pyongyang or other cities and relocated to remote areas due to the wrongdoings of their families or relatives. North Korean defector XXX said such people deported/relocated from Pyongyang are called “Pyongyang evacuees.” Often times, these people are severely disdained and discriminated against by local residents.²²⁴ People who were relocated due to bad *songbuns* or low classes cannot be senior Party staff or agents of law enforcement authorities. The best option they have is to become low-ranking administrative workers.

Meanwhile, North Korean authorities discriminate Pyongyang residents more strictly by *songbun* and class. 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;

224_NKHR2012000014 2012-01-31.

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 *songbun* and class of each individual before granting the permit to live in Pyongyang. Even those living in Pyongyang are divided into three categories by *songbun* and class and face discriminatory treatment. 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 the grouping based on *songbun* and class, 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 cannot enjoy soundly the same benefits that 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).

The discrimination between Pyongyang and the other regions is 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, only the citizens of Pyongyang receive Pyongyang citizenship cards, which grant them special status that ensures better treatment than residents of other regions. This Pyongyang Citizen ID Card is issued only to Pyongyang citizens above the age of 17 (Article 7 of Citizen Registration Law). In addition, there are extra-legal, social discriminations. First, the level of freedom of travel is different. Access to Pyongyang, in effect, is granted on a discriminatory basis, as those living in other cities, provinces, or rural areas face complicated procedures and various restraints. On the other hand, Pyongyang citizens are known to given more freedom to move to other cities or provinces. Second, discrimination based on *songbun* and class also affects the distribution of food. Grain produced at collective farms are first purchased by the government or taken as military rice before distribution to farm workers. Even the food rations for workers are being assigned in a differential manner, with more important factories and businesses being prioritized. The rationing system is structured around male householders, so the right to food is relatively less protected for women and children as dependents.

(6) 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 defectors, families with relatives or friends in China, returnees (repatriated Koreans from Japan), Chinese residing in North Korea. As for the discrimination 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 defectors testified that there is discrimination against those who have attempted defection or illegally crossed the border. North Korean authorities treat defectors as missing persons. Those who are associated with a defection or a missing person are not admitted into the party or the military. In particular, North Korean authorities classify those with a family member who escaped to the South as the lowest class of all and employ severe discrimination against them. The defection of a family member serves as the biggest factor in *songbun* and class categorization.²²⁵ Summarized below are recent cases of discrimination in the face of stronger crackdowns and punishments.

225_NKHR2013000209 2013-11-26.

Table III-40	Cases on Discrimination due to Defection	
	Testimonies	Testifier ID
	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 2013-08-20
	A North Korean defector 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 2011-03-08
	A North Korean defector testified that he/she could not become a party member because his grandmother, mother, and aunt were missing persons.	NKHR2011000155 2011-07-05
	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 political prison camps (<i>kwanliso</i>) or ordinary prison camps (<i>kyohwaso</i>) on charges of attempting to flee to South Korea, the status will be gravely affected.	NKHR2013000023 2013-02-05
	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 2013-04-16
	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 2013-04-30
	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 cannot join games abroad.	NKHR2013000085 2013-04-30
	One cannot join the army if a family member is missing.	NKHR2013000100 2013-05-28
	Because my mother went missing, I could not join the army or go to college.	NKHR2013000131 2013-07-09
	The defector was discriminated against in college admission and promotion, as his relatives were missing (although his aunts are actually living in China and Korea). His father could not gain Party membership for the same reason.	NKHR2014000019 2014-03-18
	The defector originally had a preferred <i>songbun</i> and class, but the escape of his aunt in 2004 made it impossible for him to become a legal worker, which was why he decided to leave the army.	NKHR2014000077 2014-07-01

- Criminal Record

Many defectors testified that people would be discriminated if family members or relatives were sent off to political prison camps (*kwanliso*) or ordinary prison camps (*kyohwaso*). If this happened, the individual would be discriminated in marriage, college education, promotion, and military service.

Table III-41	Cases of Discrimination due to Detentions or Political prison camps (<i>kwanliso</i>)
Testimonies	Testifier ID
My uncle went to a political prison camp (<i>kwanliso</i>), and my cousin went missing, and so I could not advance to graduate school.	NKHR2013000164 2011-07-12
I was discriminated because I had been to a ordinary prison camp (<i>kyohwaso</i>) and my brother was detained in a political prison camp (<i>kwanliso</i>).	NKHR201100244 2011-11-22
Since my uncle had a ordinary prison camp (<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 2013-10-01
One cannot work at Gaeseong Industrial Complex if one had been to a labor training camp (<i>rodongdanryunda</i>).	NKHR2013000194 2013-10-29
I was selected by Section 5 of the Party, but because my father defected after detention in a ordinary prison camp (<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 2013-12-10
The defector sought to get into college, but he was not admitted on the grounds that he was a family member of a political prisoner. He was eventually assigned to a farm.	NKHR2014000036 2014-04-15
As the defector's aunt was sent to a political prison camp (<i>kwanliso</i>), the family background of the entire family was downgraded. As a result, one of his relatives, who was working as an officer at the Wisu Military Police in Pyongyang, was reassigned to an ordinary military unit in Nampo.	NKHR2014000077 2014-07-01
The defector's brother could not become Party staff because their grandfather was detained at a political prison camp (<i>kwanliso</i>).	NKHR2014000084 2014-07-01

- North Koreans with relatives and friends in China

Some North Koreans are discriminated in party membership, college admissions, promotion to managerial officials, or marriage simply because they have relatives or acquaintances in China or because one or both parents are Chinese. In addition, those with relatives in China cannot be admitted to the MPS and SSD.

Table III-42	Cases of Discrimination due to Family and Relatives in China	
	Testimonies	Testifier ID
	A North Korean defector 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 2011-05-31
	A North Korean defector 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 2010-08-10
	A North Korean defector 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 2011-02-22
	A North Korean defector testified that anyone who had relatives in China could not become a MPS officer or a SSD agent.	NKHR2012000059 2011-04-10
	A North Korean defector 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 2011-10-04
	My father could not become an official because my grandfather was from China.	NKHR2013000108 2013-06-11
	I was recommended to be a typist at Army 6th Corps, but was not selected because I had relatives in China.	NKHR2013000188 2013-10-17

- Returnees from Japan and Their Families

The treatment of “returnees” seems to vary by time and case. In some cases, the returnees (or repatriated former Korean Japanese compatriots) are treated with special favors. North Korean defector

XXX, who left North Korea in 2007, testified that North Korea gave special favors to the returnees by allowing them to live in Pyongyang.²²⁶ At the same time, other defectors 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 Hamgyoung Province,²²⁷ and the mother of defector XXX was assigned to Sechon Coal Mine.²²⁸

The table below shows how North Korean authorities have discriminated against returnees and their families.

Table III-43	Cases of Discrimination against Repatriated Families	
	Testimonies	Testifier ID
	A North Korean defector 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 2011-04-05
	A North Korean defector 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 2011-05-17
	A North Korean defector 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 2011-05-17
	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 2013-12-10

In the past, returnees were not hired as an official in the party or administrative positions, but in recent years they could obtain

226_ NKHR2011000046 2011-02-08.

227_ NKHR2010000056 2010-11-16.

228_ NKHR2011000099 2011-04-26.

administrative positions.²²⁹ Moreover, it was unclear whether the returnee himself could become a party member, but his/her children are allowed to do so.²³⁰ Difference in treatment seems to be due to the criteria for determining the need for and usefulness of individual returnees having changed over time.

- Chinese citizens and their families

According to North Korean defectors, North Korea operates special districts and schools for overseas Chinese.²³¹ Chinese merchants do not participate in any organized meetings, including political study sessions.²³² 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-44	Cases of Discrimination against Chinese Merchants and Families	
	Testimonies	Testifier ID
	A North Korean defector 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 2010-10-19
	A North Korean defector 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 2010-06-08

229_ Interview with North Korean defector XXX in Seoul on January 30, 2008.

230_ NKHR2012000054 2011-04-03.

231_ NKHR2011000073 2011-03-22.

232_ NKHR2013000095 2013-05-14.

Testimonies	Testifier ID
A North Korean defector 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 2010-10-19
A North Korean defector 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 2011-07-12
A North Korean defector 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 2011-07-26

B Corruption and Human Rights

(1) Right to Equality before the Law and Corruption

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, paragraph 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 Criminal Law and Administrative Penalty Law. Despite legal sanctions, however, corruption and bribery are widespread in the North

Korean society. According to North Korean Criminal Law, labor training penalties of six months to two years have been imposed for bribery, but the 2012 revision of the Criminal Law stipulates that a labor training penalty of only up to one year shall be imposed. 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-45	Comparisons of Penalty on Bribery under North Korean Criminal Law	
Old Criminal Law (2009.10.19)	Revised Criminal Law (2012.5.14)	
If a person, who is not a management worker, received bribery he/she would be punished with labor training penalty.	A person receiving a large amount of bribe will be given a labor training penalty up to a year.	
If the bribe is excessive, he will be given a correctional labor penalty up to 3 years (Article 242).	If the amount is excessive, the penalty will be correctional labor penalty up to 3 years. (Article 230)	
If a management worker received bribe, he/she will be put to a 2 year labor training penalty.	Related regulations deleted.	
If the bribe is excessive, or he demanded, he would be given correctional labor penalty (Article 257)		

(2) Corruption and Human Rights Violations

Control of the North Korean authorities over citizens has been consistent, although the intensity of such control may vary over time. They have primarily controlled the economic and market activities of their people in an effort to prevent the breakdown of social order amid marketization. North Korean citizens, in response,

have sought to break away from such control through bribery and various other means. Corruption among bureaucrats is also at serious levels. 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.²³³ 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. The amount of bribery is determined on a case by case basis.²³⁴

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.²³⁵ 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. 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.

233_ NKHR2013000006 2013-01-08.

234_ NKHR2013000055 2013-03-19.

235_ Transparency International, <www.transparency.org>.

- Corruption in the Process of Crackdown on North Koreans

Anti-socialist behaviors have increased as a result of the 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 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.²³⁶

In the process of checking and inspecting travellers, security agents sometimes demand money. For example, a soldier at a guard unit in Musan, North Hamgyoung 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.²³⁷ 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.²³⁸ 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.²³⁹ In some cases, people offer a good amount of bribe to

236_NKHR2009000064 2009-11-04.

237_NKHR2012000024 2012-02-21.

238_NKHR2012000118 2012-06-19.

the agent(s) and are able to talk to family members in South Korea without being penalized.²⁴⁰ These corrupt behaviors go against the principle of equity, but they are leveraged as an informal channel for North Korean citizens to fulfill their needs for free communication and access to information, potentially affecting their awareness of human rights.

- Corruption in Investigation and Pre-trial Procedures

Outsider visits during pre-trials at MPS detention centers also involve human rights infringements. In order to send any food to their family members detained during the pre-trial period, North Koreans must bribe security guards, pre-trial officers, or someone close to MPS officers. 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.²⁴¹

Some people bribe the agents during the investigation stage and are released after completing a self-criticism form.²⁴² 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

239_ NKHR2012000139 2012-07-10.

240_ NKHR2012000015 2012-02-07.

241_ NKHR2009000006 2009-02-05.

242_ NKHR2011000197 2011-06-06.

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 defector bribed an investigator. This defector was somehow about to obtain a diagnosis of mental disorder, and was released in the process of the investigation.²⁴³ 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.²⁴⁴ However, if the timing of the arrest is 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.²⁴⁵

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.²⁴⁶

243_ NKHR2011000155 2011-07-05.

244_ NKHR2011000186 2011-08-16.

245_ Soo-Am Kim *et al.*, *The Relationship between Human Rights and Corruption in North Korea*, pp. 96~97.

246_ *Ibid.*, p. 97.

- Corruption in Detention and Correctional Facilities

The following are testimonies from North Korean defectors who gave bribes to agents at ordinary prison camps (*kyohwaso*), holding centers (*jipkyulso*), detention centers and labor training camps (*rodongdanryundae*) in order to have their penalty removed or reduced.

Table III-46 Cases of Corruption at Detention and Correctional Facilities

Testimonies	Testifier ID
A North Korean defector testified that he was detained at a provincial holding centers (<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 2011-01-11
A North Korean defector 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 (<i>rodongdanryundae</i>). However, he was released in 10 days after providing bribes and completing a self-criticism form.	NKHR2011000197 2011-09-06
A North Korean defector testified that he was detained at labor training camp (<i>rodongdanryundae</i>) 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 2011-08-16
A North Korean defector testified that he was detained at labor training camp (<i>rodongdanryundae</i>) 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 (<i>rodongdanryundae</i>).	NKHR2011000115 2011-05-17

- 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-47	Cases of Corruption during the Criminal Trial Process	
	Testimonies	Testifier ID
	A North Korean defector 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 penalty. She paid 2 million KPW in bribes and was released on probation.	NKHR2011000187 2011-08-16
	A North Korean defector testified that he provided bribes to a pre-trial investigator and the judge, and was released on social education.	NKHR2010000018 2010-10-05

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.²⁴⁷

- 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

.....
247_ *Ibid.*, pp. 99~100.

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.²⁴⁸ In order to get a divorce trial, one has to pay several hundred thousand KPW in bribes. North Korean defector 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.²⁴⁹ North Korean defector XXX and XXX also had to offer 100,000 KPW in the process of divorce proceedings.²⁵⁰ From the perspective of women, however, divorce trials are not seen as not being decided in their favor even if bribes are offered.²⁵¹ Lots of bribes are needed for divorce proceedings, and even then it will take 2~3 years if that soon.²⁵² 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.²⁵³

Around the year 2009, 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 .

248_ Interview with North Korean defector XXX in Seoul on January 17, 2008.

249_ NKHR2009000054 2009-09-17.

250_ NKHR2013000039 2013-03-05; NKHR2013000197 2013-10-29.

251_ NKHR2009000060 2009-10-06; NKHR2009000062 2009-10-20; NKHR2009000063 2009-11-03.

252_ NKHR2013000049 2013-03-19.

253_ NKHR2013000185 2013-10-17.

Table III-48 Cases of Sanctions against Divorce

Testimonies	Testifier ID
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 (<i>rodongdanryundae</i>).	NKHR2010000133 2010-10-12
A North Korean defector testified that his parents were divorced. As a result, the children could not join the military.	NKHR2011000116 2011-05-17
North Korean authorities would not allow divorce. If an individual were to divorce, both parties had to serve time at a labor training camp (<i>rodongdanryundae</i>) as a punishment.	NKHR2011000162 2011-07-12

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 defector 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.²⁵⁴

- Corruption Involving Overseas Assignment of Workers

In the face of the longstanding economic downturn, 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.²⁵⁵

With the government taking away a significant portion of their

254_ NKHR2011000020 2010-05-18.

255_ *Yonhap News*, October 13, 2013.

wages, the net earnings of North Korean workers dispatched abroad is known to be very small. Defector 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.²⁵⁶ Another defector, XXX, was dispatched to Qatar, and he ended up receiving only 10 percent of wages.²⁵⁷ 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.²⁵⁸ Also, one should not have relatives in any foreign country.²⁵⁹ 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 discrepancy 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.²⁶⁰ Defector 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.²⁶¹

256_ NKHR2013000196 2013-10-29.

257_ NKHR2013000167 2013-09-17.

258_ NKHR2013000231 2013-12-24.

259_ NKHR2013000206 2013-11-12.

260_ *Radio Free Asia*, October 1, 2013.

261_ NKHR2013000196 2013-10-29.

5

Freedom of Residence, Movement and Travel

The freedom of residence, movement, and travel has to do mostly with the freedom of movement. It is a right for people to actively realize their dignity as free beings. Article 13 of the UDHR stipulates, “Everyone has the right to freedom of movement and residence within the borders of each state.” Article 12 of the ICCPR also states, “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.”

A Freedom of Residence, Movement and Travel in North Korea

With the aim of maintaining its regime, North Korea has traditionally kept the movement of its citizens under strict control. Particularly, North Korea has restricted the citizens’ right to freedom of residence and movement in order to promote their socialist economic system through various institutions such as Public Distribution System (PDS) and the registration of personal background. For this reason, any North Korean citizen seeking to move to another house or travel to another region, in principle, should go through preset procedures and obtain the approval of the authorities. North Koreans, however, have gained greater freedom of residence, movement, and travel after the Arduous

March in the 1990s and experienced further “marketization” in the 2000s. This, of course, has been made possible not due to government policies but to the adaptability of its people. With the concerns of the international community in mind, the North Korean authorities have sometimes made changes to the Constitution and other laws/institutions. The September 1998 revision of the Constitution has the provision, “Citizens shall have the freedom of residence and travel” (Article 75). Aside from such Constitutional changes, however, strict control over the lives of citizens has continued. Their real right to movement has more to do with changes in society than with Constitutional or legal/institutional changes.

B Reality of Infringement on Freedom of Residence and Movement

In North Korea, people are not allowed officially 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 (*rodongdanryundae*) up to a year, or in serious cases up to three years of correctional labor penalty (Article 146 of the Criminal Law).

In reality, however, it seems that North Koreans are now engaging relatively freely in housing sales and moves. Especially in

the case of moves within a single city or county, transactions are made directly between buyers and sellers even without the formal procedure of approval. A North Korean defector from Chongjin testified that housing transactions are illegal in principle, but people buy and sell homes freely without worrying about the law.²⁶² 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.²⁶³ 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 certificate of approval to occupy the unit.²⁶⁴

On the other hand, there is the practice of forced deportation in North Korea, which is a flagrant violation of the freedom of residence. North Korean authorities have been utilizing forced deportation 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 deported.²⁶⁵ Recently, the causes for banishment mostly

262_ NKHR2012000222 2012-10-23.

263_ NKHR2012000110 2012-06-12.

264_ NKHR2012000239 2012-11-06.

involved crimes like human-trafficking, narcotics use, and border-crossing.²⁶⁶ Incidents of anti-socialist behaviors such as the use of cell phones also contributed to the increase in forced deportation.²⁶⁷

Forced deportation continues under Kim Jong-un's regime. During his on site instructions in 2013, the new North Korean leader ordered transformation of the border areas into exemplary cities. Accordingly, over 600 households situated within 300 meters of Musan's perimeters were deported. Under the pretext of maintaining order in these areas, those with a family member who had crossed the border, and those with criminal records (such as illicit use of a mobile phone) were the first targets of deportation.²⁶⁸ Designed as a policy to maintain the regime and social order, forced deportation seems to serve as a key way of implementing the Supreme Leader's instructions. Another case in point: Since mid-2013, forced deportation has increased in Samjiyon County, in which is located the hometown of Kim Jong-il. Those whose parents came from rural areas, former detainees at ordinary prison camps (*kyohwaso*) and their families, and illegal border crossers were first to be relocated.²⁶⁹ Aside from cases of forced deportation that are individually executed with respect to non-socialist irregularities (e.g. involvement in sex trade or narcotics, illegal use of a mobile phone, and defection of family members), forced deportation is known to be sometimes imposed as a political decision by the government. Closer investigation will be needed on this subject.

265_ NKHR2013000215 2013-11-26 and other testimonies.

266_ NKHR2013000209 2013-11-26.

267_ NKHR2012000253 2012-11-20.

268_ NKHR2014000089 2014-07-15.

269_ NKHR2014000120 2014-08-12 and many other testimonies.

Table
III-49

Cases of Forced Deportation

Testimonies	Testifier ID
A neighbor was expelled from Hyesan, Yanggang Province in 2009 to Woonyoung County because his daughter crossed the river. Until June 2005, defectors and their families were not linked. As permits increased and non-returnees increased, families were expelled since 2007.	NKHR2012000046 2012-03-23
My son was sent to a labor training camp (<i>rodongdanryundae</i>) since he was caught using mobile phones in Hoeryeong in 2010. For this reason, we were forcibly banished from Gungsimdong, Hoeryeong, to Hwadae County, North Hamgyoung Province.	NKHR2013000048 2013-03-05
Served at an ordinary prison camp (<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 2013-10-17
In 2011, the families of defectors, workers in the border areas, and families of human traffickers were deported from Musan County, North Hamgyoung Province. In Musan, more than 70 percent were the families of defectors. Had heard about an 'Open Musan County Plan' to expel all the families of defectors from Musan, and fill the city with people unfamiliar with border regions.	NKHR2012000043 2012-03-20
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 2012-07-31
In April 2014, the nephew of Jang Song-taek and his family were deported from Sohung-dong, Chongjin, North Hamgyoung Province to Hwadae County, North Hamgyoung Province.	NKHR2014000077 2014-07-01
Samjiyon County is Kim Jong-il's hometown. So, the the families of defectors there and those who served at ordinary prison camps (<i>kyohwaso</i>) are forcibly banished.	NKHR2013000226 2013-12-10
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 2012-07-10
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 2013-04-02
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 2013-04-02

Testimonies	Testifier ID
Many were forcibly banished in early days of Gaeseong Industrial Complex. They were sent to Jinsan County (rugged place) and Shinpyong County, 40km away from the Complex.	NKHR2013000194 2013-10-29
In November 2011, expulsions were increasing due to increase in political crimes after the currency reform, and also an increase in defectors and human traffickers.	NKHR2012000041 2012-03-20
Most banished people return home, but lead a life of drifters or “ <i>kotjebi</i> (homeless child beggars).” In February and March of 2013, there were lots of banished families.	NKHR2013000147 2013-08-06
30% of the residents in Sinmyong-ri, Pungso County, Yanggang Province are families of those detained in Malban-dong. Many others are those deported from Pyongyang and Hyesan.	NKHR2014000055 2014-05-20
In Gyowon-ri, Chongam District, Chongjin, North Hamgyoung Province, more than 40% of the residents are deported families.	NKHR2014000078 2014-07-01

C Infringement on the Freedom of 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 holding centers (*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 (Article 194 of the Administrative Penalty Law). 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 card²⁷⁰ or a temporary residence permit²⁷¹ 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

270_ 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 (Article 7 of the People’s Registration Law).

271_ 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.

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 Hamgyong 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 SSD agent.²⁷² North Korean defectors 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.²⁷³

Even citizens living in the provinces bordering the Duman and 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 MPS. Local 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 SSD, the applicant is issued a travel permit through the party secretary at his or her place of employment.

However, most defectors testified that they received travel permits from Section 2 of the People's Committee through their workplace. The application process is as follows: from the office supervisor, to the office statistician (recording date of birth, destination,

272_ NKHR2014000119 2014-08-12 and other testimonies.

273_ NKHR2014000127 2014-08-26.

purpose, etc.), to the *kiyoweon* (a corporate worker who deals with high-level secrets)²⁷⁴ 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.²⁷⁵ 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 MPS, and a guarantor.²⁷⁶

Ordinary citizens have to wait approximately two to three days to travel to non-restricted areas and seven to fifteen days to restricted areas.²⁷⁷ 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 MPS official. If a traveler is without a permit, Neighbourhood Watch (*inminban*) chief is required to report the case to the local MPS officer. 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 MPS office four days in advance to purchase a return ticket.²⁷⁸

This travel permit system is still maintained; however, significant

274_ 'Kiyŏ' means top secret information.

275_ NKHR2010000069 2010-10-26.

276_ NKHR2010000022 2010-06-24.

277_ NKHR2012000018 2012-02-07.

278_ NKHR2010000061 2010-05-18.

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 *kijoweon* 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, people often resort to bribes of money, cigarettes, etc.²⁷⁹ Since the *kijoweon* 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.²⁸⁰ The *kijoweon* will issue the permit to those citizens who offer money through their acquaintances even if they don't have jobs. 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. One needs an authorization number to travel to Pyongyang and the border areas; it is more difficult to obtain the number for these areas than other areas, but offering a cigarette helped him obtain a number in just one week, North Korean defector XXX testified.²⁸¹ As such, the procedures and process of issuing travel documents vary by region, but what is clear is that giving cigarettes or other additional bribes to the responsible MPS officers for travel

279_ NKHR2012000100 2012-06-05 and other testimonies.

280_ NKHR2012000230 2012-10-30 and other testimonies.

281_ NKHR2014000119 2014-08-12.

documentation has become common practice in North Korea.

In the 2000s, 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 are easily revealed through them. Thus, an increasing number of people are travelling without permits and offering bribes when challenged by MPS officers. Those who need to travel frequently for commerce or business, as opposed to infrequent travelers, often bring their citizen ID cards only and bribe crew members on the train.²⁸² Furthermore, people travel based on citizen ID instead of travel permits when they are moving around within the same province.²⁸³ The following table illustrates many cases involving travel permits.

Table III-50	Incidents Involving Travel Permits	
	Testimonies	Testifier ID
<p>In October 2011, a North Korean defector from 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.</p>		<p>NKHR2012000149 2012-07-24</p>
<p>In 2013, the defector offered a bribe of 100 yuan to receive in three days a travel document from Chongjin, North Hamgyoung Province to Hyesan, Yanggang Province.</p>		<p>NKHR20130000097 2013-05-14</p>
<p>In May 2013, a defector from Chongnam District, South 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.</p>		<p>NKHR20130000223 2013-12-10</p>

282_ NKHR2014000181 2014-11-04 and other testimonies.

283_ NKHR2014000085 2014-07-01 and other testimonies.

Testimonies	Testifier ID
In 2013, in 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.	NKHR20130000218 2013-11-26
In 2011, in Hyesan, Yanggang Province, Permit obtained the same day on bribes. Takes 3~4 days without bribes.	NKHR20130000003 2013-01-08
Starting in 2011 in Daehungdan County, Yanggang Province, applications for travel documentation are checked by SSD agents and submitted to the No. 2 Department of the County People's Committee.	NKHR2014000207 2014-12-06
Paid 30,000 KPW for a permit in Wonsan, Gangwon Province in 2012. 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 2012-07-10
Travel permit to Jagang Province bears red lines, Pyongyang and border areas blue lines. Other areas had no lines.	NKHR20130000077 2013-04-16
Army discharge card has same effect as travel permit. Travel allowed anywhere except for Pyongyang. Good for 6 months after discharge.	NKHR20130000154 2013-08-20
Citizen card is good for road travel in Musan County, North Hamgyoung Province in 2013. Need to bribe 5,000~10,000 KPW or 1~2 packs of cigarette to on board security agents.	NKHR20130000169 2013-09-17
Citizen card is good for travel within North Hamgyoung Province. People from out of province must have travel permit.	NKHR20130000202 2013-11-12
In August 2013, one or two packs of cigarettes or 10,000 KPW to get a travel permit immediately from Sec. 2 in Hyesan, Yanggang Province.	NKHR20130000208 2013-11-12
In 2013, in Hyesan, Yanggang Province, it took three days and 70,000 North Korean won to have a travel document issued for the border areas.	NKHR2014000010 2014-03-04
A defector from Hyesan, Yanggang Province said that one needs to have children and be 35 years of age or older (for women) or 40 years of age or older (for men) to be able to visit a relative in China.	NKHR2014000009 2014-03-04
A defector from Hoeryeong, North Hamgyoung Province stated that the travel document for border areas has two blue lines and an SSD pass code on it.	NKHR2014000214 2014-12-30
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 2012-05-29

Testimonies	Testifier ID
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.	NKHR20130000148 2013-08-06
In Gilju County, North Hamgyoung Province, possible to travel everywhere except Pyongyang by bribing on board officer.	NKHR20130000064 2013-04-02

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 local 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.²⁸⁴ As a result, fewer travel permits are issued in recent years. Even some private servi-cars began to appear. The drivers and MPS officers in cooperation will try to avoid traffic checks on the road.²⁸⁵ The increased number of servi-cars seem to show the changing means of transportation 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

284_ NKHR2014000032 2014-04-15 and other testimonies.

285_ NKHR2012000201 2012-09-25. Testifier said it has gone up to 6,000 KPW in Hamhung.

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 (Article 173 of the Administrative Penalty Law). The People's Security Agency will enforce the law (Article 33 of the People's Security Enforcement Law). 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 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.²⁸⁶ These inspections are usually conducted during special alert periods, and during these periods inspections are conducted every day.²⁸⁷

Inspections of accommodations were frequent in areas like Hyesan, but those acquainted with MPS officers had no major problem, said North Korean defector XXX.²⁸⁸ It was also testified

286_ NKHR2011000017 2010-06-08.

287_ The "special alert" periods include the following dates: New Year's Day, Lunar New Year's Day, birthdays of Kim Jong-il (16 February) and Kim Il-sung (15 April), Armistice Day (27 July), Youth Day (28 August), Government Anniversary (9 September), and KWP Party Anniversary (10 October).

288_ NKHR2014000076 2014-06-17.

that most citizens did not register their accommodations.²⁸⁹

Meanwhile, 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 exit/entry visa (Articles 9, 10, and 14 of the Immigration Law). 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. Those with relatives in China could visit them once every three years; only those aged 70 or under could make the trip.²⁹⁰ 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

289_ NKHR2014000109 2014-07-29 and other testimonies.

290_ NKHR2014000023 2014-04-01.

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 MPS officer and the local SSD 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 DPRK and will return 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.

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.

6

Freedom of Religion and Conscience

The UDHR 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” (paragraph 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” (paragraph 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” (paragraph 3).²⁹¹

A Freedom of Religion in North Korea

Even in North Korea, freedom of religion is stipulated in the law. But the reality is entirely different. According to North Korea’s

²⁹¹ 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.”

official statistics, about two million or 22.2 percent of North 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.²⁹² 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.²⁹³ 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."²⁹⁴

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.

Subsequently, almost all religious followers disappeared in North

292_ Korean Central News Agency, Chosun Central Almanac 1950 (Pyongyang: Korean Central News Agency, 1950), p. 365.

293_ Korean Workers' Party Publishers, "Religion is a reactionary and unscientific worldview. Religion is like opium." See Selections from Kim Il-sung's Writings (Pyongyang: Korean Workers' Party Publishers, 1972), p. 154.

294_ The Academy of Social Science Philosophy Institute, *The Dictionary of Philosophy* (Pyongyang: The Academy of Social Science Press Philosophy Institute, 1985), p. 490.

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 Chondokyo 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.”²⁹⁵

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.²⁹⁶ In short, North Korea

²⁹⁵Tae-woo Koh, *North Korea's Policy on Religion* (Seoul: Minjok Cultural Publishing Company, 1989), p. 79.

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 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 in freedom of religion in Constitutional terms. Besides, North Korea allowed 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

296_ 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).

stands unchanged today. The following table illustrates how the provision on religion has changed over time.

Table III-51	The Changes in Articles Related to Religion in the North Korean Constitution
Year of Establishment and Amendment	Articles Related to Religion
Adopt on September 8, 1948	Chapter 2. The fundamental rights and duties of citizens Article 14. Citizens have freedom of religion and religious worship.
Adopted on December 27, 1972	Chapter 4. The fundamental rights and duties of citizens 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 Article 68. Public citizens have freedom of religion. 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
Revised on April 9, 2009	Article 68. Citizens have freedom of religion. This guarantees the right to build religious buildings or hold religious services.
Revised on April 9, 2010	Religion shall not be allowed to attract foreign intervention or disrupt the state's social order.
Revised on April 13, 2012	
Revised on April 1, 2013	

(1) Religious Facilities and Groups in North Korea

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.²⁹⁷ 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 Human Rights Committee 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 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.²⁹⁸

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

297_ *Korean Central Television*, June 25, 2003; *Yonhap News*, June 24 and 27, 2003.

298_ *Yonhap News*, March 31, 2003.

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 repainting project for 59 temples across the country.

During personal interviews, North Korean defectors 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."²⁹⁹ As for these churches, many Pyongyang citizens were aware of their existence, but most people living outside of Pyongyang 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.

299_ *Nocut News*, November 10, 2010.

Table III-52 Testimonies on Religious Facilities

Testimonies	Testifier ID
In 2003, seen a temple called Bohyonsa in Mountain Myohyang in Pyongan Province.	NKHR2011000103 2011-05-03
In 2006, I saw a temple and a monk on Mountain Myohyang in North Pyongan Province.	NKHR2013000134 2013-07-23
The defector saw churches in Tongil Street, Songyon District, and Mangyongdae District. He did not see ordinary residents entering them, though.	NKHR2014000202 2014-12-02
In 2009, Been to Sokwangsa temple in Kosan County, Gangwon Province, but there was no monk.	NKHR2012000002 2012-01-10
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 2011-04-05
Seen a small temple in a Goat Ranch in Hyesan. There was no monk.	NKHR2011000237 2011-11-22
Heard about religion after seeing a play entitled Sung hwang dang in North Korea. The play was designed to criticize religion by showing a monk and a pastor arguing their faith was superior.	NKHR2011000250 2011-12-20
Seen a temple and a monk in Poongseo County, Yanggang Province.	NKHR2012000154 2012-07-31

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.³⁰⁰

During the period when inter-Korean exchanges were active, 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 Kungang 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."³⁰¹ According to North Korean

300_Ministry of Unification, "Weekly North Korean Trends," No. 569 (Seoul: Ministry of Unification, 2001), pp. 9~10.

301_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

defectors, 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.³⁰² Most defectors, however, had never heard of or were unaware of religions back in North Korea.³⁰³

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 the ICCPR submitted in 2000 insisted that there were no restrictions against the practitioners of religion in their activities or organizing religious groups. This is due to the fact that Article 67, paragraph 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,

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*, April 2008.

302_ NKHR2009000017 2009-03-24; NKHR2013000117 2013-06-25.

303_ NKHR2014000037 2014-04-15 and other testimonies.

is operating with regional branches. Thus far, none of the North Korean defectors interviewed were aware of any local religious organizations in North Korea.³⁰⁴

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.³⁰⁵ In addition, Chosun Buddhist League sent a delegation to the Asia Buddhist Peace Conference held in Laos.³⁰⁶

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.

304_David Hawk, "Thank you Father Kim Il Sung," *U.S. Commission on International Religious Freedom* (2005), p. 88.

305_Byung-ro Kim, *Changes of North Korea's Policy on Religion and Realities of Religion* (Seoul: Korea Institute for National Unification, 2002), p. 48.

306_ *Korean Central News Agency*, February 10, 2003.

(2) Infringement on Freedom of Religion

“Religion is a very serious matter because North Korea cannot permit any ideology other than the Juche.³⁰⁷ “North Korea teaches their people that religion is superstition, like narcotic. If anyone is caught in a religious act, he/she is sent to a political prison camp (*kwanliso*).”³⁰⁸ 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 defectors 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

307_ NKHR2008000016 2008-09-02.

308_ NKHR2008000017 2008-09-04.

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 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 defectors 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.

Meanwhile, 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 imposed on citizens who practice religion and forcibly deported defectors. As the food shortage became exacerbated and as the number of defectors rapidly increased, the North Korean authorities began to relax punishment for those defecting to China in search of food. Authorities continued to impose heavy penalties on those who had contacts with religious South Koreans in China.³⁰⁹

The reason the North Korean authorities are trying to curb the spread of religion via defectors is because most defectors return to North Korea with significant knowledge and understanding of religious beliefs even if they do not actually practice any religion.³¹⁰ Some examples of punishments for superstitious practices are detailed in <Table III-53>.

Table III-53	Testimonies Related to Religious Persecution	
	Testimonies	Testifier ID
	When the defector was deported in July 2008 and detained at a local SSD detention center in Onsong County, North Hamgyoung Province. 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 2011-08-23
	While detained at a local SSD detention center in Onsong County, North Hamgyoung Province in February 2010, I saw a detainee, who studied Bible for a month in China, sent off to a political prison camp (<i>kwanliso</i>).	NKHR2013000104 2013-05-28
	In Hyesan, Yanggang Province, 2011, 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 ordinary prison camp (<i>kyohwaso</i>).	NKHR2012000240 2012-11-06
	Religion is inconceivable in North Korea. Seen a woman getting unlimited term of correctional labor penalty for possession of the Bible while detained at a local SSD detention center in Hoeryeong.	NKHR2012000036 2012-03-13
	Received education with Lecture Series print-out in Musan County, North Hamgyoung Province. It said "Let us totally root out religion and superstition."	NKHR2012000051 2012-03-27

309_ Interview with defector XXX in Seoul on April 15, 2010.

310_ NKHR2009000011 2009-03-03.

Testimonies	Testifier ID
Sometimes Bibles are included in smuggled items in Hyesan, Yanggang Province. Therefore, I asked my counterpart not to include Bibles.	NKHR2013000075 2013-04-16
I understood "underground church" meant when a family gathers to read the Bible together.	NKHR2013000086 2013-04-30
Many smugglers in places like Samjiyon and Bocheon counties and Hyesan, Yanggang Province, regularly go to churches in Changbai (China). When my family remits money or needs to contact me, they often talk about church.	NKHR2013000147 2013-08-06

(3) Punishments for Superstitious Behaviors

North Korean authorities also punish all superstitious activities, such as fortune-telling. North Korea stipulated in the Criminal Law (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 Criminal Law 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.”

Table III-54 Comparison of Penalties for Superstition under the Criminal Law	
Old Criminal Law (2009,10,19)	Revised Criminal Law (2012,05,14)
<p>Article 267 (Practicing superstition) 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 penalty.</p>	<p>Article 256 (Practicing superstition) 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 penalty.</p>
<p>Article 268 (Promotion of superstition) Anyone promoting superstition, for profit or other motives, shall be given up to 2 years of correctional labor 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.³¹¹ A defector testified that he thought superstition was an anti-socialist phenomenon, so if detected it could become a trouble, but he did not see anyone being punished for practicing superstition.³¹² It is known that superstitious behavior is punished when it is associated with crime or leads to social unrest, but even people involved in these cases seem to be able to

311_NKHR2013000104 2013-05-28 and other testimonies.
312_NKHR2013000121 2013-06-25.

escape punishment through bribery.³¹³ According to defectors' testimonies, the duration and severity of punishment on charges of superstitious behaviors vary significantly from six months of labor training penalty to 10 years of correctional labor penalty.³¹⁴ Incidents related to superstition are shown in <Table III-55> below.

Table III-55	Testimonies Related to Superstitious Behavior	
	Testimonies	Testifier ID
	In December 2011, the defector saw a woman in her 40s arrested for telling fortunes in Hungwon County, South Hamgyoung Province sentenced to six months' labor training.	NKHR2012000201 2012-09-25
	In 2013, a North Korean defector from 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 2013-05-28
	In April 2014, a 38-year-old female fortune teller from Sinpa County, Yanggang Province was caught by local MPS officers. She was sentenced to six months' labor training but was excused after offering a bribe.	NKHR2014000203 2014-12-02
	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 2012-03-20
	Testified that he/she saw a proclamation listing penalties on superstition, including a hexagonal box used for fortune telling in Hoeryeong, North Hamgyoung Province. One item on the list said a penalty of one to five years of correctional labor penalty is imposed if caught for practicing superstition.	NKHR2012000079 2012-05-08
	"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 within Shinuiju. North Pyongan Province.	NKHR2013000049 2013-03-19

313_ NKHR2014000136 2014-09-02 and other testimonies.

314_ NKHR2014000145 2014-09-02; NKHR2013000151 2014-09-23; NKHR2014000132 2014-08-26.

B Freedom of Conscience in North Korea

Infringement on the freedom of conscience in North Korea has to do with North Korean efforts to maintain the Unitary Ruling System based on the Juche Ideology. The North Korean Constitution has no reference to freedom of conscience; basic notions in this regard have not been established in its laws and institutions. 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.³¹⁵ 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

315_Oh Gyehng-Seob, “Major Contents of Revised Ten Principles and Their Political Significance,” p. 12.

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).³¹⁶ 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*.³¹⁷ 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.³¹⁸ The revision of Ten Principles is particularly noteworthy because it seeks to tighten the ideology control over the population. Shown below are major contents of Ten Principles:

1. Everyone must whole-heartedly 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.

316_ *ibid.*, p. 13.

317_ 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.

318_ *Daily NK*, September 23, 2013.

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. On October 11, 2007, a lecture for the Neighborhood Watch (*inminban*) exhorted the people to live the “ideological dedication of people who brought the portrait of the Great Leader with them” even in the midst of a flood. A sudden flood in Gangwon and South Hwangae provinces swept over their homes, but these people chose to bring the portrait with them while leaving everything else behind. One of them was even “unable to save his little girl, carried away by the flood and screaming for help, because he had to take care of the portrait.” North Korea stressed that everyone should emulate such ideological commitment, urging them to learn from the noble political ideas of these people and take action instead of simply talking about serving the Dear General.³¹⁹

Defector XXX testified in December 2004 that there was a fire in the labor training camp (*rodongdanryundae*) 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.³²⁰ Defector XXX testified that a neighboring woman made her living by making and selling tofu at home. This always made her room humid and caused the

319_ *Good Friends*, “North Korea Today,” No. 94 (October 17, 2007).

320_ NKHR2008000010 2008-08-08.

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.³²¹ North Korean defector 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.³²² Most of the defectors, however, said that the importance of these portraits has become much less than in the past. It was also testified that some *inminban* chiefs may even tip off the others about upcoming portrait inspections.³²³

A majority of North Korean defectors stated that the Ten Principles are not taught to ordinary residents; such education is given only to Party members. Therefore, most defectors who were not Party members do not seem to attach much significance to the Principles.³²⁴ Even those defectors who had learned about the Ten Principles as Party members testified that the dedication of individual members to political study sessions and the Ten Principles was gradually weakening as their lives became more difficult in the face of economic hardship. Nevertheless, it seems that some residents still take the portraits very seriously.³²⁵ Key testimonies on the Ten Principles and the portraits are summarized in <Table III-56>.

321_NKHR2009000053 2009-09-08.

322_NKHR2012000128 2012-07-03.

323_NKHR2014000013 2014-03-04.

324_NKHR2014000136 2014-09-02 and other testimonies.

325_NKHR2014000121 2014-08-13 and other testimonies.

Table
III-56

Testimonies Regarding the Ten Principles and the Portraits

Testimonies	Testifier ID
In 2011, in 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 2012-01-31
In 2012, all portraits were replaced with 'Sun Portrait.' Sun Portrait contains smiling faces of Kim Il-sung and Kim Jong-il together.	NKHR2013000078 2013-04-16
I have never learned the Ten Principles. They gave me a redcover booklet of Ten Principles, which I used during political study sessions.	NKHR2013000120 2013-06-25
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 2012-02-21
At a labor training camp (<i>rodongdanryundae</i>), I would be required to recite the Ten Principles repeatedly in Hyesan, Yanggang Province. If someone is unable to recite the principles, the authorities did not allow the person to go to bed.	NKHR2012000039 2012-03-20
While detained at a <i>rodongdanryundae</i> in Bocheon County, Yanggang Province, I had to learn the Ten Principles	NKHR2013000172 2013-09-17
I joined Children's Union when I was in 3 rd grade. I learned the Ten Principles there. When I joined Youth League in 4 th grade of middle school, I learned about the Juche Ideology.	NKHR2013000175 2013-10-01

7

Freedom of the Press and Publication, and Freedom of Assembly and Association

The UDHR 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 the 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.”

On the one hand, freedom of assembly and association means that individuals are entitled to enjoy freedom to assemble and express his or her opinion. The UDHR stipulates, “Everyone has the right to freedom of peaceful assembly and association.” “No one may be compelled to belong to an association” (Article 20, paragraph 1 and 2). The 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).

A The Freedom of Opinion and Expression in North Korea

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. Reporters Without Borders, for example, ranked North Korea as 179th of 180 countries worldwide in its 2015 Press Freedom Index reports. North Korea’s media concentrates on propagandas of Juche Ideology and deification of Kim Il-sung, Kim Jong-il and Kim Jong-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 Infringement on Freedom of the Press and Punishment for Mobile Phone Use

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 2004,³²⁶ mobile communication service in North Korea was restored in December 2008 through a joint project with Orascom, an Egyptian 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 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 penalty 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 mobile phone use appeared to have some impact on the freedom of press in North Korea. At a time when their right to know is seriously violated, the increased use of mobile phones

³²⁶ 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.

between North Koreans will provide a channel for them to see what is going on in the outside world. In the aftermath of Kim Jong-il's death in December 2011, the North Korean authorities tightened their grip by installing radio/TV signal jamming devices along the border regions, such as Hyesan, Yanggang Province.³²⁷ An appeasement policy might have been temporarily employed following the death of Kim Jong-il, but with the advent of the Kim Jong-un regime, crackdowns on mobile phones have become stronger than ever.

The level of punishment for illegal use of mobile phones varies according to the topics discussed over the phone; conversations involving South Korea are seen as serious violations.³²⁸ If anyone was caught using cell phones, the phones would normally be confiscated. But there were instances where the phones were not confiscated. Penalties for illegal use can be avoided if the user offer some money. Some defectors explained that the purpose of surveillance was not so much to impose penalty, but as a way to collect bribes.³²⁹ 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.³³⁰

By the end of 2013, the SSD's roles and responsibilities had been expanded and strengthened. It has since beefed up its surveillance of mobile phones, under the pretext that they "destroy socialism."³³¹

327_ NKHR2012000203 2012-10-09 and other testimonies.

328_ NKHR2014000136 2014-09-02.

329_ NKHR2014000160 2014-10-07.

330_ NKHR2012000139 2012-07-10 and other testimonies.

331_ NKHR2014000154 2014-09-23.

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.³³² Meanwhile, a continued series of testimonies have been made on the surveillance of internal data within authorized mobile phones.³³³ There have also been contrasting testimonies that no surveillance has been made since 2013 as built-in cards are fixed to the mobile phones.³³⁴ In the future, closer observation will be needed as to whether surveillance is underway on authorized mobile phones in North Korea.

In the case of illegal cell phone calls along the border regions, most of them are related to smuggling business with China, as many North Korean "brokers" depend on cell phones for their business. For instance, 60 percent of local residents in Musan County, North Hamgyong Province work as remittance brokers. 30 percent of the remittance should be paid as a fee to these remittance brokers.³³⁵ 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. Most of all, the need for mobile phones is growing among North Korean citizens—either to make a living or to get in touch with the outside world. A case in point: In Chongjin in North Hamgyong Province, 70~80 percent of the population began using mobile phones in the two years since 2013.³³⁶

332_NKHR2013000108 2013-06-11 and other testimonies.

333_NKHR2014000124 2014-08-26 and other testimonies.

334_NKHR2014000214 2014-12-30 and other testimonies.

335_NKHR2014000071 2014-06-17.

336_NKHR2014000181 2014-11-04.

Also, it is clear that North Korea's young people envy to own and love to use cell phones.³³⁷

Table
III-57

The Reality of Mobile Phone Use and Punishments

Testimonies	Testifier ID
Generally, cell phone checks are more strict than videos in Hyesan, Yanggang Province. If South Korean items are found, you'll be sent off to a ordinary prison camp (<i>kyohwaso</i>) or even to a political prison camp (<i>kwanliso</i>).	NKHR2013000024 2013-02-05
In most cases, penalty for illegal use of cell phones is going to the <i>rodongdanyundae</i> in Hoeryeong, North Hamgyong Province.	NKHR2013000037 2013-02-19
Most people in Hyesan live on peddling with China. So, 80 percent of them own Chinese cell phones. However, people own much fewer Chinese phones in Musan County, North Hamgyong Province.	NKHR2013000077 2013-04-16
Cell phones for use inside North Korea cost about two million KPW. Because it's too expensive, not many people use them.	NKHR2013000173 2013-09-17
In Musan County, North Hamgyong province, while cracking down on using mobile phone, people making a call to China can be sentenced to labor training camps up to 6 months. Meanwhile, people making a call to South Korea can be sentenced to a correctinal labor penalty.	NKHR2013000122 2013-06-25
On December 7, 2012 SSD organized the "127 Groupa (Group)" to prevent the use of mobile phones. If anyone is caught by "127 Groupa," no bribes will work and one will be banished without exception.	NKHR2013000090 2013-04-30
In 2013, jamming made it impossible to use Chinese mobile phones in Shinuiju, North Pyongan Province.	NKHR2013000052 2013-03-19
In January or February 2014, a promulgation was released in Hyesan, Yanggang Province banning the use of mobile phones.	NKHR2014000138 2014-09-02
In April 2014, an announcement was made in Hyesan, Yanggang Province that those having used mobile phones could avoid punishment if they turn themselves in. Many local residents did as instructed.	NKHR2014000166 2014-10-07
In 2014, in Chongjin, North Hamgyong Province, stronger surveillance began on mobile phone use, making it possible to detect calls just a couple of minutes after they began.	NKHR2014000198 2014-12-02

337_ NKHR2012000107 2012-06-12; NKHR2013000163 2013-09-03.

C Restrictions on Distribution of Information and Punishment for Distribution of Video Recordings

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 Criminal Law 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 have been sentenced to a labor training penalty or a correctional labor penalty.

Table III-58	The Reality of Watching Videos and Punishments	
	Testimonies	Testifier ID
	People were relatively free to watch foreign videos between 2003 and 2005. Since 2005, those caught watching such recordings have been sentenced to correctional labor penalty.	NKHR2014092 2014-07-15
	I was detained in Jongori <i>kyohwaso</i> from April 2008 to October 2010. Many inmates on video charges were from Rajin, Onsung County, and Hoeryeong, in that order.	NKHR2012000146 2012-07-17

Testimonies	Testifier ID
Since 2009, those caught watching foreign videos have been sentenced to correctional labor penalty if they spent more than three hours watching those. Otherwise they were sentenced to correctional labor penalty.	NKHR2014197 2014-12-02
If caught watching CD-R, MPS No. 27 and 31 Bureaus handle the case at Hamhung, South Hamgyoung Province in 2011. About 300,000 KPW bribe per person is needed to avoid penalty.	NKHR2012000149 2012-07-24
Since 2011, penalty for video watching has been tightened in Musan County, North Hamgyoung Province. In the past, penalty was labor training, but from 2011 it became one year correctional labor penalty without exception	NKHR2012000215 2012-10-16
In 2011, Group 84 has newly appeared, and controlled everything including videos in Baekam County, Yanggang Province. No bribes worked in the case of videos and South Korean broadcast.	NKHR2013000044 2013-03-05
In 2012, Group 109 confiscated my video, but I was able to avoid penalties by bribing 3,000 Yuan in Chinese currency in Hyesan, Yanggang Province.	NKHR2013000177 2013-10-01
Joint inspection teams consisted of SSD agent, MPS officer, Group 109, and Youth League guide. In 2013, if caught watching South Korean telecast or American movies, the penalty is six months' labor training or correctional labor penalty without exception in Onsung County, North Hamgyoung Province.	NKHR2013000100 2013-05-28
In April 2013, there was Kim Jong-un's instruction to send off those selling or watching videos to labor training or correctional labor penalty in Hyesan, Yanggang Province.	NKHR2013000145 2013-08-06
In 2013, if you sold one video, the profit is double or triple in Gilju County, North Hamgyoung Province. A video will cost 5,000~7,000 KPW.	NKHR2013000208 2013-11-12
Many public trials are conducted on charges of video-watching in Hyesan, Yanggang Province. The decision usually is labor training or correctional labor penalty. In the latter case, penalty is usually 4-5 years.	NKHR2012000059 2012-04-10
Penalty for South Korean movie is 3~4 years of correctional labor penalty; for South Korean drama, penalty is 7~8 years of correctional labor penalty.	NKHR2012000109 2012-06-12
Group 109 consists of Party, prosecutors, MPS, court, and people's committee, and it is empowered to penalize violators to correctional labor.	NKHR2012000126 2012-06-29

Testimonies	Testifier ID
In early 2000s, people could watch videos, but from the mid 2000s, inspections got tightened.	NKHR2012000095 2013-05-14
In the case of Hyesan, Yanggang Province, South Korean videos were widespread from 2010. In my case, I began to listen to South Korea's KBS radio from 2012.	NKHR2013000117 2013-06-25

The North Korean authorities operate separate units to enforce the law against CD/DVD related crimes. Defector XXX testified that in the early days, a joint group consisting of agents from the 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.³³⁸ Defector XXX testified that the primary purpose of these groups is to recover circulating CDs and to punish those who watch them.³³⁹ Many defectors 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.³⁴⁰ Some defectors also testified that Group 109 was renamed "Group 627" in 2013.³⁴¹

Most defectors 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. The response from North Koreans after watching South Korean videos has been pretty consistent: Most of them develop

338_ NKHR2012000126 2012-06-29.

339_ NKHR2012000111 2012-06-11.

340_ NKHR2013000057 2013-03-19.

341_ NKHR2014000124 2014-08-26; NKHR2014000193 2014-11-18.

a longing for the South and an increasingly negative perception toward the North.³⁴² 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/circulating South Korean videos was considered a political crime and the penalty was to serve time at ordinary prison camps (*kyohwaso*).³⁴³ Those who bring in and distribute compact discs, as opposed to simply watching foreign videos, face harsher punishment. The duration and severity of punishment according to the testimonies vary from three years to 15 years of correctional labor penalty.³⁴⁴ Even viewers were generally known to be deported or detained at a labor training camp (*rodongdanryundae*); following Kim Jong-un's instructions on "impure" video recordings in December 2013, however, the punishment for those watching South Korean videos has more often been correctional labor penalty; they now face similar punishment to that given to people attempting to escape to the South.³⁴⁵ In September 2013, a promulgation was announced that those caught watching South Korean movies or listening to South Korean music would be sentenced to death.³⁴⁶ Aside from stricter control by relevant authorities, however, exemption from punishment by

342_ NKHR2014000160 2014-10-07 and other testimonies.

343_ NKHR2012000263 2012-12-04. On the other hand, correctional labor penalty penalties would be imposed for the crime of listening to South Korean radio programs. Other defectors 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.

344_ NKHR2014000009 2014-03-04; NKHR2014000132 2014-08-26; NKHR2014000158 2014-09-23; NKHR2014000175 2014-10-21.

345_ NKHR2014000019 2014-03-18; NKHR2014000043 2014-04-29.

346_ NKHR2014000081 2014-07-01.

means of bribery still seems to be a widespread practice.³⁴⁷

D Infringement on Freedom of the Press

North Korean 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, paragraph 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

347_NKHR2014000002 2014-02-18 and other testimonies.

shall be charged with administrative or criminal responsibilities (Article 50). The Administrative Penalty Law mandates the imposition of administrative punishment on those who violate the rules and laws on publishing, printing, and circulation (Article 143). North Korean Criminal Law also stipulates that up to one year of correctional labor 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 Criminal Law and impose up to five years of correctional labor penalty or five to ten years of correctional labor penalty in serious cases. In the end, it is impossible to publish any criticism of Kim Il-sung, Kim Jong-il or the KWP in reality.

North Korean defector 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.³⁴⁸ Discrimination exists even if the opportunity to engage in publishing activities is allowed by the party. With freedom of the press being infringed upon within North Korea, its people have long been denied opportunity to read different kinds of books freely. Many of them, however, secretly borrow and read foreign books from the United States, China, and Russia.³⁴⁹ Book rental shops run by individuals

348_ NKHR2012000007 2012-01-10.

349_ NKHR2014000219 2014-12-30 and other testimonies.

are also widespread.³⁵⁰ With the growing use of mobile phones within North Korea, some defectors testified that they saved and read Korean books on their mobile phones in the form of e-book files.³⁵¹ After all, numerous testimonies indicate that North Koreans have been deprived of freedom of the press as well as the opportunity to freely choose and read books they want to, with the strict control of the political authorities. In the meantime, however, many of them gain access to books from foreign nations, including South Korea, in a wide variety of ways.

E Infringement on Freedom of Assembly and Association

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 Korean Criminal Law 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).

350_NKHR2014000204 2014-12-02 and other testimonies.

351_NKHR2014000098 2014-07-15; NKHR2014000148 2014-09-23.

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 defectors have 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. 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.³⁵² It was also testified that those failing to attend such gatherings and events must pay a certain amount of money; even in the event of inspections, the amount of money offered influences the severity of punishment, North Korean defector XXX testified.³⁵³

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 their freedom of assembly and association for so long that many of them believed that voluntary assembly of any kind was still impossible. It is true that ordinary people in North Korea have become more open in criticizing the government since the failed currency reform in November 2009. At the same time, however, the Kim Jong-un regime has also reinforced its control over society in its fight against such criticism. Despite the stronger control, the complaints and criticism from its citizens seem to put North Korea’s political system at risk. 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.³⁵⁴ These days in North Korea, government-sponsored rallies, political study sessions, and other forms of regime-driven

352_ NKHR2012000167 2012-08-21.

353_ NKHR2014000037 2014-04-15.

354_ NKHR2012000103 2012-06-05; NKHR2013000087 2013-04-30.

social mobilization are gradually losing ground. While ordinary North Koreans still face infringement of their freedom to assemble and associate, individual citizens are trying hard to lead their own lives.

8

Right to 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 the ICCPR stipulates the following: “Every citizen shall have the right and opportunity: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) 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 (c) 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 nondiscriminatory principles outlined in Article 2 of the ICCPR.³⁵⁵

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 Korean 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 of Delegates Election Law for All Levels of People's Assembly). The Constitution states that

355_ 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).

national 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. Election committees are set up at central, provincial (municipality directly under central authority), city (district), and county levels within ten days after the announcement of the election day. District and sub-district election committees are required to be organized within three days following the date when the electoral districts and sub-districts are finalized (Article 23 of the Delegates Election Law for All Levels of People's Assembly). An election committee usually consists of representatives of the Party, the People's Committee, the security agencies and the local community.³⁵⁶

356_ *Korean Central News Agency*, January 12, 2009.

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. The Delegates Election Law for All Levels of People's Assembly has an express provision on this "yea and nay" voting system: "Voters shall be guaranteed the freedom of voting yes or no. No one shall ask them to make any of their votes—either yea or nay—public, or pressure or retaliate against them with regard to their votes" (Article 5). Pursuant to this provision, the Central Elections Guidance Committee supervises the election process, but elections are held under heavy surveillance. 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.³⁵⁷ 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 (Article 67 of the Delegates Election Law for All Levels of People's Assembly).

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. In North Korea, elections for deputies of the SPA are seen as the people's expression of absolute loyalty and single-minded devotion to the continuation of the Baekdu bloodline through Kim Jong-un, and the North Korean regime led by the Korean Workers' Party. North Korean

357_ NKHR2014000020 2014-03-18.

authorities have actively propagandized these aspects, highlighting that 100 percent of the voters said “yes.” The Central Elections Guidance Committee announced that “yes” votes represented 100 percent of those cast in the No. 111 Baekdu Mountain Electoral District, adding, “This represents the absolute support for and endless trust in our Dear Comrade Kim Jong-un from all members of the People’s Army and our people, who are committed to cherishing him as the sole core of solidarity and leadership and serving him faithfully with single-minded devotion.”³⁵⁸ This perception of elections is also vividly illustrated in the following headlines from the *rodong shinmun*: “Absolute support for and trust in the people’s regime expressed with ‘yea’”; and “Voters rush to vote yes.” As such, elections for deputies of the SPA serve as a forum of determination and support, under the leadership of Kim Jong-un, for the defense of revolutionary sovereignty as the legacy of Kim Il-sung and Kim Jong-il. They represent absolute loyalty for the Great Leader, which is why North Korean authorities seek to create an “atmosphere of joyful and jubilant celebration.”³⁵⁹

North Korea conducts elections for deputies of the SPA every four years to form provincial assemblies. On July 24, 2011, a nationwide election for provincial (municipality directly under central authority), city (district), and county people’s assemblies was held to select 28,116 deputies. The Central Elections Guidance Committee advertised again: “99.7 percent of the whole electorate registered on the list of voters participated in the election. One hundred percent of these voters voted yes to candidates for provincial (municipality directly under central authority), city (district), and county people’s

358_ *Korean Central News Agency*, March 10, 2014

359_ *Rodong Shinmun*, March 10, 2009

assemblies registered in their respective electoral districts.”³⁶⁰

This process was repeated during the election of deputies for the 13th Supreme People’s Assembly conducted on March 8, 2014. The results of the election indicated that “approximately 99.7 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.

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 motives, and is treated with suspicion and discrimination on a daily basis. Some defectors testified that this was the reason for always voting in the elections. Prior to the election, the *inminban* chiefs hold meetings to explain to local residents who the candidates are and the rules for the election. They think of an election as the sequence of going to the polling station, writing down their names, receiving a ballot paper, and putting it into the ballot box.³⁶¹

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.” The Law also provides, “When a voter marks his/her ballot yes or no, no one else shall enter or look into the booth” (Article 65 of the Delegates Election Law for All Levels of People’s Assembly). There were partitions installed in the polling station, but there is someone standing right behind the ballot box watching the whole process. As such, voting is

360_ *Rodong Shinmun*, July 26, 2011

361_ NKHR2014000117 2014-08-12.

so closely supervised that casting a negative vote is unimaginable.³⁶² North Korean defectors testified that a ballot box to submit negative votes was not available.³⁶³ The stark reality of the right to political participation in North Korea is that voters themselves can not even imagine casting a negative vote. In fact, the Delegates Election Law for All Levels of People's Assembly specifies the freedom of "election campaigns," but it is expressly prohibited to "instigate no votes, abstention, or sabotage against elections (Article 53 of the Delegates Election Law for All Levels of People's Assembly)." A few defectors testified that even in North Korea, voters could express opposing views through elections and that secret elections are guaranteed.³⁶⁴ 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 defectors.³⁶⁵ North Korean citizens can never imagine the possibility of voting no, which they believe would lead to punishment. They perceive "nays" merely as a ticket to political prison camps (*kwanliso*).³⁶⁶ Indeed, most North Koreans go to the polling station, with little knowledge of who the candidates are as they are not in a position to say no anyways, and simply put their ballots into the box.³⁶⁷ Testimonies

362_ NKHR2013000120 2013-06-25.

363_ NKHR2012000066 2012-04-20.

364_ NKHR2013000119 2013-06-25; NKHR2013000125 2013-07-09.

365_ NKHR2013000194 2013-10-29 and other testimonies.

366_ NKHR2014000017 2014-03-18.

367_ NKHR2014000121 2014-08-12 and other testimonies.

suggest, however, that some North Koreans do vote with knowledge of the candidates. According to North Korean defector XXX, information on candidates, in principle, has to be disclosed. He was informed who were recommended as candidates for the five electoral districts in Hoeryeong, so he voted knowing who the candidates were.³⁶⁸ Following <Table III-59> shows the truth about how North Korean voters' right to political participation are infringed upon.

Table
III-59

Testimonies on Breaches of the Right to Vote

Testimonies	Testifier ID
In July 2011, the defector took part in a vote in Shincheon County, South Hwanghae Province. There is a curtain in the polling station, but an official is watching behind the ballot box.	NKHR2012000006 2012-01-10
In 2013, in Gapsan County, Yanggang Province, discussions in support of candidates exist, but never any discussions in opposition.	NKHR2013000120 2013-06-25
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 2012-06-26
Everyone is given a number and one must put the number in the ballot box, without making any mark or using a seal.	NKHR2012000047 2012-03-25
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 2012-03-28
Never thought about placing a negative vote. There was no pencil and no one told you how to cast a negative vote.	NKHR2012000033 2012-03-13
They tell you to cast negative votes as you please, but no one will do so for fear of what may happen.	NKHR2012000131 2012-07-03
While casting a ballot in Sunchon County, North Pyongan Province, Curtains are around the polling booth. You can only put the ballot in the one box and come out since there is only one box.	NKHR2012000278 2012-12-18

368_ NKHR2014000065 2014-06-03.

Testimonies	Testifier ID
In the case of Daehongdan County, Yanggang Province, Neighborhood Watch (<i>inminban</i>) chiefs are posted everywhere to be watched on election day. Even inhabitants in remote villages are made to dress up and brought to the polls to vote.	NKHR2013000033 2013-02-19
In the case of Chongjin, North Hamgyong Province, they have placed a small box on one side of the large polling room with voting booths. However, most voters believe that if they cast a negative vote, they would be sent to a political prison camp (<i>kwanliso</i>).	NKHR2013000055 2013-03-19
This defector from Kim Jong-sook County, Yanggang Province was of the opinion that secret voting also guaranteed the right to oppose.	NKHR2013000119 2013-06-25
This testifier from Jaeryong County, South Hwanghae Province believed that voting was free in North Korea, but in reality no one opposed the selected candidate.	NKHR2013000125 2013-07-09
This testifier's father from Sebyol County, North Hamgyong Province failed to vote due to the train's late arrival. He served a year in a labor training camp (<i>rodongdanryundae</i>).	NKHR2013000176 2013-10-01
Sometimes, there are voters' meetings and pro-con discussions on the candidates, but they are nothing but formalities.	NKHR2013000194 2013-10-29
When asked about voting, one North Korean defector from Hyesan, Yanggang Province said, "Everyone should vote yes." He thought of this as a binding duty.	NKHR2014000175 2014-10-21



Chapter

IV

The Reality of Economic, Social and Cultural Rights

- 1 Right to Food
- 2 Right to Health
- 3 Right to Work
- 4 Right to Education

1

Right to Food

Universal Declaration of Human Rights (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, paragraph 1). The UDHR includes the right to food along with other rights. International Covenant on Economic, Social and Cultural Rights (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, paragraph 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.³⁶⁹

A Availability: A Gradual Increase in Food Production in the 2010s

Since the rise of Kim Jong-un, North Korea has consistently stressed the need for increased agricultural production. In his New Year’s speech in 2013, the new North Korean leader put great emphasis on agriculture as one of the “Competence Fronts” together

³⁶⁹ 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).

with light industries. In his New Year’s speech in 2014, he mentioned the 50th anniversary of Kim Il–sung’s announcement of the Theses on the Socialist Rural Question in Our Country and said, “In our struggle this year for economic development and improvement in people’s lives, we should clearly set agriculture as our key target and concentrate all our efforts on farm work.” According to the Food Outlook report from the UN Food and Agriculture Organization (FAO), North Korea’s total output of grains in the 2014/2015 crop year is estimated at 5.943 million tons. The FAO’s projections on grain supply in 2014/2015 indicate that the production volume of food available will stand at 5.082 million tons and the projected import volume at 300,000 tons, which is roughly 107,000 tons short of the total projected demand of 5.489 million tons. As indicated in <Table IV–1>, North Korea’s food production shows signs of recovery in the 2010s, with the gross availability of food improved as a result.³⁷⁰

Table IV-1	Recent Trends of Food Supply/Demand in North Korea (Unit: 10,000 tons)				
	2010	2011	2012	2013	2014
Domestic output (by crop year)	450	469	441	492	503
Sourced	41	42	33	(30)	(30)
Required	531	534	536	539	642
Supplied	491	512	473	522	533
Shortage	40	22	63	16	9

Source: Kim Young-hoon, “An Assessment of Agriculture in North Korea and the Outlook for 2015,” *KDI North Korean Economic Review*, January 2015, p. 47

370_ FAO, Outlook for Food Supply and Demand in 2014/2015(November/October), DPRK, February 3, 2015; FAO/WPP Crop and Food Security Assessment Mission(CFSAM) was not dispatched to DPRK in 2014. Therefore, FAO wrote this document based on its analysis and the official food level.

Meanwhile, Rural Development Administration (RDA, South Korea) made a comprehensive analysis of information on North Korea's climate, insect pests and diseases, and fertilizer supply, combined with data on crop conditions from domestic and international research institutions. The total grain output in 2014 was 4.8 million tons, down by around 10,000 tons or 0.2 percent from the previous year.³⁷¹

Since Kim Jong-un came to power, North Korea has introduced the “paddy unit responsibility system” under the “division management system” in order to boost food production. The paddy unit responsibility system allocates one paddy unit (of uniform size) to groups of three to five farmers—as part of “divisions” consisting of 10~25 members—to increase motivation for production.³⁷² On February 6, 2014, North Korea convened the “Agricultural Division Managers Rally.” In celebration of this event, Kim Jong-un sent a letter titled, “Let Us Bring about Innovation into Agricultural Production under the Unfurled Banner of the Socialist Rural Theses.” There have been reports that he initiated a reform called “A new plan for our way of economic management” (June 28 Plan); in Kim's letter, details backing up these agricultural reform measures as part of the June 28 Plan were made official. The North Korean leader focused on the “paddy unit responsibility” system and “exemplary units” in this letter. The lowest units of rural villages, the divisions, should “meet the needs for realistic development in the field of agriculture,” he added. More importantly, he made an official reference to the paddy unit responsibility system by saying, “We have introduced the paddy unit responsibility system within

371_Press release from the RPA, December 23, 2014.

372_*Unification News*, February 3, 2014.

the division management system to boost the enthusiasm of farm workers for production.” He encouraged collective farms to “properly apply [the systems] with their respective circumstances considered.” Pointing out the harms of egalitarian distribution, he emphasized the “socialist principles of distribution” based on the quantity and quality of labor. Given the national demand for food, and the understanding and demand of farm workers, he said, “The targets for compulsory grain purchases should be set at reasonable levels so agricultural workers can work harder with renewed confidence.”

He also stressed that “exemplary units should be created” in rural areas and that “even within collective farms, exemplary work groups and divisions should be built so various work groups and divisions will compete fiercely to catch up with those units.” He also gave two instructions to reinforce national support for rural areas. First, fertilizers should be supplied on a timely basis, upholding the proposition, “Fertilizer means rice.” Second, more human resources should be allocated to rural areas, given the low level of mechanization in North Korea’s agricultural industry.³⁷³

The *Rodong shinmun* claimed that the best crops of rice for the previous year were produced at the Yangso County Collective Farm, the Cho Ok–hui Collective Farm, the Subong Collective Farm in Yontan County, the Sokgyo Collective Farm in Pyongwon County, the Gwansu Collective Farm in Yonggwang County, the Euphyop–dong Farm in Hwadae County, and other farms that listened to the opinions of farm workers in setting up food production plans and successfully implemented the paddy unit responsibility

373_Jong-un Kim, “A Letter to the Participants of the Agricultural Division Managers Rally: Let Us Bring about Innovations in Agricultural Production under the Unfurled Banner of the Socialist Rural Theses,” *Korea Central News Agency*, February 7, 2015.

system, within the framework of the division management system.³⁷⁴

It should be noted, however, that North Korea's measures for improving economic management clearly have their limits, as these measures will be implemented in compliance with the socialist principles of the state planning system and the sharing of means of production. Even those under the paddy unit responsibility system, however, did receive an adequate amount of distributed food, as they were unable to meet the target amount in 2014 due to the drought and dearth of fertilizer. Therefore, it will take some time for measures to improve North Korea's economic management to work properly.³⁷⁵

B Accelerating Polarization of Access

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 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)

374_ *Rodong shinmun*, February 6, 2015.

375_ Korea Institute for National Unification, *The Unification Environment and Relations between South and North Korea: 2014~2015* (Seoul: KINU, 2014), pp. 51~52.

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.

The KINU's 2014 survey of 221 North Korean defectors shows that 72.4% of them got their food from markets (answered by 132 persons; multiple answers allowed).

Table IV-2 **Methods of Securing Grains**

Method of securing grains	Number of respondents	Ratio (percent)
From markets	105	72.4
Ration centers	0	0
State-run stores	0	0
Pension security	0	0
Relatives & friends	3	2.1
Farming (cultivating paddies)	24	16.6
Other	13	9.0
Total	145	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 relatively better 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. Official rations are distributed on a priority basis to specific groups such as officials of the Party, SSD, military, and military industry.³⁷⁶ North Korean defector XXX testified that those at provincial MPS and provincial SSD were receiving food rations.³⁷⁷ 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.³⁷⁸

376_ NKHR2010000005 2010-03-16; NKHR2010000031 2010-11-09; NKHR2010000071 2010-11-09.

377_ NKHR2014000023 2014-04-01; NKHR2014000154 2014-09-23.

378_ NKHR2013000068 2013-04-02.

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-ranking 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.³⁷⁹ There were testimonies that crackdown on the market became stricter during holidays since bribes that would be attained in the process of controlling the market are the main means of living of MPS officers.³⁸⁰ Therefore, these MPS officers maintain their livelihood based on bribes or other illegal methods. This phenomenon is prevalent in North Korean society. 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.³⁸¹

As discussed above, the total amount of grain had increased in since 2010, and presumably the grain situation has improved, but

379_ NKHR2012000033 2012-03-13.

380_ NKHR2012000050 2012-03-27.

381_ NKHR2013000099 2013-05-28.

most people are excluded from the official distribution loop and are enduring discrimination against in the process.

(1) Disparities in Access to Food amongst Enterprises

Grain rations focus on the ruling elites and the military, 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. Therefore, the 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 defectors 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-3	Rations at Coal-Mines	
	Testimonies	Testifier ID
	I worked at the Hyesan Mine. I received regular rations of (Chinese) flour twice a month until I defected in September 2011.	NKHR2012000002 2012-01-10
	In the case of the Musan Mine, rations were distributed twice a month, during the first and second half of each month.	NKHR2012000109 2012-06-12
	I received rations from the coal-mine ration center in Hoeryeong.	NKHR2013000037 2013-02-19
	Regular workers at Musan coal-mine (reporting to work everyday) will get rations of 10kg of corn a month..	NKHR2013000116 2013-06-11

Testimonies	Testifier ID
The Musan Coal Mine offers food rations on its own through the sale of mineral powders. The amount of food distributed, however, differs significantly between senior staff and laborers.	NKHR2014-000023 2014-04-01
	NKHR2014-000071 2014-06-17
	NKHR2014-000126 2014-08-26
	NKHR2014-000144 2014-09-02
	NKHR2014-000043 2014-04-29

As the situation deteriorated, even coal-mines issued rations only for the worker, and not for his/her family. One North Korean defector 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.³⁸²

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-4

Cases on Enterprises and Special Factories

Testimonies	Testifier ID
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 2012-02-07
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 2011-09-20

382_ NKHR2012000090 2012-05-22.

Testimonies	Testifier ID
Cigarette factory is a special facility for the People's Army, so all workers received 100 percent rations, though not their family.	NKHR2011000120 2011-05-24
The steel mill in Hyesan, Yanggang Province, was operating normally, so workers (though not their family) received rations.	NKHR2013000087 2013-04-30

Even if the factory did not operate properly, rations were sometimes given depending on the factory staff. A North Korean defector 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.³⁸³ Even the Kim Chaek Iron and Steel Complex is reportedly providing rations out of its own revenues earned from foreign currency and other sources.³⁸⁴

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.

383_ NKHR2008000015 2008-08-27.

384_ NKHR2014000103 2014-07-29.

Table IV-5 The Reality of Insufficient Food Rations

Testimonies	Testifier ID
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 2012-01-31
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 2012-09-04
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 2012-09-04

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-6 Cases of Rations through Patches of Land

Testimonies	Testifier ID
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 2012-07-03
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 2012-07-10

(2) 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 defectors testified that life in rural areas was in some cases harsher than in border areas. Defector XXX testified that he felt there were lots of grain at lower prices in the border regions like Musan, North Hamgyoung Province, compared to the situation at the cooperative farm in Kumya County, South Hamgyoung Province.³⁸⁵

Table IV-7	The Reality of Rations at Cooperative Farms	
	Testimonies	Testifier ID
	At the Rokpyoung 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 2011-07-05
	I worked as a farmer at the Yonpooung 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 2012-05-22
	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 2012-12-04
	In 2012, the ration situation was not very good at the cooperative farm in Yongsan-ri, Kumya County, South Hamgyoung Province.	NKHR2013000078 2013-04-16
	The farm is located in the breadbasket area of Chongdan County, but a large share of the output is delivered as military rice, leaving farm workers in a very tough situation.	NKHR2014000024 2014-04-01

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

385_NKHR2013000078 2013-04-16.

for military purposes, resulting in the deteriorating grain situation on the farms. They cannot openly resist such mobilization as a grand cause for military mobilization is always provided, such as Kim Jong-il's teachings and the Party policies.³⁸⁶ Farming goes quite well, but a large share of the output is mobilized as military grain reserves and the like. For this reason, little food is distributed by farms; farm workers receive only 30~40 percent of the standard amount.³⁸⁷

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. Farm workers often tapped into high-interest loans as a temporary solution to food shortage but end up suffering more. They did not have enough food between spring and summer but could not go to the market and buy more as they did not have money. As a result, those with a lot of food at home would offer a sort of high-interest loan with their food reserves. These high-interest loan providers would buy a large volume of barley when prices are low in August; they later “lend” it at a high interest rate of 25 percent. Someone who “borrows” one kilogram of food is later asked to pay back four kilograms.³⁸⁸ In some cases, military officers lent the small lots they had been distributed and received high interest.³⁸⁹ If a farm yield was unable to meet the amount of public contribution, the government fills the required amount by

386_ NKHR2014000003 2014-02-18.

387_ NKHR2014000164 2014-10-07.

388_ NKHR2014000099 2014-07-29.

389_ NKHR2014000176 2014-11-21.

taking away certain portions of output from land distributed or rented to individual farmers.

Table IV-8	Grain Shortage due to Official Skimming of Grains	
	Testimonies	Testifier ID
	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 2013-09-03
	They distributed 826 square meters 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 2012-09-25
	They distributed grains to the farmers in the fall, but recently, only one or two months worth of grain was distributed.	NKHR2012000235 2012-11-06
	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 2013-05-28
	In June 2013, three kilograms of bracken (worth 60,000 North Korean won) were delivered as military reserves, in an effort to follow Kim Jong-il's last instructions and earn foreign currency.	NKHR2014000003 2014-02-18
	In fall, the entire harvest was taken by military trucks.	NKHR2014000003 2014-02-18

The food shortage for farm workers is also attributable to excessive production quotas and the “doctoring” of books where the amount of food distributed to these workers is exaggerated. North Korean defector XXX said excessive production quotas were being imposed on farming households compared to the actual amount harvested. They were obliged to deliver 40 percent of the total output to the State, and the planned production quota is set at five tons for 10,000 square meters. The problem here, however, is that the actual output stood at a meager three tons. If two

tons are offered to the military as originally planned, the farmers end up with less than one ton, with the difference of two tons counted out from their share.³⁹⁰ Once the projected output has been proposed, the real output should be adjusted to match the projected figure, but this is not always the case in reality. Furthermore, some work group leaders would exaggerate in the books the amount of food for farm workers.³⁹¹ As for corn, water content may in some cases be faked in order to distribute a smaller amount of corn to the workers. The original distribution was of corn with 17 percent water content, but instead corn with 30 percent water content was distributed. In this case, it is the workers who must deal with the lost amount of corn as a result of greater water content.³⁹²

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.³⁹³ Defector XXX testified that the regional economic situation had deteriorated, and the farmers could not receive enough grain rations.³⁹⁴

Farm workers would work on small lots for their own survival as little food is distributed. Group leaders are well aware of the situation for these farm workers, and they know their survival should be guaranteed if they are to be able to work on the farm. For this reason, the group leaders would let them go to take care

390_ NKHR2014000003 2014-02-18.

391_ NKHR2014000055 2014-05-20.

392_ NKHR2014000150 2014-09-23.

393_ NKHR2012000235 2012-11-06; NKHR2012000273 2012-12-11.

394_ NKHR2013000125 2013-07-09.

of their lots in turn—unknown to managers and division leaders.³⁹⁵ Kim Jong-un ordered that, under the banner of the “new economic management system,” the private fields of local residents situated within 50 meters from the farm should be returned. These fields, however, are not being properly managed after the return, due mainly to the lack of resources needed for management.³⁹⁶

(3) 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. There are some cases where these minorities were given priority in food rations. North Korean defector XXX testified that he lived with his grandparents from the age of 14 as his father had died in 2010 and his mother was missing. His grandfather visited the local People’s Committee to see if there were any rations offered to children who had lost their parents. Since then he had received food rations on a continual basis until early June 2013, when

395_NKHR2014000055 2014-05-20.

396_NKHR2014000003 2014-02-18.

he found his mother and moved to Yonsa County, North Hamgyoung Province. Other residents in the neighborhood, however, were said to receive no rations.³⁹⁷ North Korean defector XXX said that her husband, who was working at a factory for honored veterans wounded in service, received four to seven kilograms of corn a month. No rations were provided for the other family members.³⁹⁸

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 defector 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 defector recalled.³⁹⁹ Furthermore, another defector 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.⁴⁰⁰ 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.⁴⁰¹

North Korean defector XXX of Hoeryeong, North Hamgyoung Province and XXX of Baekam County, Yanggang Province, both of whom defected in September 2012, testified that partial rations

397_ NKHR2014000145 2014-09-02.

398_ NKHR2014000157 2014-09-23.

399_ NKHR2012000184 2012-09-11.

400_ NKHR2013000104 2013-05-28.

401_ NKHR2012000111 2012-06-12.

were given until August of that year. They heard that rations would stop from September 2012.⁴⁰² More research regarding this issue is needed as the story indicates that certain changes 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 Hoeryeong, North Hamgyoung Province, where the number of defectors 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.⁴⁰³

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. As is widely known, the quality of food rations in Pyongyang is better than elsewhere. North Korean defector XXX said that he received food rations regularly in Pyongyang until he was dispatched to work abroad. A beer card was also offered, with which he could drink 25 glasses of Taedonggang Beer each month.⁴⁰⁴

402_ NKHR2012000273 2012-12-11; NKHR2012000274 2012-12-11.

403_ NKHR2012000020 2012-02-07.

404_ NKHR2014000202 2014-12-02.

Table IV-9 Status of Food Condition in Hwanghae Province and Border Areas

Testimonies	Testifier ID
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 2012-02-07
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 2012-10-23

The food situation of families of defectors was better than others, because the defectors who settled in South Korea would send remittances. A female defector 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.⁴⁰⁵

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. The overall nutritive conditions are said to be improving in areas like the county of Bochon in Yanggang Province and the city of Rason in North Hamgyong Province.⁴⁰⁶ Yet, other defectors testified that death from starvation could still be found in some places.

405_ NKHR2012000031 2012-02-21.

406_ NKHR2014000013 2014-03-04; NKHR2014000020 2014-03-18.

Table IV-10 The Starvation Deaths

Testimonies	Testifier ID
I saw my cousin's wife die from hunger on December 30, 2010.	NKHR2012000101 2012-06-05
In 2012, in Buhung-ri, Baekam County, Yanggang Province, 2 children died from lack of food and malnutrition.	NKHR2013000099 2013-05-28
In 2012, in front of Youngwoong Middle School, in Hyesan, Yanggang Province, I saw one starvation death.	NKHR2013000127 2013-07-09
In April 2012, I saw two starvation deaths: one was a woman (about 60) and the other was a man (about 45, farmer).	NKHR2013000096 2013-05-14
In December 2012, in front of Weyon rail station, I saw an old man who died from starvation.	NKHR2013000120 2013-06-25
In January 2013, in Gaeseong, I saw 10 dead people from Kumchon, North Hamgyoung Province. They died from hunger.	NKHR2013000194 2013-10-29
In January 2013, two people were found dead from starvation near-by an apartment in Haeam-dong, Sinpo.	NKHR2014000004 2014-02-18
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 2013-09-17
In April 2013, the defector saw three people dead from starvation in Munsong-ri, Tosan County, North Hwanghae Province.	NKHR2014000003 2014-02-18
I saw a starvation death at a potato farm in Samjiyon County, Yanggang Province.	NKHR2013000140 2013-07-23
A woman in my neighborhood left her home, but the farm could not look after her husband, and he died.	NKHR2013000204 2013-11-12
In front of a train station in Sunchon County, North Pyongan Province, the defector saw a homeless child beggar dead from starvation.	NKHR2014000180 2014-10-21

(4) Temporary Rationing from the Release of Military Grain Reserves

Through the in-depth interviews with North Korean defectors in 2013 and 2014, 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-11

Cases of Recent Receipt of Grain Rations

Testimonies	Testifier ID
In Daehongdan County, Yanggang Province, they tried their best to issue full 12-months amount of rations until 2011.	NKHR2013000060 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 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 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 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 2013-01-22
In Bocheon County, Yanggang Province, I received 400kg of potato from the enterprise for the last time in September 2012.	NKHR2013000062 2013-04-02
In Daehongdan County, Yanggang Province, I used to receive 1,000kg of potato rations until October 2012 when I defected.	NKHR2013000033 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 2013-03-19

Testimonies	Testifier ID
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 2013-10-01
I used to work as a worker at the Railroad Battalion in Hoeryeong, North Hamgyong Province. Until I defected in February 2013, I received 14kg of corn once a month.	NKHR2013000131 2013-07-09
In Hyesan, Yanggang Province, grains were rationed out in March, April, and May of 2013.	NKHR2013000166 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 2013-10-01
On August 15, 2013, I received 15-days worth of mixed ration (50 percent rice, 50 percent corn) from the enterprise.	NKHR2013000194 2013-10-29
Daehongdan County, Yanggang Province, handed out six-months worth of potato a year.	NKHR2013000111 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 2013-11-12
I got 6 months worth of rations from the enterprise under Danchon Mining Bureau.	NKHR2013000216 2013-11-26
Daehongdan County, Yanggang Province, was a model county in the nation, so they distributed proper rations.	NKHR2013000219 2013-11-26
In 2013, food rationing resumed in the border areas.	NKHR2014000214 2014-12-30
In 2013, rations were provided for about six months a year in the case of Hoeryeong, North Hamgyong Province.	NKHR2014000127 2014-08-26
The defector heard that in March and May 2013, white rice was rationed in proportion to the number of family members.	NKHR2014000120 2014-08-12
Rations were offered all across Hoeryeong, North Hamgyong Province for six months starting July 2013.	NKHR2014000065 2014-06-03
During his on site instructions in early February 2014, Kim Jong-un reportedly gave 20 kilograms of frozen seafood (such as octopus, anchovy, and sailfin sandfish) to each family in Samjiyon County, Yanggang Province.	NKHR2014000138 2014-09-02

The main reason for the temporary improvement of grain rations since 2012 appears to have been due to the release of military reserve grains. A continued series of testimonies on this situation were heard in our in-depth interviews in 2014, too. The situation, however, varied by region. There were cases where ration tickets arrived but no rations could be offered. This was because there was no food actually left in stock, as the senior staff had falsely reported potato production to enhance their records. Inspectors are dispatched to reveal problems with food rationing as a result of bribery and other forms of corruption, but these inspectors themselves are known to receive bribes and return without having made proper investigations.⁴⁰⁷

Table IV-12 Cases of Releasing Military Reserve Grains

Testimonies	Testifier ID
Since December 2012, grain rations were handed out after releasing the military reserve grains.	NKHR2013000137 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 2013-08-06
In April 2013, they released No. 2 military reserve rice and gave rations to local inhabitants.	NKHR2013000175 2013-10-01
In 2013, they rationed out No. 2 grains, which were reserve grains for wartime.	NKHR2013000193 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 2013-10-17
In Hyesan, they rationed out 430~450kg of wartime reserve grains, saying that the war was imminent.	NKHR2013000208 2013-11-12

407_ NKHR2014000013 2014-03-04; NKHR2014000076 2014-06-17.

Testimonies	Testifier ID
In 2015, instructions were issued that 450 grams of military rice be released each day from the No. 2 grain storage.	NKHR2014000019 2014-04-15
In 2013, the defector heard that Kim Jong-un ordered to the release of No. 2 military rice and to hand out rations.	NKHR2014000038 2014-04-15
Starting March 2013, military rice from the No. 2 grain storage was released; food rationing began at local distribution centers. The rations were composed of corn; the distribution was suspended in July.	NKHR2014000003 2014-02-18
Kim Jong-un ordered that the combination of corn and non-glutinous rice (mixed at the ratio of 7:3) should be distributed for 15 days each month from March to July 2013.	NKHR2014000013 2014-03-04
Shortly after coming to power, Kim Jong-un decided to release grain reserves from the No. 2 grain storage. This helped improve his stature among North Korean residents.	NKHR2014000055 2014-05-20
	NKHR2014000076 2014-06-17
	NKHR2014000085 2014-07-01

(5) 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.⁴⁰⁸

A defector who used to serve in the military in Gangwon Province and Pyongyang testified that his grain ration was different according to region. North Korean defector XXX explained that rations

408_ NKHR2011000188 2011-08-16.

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. 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.⁴⁰⁹ North Korean defector XXX recalled that food was distributed every day during his military service. He received 800 grams of grains (250 grams of rice, and 550 grams of corn) with a bit of salt and soy sauce. The rest of the food was produced internally.⁴¹⁰

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 defector 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.”⁴¹¹

Table IV-13 The Reality of Food and Nutrition in Military

Testimonies	Testifier ID
The food situation in the military was deteriorating since 2008. Rice in meals were always mixed with corn.	NKHR2012000002 2012-01-10
Testified that there were about 60 soldiers in his unit, and 30 percent of them suffered from malnutrition.	NKHR2011000096 2011-04-19

409_ NKHR2008000014 2008-08-26.
 410_ NKHR2014000121 2014-08-12.
 411_ NKHR2012000235 2012-11-06.

Sometimes soldiers who are not given sufficient amounts of food would steal food from villagers near the compound.⁴¹² In May and June each year, the amount of daily rations for soldiers is reduced to 200 grams citing food shortages; they are asked to source the rest of the food from within the units. During this period, civilian households are hit hard as many soldiers end up stealing food from them. North Korean defector XXX testified that, during his military service, his platoon leader told him, “Go steal [some food] but do not get caught.”⁴¹³ 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.⁴¹⁴

The reason the soldiers are not provided with proper food rations even under the Military-first Politics is the widespread corruption. Defector XXX testified that the regulation daily grain rations per soldier was 800g, but he received only 450g per day. The rations consisted of mixed corn and rice, but they are skimmed off as they run through regiment, battalion, and company mess-halls.⁴¹⁵ The original amount of grains supplied to soldiers is 750 grams per person. As these rations are passed on all the way down from the division through the regiment and the battalion to the company, 50 grams are pocketed at each phase. As a result, only 500 grams are ultimately left for the soldiers.⁴¹⁶

In some cases, even the families of military officers are not re-

412_ Soo-Am Kim *et al.*, *The Relationship between Human Rights and Corruption in North Korea*, pp. 152~154.

413_ NKHR2014000003 2014-02-18.

414_ NKHR2013000091 2013-05-14.

415_ NKHR2013000091 2013-05-14.

416_ NKHR2014000003 2014-02-18.

ceiving rations regularly.⁴¹⁷ 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.

(6) 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 defector 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.”⁴¹⁸

North Korean defectors 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.

Table IV-14	The Reality of Perception and Experience on Grain Assistance	
	Testimonies	Testifier ID
	A North Korean defector 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.	NKHR2010000011 2010-12-07
	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.	NKHR2012000020 2012-02-07

417_ NKHR2014000003 2014-02-18.

418_ NKHR2012000092 2012-05-22.

Testimonies	Testifier ID
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 2013-10-17
In the market-place, I saw bushels of rice marked "UN".	NKHR2013000193 2013-10-29
The defector had received food aid in 2003~2004.	NKHR2014000120 2014-08-12
The defector worked at a fertilizer factory in Hungnam until 2007. The factory once offered him rice supplied by the UN.	NKHR2014000157 2014-09-23

North Korean defector XXX testified that aid to North Korea is distributed to military bases, the MPS, the SSD, and businesses that generate foreign currency revenue.⁴¹⁹ 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. A defector 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).⁴²⁰ A defector 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.⁴²¹ However, privileged cities such as Pyongyang apparently receive rations from foreign rice aid to North Korea.⁴²² Defector XXX testified that he was aware of the arrival of humanitarian assistance rice because the Neighbourhood Watch (*inminban*)

419_ NKHR2011000203 2011-09-06; NKHR2013000180 2013-10-01.

420_ NKHR2008000011 2008-12-16.

421_ NKHR2009000061 2009-10-08.

422_ NKHR2011000124 2011-05-24.

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.⁴²³

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. Defector 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.”⁴²⁴

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.⁴²⁵ 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.⁴²⁶ North Korean defectors who served in the military said they were provided rations of rice from South Korean aid provisions.⁴²⁷

423_ NKHR2013000009 2013-01-08.

424_ NKHR2013000042 2013-03-05.

425_ NKHR2008000027 2008-12-02.

426_ NKHR2011000213 2011-10-04.

427_ NKHR2011000096 2011-04-19; NKHR2011000103 2011-05-03.

2

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, paragraph 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, paragraph 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 Korean 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 Declining Availability and Aggravated Inequality between Classes

(1) 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-15	Cases on Insufficient Medical Facilities	
	Testimonies	Testifier ID
	A North Korean defector, who used to practice medicine in Sariwon, North Hwanghae Province, 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 2012-04-26
	A North Korean defector had heard that an 18-year old young man living in Gimchaek, North Hamgyoung Province died within a few hours after he received a shot with an infected syringe.	NKHR2011000108 2011-05-11

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.⁴²⁸

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 modes of

428_NKHR2012000072 2012-04-26.

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.⁴²⁹ Poor infrastructure degrades the quality of medical care in emergency situations.

(2) 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

429_ 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 ordinary citizens is bound to widen in terms of physical 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.⁴³⁰ 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-16	Cases of Collapsing Medical Service System	
	Testimonies	Testifier ID
	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 2012-04-24

430_ *Yonhap News*, September 24, 2013; *Yonhap News*, October 6, 2012.

Testimonies	Testifier ID
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.	NKHR2011000182 2011-08-09
In 2010, the defector's husband suffered from neurogenic gastritis, cirrhosis, and typhoid, but doctors at small local hospitals and clinics would only diagnose as they did not have the right equipment for treatment.	NKHR2014000055 2014-05-20

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.⁴³¹

(3) 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 defectors

431_ 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.

testified that the preventive medicine that North Korea boasts of is not working properly. Numerous testimonies were made in the 2014 survey, however, that vaccinations are being made. It seems that the situation is getting better.

Table IV-17	The Reality of Vaccines	
	Testimonies	Testifier ID
	While living in Hamhung, the defector was vaccinated for free against paratyphoid, malaria, and measles in 2009.	NKHR2014000076 2014-06-17
	The defector was vaccinated against polio in October 2012.	NKHR2014000092 2014-07-15
	In Chongjin, the defector was vaccinated against measles, hepatitis, tuberculosis, and paratyphoid until he defected in 2014.	NKHR2014000091 2014-07-15
	The defector was vaccinated against BCG shortly after childbirth, and against hepatitis a week after that.	NKHR2014000001 2014-02-18
	The defector was vaccinated against typhoid and other infectious diseases.	NKHR2014000121 2014-08-12
	Vaccinations were done twice a year against paratyphoid, cholera, and Japanese encephalitis.	NKHR2014000157 2014-09-23

But, 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 2011-08-16
	In 2011, there were five family physicians in Kang-an dong, Hoeryeong, North Hamgyong 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 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 2011-06-14

Testimonies	Testifier ID
A North Korean defector from Hyesan, Yanggang Province, testified that the family doctor system has now become a “name only” system.	NKHR2012000022 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 2012-04-24
The role of home doctors is limited.	NKHR2014000212 2014-12-30

Seven *imminbans* are assigned to each home doctor, who would make a tour of these groups and provide hygiene education. When patients come to clinics for examinations or prescriptions, they are assigned to doctors responsible for the districts they live in. Home doctors give prescriptions for medicines, which patients themselves should go out and buy.⁴³² Home doctors issue medical certificates only and do not engage in treatment; they are also involved in preventive medicine, such as vaccination against contagious diseases.⁴³³

However, in many cases the nurses were playing the role of home-care doctors, as doctors were also busily engaged with their personal livelihood.⁴³⁴

B Reduced Availability and the Realities of the Free Medical System

In an effort to promote citizens’ right to health, North Korea has stipulated detailed obligations for the government to fulfill.

432_ NKHR2014000062 2014-05-23.
 433_ NKHR2014000111 2014-08-12.
 434_ NKHR2013000063 2013-04-02.

Article 9 of the Public Health Law stipulates, “The state gives all 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

Article 10 of the Public Health Law: 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.

(1) 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, paragraph 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. In some cases, even these pharmacies are selling medicines at market prices. North Korean defector XXX testified that each county had Pharmacies Nos. one to three, where medicines are sold at market prices instead of government-set prices.⁴³⁵

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.

435_NKHR2014000043 2014-04-29.

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 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 2012-05-15
Drug stores were run by private individuals who sold medicine.	NKHR2012000090 2012-05-22
In some cases, doctors will sell medicines at their homes.	NKHR2013000006 2013-01-08
The supply of medicines is insufficient, but an ample amount of medicines can be found across society, with people even finding medicines at market or taking them at home.	NKHR2014000006 2014-03-04
Many pharmacies are run by individuals, where they sell medicines for the same as the market price.	NKHR2014000096 2014-07-15

In the process, doctors and private drug stores enter into unofficial contracts for mutual profit. A North Korean defector 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.⁴³⁶ In some cases, doctors write down a list of medicines needed for patients and let the patients buy those medicines at private pharmacies that they are running.⁴³⁷

According to North Korean defectors, medicine sold on the market

436_ Interview with defector XXX in Seoul on August 24, 2011.

437_ NKHR2014000013 2014-03-04.

are mostly made in China. Some UN medicines are also sold on the market. Some North Koreans are aware that medicines are being offered by the international community.⁴³⁸ North Korean defectors 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. Defector 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.⁴³⁹ North Korean defector XXX said that tuberculosis drugs were not available in Hamhung, but those supplied by the UN could be found in Kim Hyung-jik (Huchang) County.⁴⁴⁰ Private drug stores will also sell North Korean medicine, for example, by Jungsung Pharmaceutical Manufacturer. Recent testimonies suggest that a growing volume of medicines from Jongsong Pharmaceuticals are available in pharmacies.⁴⁴¹

438_ NKHR2014000207 2014-12-16.

439_ NKHR2012000118 2012-06-19.

440_ NKHR2014000076 2014-06-17.

441_ NKHR2014000131 2014-08-26.

Table IV-21 Sources of Medicines Sold on the Market

Testimonies	Testifier ID
Testified that medicines in marketplaces are made in China.	NKHR2012000050 2012-03-27
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 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 2012-03-20
Currently, many of North Korean medicines are sold in Hyesan. Medicines made in North Korea are sold at a store called Jungsung Pharmacy.	NKHR2012000091 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 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 defector XXX testified that hospitals are not totally paralyzed, and dispensaries for senior staff were functioning with good quality medicines.⁴⁴² In addition, doctors’ acquaintances also

.....
442_ NKHR2012000234 2012-11-06.

receive medicine free of charge. In practice, a North Korean defector had eye treatment at a hospital in Pyongyang during the summer of 2009. The medicine was free as the defector's manager at work (Clothing export factory) introduced the defector (him or her) to the doctor.⁴⁴³ The hospital did not entirely run out of medicine, but they did not have enough antibiotics for surgeries and post-surgery care. They used one or two injections per patient, since they did not want to use everything on a single person. They would allocate medicine to patients they knew.⁴⁴⁴

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.⁴⁴⁵ 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

443_ NKHR2012000018 2012-02-07.

444_ NKHR2014000157 2014-09-23.

445_ NKHR2011000203 2011-09-06; NKHR2012000131 2012-07-03; NKHR2012000132 2012-07-03.

poor in terms of their right to health.

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 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 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 2012-06-12	
After you purchased an ampule from the drug store as directed by the doctor, he will administer the shot.	NKHR2012000222 2012-10-23	
Hospitals had medicines, but they would treat them as private property, and sell them illegally to in-patients.	NKHR2013000005 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.	NKHR201000032 2010-11-23
	NKHR2011000213 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)	NKHR201200004 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 defectors testified that most of the medication sold on the market are the pills manufactured by individuals at their home.

Table IV-24 The 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 2012-02-07
There are lots of bogus medicines.	NKHR2013000050 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.⁴⁴⁶

446_ The distribution should follow a line from the central supplier to Province to City (County) to Hospital and to the Patient. In the process, however, large amounts of medicine are smuggled to the market. NKHR2012000060 2012-04-10.

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.⁴⁴⁷

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. Defector XXX testified that people would get opium injections to relieve pains because they could not obtain the right medicine.⁴⁴⁸ 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 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

447_NKHR2011000203 2011-09-06.

448_NKHR2013000065 2013-04-02.

and only seek help from the hospital after they have become addicted; by then many are beyond help.⁴⁴⁹

The supply of medicine is not sufficient even in the military. North Korean defector XXX said that even the division-class military hospitals did not have enough medicine in place.⁴⁵⁰

(2) 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 defector, who used to practice medicine in North Hamgyong Province, testified that people visited hospitals only when they needed surgery or special examinations such as X-rays.	NKHR2012000283 2012-12-18
Hospitals are for diagnoses and operations only.	NKHR2013000006 2013-01-08

449_ *Good Friends*, “North Korea Today,” No. 419 (September 7, 2011); NKHR2011000173 2011-07-26.

450_ NKHR2014000003 2014-02-18.

Testimonies	Testifier ID
<p>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.</p>	<p>NKHR2013000057 2013-03-19</p>
<p>Hospitals will only confirm the nature of the illness, and the patients will have to purchase their own medicines for treatment.</p>	<p>NKHR2013000050 2013-03-19</p>

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. The hospital receives money from patients needing surgery. If they do not have enough money at the moment, the hospital may sign a contract with the patients allowing them to undergo surgery first and pay later. North Korean defector XXX said that she entered into such a contract in 2013 when her mother-in-law needed an appendectomy. The average cost for an appendectomy at the time was 20~30 Chinese yuan.⁴⁵¹ Some are even asked to pay for blood transfusions. North Korean defector XXX testified that his brother had a car accident and was sent to the Hyesan City Hospital in July 2011. He underwent an operation and paid 100 yuan for blood transfusion.⁴⁵²

451_NKHR2014000119 2014-08-12.

452_NKHR2014000131 2014-08-26.

Table IV-26 Cases of Medical Expenses Charged to Patients

Testimonies	Testifier ID
In November 2010, my father was hospitalized for an appenectomy at Jechol Hospital in Sabongdong, Songpyong District, North Hamgyoung Province. We had to pay the doctor personally for hospitalization (surgery, room, etc.), medicines, and meals.	NKHR2012000012 2012-01-31
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 2012-03-20
In 2010, the defector's husband suffered from neurogenic gastritis, cirrhosis and typhoid. He was hospitalized for three months at a hospital in Pungso County, Yanggang Province but eventually died. The expenses for his hospitalization amounted to 1.2 million won.	NKHR2014000055 2014-05-20
In 2010, the defector underwent an appendectomy at the People's Hospital in Hoeryeong, North Hamgyoung Province. He had to pay around 100,000 won.	NKHR2014000115 2014-08-12
In 2012, the defector's husband was hospitalized for stomach cancer at the Chongjin Medical University Hospital. At the time of hospitalization, everyone had to pay 50,000 won; another 50,000 won was paid to the head of the department.	NKHR2014000006 2014-03-04
In May 2013, the defector was hospitalized for eight days at the Provincial Hospital of North Hamgyoung Province. The patient had to pay for everything from cotton to needles to soaps that the doctor used to wash his hands. The doctor stitched up his wound and put a bandage on it, which cost the defector 400,000 won.	NKHR2014000014 2014-03-18
In October 2013, the defector went to a provincial hospital in Hyesan, Yanggang Province for an appendectomy. He had to pay 50 yuan for the operation and 100 yuan to the doctor.	NKHR2014000201 2014-12-12

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 The Reality of Hospitalization and Surgery

Testimonies	Testifier ID
In 2007, I got an appendectomy operation at Hyesan, Yanggang Province, and had to pay 30,000 KPW.	NKHR2012000151 2012-07-24
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 2012-07-24
My mother had received a cancer treatment at Shin-ujju 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 2013-03-19
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 2012-03-28
In June 2011, my brother had an appendectomy operation, and the doctor asked for 5,000 KPW, so I gave him the money.	NKHR2012000270 2012-12-11
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 2013-04-02
I received an appendectomy operation at the Hyesan Provincial Hospital, and I paid 15,000 KPW to the doctor for the surgery.	NKHR2011000231 2011-11-08
The patient must pay for 90 percent or more of all expenses at the hospital, including surgery and hospitalization.	NKHR2012000016 2012-02-07
The patient must pay for everything at the hospital, including gauze, anesthetic, and medicines.	NKHR2012000059 2012-04-10
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 2012-04-24
Aunt XXX had a stomach inflammation, and needed a stomach surgery, and had to pay 1,000 Yuan (Chinese) at the time.	NKHR2012000105 2012-06-05
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 2013-03-05

However, hospitals do provide part of its service free of charge, although not the entire cost.

Table IV-28 The 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 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 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. Such infringements on the right to health are observed in military units as well.

Table IV-29 Cases of Deaths from Inadequate Treatment

Testimonies	Testifier ID
In February 2007, my mother XXX died of tuberculosis in Nampo, South Hwanghae Province because she could not get proper and timely treatment.	NKHR2012000144 2012-07-17
Father of my colleague XXX died from terminal stage tuberculosis. He was poor, and could not receive timely treatment.	NKHR2012000104 2012-06-05
I saw a patient who fell ill after an abortion. She was hospitalized, but died because they did not properly treat her.	NKHR2010000042 2010-10-26
In March 2010, the defector's mother was hospitalized for two months due to a myocardial infarction. She was not properly diagnosed and ended up dying of medical poisoning.	NKHR2014000013 2014-03-04
In March 2014, the defector's brother-in-law began suffering from a lung condition. He could not get proper treatment and eventually died.	NKHR2014000004 2014-02-18

When tests or examinations are necessary, the patient has to pay for part of the expenses. A North Korean defector 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.⁴⁵³

Hospitalization itself does not cost anything, but the patient has to pay for everything he/she needs in the hospital room. 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.⁴⁵⁴

Table IV-30	Other Expenses Paid by Patients inside Hospitals	
	Testimonies	Testifier ID
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 2008-11-05
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 2008-11-11
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 defector testified that she had heard hospital fees are pre-determined for each illness.		NKHR2008000027 2008-12-02
A sanitarium for tuberculosis asked the patients to bring their own food. They were given free medicine for X-ray examinations.		NKHR2012000234 2012-11-06

453_ NKHR2012000253 2012-11-20.

454_ NKHR2011000118 2011-05-17.

Although North Korea has a free medical system in place, its people believe that money rules everything in hospitals. For this reason, many of them ask doctors they know to drop by to give an IV or other injections instead of going to hospitals.⁴⁵⁵ Some would call nurses at home for medical treatment.⁴⁵⁶

455_ NKHR2014000038 2014-04-15; NKHR2014000164 2014-10-07.

456_ NKHR2014000083 2014-07-01.

3

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;⁴⁵⁷ decent work;⁴⁵⁸ prohibition of forced labor;⁴⁵⁹

457_ Committee on Economic, Social, and Cultural Rights, General Comment 18, para. 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."

458_ Committee on Economic, Social, and Cultural Rights, General Comment 18, para. 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."

459_ Committee on Economic, Social, and Cultural Rights, General Comment 18, para. 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 Human Rights, article 5 of the Slavery Convention and article 8 of the ICCPR."

prohibition on unfair dismissal from jobs;⁴⁶⁰ and the principle of non-discrimination.⁴⁶¹ Another important part of “right to work” is the right to form trade unions voluntarily and the right to strike.⁴⁶²

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 the 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 the ICESCR declares, “The right of everyone to enjoy just and favourable work conditions which ensure, in particular: fair wages and equal remuneration for work of equal

460_ Committee on Economic, Social, and Cultural Rights, General Comment 18, para. 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.”

461_ Committee on Economic, Social, and Cultural Rights, General Comment 18, para. 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.”

462_ Article 8, paragraph 1 of the ICESCR 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.”

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, the Labor Law and other laws. North Korean 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 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 working 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.⁴⁶³ Article 30 of Labor Law stipulates that in assigning workers,

463_ 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.

various factors must be considered, including age, gender, physical condition, personal wishes, and capabilities. North Korean defectors testified that the individual worker's wishes would rarely be considered in work assignments. The KINU asked 392 North Korean defectors who escaped between 2010 and 2014, "Are individual wishes and capabilities reflected in work assignments?" "Such things were not reflected, according to 305 respondents (77.8 percent), while only 87 respondents (22.2 percent) believed that they were. Among those who escaped the North in 2014, 73.5 percent (36 respondents) said capabilities and personal wishes were not reflected.

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 defectors, "group assignments" were made and groups of workers were forcibly sent to various coal-mines all over North Korea; 1,000 to Gyeongseong 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.⁴⁶⁴ Also, according to the KINU's in-depth interviews, group allocations are most frequent in coal mines,

464_ NKHR2011000208 2011-09-20; NKHR2012000011 2012-01-31; NKHR2012000094 2012-05-29; NKHR2013000033 2012-02-19; NKHR2012000026 2012-02-21; NKHR2012000052 2012-03-28; NKHR2013000144 2012-08-06.

followed by factories and collective farms. According to North Korean defectors, the so-called group allocations are imposed on these people by the authorities regardless of personal choice.⁴⁶⁵ 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.⁴⁶⁶

Not only job assignments, but also job transfers are not made based on individual worker's free will.⁴⁶⁷ 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.⁴⁶⁸

B Decent Work

The most important condition of a “decent work” is that which guarantees “a decent living for (workers) and for their families ...

465_ *Yonhap News*, December 13, 2001.

466_ North Korean defector XXX 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.

467_ Kang-sik Kim, *Labor in North Korea: System and Human Resource* (Seoul: Jipmoondang, 2003), pp. 81~82.

468_ NKHR2012000032 2012-03-13; NKHR2013000056 2013-03-19.

in safe and healthy working conditions” (Article 7 of the 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. The KINU asked 273 North Korean defectors who defected between 2010 and 2014, “How punctual was your workplace with paying wages?” Only 26.4 percent, or 72 respondents, chose “very punctual” or “punctual,” 65.2 percent (178 respondents) replied their workplace was “late” or “very late.” Of the 52 defectors who came to South Korea in 2014, 61.5 percent, or 32 of them, gave negative answers to the question on whether wages were paid in a timely manner. As for the proper wage level or amount, of 251 interviewees who fled North Korea between 2010 and 2014, only 4.8 percent (12 respondents) said their wage level was “very appropriate” or “appropriate,” while 91.6 percent (230 respondents) chose “inappropriate” or “very inappropriate.” Among those who defected in 2014, 51 out of 54 respondents, or 94.4 percent, gave negative answers to questions on their wage levels. In short, most North Korean defectors testified that grain rations and wages were normally given at places like coal–mines and major enterprises, but at other enterprises grain rations and wages were not given normally.⁴⁶⁹ 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 defectors have testified that most workers these days “do not even expect to get any wages.”⁴⁷⁰

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”⁴⁷¹ and other unofficial work.⁴⁷² According to a survey conducted with 200 North Korean defectors 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.⁴⁷³ Clearly, these numbers are evidence that North Korea’s working conditions are far from the “stable jobs” prescribed in North Korean laws.

469_ NKHR2013000143 2013-08-06; NKHR2013000095 2013-04-30; NKHR2012000010 2012-01-31; NKHR2013000051 2012-03-27.

470_ 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; NKHR2012 000152 2012-07-24.

471_ 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.

472_ NKHR2013000131 2013-07-09.

473_ 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.

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.⁴⁷⁴

C 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.⁴⁷⁵ 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 activities rather than report to their workplace. This practice is clearly illegal under North Korean laws. Article 90 of Administrative

474_ NKHR2012000010 2012-01-31.

475_ NKHR20120000002 2012-01-10; NKHR2012000038 2012-03-20; NKHR2012000060 2012-04-10.

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 defectors 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.⁴⁷⁶ 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.⁴⁷⁷

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 (*rodongdanryundae*) to uphold socialist education. In labor training camps (*rodongdanryundae*), ordinary prison camps (*kyohwaso*), and political prison camps (*kwanliso*), compensation is not made for work at construction sites, farms, firewood collection, and other hard work.⁴⁷⁸

476_ NKHR2013000057 2013-03-19.

477_ NKHR2013000131 2013-07-09; NKHR2013000177 2013-10-01.

478_ 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.⁴⁷⁹

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 worker's

479_NKHR2012000089 2013-04-30.

“capabilities and physical fitness” for the job, as well as other factors such as age, gender, physical fitness, functional techniques, and ideological loyalty.⁴⁸⁰ 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 Ideology System, 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 prescribed are the right to participate in work equally with men, the right to

480_ Chang-keun Lee, *On Further Development of Theories of Our Party’s Labor Administration* (Pyongyang: Social Science Publishers, 1992), p. 76.

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 defectors testified that legal protection measures for women are not faithfully observed in North Korea.⁴⁸¹ Another defector testified that women workers with children were paid extra-pays.⁴⁸²

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.”⁴⁸³ It does not have the right to collectively organize, and bargain. Following the Ninth Plenum of the Fourth Party Central Committee held in June 1964, the trade union's role of monitoring and controlling corporate management was abolished, and the interests

481_ NKHR2012000117 2013-06-25.

482_ NKHR2012000155 2012-07-31.

483_ Kang-sik Kim, *Labor in North Korea: System and Human Resource*, p. 153.

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.⁴⁸⁴ 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.

484_ *ibid.*, p. 155.

4

Right to Education

Article 26, paragraph 1 of the UDHR and Article 13, paragraph 1 of the 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 the 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.⁴⁸⁵ 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 and

⁴⁸⁵ Committees on Economic, Social, and Cultural Rights, General Comment 13, para. 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...”

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.⁴⁸⁶

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.⁴⁸⁷ It is not low compared to South Korea's education budget of 5.05 percent.⁴⁸⁸ 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. The KINU conducted a survey of North Korean defectors who arrived in South Korea between 2010 and 2014. Only 51 of 268 respondents replied that the North Korean government's support for education and school facilities was “sufficient” or “average,” while 217 respondents, or 81.0 percent of all respondents,

486_ 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.

487_ (UNESCO, MDA-EFA Census 2008).

488_ (WB, 2009).

said government support in this regard was “insufficient” or “very insufficient.” Among defectors who arrived in 2014, 79.6 percent of them have negative views on government support for education.

B Accessibility

Accessibility is reviewed in terms of non-discrimination, physical, and economic accessibility.⁴⁸⁹ 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 (*kwanliso*). 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

489_ Committees on Economic, Social, and Cultural Rights, General Comment 13 para. 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.”

all necessary measures to guarantee compulsory middle school 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 “Concluding Observations” 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 Convention on the Elimination of All Forms of Discrimination against Women (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.⁴⁹⁰ 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

490_ CEDAW, “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.

“1.00” for elementary children and “1.00” for the middle school children.⁴⁹¹ More data 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.⁴⁹² 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 (para. 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.⁴⁹³ 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

491_ CBS·UNICEF, DPR Korea Multiple Indicator Cluster Survey 2009 (2010), p. 80.

492_ CBS·UNICEF, DPR Korea Multiple Indicator Cluster Survey 2009 (2010), p. 78.

493_ 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.

is quite poor.⁴⁹⁴ Furthermore, these students probably belong 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.⁴⁹⁵ 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 defectors as to whether they had to pay for the expenses of school facilities and other unofficial fees to their children's schools. Among North Korean defectors who came to South Korea between 2010 and 2014, 88.1 percent said they had to pay for school facility expenses, while 95.4 percent stated they had to pay unofficial school expenses. For those who escaped in 2014, the figures were 86.4 percent and 94.6 percent, respectively. Regarding the amount of unofficial school expenses they paid for, 144 of 271 respondents, or 53.1 percent of all respondents, replied that the amount was "very significant," 32.1

494_ 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).

495_ Kyo-Duk Lee *et al.*, *Changes of North Korea through the Testimonies of North Korean Defectors* (Seoul, Korea Institute for National Unification (KINU), 2007), p. 143. In this connection, North Korean defectors testified that "textbooks were distributed for only about half the number of study subjects, and no school supplies were handed out." (NKHR2013000143 2013-08-06); "Only about 30 percent of the textbooks were new and the rest were used books." (NKHR2013000164 2013-09-03).

percent (87 respondents) viewed the amount as “significant” and 4.8 percent (13 respondents) as “average.” Only 10.0 percent (27 respondents) thought the amount was “negligible” or “zero.” In this connection, one defector 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.’⁴⁹⁶ These unofficial personal burdens are another reason for early drop-outs and student absenteeism.⁴⁹⁷ The children from poor families and financially strapped households do often choose not to go to school.⁴⁹⁸ According to the defectors, 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.⁴⁹⁹ 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.⁵⁰⁰

North Korean authorities had reported that the rate of children going to elementary school was 99.2 percent for boys and 99.1

496_ NKHR2013000191 2013-10-17. Other defectors 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).

497_ NKHR2012000092 2012-05-22; NKHR2013000108 2012-06-11; NKHR2012000107 2012-06-12; NKHR2012000151 2012-07-24; NKHR2012000177 2012-09-04.

498_ NKHR2012000092 2012-05-22; NKHR2012000116 2012-06-19; NKHR2012000198 2012-09-25; NKHR2012000215 2012-10-16.

499_ The attendance rate confirmed through the defector testimonies was rather widespread 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 2013-12-10.

500_ 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.

percent for girls, and their rate of advancing to middle school was 100 percent.⁵⁰¹ 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. According to our survey of 284 defectors who fled from the North between 2010 and 2014, the biggest factor affecting one's advancement to higher schools was financial wherewithal (bribery: 53.9 percent), followed by academic performance (19.4 percent), family background (18.3 percent), and political influence (5.6 percent). 48 respondents who defected

501_CBS·UNICEF, DPR Korea Multiple Indicator Cluster Survey 2009 (2010), p. 78.

in 2014, also chose financial wherewithal as the biggest determinant (bribery: 54.2 percent), followed by academic performance (20.8 percent), family background (18.8 percent), political power (2.1 percent), and the will of the student and his/her family (2.1 percent). This indicates that the importance of family background, which once was the largest factor in this regard, has diminished while financial wherewithal has increased dramatically.

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 Convention on the Rights of the Child (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 Korean 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 (para. 59).⁵⁰² North Korea insists that "combining education and practice is an indispensable step to raising a person that possesses both knowledge and performance capabilities" (Article 4 of the Education Law). 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 defector 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 the school hours. They

502_ UNCRRC, "Concluding Observations: Democratic People's Republic of Korea (unedited version)" (2009.1.31).

are often mobilized for farming or construction work.⁵⁰³ 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 2nd and 3rd 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 (para. 56). In the Concluding Observations on the third and fourth combined periodic report, the Committee on the Rights of the Child expressed their concern

503_ NKHR2012000012 2012-01-31; NKHR2012000024 2012-02-21; NKHR2012000125 2012-06-26; NKHR2013000143 2013-08-06; NKHR2013000187 2013-10-17. A defector 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.

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 (para. 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 op-

erated 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.



Chapter

V

The Reality of Human Rights of Vulnerable Groups

- 1 Women
- 2 Children
- 3 Persons with Disabilities

1

Women

A Gender Equality and Women's Social Participation

International Covenant on Civil and Political Rights (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 Convention on the Elimination of All Forms of Discrimination against Women (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.”⁵⁰⁴

504_ 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.

North Korea became a signatory of the CEDAW in February of 2001 and also submitted their first implementation report on the CEDAW⁵⁰⁵ 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,⁵⁰⁶ Law on the Nursing and Upbring of children,⁵⁰⁷ Labor Law,⁵⁰⁸ Family Law,⁵⁰⁹ and Law for the Protection of Women’s Rights.⁵¹⁰ 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

505_ 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.

506_ 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.

507_ The article 20 and 21 of the Law on the Nursing and Upbring of Children stipulates the protection of mothers and their children.

508_ 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.

509_ Article 18 of Family Law guarantees equality between husband and wife.

510_ 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.

the status of North Korean women today through laws and systems, they are fully entitled to all civil and political rights as men are 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.”⁵¹¹

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.” Of all North Korean defectors interviewed by the KINU from 2010 to 2014, 75.7 percent said North Korean women were “unequal” (including 21.9 percent who chose “very unequal”). Among those who arrived in South Korea in 2014, 80.0 percent saw North Korean women treated as “unequal” (including 26 percent who chose “very unequal”).

Since the 1970s, approximately 20 percent of the people’s deputies at the Supreme People’s Assembly (SPA) are women.⁵¹² It has also been reported that the ratio of female deputies elected to the Provincial People’s Assemblies is approximately 20~30 percent. The difference, however, is that delegates in North Korea are not

511_ Seong-gil Oh, *Creator of Happiness* (Pyongyang: Pyongyang Press, 2006), p. 240.

512_ The ratio of women in the deputy election was 20.1 percent in the 10th and 11th Supreme People’s Assemblies in July 1998 and August 2003, respectively, but the ratio was declined to 15.6 percent in the 12th Supreme People’s Assembly in April 2009.

elected through free elections but through arbitrary assignments by the Party for formal 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.⁵¹³

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.⁵¹⁴ 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, while some 15 percent of the Foreign Ministry employees are women." In this regard, the

513_ 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.

514_ 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.

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.⁵¹⁵ 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.⁵¹⁶

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 amounts and types of work assigned, as numerous administrative measures are taken to promote women's participation in a variety

515_ Interview with North Korean defector XXX in Seoul on October 11, 2012.

516_ "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.

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.⁵¹⁷ 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.⁵¹⁸ On the other hand, female workers occupied 39.9 percent in other sectors like growing plants, animal husbandry, forestry, and fisheries.⁵¹⁹

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

517_ Central Bureau of Statistics, Pyongyang, DPR Korea, “DPR Korea 2008 Population Census, National Report,” (2009), pp. 193~199 [re-edited].

518_ *ibid.*, pp. 200~204 [re-edited].

519_ *ibid.*, pp. 200~204 [re-edited].

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”.⁵²⁰ As workforce shortage persists, the North Korean authorities mobilize members of the Chosun Democratic Women’s Union for farming and construction work⁵²¹, 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.⁵²²

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 tradi-

520_NKHR2009000006 2009-02-05; NKHR2009000058 2009-09-24; NKHR2009000070 2009-11-18; NKHR2009000073 2009-12-02.

521_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.

522_NKHR2013000027 2013-02-05.

tional 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, superficial 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 Law⁵²³ 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.

(1) Housework 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.

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.

523_ The recent revision was made on December 15, 2009.

The KINU's survey results between 2010 and 2014 show that 93.4 percent of the respondents believed "women" were responsible for housework; 78 percent felt "wives" should take responsibility for housework even when they are financially supporting their families. In our 2014 survey, these figures dropped to 89.5 percent and 75.2 percent, respectively.

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.⁵²⁴ This indicates that the status of the husband has changed in North Korean households. In our surveys between 2010 and 2014, 53.3% of those surveyed said husbands were the "actual authority" in the family, while 43.1% viewed them as the "formal authority." In addition, 61.6% replied that the status of and perceptions toward women have "changed since they started to work outside." In our 2014 survey, 62.8% of the respondents said husbands were the "actual authority" and 28.5% said the "formal authority." And on the last point, 60% agreed that women's "status and values have changed since they began to engage in economic activity."

524_ NKHR2013000087 2013-04-30; NKHR2013000199 2013-07-20; NKHR2013000137 2013-07-23; NKHR2013000199 2013-10-29.

(2) Divorce

Most North Korean defectors 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.

The KINU's survey results from 2010 to 2014 show that 76.6 percent of respondents thought divorce was common (including 24.6 percent who chose "very common"). The key reasons for divorce were cited as financial incompetence (56.6 percent), family discord (17.1 percent), domestic violence (12.7 percent), and unfaithfulness (9 percent). In the 2014 survey, 71.2 percent said divorce was "common" (with "very common" at 26.2 percent). The key reasons for divorce were financial incompetence (45 answers), family discord (21 answers), domestic violence (13 answers), and unfaithfulness (10 answers).

If a wife filed for divorce for reasons of domestic violence or husband's financial disabilities, 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.⁵²⁵

(3) Status of Women

North Korean defectors testify that there are minor differences in the level of women's voices and statuses within each family. In

525_NKHR2012000151 2012-07-24.

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 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. The KINU's survey results from 2010 to 2014 reveal that a majority of respondents were "dissatisfied" (25.6 percent) with or wanted "improvement" (30.1 percent) on male chauvinism, prevalent in North Korean society. In the 2014 survey, 22.9% (11 out of 48 answers) replied they were "dissatisfied" with the situation while 37.5% (18 out of 48 answers) said "improvement" was needed.

C Sexual Violence

(1) 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 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 brokers, 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. Some of them are sold to China, knowing that they will become “purchased” brides, as they are often enticed by the possibility of making money easily in China.⁵²⁶ North Korean defector XXX testified that he/she heard about these cases and saw a few in the spring of 2010 and 2011.⁵²⁷ 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. Defector XXX testified that 15~16 year old girls wandering around as *kotjebi* (homeless child beggars) were trafficked to China.⁵²⁸

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.

526_ NKHR2014000083 2014-07-01; NKHR2014000028 2014-04-01.

527_ Interview with defector XXX in Seoul on September 25, 2012.

528_ Interview with defector XXX in Seoul on October 5, 2012.

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. From 2010 to 2014, 43.9 percent of our interviewees said sexual violence would “be punished according to the Criminal Law,” while 30 percent believed such cases would “not be punished pursuant to the Criminal Law.” In the 2014 survey, these figures were 62.5 percent (15 of 24 answers) and 37.5 percent (nine of 24 answers), respectively.

According to the Criminal Law, 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 Criminal Law 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 Criminal Law 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.

Table V-1 Comparison of Sex-Violence Penalty under the Criminal Law	
Old Criminal Law (October 19, 2009)	Revised Criminal Law (May 14, 2012)
<p>Article 294 (Crime of forcing sex on a woman in a subordinate relationship) 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. 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) Anyone who forced sex on a woman in a subordinate relationship shall be given up to 1 year of labor training penalty. (Section on serious cases was deleted.) 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) 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) 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.⁵²⁹

Sometimes female workers doing night shifts experienced sexual violence by intruders such as college students or *kotjebi* (homeless child beggars), but in most cases the women did not report the incident to authorities.⁵³⁰ In surveys done from 2010 to 2014, 48.6 percent of the respondents said that rape and sexual harassment against North Korean women were “common,” while 40 percent believed they were “uncommon.” In the 2014 survey, these figures changed to 45.9 percent and 40.5 percent, respectively.

(2) 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 defectors 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 defectors who came to South Korea during 2011~2013 testified as follows:

529_ Interview with defector XXX in Seoul on October 11, 2012.

530_ NKHR2012000018 2012-02-07.

Table V-2	Sex-Violence in the Investigation Process of Repatriation to North Korea	
	Testimonies	Testifier ID
<p>A North Korean defector testified that without exception, the agents examined the uterus of all women deported from China.</p>		<p>North Korean defector XXX, October 11, 2012 interview in Seoul</p>
<p>A defector testified that at Onsung SSD 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 holding centers (<i>jipkyulso</i>). A young woman in her 20s had bled heavily after the uterus inspection, but agents did not give her proper treatment.</p>		<p>North Korean defector XXX, October 5, 2012 interview in Seoul</p>
<p>A defector testified that she had a uterus inspection at a border guard outpost.</p>		<p>North Korean defector XXX, October 11, 2012 interview in Seoul</p>
<p>When I was detained in the local SSD holding centers (<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."</p>		<p>NKHR2013000038 2013-02-19</p>
<p>When I was detained in the local SSD detention center in Shinuiju, the agent conducting a body check on me was wearing sanitation gloves.</p>		<p>NKHR2013000192 2013-10-17</p>
<p>When I was forcibly deported back to North Korea, a female agent checked my body on the first day of detention, both at local SSD detention center in Onsung County and at Onsung labor training camp (<i>rodongdanryundae</i>). She checked my uterus and forced me to do several sit-ups (so-called 'pumping').</p>		<p>NKHR2013000198 2013-10-29</p>
<p>When I was forcibly deported back to North Korea, the agents checked my uterus twice, once at Duman, China, and again at Onsung County SSD. The agent was wearing sanitation gloves. Then, I was transferred to local MPS detention center in Gilju County, North Hamgyoung Province, where a young guard (XXX, 29) checked my uterus again.</p>		<p>NKHR2013000218 2013-11-26</p>
<p>An agent wearing sanitation gloves checked my uterus and anus. Even after checking, the agent told suspicious detainees to do sit-ups.</p>		<p>NKHR2013000227 2013-12-24</p>

In our surveys from 2010 to 2014, 33 defectors said they were “raped” at detention facilities, 51 said they “witnessed” rapes, and 25 said they “heard of” such cases. The most common assailants were MPS officers (45.6 percent), followed by guards (17.7 percent), SSD agents (13.9 percent), and fellow detainees (1.3 percent).

Table V-3 Sex-Violence at Detention facilities	
Testimonies	Testifier ID
A defector testified that she witnessed MPS officers sexually assaulting a female inmate in August 2008 and June 2009 at Provincial holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyoung Province. She said sexual violence took place most frequently at <i>jipkyulso</i> .	NKHR2011000190 2011-08-23
A defector testified that in 2009, she saw a MPS officer sexually assault a female inmate at a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province.	NKHR2011000170 2011-07-26
North Korean defectors XXX (August 2009), XXX (May 2010), and XXX (June 2010) testified that they experienced sexual assault at a local SSD detention center in Shinuiju, North Pyongan Province.	NKHR2011000094 2011-04-12
	NKHR2011000018 2011-01-18
	NKHR2011000253 2011-12-20
A defector testified that in March 2010 she saw a female inmate getting sexually assaulted at a labor training camp (<i>rodongdanryundaе</i>), Donghungshin District, Hamhung, South Hamgyoung Province.	NKHR2011000088 2011-04-05
A defector testified that a security agent sexually assaulted her in June 2010 in a labor training camp (<i>rodongdanryundaе</i>) at the Kim Hyung-jik County (Huchang), Yanggang Province.	NKHR2010000014 2010-10-05
A defector testified that in August 2010, she witnessed a security agent sexually assault a female inmate at a local SSD detention center in Shinuiju, North Pyongan Province.	NKHR2011000253 2011-12-20
When I was detained in Gilju County labor training camp (<i>rodongdanryundaе</i>) 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 2013-11-26

Testimonies	Testifier ID
When I was detained in Chongam District labor training camp (<i>rodongdanryundae</i>) 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 2013-07-23
When I was detained in Gaecheon Kohwaso, the leaders of No. 2 knitting class and No. 3 knitting class were raped repeatedly by the guards (XXX, 45, Gaecheon; male, 50, Gaecheon). The men were in charge of No. 2 and No. 3 class, respectively.	NKHR2013000191 2013-10-17
When I was detained in the local 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 2013-12-10

The KINU’s survey results from 2010 to 2014 show that 37.7 percent of the respondents saw sexual harassment and rape of female inmates at confinement facilities as “common” (including 15.9 percent choosing “very common”). These acts of sexual violence against female inmates were intended solely for sexual satisfaction, or as exchange for special favors within the facilities.

Even judges and SSD Agents are known to commit sex-violence.⁵³¹ Another defector 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.⁵³²

(3) Domestic Violence

In addition to sexual assaults and human trafficking, North

531_NKHR2012000059 2012-04-10.

532_NKHR2012000105 2012-06-05.

Korean women also have to deal with domestic violence. Many defectors testified that domestic violence is quite frequent in North Korea. Husbands who use narcotics 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.⁵³³

Survey results from 2010 to 2014 indicate that 82.0 percent of those surveyed believed domestic violence was “common” (including 30.3 percent who chose “very common”).

The CEDAW 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 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

533_ Interview with defector XXX in Seoul on August 17, 2011; NKHR2011000125 2011-05-31.

committees, enterprises, and other organizations. But, there are no legal provisions stipulating penalties against domestic violence in North Korea's Criminal Law, 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.⁵³⁴ Domestic violence is generally considered a family matter and is not even reportable to the police.⁵³⁵ 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.⁵³⁶ 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.⁵³⁷ According to a North Korean defector who defected North Korea in 2012, do-

534_ Interview with defector XXX in Seoul on August 11, 2011. NKHR2013000120 2013-06-25; NKHR2013000201 2013-11-12.

535_ NKHR2011000092 2011-04-12.

536_ Interview with defector XXX in Seoul on August 10, 2011.

537_ Interview with defector XXX in Seoul on October 11, 2012.

mestic 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.⁵³⁸ In short, all wives should respect their husbands, and giving special favors or status to women is not desirable. A male North Korean defector 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.⁵³⁹

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.⁵⁴⁰

According to female defectors 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

538_ Interview with defector XXX in Seoul on October 18, 2012.

539_ Interview with defector XXX in Seoul on October 17, 2012.

540_ NKHR2010000014 2010-10-05.

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 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 Criminal Law 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.⁵⁴¹

Furthermore, some parents would prod their daughters to offer sex for sale to feed the family.⁵⁴² Some husbands even ignore his

541_ Interview with defector XXX in Seoul on August 11, 2011; Interview with defector XXX in Seoul on August 17, 2011; *Good Friends*, “North Korea Today,” No. 406 (June 8, 2011).

542_ NKHR2011000244 2011-11-22; NKHR2013000056 2013-03-19.

wife's prostitution activities for the sake of the family.⁵⁴³ 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.⁵⁴⁴ 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.⁵⁴⁵

D Protection of Motherhood

(1) 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

543_ NKHR2012000283 2012-12-18.

544_ NKHR2013000055 2013-03-19; NKHR2013000079 2013-04-16.

545_ NKHR2012000036 2012-03-13; NKHR2013000115 2013-06-11; NKHR2013000134 2013-07-23; NKHR2013000199 2013-10-29.

treating maternal diseases. The State of World Population, 2007, released by the United Nations Population Fund, reported that North Korea ranked 60th in the world in the ratio of obstetrics-related deaths (67 deaths in 100,000 pregnancies, including deliveries and other related complications).⁵⁴⁶ 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 250.⁵⁴⁷ However, World Health Statistics 2013 reported that the same ratio was only 81 in 2011, a significant reduction from the previous year.⁵⁴⁸

In September 2012, UNICEF and North Korea's Central Statistical Bureau jointly conducted a survey on nutrition levels of North Korean children and women.⁵⁴⁹ 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.⁵⁵⁰

546_ 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>.

547_ WHO, "World Health Statistics 2011," (2011), p. 26. <http://www.who.int/whosis/indicators/WHS2011_IndicatorCompenium_20110530.pdf>.

548_ WHO, "World Health Statistics 2013: A Wealth of Information on Global Public Health," (2013), p. 21.

549_ CBS with UNICEF·WFP·WHO, "Democratic People's Republic of Korea Preliminary Report of the National Nutrition Survey 2012," (October, 2012), p. 24.

550_ Interview with defector XXX in Seoul on October 29, 2012; NKHR2013000019 2013-02-05;

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.⁵⁵¹ However, North Korean defectors have testified that most North Korean women give birth at home, and their health is often compromised by lack of care during and 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.⁵⁵² 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.

(2) 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

NKHR2013000098 2013-05-14; NKHR2013000124 2013-06-25; NKHR2013000222 2013-12-10; NKHR2013000227 2013-12-24.

551_ 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.

552_ This witness gave birth to a child in April 2013 in Hoeryeong, North Hamgyoung Province. NKHR2014000002 2014-02-18.

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 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.⁵⁵³

According to a related source,⁵⁵⁴ 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

553_NKHR2012000022 2012- 02-07; NKHR2012000071 2012-04-24.

554_ Citizens' Alliance for North Korean Human Rights, NKHR Newsletter on North Korean Human Rights, No. 144 (May 2010), p. 9.

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.⁵⁵⁵

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.⁵⁵⁶

(3) 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

555_ *Good Friends*, "North Korea Today," No. 400 (April 27, 2011).

556_ Hye-gyeong Lee, "North Korean Human Rights and Women's Human Rights Issues from the Perspective of North Korean Defectors," *The First Chaillot Forum on Human Rights in North Korea: Reality of Human Rights in North Korea and Measures for Efficient Intervention* (Seoul: Korea Institute of National Unification, 2011), p. 92; NKHR2013000103 2013-05-28; NKHR2013000128 2013-07-09.

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) 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.⁵⁵⁷ 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.⁵⁵⁸

(4) 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

557_ Interview with defector XXX in Seoul on September 25, 2012.

558_ Interview with defector XXX in Seoul on October 17, 2012.

purchased on the market. Defectors 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 from the use of unhealthy pads.

A particularly noteworthy case in this connection are the horrendous conditions inside the political prison camp (*kwanliso*). The women in the political prison camp (*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.⁵⁵⁹ In our 2010~2014 surveys, 40.6 percent of respondents said that female prisoners at detention facilities used “old clothes” to take care of bleeding during their periods; only 20.2 percent replied they would use “gauze material” for the purpose.

Other defectors testified that some women in detention facilities often missed their monthly menstruation.⁵⁶⁰ This was perhaps due to infirmity, disease, and/or extreme stress.

Female defectors 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.⁵⁶¹ The “Daedonggang pads” manufactured by Daedonggang Sanitary Pads Factory are mainly supplied to female soldiers.⁵⁶² In the 2010~2014 survey, 75.4 percent of the respondents said they used “gauze material,” while only 10.7 percent used “old clothes” and only 11.0 percent used “disposable sanitary pads.”

559_ Interview with defector XXX in Seoul on April 22, 2011.

560_ NKHR2011000188 2011-08-16.

561_ Interview with defector XXX in Seoul on May 4, 2011.

562_ Interview with defector XXX in Seoul on October 11, 2012.

2

Children

Article 25, paragraph 2 of the Universal Declaration of Human Rights stipulates that all children in their childhood are entitled to special care and assistance. The Convention on the Rights of the Child⁵⁶³ 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

⁵⁶³ 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.”

Law.⁵⁶⁴ North Korea's position on this subject is stipulated in detail in Law for the Protection of Children's Rights enacted in December 22, 2010.⁵⁶⁵ 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.⁵⁶⁶ The age for adulthood is younger than the age set out in the Convention on the Rights of the child (CRC), 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 CRC in September 1990, and submitted the first Rights of the Child Performance Report in February 1996 and the second report in May 2000. In December of 2007, North

564_ The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)," p. 19.

565_ 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."

566_ 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.

Korea submitted a consolidated report on the third and fourth terms of the implementation of the CRC. 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 CRC 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 Concluding 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 CRC. 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 para. 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 (paras. 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 CRC (paras. 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 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)⁵⁶⁷ and women (15~49 years old), 15.2

567_ 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).

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.⁵⁶⁸

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 CRC, specifically “Article 6, paragraph 2” 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 the terms of Article 27 that specifies, “All State Parties recognize that all children are entitled to

568_UNICEF, “The State of the World’s Children 2012” (February 2012), p. 92.

enjoy the standard of living adequate for the physical, mental, intellectual, ethical and social development.”

Article 24 of the CRC 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 unsanitary 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.⁵⁶⁹ 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 62nd among 189 countries.⁵⁷⁰ The State of World Population 2010 reported the death ratio of newborn 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).⁵⁷¹

569_UNFPA, "The State of World Population, 2007," p. 91.

570_UNICEF, "The State of the World's Children 2009: Maternal and Newborn Health," (2008), p. 117.

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.⁵⁷² It was a slight improvement over 2012 when North Korea ranked 73rd.⁵⁷³ 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.⁵⁷⁴

B Right to Protection from Family and State

(1) Food Shortage, Economic Hardship, and *kotjebi* (homeless child beggars)

Article 19 of the CRC 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

571_UNFPA, “State of World Population 2010: From Conflict and Crisis to Renewal: Generations of Change,” (2010), pp. 96, 102.

572_UNICEF, “The State of the World’s Children 2013: Children with Disabilities,” (2013), p. 100.

573_UNICEF, “The State of the World’s Children 2012,” p. 87.

574_WHO, “World Health Statistics 2013,” p. 51.

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 priority listed for affected children to return to daily life.

According to North Korean defectors, many families were separated or broken up during the food crisis, with a large number of children being abandoned or orphaned in this process. The key reasons for this seem to be: long-term absence as parents engage in economic activities for food; divorce or death of the parents; and direct/indirect abandonment of children due to the heavy financial burden of child rearing. Many children were abandoned by their dead or divorced parents, or wandered around in hunger. These children are called *kotjebi* (homeless child beggars). The number of children living on the streets is smaller now than in the 1990s, but there are still many of them remaining in the 2000s. These children often lead unstable lives even as adults, working as day laborers or getting involved in crime. Over the last few years, the North Korean authorities have taken to isolating these street orphans in separate facilities, but these facilities are reportedly run improperly due to poor environments and overwhelming harshness of discipline.

In winter nights, the *kotjebi* (homeless 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.⁵⁷⁵ 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 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.⁵⁷⁶ 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.⁵⁷⁷

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.⁵⁷⁸ One North Korean defector testified

575_ Interview with defector XXX in Seoul on October 18, 2012; Interview with defector XXX in Seoul on October 29, 2012.

576_ Interview with defector XXX in Seoul on October 5, 2012.

577_ NKHR2010000067 2010-04-27; Interview with defector XXX in Seoul on October 29, 2012.

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.⁵⁷⁹ Furthermore, the defector 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 stealing.

The number of street orphans seems to have increased dramatically since the currency reform in November 2009. According to Our 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.

According to the North Korean defectors 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 defector 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.⁵⁸⁰ 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

578_ Interview with defector XXX in Seoul on April 29, 2011; Interview with defector XXX in Seoul on May 12, 2011.

579_ NKHR2011000187 2011-08-16.

580_ Interview with defector XXX in Seoul on October 17, 2012.

steal fertilizers. Defector 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.⁵⁸¹ Another defector 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.⁵⁸²

Since the currency reform at the end of 2009, poverty of the 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.⁵⁸³ North Korean defector 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.⁵⁸⁴

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 defector XXX who left North Korea in 2011, testified that in Hoeryeong, North Hamgyoung Province, there was a

581_ Interview with defector XXX in Seoul on October 17, 2012.

582_ Interview with defector XXX in Seoul on October 18, 2012.

583_ Interview with defector XXX in Seoul on October 18, 2012; NKHR2012000151 2012- 07-24.

584_ Interview with defector XXX in Seoul on August 11, 2011.

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.⁵⁸⁵ There were some families who took care of homeless children and received grain rations according to their number, but some defectors testified that the children were leading a life as “errand boys.” North Korean defector 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.⁵⁸⁶

(2) Sex Exploitation and Mistreatment of Children

The CRC 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,

585_ Interview with defector XXX in Seoul on October 12, 2012.

586_ Interview with defector XXX in Seoul on September 25, 2012.

“the abduction or traffic in children is prohibited” (Article 18). North Korea’s Criminal Law 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 (*rodongdanryundae*), and in repeated cases up to 5 years of correctional labor penalty (Article 281). The crime of stealing or 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 CRC, declaring that prostitution and illegal sexual behaviors were strictly prohibited under the criminal law. 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 defector XXX testified that there were cases of young women *kotjebi* aged 15 to 16 being lured into human trafficking in China.⁵⁸⁷ Additionally, there are cases of four- and five-year-old children trafficked to China for adoption by Chinese families.⁵⁸⁸

C Personal Liberty and Safety of the Person

Regarding the rights of the child stipulated in Article 37 of the CRC, North Korea in the second, third and fourth consolidated

587_Interview with defector XXX in Seoul on October 5, 2012.

588_NKHR2011000223 2011-10-19.

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 CRC. 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 inhumane 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.

Table
V-4

Cases of Children in Detention

Testimonies	Testifier ID
A North Korean defector testified that in 2008, he saw adults and children thrown into the same room at Group 6.20 in Pyongsung, South Pyongan Province.	NKHR2011000101 2011-04-26
A North Korean defector testified that in 2009 a 13-year old boy was given a labor training penalty for having watched a South Korean video.	NKHR2012000095 2012-05-29
A North Korean defector testified that in 2010, he/she saw a 15-year old boy who was mobilized for forced labor while detained at a ordinary prison camp (<i>kyohwaso</i>).	NKHR2011000247 2011-12-20
A North Korean defector 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 2012-05-22
A North Korean defector testified that in February 2010 in a local SSD detention center in Musan County, 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 2011-06-07
A North Korean defector 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 2011-05-03
A North Korean defector testified that he was forcibly deported from China and detained in a local SSD detention center in Hyesan, Yanggang Province. He was only 16 at the time but was thrown into an adult detention facility.	NKHR2011000142 2012-06-14
I was born in 1997, and in 2011 I was detained in a holding center (<i>jipkyulso</i>) in Shinuiju, North Pyongan Province. During the interrogation, the agent struck me.	NKHR2013000032 2013-02-19

Testimonies	Testifier ID
<p>A North Korean defector testified that at No. 22 <i>kwanso</i> (Sechon <i>kwanso</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.</p>	<p>NKHR2011000134 2011-06-07</p>
<p>A North Korean defector testified that capital punishment was possible for the criminals above the age of 17.</p>	<p>NKHR2012000066 2012-04-20</p>
<p>A North Korean defector testified that they brought six <i>kotjebi</i> (homeless child beggars) children into the labor training camp (<i>rodongdanryundae</i>). 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.</p>	<p>North Korean defector XXX during an interview in Seoul on October 29, 2012</p>
<p>A North Korean defector testified that when he/she was detained in a provincial holding center (<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.</p>	<p>NKHR2012000044 2012-03-19</p>
<p>I saw a 15-year old girl detained in Jagang provincial holding center (<i>jipkyulso</i>) on charges of illegal river-crossing (border-crossing). They forced hard work on her even though she was under-aged.</p>	<p>NKHR2013000018 2013-01-22</p>

In terms of detention facilities for under-aged youngsters, some defectors said each county maintained a boys education center,⁵⁸⁹ while other defectors testified that boys education center was abolished.⁵⁹⁰ Yet another defector testified that boys education center was recently reestablished.”⁵⁹¹

589_ NKHR2012000090 2012-05-22.

590_ NKHR2012000066 2012-04-20.

591_ NKHR2012000238 2012-11-06.

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, paragraph 1). In addition, the CRC 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, paragraph 1). More systematic and specific details are stipulated in the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD 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. Fortunately, North Korea has recently expressed its willingness to ratify the Convention.⁵⁹²

592_ DPRK Association for Human Rights Studies, *DPRK Association for Human Rights Studies Report*, September 13, 2014.

A The Number of Persons with Disabilities

The following is a report on the recent status and reality of persons with disabilities 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 Persons with Disabilities 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 persons with disabilities 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. Persons with disabilities 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.⁵⁹³

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 2005.⁵⁹⁴

593_ *Yonhap News*, April 9, 2006 and November 23, 2006.

594_ The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)," p. 20.

Table V-5	Handicapped Children by Age				(Unit: Percent)
Age	0~4	5~6	7~10	11~17	
100	11.6	11.2	30.2	47.0	

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.⁵⁹⁵ 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 persons with disabilities 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 persons with disabilities who had disabilities in the five major areas of sight, hearing, limbs, mentality, and multiple disability.⁵⁹⁶

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

595_ *Rodong Shinmun*, September 30, 2012.

596_ *Yonhap News*, September 10, 2012. In its national report for the Universal Periodic Review in 2014, North Korea also stated that 5.8% of its population has disabilities. National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21.

challenged persons, in that order.⁵⁹⁷

B Policies for Persons with Disabilities

Taking into consideration the criticism and concerns of the international community, North Korea has enacted the Law on the 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 persons with disabilities by firmly establishing systems and order in terms of treatment, rehabilitation, education, work and cultural life." Article 2 defines persons with disabilities 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 persons with disabilities, 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

597_ *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.

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 Persons with Disabilities Protection Committee and Allocation of Work Projects to Persons with Disabilities League (Article 45). After signing the CRPD, North Korea established an “Assistance Fund for Persons with Disabilities” on November 21, 2013, and revised its Persons with Disabilities Protection Law, reflecting Article 9 of the convention, which recommends signatories to improve the persons with disabilities’ access to buildings and other facilities.”⁵⁹⁸

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, paragraph 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 persons with disabilities” includes the blind, deaf, and persons who lost both arms. North Korean 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

598_ *The Chosun Shinbo*, December 6, 2013; *Yonhap News*, December 6, 2013.

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 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 persons with disabled 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 persons with disabilities, improving health and living conditions, and developing action programs to enhance social awareness on persons with disabilities. It has branch committees at the county, city and province levels.⁵⁹⁹ The League has also established the Chosun Association for the Deaf, the Chosun

599_ 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.

Rehabilitation Center for Disabled Children, the Chosun Association for the Blind, the Chosun Company for Sponsoring the Disabled, the Chosun Disabled Athletes Association, and the Chosun Association of Disabled Artists.⁶⁰⁰

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 enjoy 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 cooperation with various international and national organizations for persons with disabilities.⁶⁰¹

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 persons with disabilities have jointly established a welfare promotion program for persons with disabilities. Also, a Comprehensive Action Plan 2008~2010 for Persons with Disabilities has been established.⁶⁰² But, according

600_ *Rodong Shinmun*, September 30, 2012; *KCNA*, December 16, 2014.

601_ *KCNA*, September 17, 2010; Kyu-Chang Lee *et al.*, “A Study on Ways to Promote Human Rights of Vulnerable Class of North Korea through Humanitarian Assistance,” p. 65.

602_ Convention on the Rights of the Child, “Consideration of Reports Submitted by States Parties under Article 44 of the Convention: The Combined Third and Forth 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; Kyu-Chang Lee *et al.*, *Ibid*, p. 66.

to a survey conducted by KINU in 2014, 93 percent of the defectors 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 Rehabilitation Center for Disabled Children,” and was providing nursing and education for the mentally challenged and paraplegic children, as well as early discovery and rehabilitation of various disabilities.⁶⁰³ In December 2013, the Munsu Functional Recovery Center was launched in Pyongyang offering extensive services for functional recovery of people with disabilities. All provincial, city and county hospitals have a physical therapy department for the treatment of the functionally impaired. The Center is known to serve as North Korea’s hub for functional recovery.⁶⁰⁴

North Korea has reportedly been working on construction of the Dongdaewon Gymnasium for the Disabled in Dongdaewon District, Pyongyang aiming to complete it in March 2014.⁶⁰⁵ It has not been officially confirmed, however, whether the Gymnasium has been completed. On May 2, 2012, the “Chosun Technical and Vocational Skills Class for the Disabled” was open in Pyongyang to help the persons with disabilities 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)

603_ *Rodong Shinmun*, September 30, 2012; *KCNA*, March 29, 2013; Kyu-Chang Lee *et al.*, *Ibid.*, p. 69.

604_ *Chosun Shinbo*, December 17, 2013; *KCNA*, December 16, 2014.

605_ *Chosun Shinbo*, August 31, 2013; *Yonhap News*, August 31, 2013; kyu-Chang Lee *et al.*, *Ibid.*, p.70

are receiving various technical skills education.⁶⁰⁶

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 disabled. On December 3, 2014, Ri Gon, a manager at the Central Committee of the Chosun Federation for the Protection of Persons with Disabilities, appeared on the state-run Korean Central Television. In celebration of the International Day of Persons with Disabilities, he announced, they were offering free “visiting services” to repair various aids for the disabled.⁶⁰⁷

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 persons with disabilities 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,

606_ 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.*, *Ibid.*, p. 70.

607_ *Chosun Shinbo*, December 10, 2011; May 23, 2013; Kyu-Chang Lee *et al.*, *Ibid.*, *Yonhap News*, December 3, 2014.

and results of related research.⁶⁰⁸ 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.⁶⁰⁹ Green Tree International is seeking to build the Taedonggang Rehabilitation Center for the Disabled in Pyongyang. The Center will offer medical support and training on rehabilitation skills for people with disabilities, as well as wide-ranging education programs for athletes and artists with disabilities.⁶¹⁰ Handicap International will also teach therapeutic skills to physical therapists at the Pyongyang-based Munsu Functional Recovery Center, the Chosun Rehabilitation Center for Disabled Children, and elsewhere.⁶¹¹

Exchanges with the international community are also underway. On February 9, 2011, the Central Committee of the Chosun Federation for the Protection of Persons with Disabilities entered into a memorandum of understanding (MOU) with the World Federation of the Deafblind (WFDB). On the basis of this MOU, the Chosun Association for the Blind (launched in March 2014) and the Chosun Association for the Deaf (launched in December 2013) are working on arrangements to join the World Federation.⁶¹²

608_ *Yonhap News*, December 22, 2006.

609_ XXX, Korea Institute for National Unification advisory meeting, June 29, 2012. Indicated anonymously upon request.

610_ Green Tree International, <www.greentreekorea.org>.

611_ *Voice of America*, February 10, 2015; *Nocut News*, February 10, 2015.

612_ *Chosun Shinbo*, June 24, 2014.

On November 7, 2014, through the good offices of the Finnish Association of the Deaf, six North Korean delegates, including three persons with hearing impairments, went to Finland and paid a courtesy visit to Ms. Sirpa Paatero, Minister of Foreign Trade and Development.⁶¹³ Later that year, 11 children and students from a North Korean school for the disabled were scheduled to put on artistic performances at prestigious British universities (Oxford University on October 24, the Royal Academy of Music on October 25, and Cambridge University on October 27). Their performances, however, were put off as Ri Bun-hui, the secretary-general of the Chosun Disabled Athletes Association, and two students with disabilities were involved in a car accident. The new plan is to perform at Oxford University on February 20, 2015; the British Royal Academy of Music on February 21; the National Popular Music Centre in Paris on February 23; and Cambridge University on March 2.⁶¹⁴ Eighteen persons with hearing impairments from Japan, Singapore, and the Netherlands also visited North Korea from August 8 to August 12, 2014.⁶¹⁵

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 Universal Periodic Review (UPR), North Korea reported that it was operating honored veterans' factory and Welfare Service Center for the purpose of creating jobs for the persons with disabilities. In the 1960s, North Korea had built factories for the blind in Nampo, Chongjin,

613_ *Voice of America*, November 8, 2014.

614_ *Chosun Shinbo*, August 27, 2014; *MK News*, September, 2014; *Asia Business Daily*, February 6, 2015.

615_ *Chosun Shinbo*, August 27, 2014.

and other locations to encourage 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.⁶¹⁶

In its second periodic report to the International Covenant on Economic, Social and Cultural Right (ICESCR) in 2013, North Korea reported that 3 schools for the blind and 8 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.⁶¹⁷ For special–education schools, the Chosun Association for the Deaf is planning to develop subtitle and sign language services and a sign language dictionary for the deaf.⁶¹⁸ The Chosun Association for the Blind is also working on establishing the Braille Information Technology Center for the visually challenged. The project is aimed at creating a network that connects Gwangmyong Publishing House, which specializes in publishing braille books for the blind, with Pyongyang Daedong School for the Blind, Hamhung School for the Blind, and Bongchon School for the Blind in South Hwanghae Province. On the basis of these experiences, the Association will also create a computer network for dozens of factories for the blind nationwide. For this purpose, a delegation from the WFDB visited Gwangmyong Publishing House and Daedong School for the Blind between late May and early June 2014.⁶¹⁹

616_ *Daily NK*, August 28, 2012; Kyu–Chang Lee *et al.*, Above, pp. 71~72.

617_ The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15 (A),” p. 20.

618_ *Chosun Shinbo*, August 27, 2014.

North Korea has also launched campaigns to improve the public image of the persons with disabilities. In 2011, North Korean authorities designated June 18 as the “Day of Persons with Disabilities” and have held various related events. On June 18, 2014, for example, a celebratory event was held at Pyongyang Students and Children’s Palace to celebrate the North Korean Day of Persons with Disabilities.⁶²⁰ And, since 2011, North Korea has been observing the “persons with disabilities 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 2010.⁶²¹

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 disabilities and those without disabilities are regularly held and the number of participants are also increasing.⁶²² North Korea established the National Paralympics Committee in September 2011. In 2013, North Korea officially joined the International Paralympic Committee held in Athens from November 21~24, 2013. It also takes part in a wide range of international competitions for people

619_ *Chosun Shinbo*, June 24, 2014.

620_ *Chosun Shinbo*, June 24, 2014.

621_ Kyu-Chang Lee *et al.*, Above, p. 72.

622_ *Ibid.*, p. 72.

with disabilities, including the 2012 London Paralympics, the Asia Youth Para Games held in Kuala Lumpur, Malaysia in October 2013, and the Asia Para Games held in Incheon in October 2014. On December 13, 2014, a football team of disabled athletes, led by Head Coach Jang Hyon and Ri Bun-hui, the secretary-general of the Chosun Disabled Athletes Association, had a friendly match with the Australian team.⁶²³

C Human Rights of Persons with Disabilities

North Korea has signed the CRPD 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 the forced abortions on midget persons.

Table V-6	Forced Abortions/Sterilization on Midget Persons	
	Testimonies	Testifier ID
	A North Korean defector 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 2011-08-09

623_ *Yonhap News*, December 13, 2014.

Testimonies	Testifier ID
A North Korean defector 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 2012-04-26
A North Korean defector testified that little people were segregated from others, and they were forcibly sterilized.	NKHR2012000073 2012-05-08
They were trying to eradicate the root cause of midgets, but not very successful.	NKHR2013000117 2013-06-25
They were forcing abortions on midgets, but in reality many midgets have children.	NKHR2013000200 2013-11-12

North Korean authorities were trying to prevent midgets from having children by enforcing abortions, but there have been complaints and protests in recent years, and many midgets were actually producing their own children. Defector XXX testified that he/she had heard that midgets have staged a protest rally against discrimination in 2000 at Huchang. ⁶²⁴

Second, an example of restricting the freedom of residence is the operation of segregation facility for midgets.

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624_ NKHR2013000117 2013-06-25.

Table
V-7

Cases of Segregation of Midgets (1)

Testimonies	Testifier ID
A North Korean defector testified that in 2000 there was a village for little people in Koupku in Kim Hyung-jik (Huchang) County, Yanggang Province.	North Korean defector XXX, October 5, 2012, interviewed in Seoul
A North Korean defector testified that in 2003, he saw a village for little people at Woltan-ri, Kim Hyung-jik (Huchang) County, Yanggang Province.	NKHR2012000083 2012-05-15
A North Korean defector who left North Korea in 2008 testified that there was a residential area for midgets about a mile outside the Koupku in Jung-ri, Kim Hyung-jik (Huchang) County, Yanggang Province. The little people were allowed to live in this area after sterilization.	NKHR2012000070 2012-04-24
A North Korean defector who left North Korea in 2011 testified that there was a collective village for little people in XX-ri, Kim Hyung-jik (Huchang) County, Yanggang Province.	North Korean defector XXX, October 11, 2012, interviewed in Seoul
A North Korean defector testified that there was a village for little people in Samchang-ri, Kim Hyung-jik (Huchang) County.	NKHR2012000046 2012-03-23
A North Korean defector testified that little people were segregated from others.	NKHR2012000073 2012-05-08
I saw midgets working in the field in Yonha-ri, Kim Hyung-jik (Huchang) County, Yanggang Province.	NKHR2013000011 2013-01-22
I heard stories about midgets from a person who used to live in a "midget village."	NKHR2013000047 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 2013-04-02
I heard there was a segregation facility for the midgets in Yonghwa-ri, Sinpa County, Yanggang Province.	NKHR2013000074 2013-04-16
I heard the Duji-ri, Kim Hyung-jik County, Yanggang Province, was a "midget village."	NKHR2013000117 2013-06-25
Midgets are segregated in Yonha-ri, Kim Hyung-jik County, Yanggang Province.	NKHR2013000119 2013-06-25
A North Korean defector said that midgets were separately detained and forced to undergo surgical sterilization.	NKHR2014000004 2014-02-18
A North Korean defector once heard that midgets were made to live separately, kept under control so they did not have children.	NKHR2014000055 2014-05-20

Testimonies	Testifier ID
A North Korean defector said [the authorities] kept midgets from having children and concentrated them in Huchang so they would not spread across the nation.	NKHR2014000137 2014-09-12
A North Korean defector saw a midget in Yon-dong, Kim Hyung-jik (Huchang) County, Yanggang Province; these midget people could not live with ordinary residents but lived with fellow midgets deep in the mountains.	NKHR2014000076 2014-06-17

Meanwhile, some defectors testified that midgets would be segregated, but other defectors testified that they had seen midgets living in ordinary areas amid general population. In particular, according to the 2014 survey, a number of testimonies suggested that midget people were found in ordinary areas of residence. North Korean defector XXX said that he saw a lot of midgets, when once they had been isolated.⁶²⁵ A follow-up investigation is needed as to whether the isolation of midgets and forced sterilization were things of the past and if such discrimination has recently decreased. As for the separation and sterilization of midgets, there were more defectors who “heard” about such occurrences than those who had “witnessed” them. With this in mind, continued cross validation should be made on these issues.

Table V-8 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, North Hamgyoung Province.	NKHR2013000165 2013-09-03
A North Korean defector testified that little people used to be segregated, but after Kim Il-sung’s death, they were no longer harassed or segregated.	NKHR2012000004 2012-01-10

625_ NKHR2014000027 2014-04-01.

Testimonies	Testifier ID
I saw a midget in Namyang District, Onsung County, North Hamgyoung Province..	NKHR2013000100 2013-05-28
I saw a midget tending a goat in Sinpa-eup, Kim Jong-sook County, Yanggang Province.	NKHR2013000119 2013-06-25
My (mother’s side) grandfather’s younger sister was a midget, but she was not segregated.	NKHR2013000141 2013-07-23
I heard from my sister that midgets were living in Hyesan, Yanggang Province.	NKHR2013000218 2013-11-26
The defector saw a number of midgets, including one selling compact discs at a market in Chongjin, North Hamgyoung Province.	NKHR2014000100 2014-03-04
The defector saw a large number of midgets.	NKHR2014000027 2014-04-01
There was a midget within the <i>inminban</i> that the defector belonged to. He had a wife and children. There were several midgets living in Hyesan, Yanggang Province.	NKHR2014000075 2014-06-17
The defector saw a male midget living next door to his aunt in Bochon County, Yanggang Province.	NKHR2014000131 2014-08-26

A defector testified that one of the discriminations against midgets is that they do not have citizen cards.⁶²⁶ Another defector testified that even though they are segregated and discriminated against, they live comfortable lives. North Korean defector 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.⁶²⁷ North Korean defector XXX testified that a midget he/she saw in Hyesan was leading a relatively comfortable life.⁶²⁸

The third type of discrimination against handicapped persons

626_ NKHR2013000218 2013-11-26.

627_ NKHR2013000011 2013-01-22.

628_ NKHR2013000218 2013-11-26.

involves the issue of restricting their residential areas. North Korean defectors have testified that the authorities thoroughly restrict the areas where handicapped persons are allowed to reside, 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 defector 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.⁶²⁹ North Korean defector 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.”⁶³⁰ He said he had never seen anyone handicapped in Pyongyang; he had once heard that those with disabilities were expelled to the suburbs of Pyongyang.⁶³¹ North Korean defector XXX testified that the honored veterans with disabilities were not banished out of Pyongyang, and only ordinary persons with disabilities were deported out of the city.⁶³² No schools for the deaf and the blind are being run in Pyongyang.

However, some North Korean defectors testified that there are

629_ Interview with defector XXX in Seoul on July 30, 2010.

630_ Interview with defector XXX in Seoul on July 30, 2010.

631_ NKHR2014000078 2014-07-01.

632_ NKHR2013000125 2013-07-09.

persons with disabilities living in the capital. Therefore, continued cross validation is needed as to whether people with disabilities are being deported away from Pyongyang, which would be another example of infringement of human rights.

Table V-9	Cases of Persons with Disabilities Living in Pyongyang	
	Testimonies	Testifier ID
In the summer of 2006, a man paralyzed from the waist down was spotted in Mangyongdae District, Pyongyang.		NKHR2014000158 2014-09-23
When the North Korean defector was staying in Pyongyang in May 2011, he saw persons with disabilities (infant polio) in Sansok District and Gangdong County.		NKHR2013000140 2013-07-23
A North Korean defector 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 defector XXX, January 24, 2007, interviewed in Seoul
A North Korean defector 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 defector XXX, February 9, 2007, interviewed in Seoul
A North Korean defector testified that in the past they banished persons with disabilities 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 2008-11-11
A North Korean defector testified that he/she had seen people who lost both legs or both arms in Pyongyang. They were married and had families.		North Korean defector XXX, August 11, 2011, interviewed in Seoul
There are persons with disabilities in Pyongyang. The authorities will try to control mentally challenged persons, but not physically challenged persons.		NKHR2013000196 2013-10-29
A man with severe kyphosis and a limbless man were seen in front of Pyongyang Station (Jung District).		NKHR2014000063 2014-06-03

Other defectors testified that handicapped persons were living freely in areas other than Pyongyang.

Table V-10 Cases of Persons with Disabilities Living in Non-Pyongyang Areas

Testimonies	Testifier ID
A North Korean defector testified that he had seen many people on crutches as they had lost one or both legs. He also saw many hunchback 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 defector XXX, September 25, 2012, interviewed in Seoul
A North Korean defector 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 defector XXX, October 12, 2012, interviewed in Seoul
A North Korean defector testified that he/she saw a little person who came to visit next door neighbor in 2006.	NKHR2010000018 2010-10-05
A North Korean defector testified that he/she grew up with a mentally challenged female about my age next door in Hoeryoung, 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.	North Korean defector XXX, April 29, 2011, interviewed in Seoul
A North Korean defector testified that in 2010 in Jinam-ri, Shincheon County, South Hwanghae Province, he saw a female little person who looked over 60 years old.	NKHR2012000006 2012-01-10
A North Korean defector testified that he/she had seen many persons with disabilities, 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.	North Korean defector XXX, October 18, 2012, interviewed in Seoul
A North Korean defector testified that recently he saw two little people (male) freely living in Sengjang-ku, Unhung County, Yanggang Province.	NKHR2010000055 2010-11-30
A North Korean defector testified that he had seen a number of hunchbacks, 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.	North Korean defector XXX, May 12, 2011, interviewed in Seoul

Testimonies	Testifier ID
A North Korean defector testified that he/she saw little people and hunchbacks, and they all had families.	North Korean defector XXX, August 17, 2011, interviewed in Seoul
A North Korean defector said that one of his neighbors was a 50-year-old female midget whom he had been in contact with until he escaped from the North. He also stated that he witnessed a large number of people with disabilities in Chongjin, North Hamgyoung Province, including polio victims, midgets, and those who lost a part of their body.	NKHR2012000052 2012-03-28
A North Korean defector testified that there was a village for little people in Yongwha-ri, Kim Hyung-jik (Huchang) County, Yanggang Province. He had heard that they were forcibly sterilized. He also saw some of them come to Hyesan for business.	NKHR2012000060 2012-04-10
A North Korean defector testified that he had three little people as classmates when he was going to middle school in Musan County, North Hamgyoung Province.	NKHR2012000099 2012-05-29
A North Korean defector 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.	North Korean defector XXX, October 5, 2012, interviewed in Seoul
A North Korean defector testified that the husband of her classmate was a midget. 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.	NKHR2012000217 2012-10-16
A North Korean defector testified that he saw many deaf and blind persons, as well as handicapped persons who were missing a limb. These persons with disabilities were leading a life of <i>kotjebi</i> (homeless beggars).	North Korean defector XXX, October 17, 2012, interview in Seoul

The KINU’s in-depth interviews show that, although North Korean authorities have worked to improve social perception of the handicapped, a sense of discrimination against those with disabilities still persists. Most North Korean defectors 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.⁶³³ In our 2014 survey, 45.8% of those interviewed said their sense of discrimination against the handicapped was “strong,” with 30.1% of them choosing “very strong.”

Table V-11	Sense of Discrimination against the Handicapped (Strong & Very Strong)	
	Year	Ratio(%)
	2011	54.6
	2012	54.8
	2013	54.5
	2014	45.8

North Korean defectors 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. There were testimonies that the handicapped faced discrimination in their employment as school staff. North Korean defector XXX explained that the father of his friend could not be a teacher but had become a librarian at a university as he had a limp.⁶³⁴

Most North Korean defectors are not aware of any associations, equipment or convenience facilities for the disabled. In our 2014 survey, 5.9% of the respondents said they were aware of associations for the handicapped; 19% of those surveyed had knowledge of amenities and supplies for people with disabilities.

633_ NKHR2013000003 2013-01-08; NKHR2013000068 2013-04-02; NKHR2013000095 2013- 05-14.
634_ NKHR2014000009 2014-03-04.

Table V-12 North Korean Defectors' Awareness of Associations and Amenities/Supplies for the Handicapped

Year	Associations for the Handicapped (Awareness, %)	Amenities/Supplies for the Handicapped (Awareness, %)
2011	3.8	38.8
2012	6.0	32.1
2013	4.2	34.3
2014	5.9	19.0

According to North Korean defectors, a correctional equipment factory for the persons with disabilities was in operation in Hamhung, North Hamgyoung Province. However, the costs of these equipment such as prosthetic limbs, were so expensive that ordinary persons with disabilities could not afford to purchase them.⁶³⁵ 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 defector testified that in Wonsan, Gangwon

635_NKHR2013000057 2013-03-19; NKHR2013000070 2013-04-02.

Province, there was a Persons with Disabilities Organization in operation.⁶³⁶

Table V-13	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 2013-02-19
	There is a light labor workplace for disabled people in Sungchung-dong, Hoeryeong, North Hamgyoung Province.	NKHR2013000095 2013-05-14
	There is honored veterans' factory in Sinam District, Chongjin, North Hamgyoung Province.	NKHR2013000097 2013-05-14
	In Namyang convenience cooperatives, Onsung County, North Hamgyoung Province, there is a factory for persons with disabilities, and in Onsung County, there is honored veterans' factory, manufacturing tableware and vinyl pipes.	NKHR2013000100 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 2013-06-11
	There is honored veterans' factory in Hyesan, Yanggang Province.	NKHR2013000119 2013-06-25
	There is honored veterans' factory in Kokunwon County, Yanggang Province, where they make earthen wares.	NKHR2013000123 2013-06-25
	There is honored veterans' factory in Jaeryong County, South Hwang hae 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 2013-07-09
	There were honored veterans' factory in Wiyon-dong, Songbong-dong, and Yondu-dong, Yonbong 1-dong, in Hyesan, Yanggang Province.	NKHR2013000130 2013-07-09
	There is Raknang honored veterans' factory in Raknang District of Pyongyang, and this is the nation's model factory.	NKHR2013000168 2013-09-17
	There is a "light workplace" for hearing-impaired and limb-impaired persons.	NKHR2013000186 2013-09-17

636_ NKHR2013000075 2013-04-16.

Testimonies	Testifier ID
There is an honored veterans' factory in Sinsang County, South Hamgyoung Province.	NKHR2014000016 2014-03-18
There is an honored veterans' factory in Hyemyong-dong, Hyesan, Yanggang Province where 200~300 veterans with disabilities work.	NKHR2014000063 2014-06-03
There is an honored veterans' factory in Yonbong-dong, Hyesan, Yanggang Province which now manufactures bags.	NKHR2014000136 2014-09-23
The defector's husband worked for an honored veterans' factory in Hungnam. The factory was had close ties with a medical equipment factory for honored veterans in Hamhung, which provided its products for the veterans with disabilities back in Hungnam.	NKHR2014000157 2014-09-23
The defector's aunt told him that there was a factory for visually impaired workers in Susong. His aunt used to work for this metal wood factory as a bookkeeper.	NKHR2014000144 2014-09-02

North Korea operates special schools and rehabilitation centers for the deaf (hearing-impaired and speech-impaired) and blind (sight-impaired) persons. A school for the deaf and a school for the blind were established in September 1959.⁶³⁷ There are 12 such schools in North Korea; nine for the deaf and three for the blind.⁶³⁸ North Korean defector XXX testified that there was a school for the hearing-impaired in Hamhung, North Hamgyoung Province. Most students there graduate from school at the age of 20. They also get vocational training, but the more one tries to learn skills, the more money one will need to pay.⁶³⁹ And, the facilities and conditions of these “special schools” were very poor. North Korean defector XXX testified that his/her nephew, XXX, was hearing-impaired. So, his parents wanted to send him to a

637_ *KCNA*, December 16, 2014.

638_ XXX, Korea Institute for National Unification, Advisory meeting, June 29, 2012. Indicated anonymously upon request.

639_ NKHR2013000154 2013-08-20.

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.⁶⁴⁰ It was also testified that the Provincial Hospital of Chongjin, North Hamgyong Province, had a separate department for the visually challenged, which was later closed.⁶⁴¹

There are also factories for these persons with disabilities 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.”⁶⁴² They also reported that some persons with disabilities 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 defectors testified that the persons with disabilities 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 defectors testified that only honored veterans 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 establishment of a factory operated by honored veterans.

640_ NKHR2013000224 2013-12-10.

641_ NKHR2014000077 2014-07-01.

642_ NKHR2012000026 2012-02-21.



Chapter

VI

North Korean Defectors and Other Humanitarian Issues

- 1 North Korean Defectors
- 2 Separated Families
- 3 Abductees
- 4 Korean War POWs

1

North Korean Defectors

A The Number and Background of North Korean Defectors Abroad

The International Covenant on Civil and Political Rights (ICCPR) stipulates “Everyone shall be free to leave any country, including his own” (Article 12, paragraph 2). Although a large number of North Koreans who fled the country are believed to be residing illegally in other countries such as China and Russia, the collection of accurate data on the exact number and details of individual conditions is impossible due to their unstable status preventing them from openly asking 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,⁶⁴³ or defecting to a third country while visiting relatives in China on regular passports.

The number of North Korean defectors reached its peak between 1998 and 1999 and is believed to have fallen since then. In 2008, the number of North Korean defectors declined. One analyst

643_ 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 defectors. NKHR2014000112 2014-08-12 and 4 other testimonies.

estimated the number to be between 20,000~40,000.⁶⁴⁴ Professor Courtland Robinson of the Bloomberg School of Public Health at Johns Hopkins University estimated the total number of North Korean defectors in the three 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).⁶⁴⁵

In late 2012, KINU and Johns Hopkins Bloomberg School of Public Health conducted a joint survey on the number of North Korean defectors 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 defectors 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 defectors 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 de-

644_ 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).

645_ 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.

factors' children in China to be about 20,000~30,000 maximum, with 4,000 of them in urgent need of protection.⁶⁴⁶ As North Korean defectors arriving in South Korea are found to have stayed for lengthy periods of time in areas other than the three provinces, it is difficult to produce an accurate estimate of North Korean defectors in China.

Reasons for the decreasing number of North Korean defectors since 2000 include more stringent border patrols and inspections,⁶⁴⁷ forced deportations, the rising costs to defect, increases in the number of legal visitors as China relaxed their procedures for issuing border travel passes,⁶⁴⁸ 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,⁶⁴⁹ strict and in-

646_ Won-woong Lee, *A Survey on the Reality of North Korean Defectors' Children Abroad* (Seoul: National Human Rights Commission of Korea, 2012).

647_ In July 2010 North Korea's National Defense Commission(NDC) issued "Instruction 0082" to the Chinese border region military units authorizing them to shoot to kill all defectors on site. It was also testified that *Inminbans* were further segmented in Musan County, North Hamgyoung Province circa 2012 in order to strengthen the monitoring system. NKHR2014000150 2014-09-23; NKHR2014000043 2014-04-29.

648_ 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).

649_ The authorities investigated even law enforcement workers (at SSD, local 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 defector families along with a census survey in May of 2010. They then designated "banishment villages" in remote areas and forcibly banished defector families to those villages. "Open Radio for North Korea" reported on August 16, 2010 that North Korea's MPS organized "strike units" at all city and county administrative levels to watch over families of defectors and missing persons. The NK Intellectuals Coalition also reported on July 7, 2010 that the "strike units," launched in June following up on the April 2010 instructions, were conducting tight control

depth ideological education, travel permit checks along the borders, bed-checks, 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 to prevent defections by sea. During the mourning period following Kim Jong-il's death on December 17, 2011, the movement of people was tightly controlled and every family along the border region was required to take turns to stand guard.⁶⁵⁰ The bed-check inspections were reinforced and each Neighbourhood Watch (*inminban*) had to newly appoint a reporter (or informer).⁶⁵¹ A strong official warning was newly issued to the effect that three generations (in a family) would be destroyed (eliminated) if anyone defected, and defectors would be executed on-site.⁶⁵² As a result, the number of defections has reduced dramatically.⁶⁵³ Such warnings against the use of guns were made not only during the mourning period for Kim Jong-il but also during the special vigilance period when the guidelines were communicated.⁶⁵⁴ In Onsung County, it is said the authorities threatened by establishing land mines along the border or placing 10cm nail studded wooden boards along the Duman River.⁶⁵⁵ Barbed

and surveillance aboard trains in Musan County in 2010.

650_ NKHR2012000260 2012-12-04; NKHR2014000020 2014-03-18.

651_ NKHR2012000151 2012-07-24.

652_ NKHR2012000151 2012-07-24; NKHR2012000183 2012-09-11; A North Korean defector from Onsung testified that she/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.

653_ 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.'

654_ NKHR2014000024 2014-04-01; NKHR2014000129 2014-08-29; NKHR2014000131 2014-08-26; NKHR2014000175 2014-10-21.

655_ NKHR2012000182 2012-09-11; For this purpose, each enterprise was required to submit

wire fences and cameras were also installed along the major defection routes⁶⁵⁶ near the cities of Hoeryeong, Musan County, and Onsung County. In addition, camouflaged traps were created and noise makers were hung on barbed wire fences for detection.⁶⁵⁷ 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 responsible⁶⁵⁸ if they failed to keep a close watch on activities of individuals who attempt defection.⁶⁵⁹

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 defectors 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.⁶⁶⁰ In addition, those defectors who had children in China or who were suspected of human trafficking, were not included in the “2012 Great Special Amnesty.”⁶⁶¹

The number of people crossing the river to make some money has increased dramatically since 2013. With no intention of escaping from North Korea, these people head for China to collect bog

5 nail-spike panels (30cm x 50cm). In January 2014, middle school students were each given the assignment to submit five regular-sized nail-studded boards per person. NKHR2014000050 2014-05-13.

656_ NKHR2014000050 2014-05-13.

657_ NKHR2012000213 2012-10-16.

658_ NKHR2014000207. 2014-12-16.

659_ NKHR2013000019 2013-02-05; NKHR2012000140 2012-07-10.

660_ NKHR2013000007 2013-01-08; NKHR2014000001 2014-02-18.

661_ NKHR2013000037 2013-02-19.

bilberries or engage in other profitable activities.⁶⁶² From late July through mid–August, the right time for collecting bog bilberries, a massive crackdown takes place in Changback County as the number of North Koreans skyrockets. Most of them voluntarily return to the North, while some remain in China.

In January 2014, a promulgation from Kim Jong–un was communicated. It reportedly stipulated that anyone caught talking to defectors or escape brokers over mobile phones in the border areas would not be handled in his area of residence but be transferred to the Provincial SSD.⁶⁶³ This may also be interpreted as a move to curtail the practice of North Korean defectors avoiding punishment by bribing personnel in their areas of residence. According to one North Korean defector’s testimony, the Border Security Guards were instructed to order attempted defectors to “stop, and shoot them if they do not.”⁶⁶⁴ In January 2014, training sessions on this issue were held for individual *inminbans* in Hoeryeong, North Hamgyoung Province. The participants were told, “The border areas will be transformed into politically stable zones; families with relatives in China and South Korea will be deported to South Hamgyoung Province and Gangwon Province. Those having phone calls with defectors or brokers or crossing the border will be dealt with by the SSD.”⁶⁶⁵ The promulgation is known to include a plan to demolish private houses close to the border areas. This plan, however, has not been implemented in reality as such forced deportation of the families of defectors may

662_ NKHR2014000055 2014-05-20 and other testimonies.

663_ NKHR2014000040 2014-04-29; NKHR2014000037 2014-04-15.

664_ NKHR2014000063 2014-06-03; NKHR2014000131 2014-08-26.

665_ NKHR2014000050 2014-05-13.

backfire, instead triggering a mass exodus of these families.⁶⁶⁶

Table VI-1	Cases of Firing upon Defectors	
	Testimonies	Testifier ID
<ul style="list-style-type: none"> • 2009 • Customs Bridge, Hyesan, Yanggang Province • No. of Victims: 2(a male and a female) • Advance Warning: 3 times 		<p>NKHR2012000154 2012-07-31</p>
<ul style="list-style-type: none"> • 2010 • Hyesan, Yanggang Province • Victims: Two teenage boys from Hyesan, Yanggang Province • Assailant: Unknown • While the defector was held at a detention center, two of his fellow inmates, aged 17 and 18, tried to cross the border while at work. One of them was shot to death on the spot; the other managed to cross the river after being shot in one of his legs. One month later, he ended up being deported and suffered inhumane treatment at the detention center. 		<p>NKHR2014000068 2014-06-03</p>
<ul style="list-style-type: none"> • January 16, 2012 • Wonjong Customs Office in Wonjong-ri, Rason (Sonbong County), North Hamgyoung Province • Victims: A 38-year-old woman (the defector) and two others • Assailant: Security agent (presumed) • While the defector and two friends of hers were crossing the river, a man believed to be a security agent fired at them from three meters away and followed them all the way to China. 		<p>NKHR2014000020 2014-03-18</p>
<ul style="list-style-type: none"> • Victim: 1 male (37, a friend of witness) • Assailant: Border guards • There were warnings; and no resistance from the victim. He was killed. 		<p>NKHR2013000231 2013-12-24</p>
<ul style="list-style-type: none"> • August 15, 2013 • China • Victim: A man in his 40s (from Bocheon County, Yanggang Province) • Assailant: Border security guards • A group of 12 men and women crossed the river to collect blueberries in China. The border security guards shot at them immediately, although it is unclear whether they fired live rounds or blanks. 		<p>NKHR2014000055 2014-05-20</p>

666_NKHR2014000166 2014-10-07; NKHR2014000165 2014-10-07; NKHR2014000136 2014-09-02.

It is also reported that, in June 2012, in the Namyangku of Onsung County, a defector was isolated on an island while crossing the river due to the sudden water level rise. Five border guards aimed their rifles on the defector, but decided to arrest him/her instead, as they saw the defector was exhausted.⁶⁶⁷

As anti-defection measures have tightened, the fee (i.e. bribe) for the “river-crossing guides” to pay the border security guards has increased.⁶⁶⁸ 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.⁶⁶⁹ As the number of whistle-blowing brokers including soldiers increased, some defectors began to investigate details and defect alone without the brokers’ help. As the risk of getting caught in the process of defection increased, the number of people trying to enter China to make money significantly decreased.

In addition to China, defectors appear to be attempting to move to Russia, other CIS countries, Mongolia and Southeast Asia, even risking to live illegally in Han Chinese and Korean-Chinese communities. Furthermore, assisted by civilian organizations, volunteers and activists, defectors 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

667_ This testifier had to be penalized for 6-months in a labor training camp (*rodongdanryunda*), but upon offering bribes he served only two and a half months at the camp. NKHR2013000206 2013-11-12.

668_ XX Yoon, “The Status and Prospects of North Korean Defectors in China,” Korea Institute for National Unification, Undisclosed advisory meeting, June 14, 2010; NKHR2014000037 2014-04-15.

669_ NKHR2014000118 2014-08-12.

number of North Korean refugees illegally entering Thailand in hopes of going to South Korea or the United States has risen constantly. With increasing number of defectors, Thai authorities have also arrested many more groups of North Koreans illegally crossing into their border. Furthermore, as the detention period grows longer, some refugees have begun to stage hunger strikes in order to protest, hoping for faster proceedings, which has brought speedier entry procedures.⁶⁷⁰ An increasing number of North Koreans have also applied for political asylum (refugee status) in the EU member states. Many of them were unsuccessful in their attempts as they were registered as Korean–Chinese in China or North Korean defectors who already had resettled in 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 defector 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.

670_ Thailand served as a major transit country for North Korean defectors on their way to South Korea in 2015.

B The Reality of Human Rights of North Korean Defectors 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.

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. Not just single women but also married ones already with husbands and children ended up living with Chinese men to continue their hidden life in China. Some women voluntarily entered into such relationship,⁶⁷¹ while others were sold unknowingly.⁶⁷² In cases where female defectors 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.⁶⁷³ Others remain, living in fear of forced deportation, giving up all hope. Since most North

671_ NKHR2010000027 2010-11-26; NKHR2010000084 2010-03-30; NKHR2012000090 2012-05-22 and 55 other testimonies; NKHR2013000008 2013-01-08 and 37 other testimonies; NKHR2014000083 2014-07-01 and 47 other testimonies.

672_ 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. NKHR2014000086 2014-07-01 and 90 other testimonies.

673_ 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. NKHR2014000157 2014-09-23.

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.⁶⁷⁴ After prolonged stays in China, some defectors are able to obtain resident permits (*Hokou*).⁶⁷⁵ Others give birth to Chinese babies.⁶⁷⁶ In some cases, children born in China to female defectors have been granted resident permits.⁶⁷⁷ In Han Chinese villages in rural areas, no forced deportation is known to have taken place except when North Korean defectors are involved in serious problems and are thus reported to local authorities.⁶⁷⁸ In some regions such as Hebei Province, it appears to be easier than other regions to obtain resident permits by offering bribes.⁶⁷⁹ Since 2013, however, it has reportedly been harder to forge resident permits in China.⁶⁸⁰

674_ NKHR2010000007 2010-03-16; NKHR2010000015 2010-10-05; NKHR2010000018 2010-10-05.

675_ NKHR2012000069 2012-01-13 and 8 other testimonies; NKHR2013000128 2013-07-09 and 6 other testimonies. NKHR2014000192 2014-11-18 and 3 other testimonies.

676_ 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. NKHR2014000171 2014-10-07 and 85 other testimonies.

677_ 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. NKHR2014000053 2014-05-13 and 53 other testimonies.

678_ NKHR2014000114 2014-08-12.

679_ 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.

680_ NKHR2014000066 2014-06-03.

North Korean defectors find it increasingly difficult to live in China as they are more often asked to present their citizen ID cards than before. 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. Thus, the problem of these children is recently becoming a serious human rights issue in the international community.⁶⁸¹

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 Korean–Chinese. As they quickly learned the Chinese language and became familiar with the Chinese environment, many defectors rented a room of their own. Some take jobs at an office or in the homes of South Korean businessmen in China. Some defectors have learned to live in China by saving money and engaging in vending business.⁶⁸² Also, there were few cases of North Korean defector 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 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

681_ *Voice of America*, November, 5, 2011.

682_ NKHR2011000030 2011-01-04.

fake Chinese passports.⁶⁸³ Some North Korean defectors 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 defector. However, many female defectors continue to live in farm villages of China, where Chinese people reside. There is little information on South Korea.⁶⁸⁴

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 defectors who lived in China for many years began to rush their entry into South Korea. In 2008, some North Korean defectors 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 defectors and citizens groups assisting them staged protest rallies against the government decision. Subsequently, in January 2009 the South Korean Government decided to make some adjustments to the law, allowing some exceptions to the rule in cases of special circumstances.⁶⁸⁵ As a result, there is an increasing number of North Koreans who have stayed in China for an extended period of time, entering South Korea with their Chinese-born children.⁶⁸⁶

683_ NKHR2011000127 2011-05-31; NKHR2011000192 2011-08-23.

684_ NKHR2012000186 2012-09-11.

685_ Article 9, paragraph 2 of the Act on the Protection and Settlement Support of Residents Escaping from North. Revised on January 30, 2009.

686_ 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.

C 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 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.⁶⁸⁷

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 defectors. 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

687_ Norma Kang Muico, *Absence of Choice: The Sexual Exploitation of North Korean Women in China* (London: Anti-Slavery International, 2005), p. 3.

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.⁶⁸⁸ Furthermore, the report stated that North Korean authorities do not acknowledge 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 defectors 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

688_ U.S. Department of State, *The Trafficking in Persons Report 2012* (June 2012), <<http://www.state.gov/documents/organization/192596.pdf>>, pp. 208~210.

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 Korean-Chinese in China. They have been involved in the border crossing of many North Koreans.

As the number of border crossing increased, organized rings of human traffickers began to appear to make profit by handing North Korean defectors 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 defectors 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 a Korean–Chinese 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 defector 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 defector 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.⁶⁸⁹ In the process of moving from the border region to the inner regions, Chinese brokers often rape these women.⁶⁹⁰

Human trafficking is illegal in China, and if detected, those involved are heavily fined. Since the go-betweens 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 inves-

689_NKHR2010000031 2010-11-09; NKHR2014000066 2014-06-03.

690_NKHR2011000003 2010-03-16. She was pregnant as a result of rape by a Chinese broker at the time she came to South Korea.

tigations on North Korean defectors 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.⁶⁹¹ 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 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

691_ NKHR2011000067 2011-03-15. The testifier paid 2000 yuan (CNY) to have her name listed in the resident permit.

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 Korean–Chinese 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.⁶⁹² In order to prevent them from fleeing, the restaurant owners withhold their pay, stating they are saving money for them. It is also reported that organized criminals are operating pornographic computer chatting businesses in China, using North Korean women defectors.⁶⁹³ They

692_NKHR2011000030 2011-01-04; NKHR2014000183 2014-11-04.

are also involved in telephone scams (voice phishing) targeting South Koreans.⁶⁹⁴

D Penalties for Defection

(1) Penalty Provisions for Defection

The penalty provisions for defectors have been revised several times in the past. Defection fall into two different categories according to the 1987 North Korean Criminal Law, Article 47 of the Criminal Law 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 penalty. At the same time, Article 117 stipulates that anyone who unlawfully crosses the border of the Republic is sentenced to correctional labor penalty for up to three years. The 1999 Criminal Law 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 labor penalty for five to ten years. In cases of extremely 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.”

693_ NKHR2010000080 2010-06-15; NKHR2010000082 2010-06-22; NKHR2010000017 2010-10-05; NKHR2010000018 2010-10-05; NKHR2012000148 2012-07-17; NKHR2013000138 2013-07-23. Among those interviewed in 2014, 11 had engaged in computer chats, other than NKHR2014000051 2014-05-13.

694_ NKHR2011000029 2011-01-18.

Article 233 of the revised 2004 Criminal Law 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 up to three years of correctional labor penalty to up to two years of labor training penalty. The Criminal Law 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 Criminal Law 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 Criminal Law, this penalty was significantly relaxed to “up to two years of correctional labor penalty” (Article 234). This revision seemed to reflect the increases in the number of defectors at the time and the appearance of organized “river-crossing” assistance among some border guards.⁶⁹⁵

In 2009, North Korea revised its Criminal Law 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 the “types of crime.” And, Article 28 stipulates that the Penalty of Fines shall also be imposed on “anti-state and anti-people

695_ 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.

crimes.⁶⁹⁶

Article 221 of the Criminal Law, as revised in 2012, prescribes “up to one year of labor training penalty,” and “up to 5 years of correctional labor penalty” in serious cases, for the “crime of illegal border exit/entry.” Article 68 revised in 2012 stipulates that “over 5 years of correctional labor penalty” 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.

696_ Article 28 of the Criminal Law (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 Criminal Law(October 19, 2009)	Revised Criminal Law(May 14, 2012)
<p>Article 62 (Treason against Fatherland) 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 penalty; in more serious cases the penalty shall be unlimited term correctional labor penalty or capital punishment, plus confiscation of all personal property.</p>	<p>Article 63 (Treason against Fatherland) 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 penalty; in more serious cases the penalty shall be life-term correctional labor penalty or capital punishment, plus confiscation of all personal property.</p>
<p>Article 233 (Crime of Illegal Border Exit/ Entry) 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 penalty.</p>	<p>Article 221 (Crime of Illegal Border Exit/Entry) 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 penalty.</p>
<p>Article 234 (Crime of Assisting Exit/Entry) 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 penalty.</p>	<p>Article 222 (Crime of Illegal Assistance) 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 penalty.</p>

In addition to the crime of illegal border exit/entry, North Korean defectors 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 Korean Criminal Law, 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, demotion, relief or firing from the job.

(2) Cases of Actual Punishment

- Interrogation and Transfers

North Koreans caught in China are deported to military units along the border, then to the SSD for a personal identity check and interrogation. They will then be sent back to their hometown. Depending on the case, deportees are sent to their hometown agencies (MPS) via the border region labor training camps

(*rodongdanryundae*) or to provincial holding centers (*jipkyulso*). Sometimes they are sent directly to their hometown agency (MPS). Those transferred to local authorities are generally detained at labor training camps (*rodongdanryundae*). Some of them are, however, released without punishment, or are sent back home and report to local MPS to write self-criticizing essays. 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.⁶⁹⁷ However, if the detainee's hometown is far away, the period of detention is extended, because the detainee's hometown officers of the MPS have to travel to the border area detention facility in person to sign out the defector. The officer 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 (*kwanliso*). Instead, they serve one to six months of labor training. 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.⁶⁹⁸ However, punishment for defection became heavier in 2009, and

697_ NKHR2009000023 2009-04-16.

698_ Defector XXX testified that after she was forcibly deported back to North Korea, the interrogating agent told her that she would be released early by stating that she had "contacted South Korean intelligence agents." She was however later sent to the "Revolutionary 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 defectors and bore the signage "Military Unit No. 0000" (Interview with defector XXX in Seoul on August 20, 2008).

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 defectors has significantly increased.⁶⁹⁹ Instead of imposing a labor training or a labor training penalty, a correctional labor penalty is imposed.⁷⁰⁰ 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.⁷⁰¹

The deportees are investigated at a first-level detention facility. Most of the SSD detention centers are located in Onsung County, Musan County and Hoeryeong of North Hamgyong Province, and Shinuiju in North Pyongan Province. Deported defectors are detained after undergoing a naked frisk,⁷⁰² 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 defectors 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

699_NKHR2012000155 2012-07-31.

700_NKHR2012000151 2012-07-24.

701_NKHR2012000090 2012-05-22; NKHR2012000184 2012-09-11.

702_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 defectors 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 (*rodongdanryundae*). 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 defector 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 detainees are sent either to the MPS detention center or to the provincial holding centers (*jipkyulso*) in the border areas.

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.⁷⁰³ 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

703_ 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.

as sources 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 of the 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).⁷⁰⁴

- Detention of Pregnant Defectors and Suspended Execution of sentence

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 North Korean defectors have testified to cases in which the detaining agent conducted interrogations of pregnant women within this period and measures

704. North Korean defector XXX was forcibly deported in 2006, but was released without any penalty as he/she was considered under-aged. NKHR2011000003 2010-03-16.

for forced abortion were conducted.⁷⁰⁵ 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. 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 after-wards.⁷⁰⁶ 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 defectors 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.⁷⁰⁷

705_ NKHR2009000010 2009-02-26; NKHR2009000048 2009-07-30; NKHR2009000078 2009-12-10.

706_ NKHR2014000001 2014-02-18.

707_ NKHR2012000198 2012-09-25.

Table VI-3

Cases of Human Rights Abuse on Deported Women

Testimonies	Testifier ID
<ul style="list-style-type: none"> • October 2009 • The local SSD detention center in Shinuiju, North Pyongan Province • Victim: Fellow inmate • Reason: Her baby was half Chinese • Method: Injection 	NKHR2014000107 2014-07-29
<ul style="list-style-type: none"> • 2010 • The Provincial <i>jipkyulso</i> in Hyesan, Yanggang Province • Victim: Fellow inmate • Reason: Her baby was half Chinese • Method: Injection 	NKHR2014000068 2014-06-03
<ul style="list-style-type: none"> • 2010 • The Provincial <i>jipkyulso</i> in Shinuiju, North Pyongan Province • Victim: Fellow inmate • Reason: Her baby was half Chinese • Method: Operation at hospital 	NKHR2014000040 2014-04-29
<ul style="list-style-type: none"> • March 2010 • The Provincial <i>jipkyulso</i> in Chongjin, North Hamgyong Province • Victim: Fellow inmate • Reason: Her baby was half Chinese • Method: Beaten to induce abortion 	NKHR2014000064 2014-06-03
<ul style="list-style-type: none"> • December 2010 • The local SSD detention center in Onsung County, North Hamgyong Province • Victims: Three fellow inmates (a seven-month pregnant woman from Hyesan; a four-month pregnant woman from Hyesan; and a one-month pregnant woman from Chongjin) • Reason: Their babies were half Chinese • Method: Operation at hospital. No consideration was given for pregnant women, forcing them to resume work immediately after the operation. The women were beaten if they cried during work. 	NKHR2014000175 2014-10-21
<ul style="list-style-type: none"> • 2010 • The Provincial <i>jipkyulso</i> in Chongjin, North Hamgyong Province • Abortion victim: Female (22, Yonsa County, North Hamgyong Province) • Reason for abortion: Chinese baby • Method of abortion: Operation at hospital 	NKHR2011000068 2011-03-15
<ul style="list-style-type: none"> • December 2010 • The Provincial <i>jipkyulso</i> in Shinuiju, North Pyongan Province • Abortion victim: Two Female (20, 22) • Time of abortion: 24-week pregnant • Reason for abortion: Chinese baby • Method of abortion: Operation at hospital 	NKHR2011000253 2011-12-20

Testimonies	Testifier ID
<ul style="list-style-type: none"> • March 2011 • The local MPS detention center in Bochoen County, Yanggang Province • Victim: A woman known only by her first name, Sonnyo • Reason: Her baby was half Chinese • Method: Operation at hospital • While hospitalized for an appendectomy, the defector saw the woman undergoing what seemed to be curettage; two MPS officers were monitoring her, with one of them spitting out, "The baby she conceived back in China is being removed here [in North Korea]." 	<p>NKHR2014000013 2014-03-04</p>
<ul style="list-style-type: none"> • June 2011 • The Provincial <i>Jipkyulso</i> in Yanggang Province. • Abortion victim: Three fellow detainees • Reason for abortion: Chinese babies • Method of abortion: Operation at clinic (4th floor), Yanggang Province 	<p>NKHR2012000275 2012-12-11</p>
<ul style="list-style-type: none"> • July 2011 • The local MPS detention center in Hoeryeong, North Hamgyoung Province • Abortion victim: XXX (26) • Reason for abortion: Chinese baby • Method of abortion: Operation at hospital 	<p>NKHR2012000255 2012-11-20</p>
<ul style="list-style-type: none"> • August 2011 • The local MPS detention center in Musan County, North Hamgyoung Province • Abortion victim: Detainee (Female, 32) • Reason for abortion: Chinese baby • Method of abortion: Beating 	<p>NKHR2012000067 2012-04-24</p>
<ul style="list-style-type: none"> • October 2011 • The <i>rodongdanryundae</i> in Onsung County, North Hamgyoung Province • Abortion victim: Detainee (Female, 36) • Reason for abortion: Chinese baby • Method of abortion: Beating by Agent (XXX) 	<p>NKHR2012000073 2012-05-08</p>
<ul style="list-style-type: none"> • October 2011 • The Provincial <i>jipkyulso</i> in North Pyongan Province • Abortion victim: Fellow detainee (Female, 26) • Reason for abortion: Chinese baby • Method of abortion: Forcible abortion by a military doctor at hospital. 	<p>NKHR2012000198 2012-09-25</p>
<ul style="list-style-type: none"> • November 20, 2011 • The Provincial <i>jipkyulso</i> in Yanggang Province • Abortion victim: Fellow detainee (Female) • Reason for abortion: Chinese baby • Method of abortion: Beating by guard (Guk-chol Kim) 	<p>NKHR2012000174 2012-09-04</p>

Testimonies	Testifier ID
<ul style="list-style-type: none"> • 2012 • A holding center (<i>jipkyulso</i>) in an unknown region • Victim: Fellow inmate • Reason: Her baby was half Chinese • Method: Beating to induce abortion 	NKHR2014000113 2014-08-12
<ul style="list-style-type: none"> • February 17, 2012 • The Local SSD detention center in Hoeryeong, North Hamgyoung Province • Abortion victim: Two fellow detainees (Female) • Reason for abortion: Chinese baby • Method of abortion: Operation at hospital 	NKHR2012000285 2012-12-18
<ul style="list-style-type: none"> • July 2012 • Unknown detention facility in Hyesan, Yanggang Province • Victim: Fellow inmate • Reason: Her baby was half Chinese • Method: Operation at hospital 	NKHR2014000167 2014-10-07
<ul style="list-style-type: none"> • November 2012 • The local MPS detention center in Hyesan, Yanggang Province • Abortion victim: Fellow detainee • Reason for abortion: Chinese baby • Method of abortion: Operation at hospital 	NKHR2012000090 2013-04-30
<ul style="list-style-type: none"> • May 2013 • The <i>rodongdanryundae</i> in Gilju County, North Hamgyoung Province • Abortion victim: Fellow detainee • 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. 	NKHR2012000218 2013-11-26

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 penalty, was seriously ill, or a pregnant woman three months before or seven months after childbirth (Article 18, paragraph 1 of Sentencing and Decisions Law). North Korean defectors 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).⁷⁰⁸ 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.⁷⁰⁹ The agents would force hard work on her as part of the penalty,⁷¹⁰ 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.⁷¹¹ In some rare cases, inmates were allowed to give birth, with their correctional labor penalty implemented six months later.⁷¹²

- Imposition of Penalty

Since 1999, the punishment for forcibly deported defectors has

708_ NKHR2011000019 2011-01-18.

709_ Defector 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' instructions came down, so they did not confiscate any of her possessions except for the cash she carried. NKHR2008000003 2008-07-09.

710_ NKHR2009000025 2009-03-30.

711_ Defector XXX testified that she was forcibly deported to North Korea on while 8 months pregnant. She was able to prove that she was pregnant before leaving North Korea, and she escaped a forced abortion. NKHR2008000003 2008-07-09; Apparently, if a woman is pregnant with a "North Korean baby," she will not be forced to abort the child. NKHR2009000032 2009-05-19.

712_ NKHR2014000001 2014-02-18; NKHR2014000054 2014-05-20.

usually been the labor training penalty. Under the 1999 Criminal Law, “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 (*rodongdanryundae*). Because the *rodongdanryundae* 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 (*rodongdanryundae*) without a trial or a court sentence. Apparently, these cases occur when the provincial holding center (*jipkyulso*) is crowded with inmates and when the MPS officer from the deportee’s hometown is unduly delayed from taking the convict to the provincial holding center (*jipkyulso*). The detention period at a provincial holding center (*jipkyulso*) also varies, depending on how quickly the hometown convoy officer 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 Provincial *jipkyulso* 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.⁷¹³

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 a provincial holding center (*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 (*rodongdanryundae*) or MPS detention centers.

The North Korean authorities had relaxed the penalty on simple defectors. But recently, they have been enforcing penalties again.⁷¹⁴ 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 defectors varied considerably from region to region and from person to person.⁷¹⁵ In some cases, defectors were forced to serve longer terms than those recorded as their official sentences.⁷¹⁶ On the other hand, there were many reported cases in which the level of punishment was raised from labor train-

713_ NKHR2009000011 2009-03-03.

714_ The sentences for captured or deported defectors have been raised by 5~7 years since March 1, 2007. *Good Friends*, “North Korea Today,” No. 114 (March 5, 2008).

715_ 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 penalty at Hamhung No. 3 *kyohwaso*. NKHR2008000011 2008-08-12.

716_ North Korean defector XXX testified that he/she was sentenced to serve a year at a labor training camp (*rodongdanryundae*) for illegal border crossing, but had to serve one year and four months at No. 11 (Jeungsan) *rodongdanryundae* under Social Safety Agency (currently MPS). NKHR2008000011 2008-08-12; North Korean defector 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 defector XXX in Seoul on June 15, 2008).

ing penalty to correctional labor penalty, but through bribery, inmates were often released on bail (for reasons of illness) or released through general amnesties in the middle of their term.⁷¹⁷

Table
VI-4

Punishments for Defections

Testimonies	Testifier ID
<ul style="list-style-type: none"> • Deported from China in 2009 • Sentenced to five years of correctional labor penalty after a pre-trial and trial • Sent to the Jongori <i>kyohwaso</i> in Hoeryeong, North Hamgyoung Province in 2010 • Released thanks to a special pardon celebrating the 65th anniversary of the Party's creation (detained for 2.5 years) 	NKHR2014000048 2014-05-13
<ul style="list-style-type: none"> • Deported from China in 2009 • Sentenced to five years of correctional labor penalty after a pre-trial and trial • Sent to the Hamhung <i>kyohwaso</i> in September 2010 • Released thanks to a special pardon celebrating Kim Il-sung's 100th birthday 	NKHR2014000064 2014-06-03
<ul style="list-style-type: none"> • Deported from China in August 2009 • Sentenced to five years of correctional labor penalty after a pre-trial and trial • Sent to the Jongori <i>kyohwaso</i> in Hoeryeong, North Hamgyoung Province in April 2010 • Released thanks to a special pardon (served two years) 	NKHR2014000090 2014-07-15

717_ Defector XXX was arrested while trying to come to South Korea from Qingdao in 2005 because of a whistle-blower (a former defector, Korean), among a total of 13 defectors who were forcibly deported. He was sentenced to a 3-year correctional labor penalty. He was released on general amnesty after serving one and a half years at Jongori *kyohwaso*. (Interview with defector XXX in Seoul on August 30, 2008.); Defector XXX defected with his wife in 2006. When his wife was arrested, however, he returned to North Korea voluntarily. He was, however, sentenced to two years on family defection charges. He served six months at Oro *rodongdanryundae* 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 defector XXX in Seoul on September 6, 2008.); Defector XXX was arrested after returning to North Korea on charges of attempted flight to South Korea. When he learned his penalty would be about 6 years, he bribed the agent in-charge into burning the essential investigation documents. Subsequently, he received a four-month labor training and served as a “*tekgan*,” or a “whip” who was responsible for ensuring every inmate at the center reported to work. (Interview with defector XXX in Seoul on July 26, 2008).

Testimonies	Testifier ID
<ul style="list-style-type: none"> • Deported from China in September 2009 • Sentenced to five years of correctional labor penalty after a pre-trial and trial • Sent to the Jongori <i>kyohwaso</i> in Hoeryeong, North Hamgyoung Province in May 2010 • Released thanks to a special pardon celebrating Kim Il-sung's 100th birthday 	<p>NKHR2014000107 2014-07-29</p>
<ul style="list-style-type: none"> • Returned voluntarily from China in February 2010 • Detained at a local MPS detention center in Samjiyon County, Yanggang Province for interrogations; sentenced to one year of correctional labor penalty and three years of probation 	<p>NKHR2014000085 2014-07-01</p>
<ul style="list-style-type: none"> • February 2010 • Musan County, North Hamgyoung Province • Paid bribes and attempted to cross the border together with his son as the border security guards agreed to turn a blind eye on border crossing, but caught alone by other guards (a man from a southern region; deputy platoon leader) • Detained for three months at a labor training camp (<i>rodongdanryundae</i>) 	<p>NKHR2014000071 2014-06-17</p>
<ul style="list-style-type: none"> • Arrested by the border security guards while trying to cross the border in April 2010 • Sentenced to three years of correctional labor penalty after pre-trial and trial at a local MPS office in Hyesan, Yanggang Province • Detained at the Gaecheon <i>kyohwaso</i> in Gaecheon, South Pyongan Province in August 2010 • Released thanks to a special pardon celebrating Kim Il-sung's 100th birthday 	<p>NKHR2014000012 2014-03-04</p>
<ul style="list-style-type: none"> • May 2010 • Detained at a <i>jipkyulso</i> in Shinuiju, North Pyongan Province for over 40 days • Deported for the second time 	<p>NKHR2011000018 2011-01-18</p>
<ul style="list-style-type: none"> • 2011 • Six months of labor training penalty for crossing the border • Detained at a <i>rodongdanryundae</i> in Mountain Dongheung District, Hamhung, South Hamgyoung Province 	<p>NKHR2012000213 2012-10-16</p>
<ul style="list-style-type: none"> • 2011 • Hyesan, Yanggang Province • Labor training penalty on charges of illegal border crossing 	<p>NKHR2012000238 2012-11-06</p>
<ul style="list-style-type: none"> • 2011 • Musan County, North Hamgyoung Province • Arrested in the act while trying to cross the border • Detained for one month at a labor training camp (<i>rodongdanryundae</i>) 	<p>NKHR2014000126 2014-08-26</p>

Testimonies	Testifier ID
<ul style="list-style-type: none"> • 2011 • Baekam County, Yanggang Province • Detained for six months at a labor training camp (<i>rodongdanryundae</i>) for illegal border crossing (and attempted escape to South Korea) 	NKHR2011000232 2011-11-08
<ul style="list-style-type: none"> • February 2011 • Detained at a local SSD detention center in Shinuiju, North Pyongan Province • Escaped while detained at a SSD detention center for crossing the border 	NKHR2011000244 2011-11-22
<ul style="list-style-type: none"> • February 16, 2011 • Sentenced to one year of correctional labor penalty • Detained at the Jongori <i>kyohwaso</i> in Hoeryeong, North Hamgyoung Province 	NKHR2012000264 2012-12-04
<ul style="list-style-type: none"> • June 2011 • Sentenced to three years of correctional labor penalty for illegal border crossing • Detained at the Jongori <i>kyohwaso</i> in Hoeryeong, North Hamgyoung Province • Released thanks to a special pardon (served six months) and term reduction (80 days) 	NKHR2014000040 2014-04-29
<ul style="list-style-type: none"> • Deported from China • Sentenced to five years of correctional labor penalty after pre-trial and trial • Detained at the Jongori <i>kyohwaso</i> in Hoeryeong, North Hamgyoung Province in 2011 • Released thanks to a special pardon celebrating Kim Il-sung's 100th birthday (served one year) and term reduction (210 days) 	NKHR2014000151 2014-09-23
<ul style="list-style-type: none"> • Deported from China • Sentenced to two years of correctional labor penalty after pre-trial and trial • Detained at the Gaechon <i>kyohwaso</i> in Gaechon, South Pyongan Province in June 2011 • Released thanks to a special pardon (two years) and term reduction (20 days) 	NKHR2014000175 2014-10-21
<ul style="list-style-type: none"> • August 2011 • Hyesan, Yanggang Province • Arrested while staying at a boarding house in Hyesan to cross the border; detained at a holding center (<i>jipkyulso</i>) for illegal border crossers on charges of "violating the cross-border travel order" • Released from a holding center (<i>jipkyulso</i>) after offering a bribe (Offering a bribe of 30,000 yuan ensures immediate release) 	NKHR2014000213 2014-12-30
<ul style="list-style-type: none"> • Deported from China in August 2011 • Detained at a <i>jipkyulso</i> in Jagang Province; transferred to a <i>rodongdanryundae</i> in Samjiyon County, Yanggang Province • Escape after five days 	NKHR2013000018 2013-04-25

Testimonies	Testifier ID
<ul style="list-style-type: none"> • Deported from China • Sentenced to one year of correctional labor penalty in 2012 in Yonsa County, North Hamgyoung Province • Sick bail approved on the day of trial 	NKHR2013000061 2013-04-02
<ul style="list-style-type: none"> • Deported from China • Sentenced to seven months of labor training in January 2012 on charges of illegal border crossing • Detained at an labor education center in Dokwon-ri, Wonsan, Gangwon Province 	NKHR2013000027 2013-02-05
<ul style="list-style-type: none"> • Deported from China • Detained at a local SSD detention center in Shinuiju, North Pyongan Province; pre-trial at a local MPS detention center in Daehongdan County, Yanggang Province • Sentenced to social education in February 2012 	NKHR2013000032 2013-02-19
<ul style="list-style-type: none"> • February 2012 • Detained at a local SSD detention center in Hoeryeong, North Hamgyoung Province • Five years of correctional labor penalty • A fellow inmate (female) was arrested at Yanji, Jilin Province, China and was deported to the North. She was classified as an (attempted) defector to South Korea, but she reduced her prison terms with a bribe and was sentenced to five years of correctional labor penalty . 	NKHR2012000285 2012-12-18
<ul style="list-style-type: none"> • April 2012 • Musan County, North Hamgyoung Province • Detained for six months at a labor training camp (<i>rodongdanryundae</i>) • Released after one week by bribing (approx. 5,000 yuan) 	NKHR2012000285 2012-12-18
<ul style="list-style-type: none"> • July 2012 • Hyesan, Yanggang Province • Ten-month labor training penalty • The duration of detention at an MPS detention center was included in prison terms, while the duration of detention at an SSD detention center was not taken into account. 	NKHR2013000044 2013-03-05
<ul style="list-style-type: none"> • November 2012 • Hoeryeong, North Hamgyoung Province • Detained for six months at a labor training camp (<i>rodongdanryundae</i>) • Fled one month after detention; successfully escaped North Korea 	NKHR2013000107 2013-06-11
<ul style="list-style-type: none"> • Deported from China in 2011 • One year of labor training penalty • Imprisoned in Wonsan, Gangwon Province in June 2012 • Released thanks to the decision to reduce prison terms (by one month) in celebration of Kim Jong-un's birthday 	NKHR2014000005 2014-02-18

Testimonies	Testifier ID
<ul style="list-style-type: none"> • October 2013 • Daehongdan County, Yanggang Province • Arrested while attempting to cross the border; detained for two months at a labor training camp (<i>rodongdanryundae</i>) 	NKHR2014000141 2014-09-02
<ul style="list-style-type: none"> • Deported from China • Detained at a <i>jipkyulso</i> in Yanggang Province in November 2013 • Released on sick bail during detention; successfully escaped North Korea again two months later 	NKHR2014000074 2014-06-17

• Punishing Families of North Korean Defectors

Under the deteriorating food shortage, defections increased among the inhabitants along the border, and the relaxed punishment level on defector families has tightened again. There were reports that the families of defectors living along the border have been forcibly deportated (or, banished) to remote mountainous villages away from the border.⁷¹⁸ Many North Korean defectors 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.⁷¹⁹ If a defector family offered bribes to the supervisor to overlook the defection, he would either forge or discard relevant documents so he could avoid personal responsibility and still benefit financially.

718_ 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 defector 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 Hamgyoung Province Interview with defector XXX in Seoul on July 2, 2008). In 2004, 20~30 defector families were banished from Musan County to Gangwon Province (Interview with defector XXX in Seoul on July 2, 2008). In August 2004, the family of XXX was banished from Sechon County, Hoeryeong, North Hamgyoung Province to a farm in South Hamgyoung Province because XXX had crossed the river into China. NKHR2008000011 2008-08-12.

719_ NKHR2008000011 2008-08-12.

According to our 2013 survey, it appeared that even though surveillance over defector families has been tightened the banishment would not be enforced unless it was confirmed that the defector has fled to South Korea.⁷²⁰ In case a majority of a family defected, the remaining family members would be charged with relatively light penalties such as labor training penalty or illegal use of “hand phones (mobile phones).”⁷²¹ 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.⁷²² The family member of “forcibly deported” defector would be discharged from the military service on account of the “crime of poor family environment.”⁷²³ An increasing number of defector families are being punished for having received remittances from abroad.⁷²⁴

In December 2012, Kim Jong-un had issued instructions to the effect, “Bring back defectors and given them stable living conditions.” Ever since, the SSD agents began lectures at the Neighbourhood Watch (*inminban*) on the importance of embracing the returning defectors and tried to persuade the defector families to bring defectors back to North Korea.⁷²⁵ Since 2013, some threats have been made to forcibly deport the families of defectors. This, however, has never been put into action; given the overwhelmingly large number of affected families in the border areas, there is concern that the remaining members of these families might also choose

720_ 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.

721_ NKHR2013000104 2013-05-28.

722_ NKHR2013000179 2013-10-01.

723_ NKHR2013000098 2013-05-14.

724_ NKHR2013000218 2013-11-26.

725_ NKHR2013000127 2013-07-19.

to escape and that local residents might strongly resist the deportation.⁷²⁶ A correctional labor penalty imposed on family members of defectors negatively affects their family backgrounds.

Table
VI-5

Punishments for Defector's Families

Testimonies	Testifier ID
<ul style="list-style-type: none"> • May 2009 • Cholsan County, North Pyongan Province • Penalty: Labor training (6 months for the defector) and forced deportation of the family • Reason: Due to the defection of his elder sister, the defector was sentenced to six months of labor training, while his father and younger sister were forced to deport. 	NKHR2014000180 2014-10-21
<ul style="list-style-type: none"> • July 2009 • Musan County, North Hamgyong Province • Punishment: Forced deportation • Reason: Family of an illegal border crosser • Victim: One female 	NKHR2010000041 2010-10-26
<ul style="list-style-type: none"> • July 2009 • Hoeryeong, North Hamgyong Province • Punishment: Forced deportation • Victims: Two males, two females 	NKHR2010000101 2011-06-15
<ul style="list-style-type: none"> • September 2009 • Punishment: Political prison camp (<i>kwanliso</i>) • Victims: Two males, two females • Detained because a family member defected to South Korea. 	NKHR2011000077 2011-03-22
<ul style="list-style-type: none"> • August 2010 • Hyesan, Yanggang Province • Punishment: Forced deportation • Reason: Family of defector already living in South Korea • Victims: One male, four females 	NKHR2011000231 2011-11-08
<ul style="list-style-type: none"> • October 2010 • Sakju County, North Pyongan Province • Punishment: Forced deportation • Reason: Family of defector • Victims: Two males, one female • All family members were deported for the defection of a source's brother-in-law. 	NKHR2011000105 2011-05-03

726_NKHR2014000050 2014-05-13.

Testimonies	Testifier ID
<ul style="list-style-type: none"> • October 2010 • Kim Hyung-jik (Huchang) County, Yanggang Province • Penalty: Forced deportation • Reason: The defector's neighbor (a woman known by her surname Kim) escaped, and her entire family (grandmother, parents, and younger sister) were deported as a result. 	<p>NKHR2014000104 2014-07-29</p>
<ul style="list-style-type: none"> • 2011 • Pyongyang • Punishment: "<i>Hwan-gyeong-je-dae</i>" • Reason: Family members of a defector who attempted to enter South Korea * "<i>Hwan-gyeong-je-dae</i>" indicates being discharged from military service due to family problems. 	<p>NKHR2011000209 2011-09-20</p>
<ul style="list-style-type: none"> • 2011 • Hyesan, Yanggang Province • Penalty: No punishment • Reason: The defector was subject to punishment because one of his family members had crossed the border, but he was not punished due to being on good terms with the MPS officer in charge. 	<p>NKHR2014000068 2014-06-03</p>
<ul style="list-style-type: none"> • 2011 • Gyongwon (Saebjol) County, North Hamgyong Province • Penalty: Detention at a political prison camp (<i>kwansiso</i>) (for conspiring with a family member defecting to the South) • Reason: The defector's relative was sent to a political prison camp (<i>kwansiso</i>) as he saw off her brother fleeing to South Korea. • The level of punishment varies by whether the victim was living with the defecting family member at the time. If the victim had known that the family member was heading for the South, he/she was subject to heavier punishment. 	<p>NKHR2014000043 2014-04-29</p>
<ul style="list-style-type: none"> • 2012 • Hyesan, Yanggang Province • Penalty: House confiscation • They confiscated the house of testifier's neighbor (male) because his family illegally crossed the border. 	<p>NKHR2013000006 2013-01-08</p>
<ul style="list-style-type: none"> • February 2012 • Onsung County, North Hamgyong Province • Penalty: Forced deportation (defector and family members) • Reason: After being deported from china (i.e. forced to return after escaping from North Korea), he received criminal punishment (correctional labor penalty) while all his family members were deported. 	<p>NKHR2014000048 2014-05-13</p>
<ul style="list-style-type: none"> • July 2012 • Pyongsung, South Pyongan Province • Penalty: (forced) discharge • 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. 	<p>NKHR2013000153 2013-08-20</p>

Testimonies	Testifier ID
<ul style="list-style-type: none"> • July 2013 • Musan County, North Hamgyoung Province • Penalty: Labor training (3 months) • Reason: The victim's family members crossed the border (with 2 male neighbors of the defector). 	NKHR2014000205 2014-12-02
<ul style="list-style-type: none"> • June 2014 • Hyesan, Yanggang Province • Penalty: Monitoring • Reason: The defector's younger brother was monitored as a member of the family went missing. 	NKHR2014000209 2014-12-16

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

Testimonies	Testifier ID
<ul style="list-style-type: none"> • March 2009 • Musan County, North Hamgyoung Province • Penalty: 6-year correctional labor penalty • Victims: 11 	NKHR2011000034 2011-01-04
<ul style="list-style-type: none"> • 2010 • Samjiyon County, Yanggang Province • Penalty: correctional labor penalty (10 years) • Victim: A woman in her 60s (known by her surname Cho) 	NKHR2014000211 2014-12-16

Testimonies	Testifier ID
<ul style="list-style-type: none"> • 2010 • Onsung, North Hamgyoung Province • Penalty: The victim sought to help a man escape to China, but he was informed on by the man's son-in-law and arrested by the local SSD of Onsung County, North Hamgyoung Province. He escaped in the middle of the investigation (where he had been beaten). • Victim: A man in his 20s (known by his surname Woo) 	<p>NKHR2014000011 2014-03-04</p>
<ul style="list-style-type: none"> • 2010 • Hoeryeong, North Hamgyoung Province • Penalty: correctional labor penalty (10 years) • Victim: A man (from Hoeryeong, North Hamgyoung Province; known by his surname Kim) 	<p>NKHR2014000122 2014-08-12</p>
<ul style="list-style-type: none"> • 2010 • Hoeryeong, North Hamgyoung Province • Penalty: correctional labor penalty (15 years) • Victim: A man who was detained together with the defector during his pre-trial at a local MPS detention center in Hoeryeong 	<p>NKHR2014000065 2014-06-03</p>
<ul style="list-style-type: none"> • January 2010 • Hyesan, Yanggang Province • Penalty: correctional labor penalty after being caught on the spot • Victim: A young man in his teens (known by his surname Han) 	<p>NKHR2014000197 2014-12-02</p>
<ul style="list-style-type: none"> • February 2010 • Samsu County, Yanggang Province • Penalty: correctional labor penalty (unlimited term) • Victim: A man in his 30s (known by his surname Choi) 	<p>NKHR2014000171 2014-10-07</p>
<ul style="list-style-type: none"> • Penalty: 13 years correctional labor penalty • Victim: One male (XXX, 30 years old) 	<p>NKHR2011000129 2011-05-31</p>
<ul style="list-style-type: none"> • July 2010 • Hyesan, Yanggang Province • Penalty: Public execution • Victims: Three men (from Hyesan, Yanggang Province) 	<p>NKHR2014000092 2014-07-15</p>
<ul style="list-style-type: none"> • August 2010 • Onsung County, North Hamgyoung Province • Penalty: 13 years correctional labor penalty (human trafficking and illegal border crossing) • Victim: One male (XXX, 36, from Onsung County) 	<p>NKHR2011000183 2011-08-09</p>
<ul style="list-style-type: none"> • 2011 • Bocheon County, Yanggang Province • Penalty: correctional labor penalty • Victim: One female 	<p>NKHR2012000116 2012-06-19</p>
<ul style="list-style-type: none"> • 2011 • Samjiyon County, Yanggang Province • Penalty: Unlimited term correctional labor penalty • Victim: Mother and daughter (XXX, XXX) 	<p>NKHR2013000018 2013-01-22</p>

Testimonies	Testifier ID
<ul style="list-style-type: none"> • 2011 • Hyesan, Yanggang Province • Penalty: Public execution • Victim: A female professional broker (from Kim Jong-suk County, Yanggang Province) convicted of engaging in human trafficking of dozens of people 	NKHR2014000175 2014-10-21
<ul style="list-style-type: none"> • 2011 • Kim Hyung-jik County, Yanggang Province • Punishment: Not known • Victim: One male (political officer of a squad), one male (soldier) 	NKHR2011000103 2011-05-03
<ul style="list-style-type: none"> • 2011 • Penalty: 15 years correctional labor penalty • Victim: One male (XXX, 45, from Yeongsa County) 	NKHR2011000195 2011-08-23
<ul style="list-style-type: none"> • May 2011 • Jilin Province, China • Detained for human trafficking of a North Korean defector (female, 39) 	NKHR2013000010 2013-01-08
<ul style="list-style-type: none"> • 2011-Summer • Hyesan, Yanggang Province • Penalty: 5 years correctional labor penalty • Victim: One female (32) 	NKHR2012000092 2012-05-22
<ul style="list-style-type: none"> • October 2011 • Hyesan, Yanggang Province • Penalty: Public execution • Victims: A man known by his surname Kim (the defector's friend) and two others (one male and one female) 	NKHR2014000034 2014-04-15
<ul style="list-style-type: none"> • 2012 • Samjiyon County, Yanggang Province • Penalty: correctional labor penalty after open trials • Victim: A woman in her 40s (from Nampotae, Samjiyon County, Yanggang Province) 	NKHR2014000120 2014-08-12
<ul style="list-style-type: none"> • February 2012 • Hyesan, Yanggang Province • Penalty: 5 years correctional labor penalty • Victim: A woman (testifier's mother) 	NKHR2013000166 2013-09-17
<ul style="list-style-type: none"> • April 2012 • Daehongdan County, Yanggang Province • Penalty: Detained in a political prison camp (<i>kwanliso</i>) • Victim: 1 male (36) • 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 a political prison camp (<i>kwanliso</i>). 	NKHR2013000111 2013-06-11

Testimonies	Testifier ID
<ul style="list-style-type: none"> • April 2012 • Musan County, North Hamgyoung Province • Penalty: correctional labor penalty (two years) • Victim: A man in his 40s (the defector's uncle) 	NKHR2014000205 2014-12-02
<ul style="list-style-type: none"> • May 2012 • Hyesan, Yanggang Province • Penalty: Unlimited term correctional labor penalty • Victim: 8 persons 	NKHR2012000214 2012-10-16
<ul style="list-style-type: none"> • February 2013 • Hyesan, Yanggang Province • Victims: 4 females • I saw 4 women put on public trial at Wiyon-dong, Hyesan, Yanggang Province. Not knowing of the trial results. 	NKHR2013000140 2013-07-23
<ul style="list-style-type: none"> • December 2013 • Hyesan, Yanggang Province • Penalty: correctional labor penalty (unlimited term) • Victim: A woman in her 40s (known by her surname Kim) 	NKHR2014000166 2014-10-07
<ul style="list-style-type: none"> • 2014 • Kim Jong-suk (Sinpa) County, Yanggang Province • Penalty: Detained at a SSD detention center at the time • Victims: One woman from Kim Jong-suk (Sinpa) County, Yanggang Province and one man, both in their 50s • While the defector was held at the Provincial SSD detention center in Kim Jong-suk County, Yanggang Province, the two were detained on charges of trafficking 13 persons. The details of later punishments are unknown. 	NKHR2014000203 2014-12-02

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 Hamgyoung 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 (defectors). Some family members (parents, siblings) of the defectors (missing persons) were punished on “human trafficking” charges.⁷²⁷ In 2010 and 2011, families of defectors were charged with crimes of human trafficking and forcibly exiled out of town.⁷²⁸ Even in 2012, many families of defectors were forcibly moved out of their own towns to remote areas.

727_ A report released during the “Hyesan Anti-Socialist Group” on December 27, 2007, contained a list of names of missing persons and human traffickers. Defector XXX testified that he was banished to a coal mine region in 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.

728_ NKHR2012000010 2012-01-31; NKHR2012000029 2012-02-21.

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 (Prisoners of War). 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 Korea (South Korea), 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 Statistics 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.⁷²⁹ The survey conducted in 2005 showed that there were 161,605 persons in South Korea who were born in North Korea.⁷³⁰ 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 2014, there were a total of 129,616 registered members of “separated family,” with

729_ Korean Red Cross, *Sixty Years of Reunion of Separated Families* (Seoul: Korean Red Cross, 2005), pp. 6~7.

730_ Koran Statistical Information Service, Population Census <<http://kosis.kr>> (search date: December 19, 2012).

68,264 surviving and 61,352 deceased. Compared to 2013, the number of dead increased by 3,560 persons. As of December 2014, 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-7 Number of Registered Separated Family Members (As of December 31, 2014)

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
2014	129,616	68,264	61,352

Source: Compiled from the “data center” at the Integrated Information System for Separated Families <reunion.unikorea.go.kr>, Current Status of Separated Family Registration (as of December 31, 2014).

Table VI-8 Number of Surviving Members of Separated Family (As of December 31, 2014)

Category	Over 90-years	80~89 years	70~79 years	60~69 years	Below 59 years	Total
Persons	3,592	29,125	18,379	9,880	5,288	68,264
Ratio (percent)	12.6	42.7	26.9	10	7.8	100

Source: Compiled from “data center” of the Integrated Information System for Separated Families <reunion.unikorea.go.kr>, Current Status of Separated Family Registration (as of December 31, 2014).

Table VI-9

Ratio of 80-Years or Older among Separated Family Members

Year	2010	2011	2012	2013	2014
Total surviving	82,477	78,892	74,836	71,480	68,264
80-years or older	32,957	37,524	34,225	37,769	37,717
Ratio (percent)	40.0	47.6	45.7	52.8	55.3

Source: Compiled from “data center” of the Integrated Information System for Separated Families <reunion.unikorea.go.kr>, Current Status of Separated Family Registration (as of December 31, 2014).

Table VI-10

Number of Deceased Members of Separated Family (As of December 16, 2014)

Category	90-years or older	80~89 years	70~79 years	60~69 years	59~years or younger	Total
Persons	33,598	22,436	4,622	573	123	61,352
Ratio	54.7	36.6	7.5	1	0.2	100

Source: Compiled from “data center” of the Integrated Information System for Separated Families <reunion.unikorea.go.kr>, Current Status of Separated Family Registration (as of December 16, 2014).

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. Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (Geneva Convention (IV)) specifically protects family rights:⁷³¹

731_ 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, paragraph 1)

At the time of the Korean War, South and North Korea were not parties to the Geneva Convention (IV). South Korea ratified the Convention on August 16, 1966, and North Korea ratified 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.⁷³²

The family rights include the right of a family to live together or the “right to family unification.” Universal Declaration of Human Rights (UDHR) 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.”⁷³³ A family consists of husband, wife, and their children. Article 9 of Convention on the Rights of the Child

732_ 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.

733_ See Article 16, paragraph 3 of the UDHR; Article 17 and 23 of the ICCPR; Article 5 (d) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 12 of ECPHREF (European Convention); and Article 17, paragraph 2 of ACHR (American Convention).

(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, paragraph 1 of the Constitution of the Republic of Korea 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, 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, 1971.⁷³⁴ 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 2014, there has been a total of 19 family reunion meetings, a total of 7 on-screen meetings and a total of 4,491 families (22,547 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 held at Mountain Kumgang Resorts on the occasion of “Korean Thanksgiving (or, *Chusok*)” in 2009 and 2010.

734_ Korean Red Cross, *60 Years of Reunion of Separated Families*, p. 18.

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.⁷³⁵ 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 on-screen 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 (from February 20~22) and the second round (February 23~25). 170 families and 813 individuals were reunited.

735_Ministry of Unification, *2012 Unification White Paper* (Seoul: Ministry of Unification, 2012), p. 137.

Year/ Category	Living/Dead Confirmation	Exchange of Letters	Visiting South	Visiting North
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)
2006	1,069(8,314)	-	-	594(2,683)
2007	1,196(9,121)	-	-	388(1,741)
2008	-	-	-	-
2009	302(2,399)	-	-	195(888)
2010	302(2,176)	-	-	191(886)
2011~2012	-	-	-	-
2013	316(2,342)	-	-	-
2014	-	-	-	170(813)
Total	7,653(55,412)	679(679)	331(2,700)	3,668(16,256)

Source: Ministry of Unification "homepage" (Seoul)

* "Data/sources- Statistical data - Humanitarian cooperation"
<http://www.unikorea.go.kr/index.do?menuCd=DOM_000000105006004000>.

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 16,823 individuals who wanted to participate in this video project. In 2012, 815 video messages from South Korean members of separated families were produced, followed by 2,007 in 2013, and 1,202 in 2014. Further consultations will be conducted between the two Koreas so these

messages can be delivered to their families in the North.⁷³⁶

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 2014, there were civilian-level exchanges between the separated families, including 6 cases (18 persons) confirming alive/dead, 5 meetings (10 persons) in person, and 11 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
1993	221	948	12
1994	135	584	11
1995	104	571	17
1996	96	473	18
1997	164	772	61

736_ Ministry of Unification, *2015 Unification White Paper* (Seoul: Ministry of Unification, 2015), p. 132.

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
2014	6	11	5
Total	3,866	11,476	1,750

Source: Separated Families Division, Ministry of Unification (31 December, 2014).

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.

© 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, paragraph 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).⁷³⁷

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, paragraph

737_ Ministry of Unification, Press Release: Results of Current Status of Separated Families, December 15, 2011.

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 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-13

Human Rights Breaches of Separated Families in North Korea

Testimonies	Testifier ID
A North Korean defector testified that he/she had seen a member of a separated family seeking to join the military but was denied in 1996.	NKHR2010000054 2010-06-22
A North Korean defector 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 2011-05-31
A North Korean defector testified that her husband was denied Party membership, and had to get a "discharge for livelihood" because his aunt fled to South Korea.	NKHR2011000112 2011-05-17
A North Korean defector 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 2012-04-17

Testimonies	Testifier ID
A North Korean defector 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 2013-07-09
The defector's brother could not join the Party and become a member of its senior staff because his grandfather went missing during the Korean War.	NKHR2014000088 2014-07-15
The defector's father was discriminated against in obtaining Party membership and staff positions since his grandfather's brother had fled to South Korea.	NKHR2014000099 2014-07-29
The defector's father could not obtain Party membership as his grandfather had defected to the South.	NKHR2014000150 2014-09-23
The defector could not join the military because his father had fled to South Korea during an overseas business trip in 1994.	NKHR2014000160 2014-10-07
The defector was discriminated against in promotion as his grandfather had defected to South Korea during the Korean War.	NKHR2014000196 2014-12-02

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.⁷³⁸ North Korean defector 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.⁷³⁹

738_NKHR2010000072 2010-10-19.

739_NKHR2012000046 2012-03-23.

3

Abductees

A South Koreans Abducted during the Korean War

(1) 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. These lists are helpful, albeit only partially, in estimating the number of South Koreans abducted during the Korean War. Many names repeatedly appear on different lists, indicating that they were clearly abducted by the North during

the war. Many others, however, were not recorded on any of the lists; there were even some cases where a single person was named on the list of South Korean abductees by North Korea and the list of defectors to the North (1952, Ministry of Public Information).

Table VI-14		Number of South Koreans Abducted during the Korean War ⁷⁴⁰		
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 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

740_ 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>.

abducted, excluding overlapping names. The following <Table VI-15> shows the distribution of their age at the time of abduction. An overwhelming majority (98.1%) of them were male.

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
Total	96,013	100

It has not been officially confirmed whether anyone forcibly abducted to the North during the Korean War has returned to South Korea. Although the number of South Koreans abducted during the Korean War is very large, none of them have been able to return on their own. There seem to be several reasons for this: First, a large number of these abductees were killed as they did not cooperate with the North; some of them also lost their lives in the process of postwar mobilization (e.g. military service and labor). Second, since the onset of the food shortage, a large number of North Koreans came to South Korea, but none of the wartime

741_ Korean War Abductees Research Institute, *Hanguk chonjaeng nappuk sakon saryojip 2*.

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.

(2) 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 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 Humanity⁷⁴² adopted on November 26, 1968, the statute of limitation is not applied on North Korea’s abduction of civilians in times of war.⁷⁴³ 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

742_ UN General Assembly, “Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,” UN Doc. A/RES/2391(X X III) (November 26, 1968).

743_ 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 11th International Conference on North Korean Human Rights and Refugees*, November 23, 2011.

status and addresses of “those who went missing during wartime.” During the 15th Inter–Korean Ministerial Meeting (June 21~24, 2005) the two sides agreed to “consult humanitarian issues,” including the confirmation of status of those who went missing during wartime (Sec. 3, Joint Press Release). During the 6th Inter–Korean Red Cross meeting (August 23~25, 2005) and the 16th Inter–Korean Ministerial Meeting (September 13~16, 2005), the two sides agreed again to continue their consultations on confirming the status of those who went missing during the war. During the 13th Family Reunion meeting held on March 22, 2006, an attempt was made to include the families of abducted persons. For that purpose, a request was made to confirm the whereabouts of four abducted persons, but none was confirmed. Only one person was able to meet with the families of his uncle (who had formed a new family in North Korea). During the 14th Family Reunion meeting in June 2006, eight families of abducted persons requested a meeting. North Korea confirmed the status of one living person, but after two weeks said he was the wrong person, canceling the planned meeting. Of the eight South Koreans abducted during the Korean War that the South requested the whereabouts of, in the end, North Korea was able to confirm the status of none. During the 15th Family Reunion meeting in May 2007, four families of abducted persons requested confirmation of the status of their family members. North Korea confirmed one had died, but was unable to confirm the status of 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.⁷⁴⁴ 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. North Korea has never acknowledged the issues of South Korean abductees and POWs that the South has consistently raised, seeking only to avoid these issues from being highlighted. 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.⁷⁴⁵ 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. At the 19th reunion for separated families held in February 2014 at Mountain Kumgang resorts, the only confirmation received was that two of the South Koreans whose whereabouts were requested by the South (they had been abducted by the North during the Korean War) were dead.

744_ *Naeil Newspaper*, November 4, 2010.

745_ Ministry of Unification, *2013 The Unification White Paper*, p.135.

(3) 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 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 16 general meetings until December of 2014. 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. As of the end of 2014, a total of 3,635 people have been confirmed as abductees, including the 3rd meeting identified and confirmed 55 individuals, the 4th meeting 217, 5th meeting 120, 6th meeting 351, 7th meeting 364, 8th meeting 467, 9th meeting 417, 10th meeting 274, 11th meeting 295 individuals, 12th meeting 265 individuals, 13th meeting 199 individuals, 14th meeting 282 individuals, 15th meeting 69 individuals, 16th meeting 260 individuals,

Table VI-16		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		

Committee meeting	Time	Number of decisions	Contents of decision			
			Decided as abducted	Abduction undecided	Unable to determine as abduction	Appeals denied
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	
12th meeting	January 24, 2014	293	265	7	21	
13th meeting	May 21, 2014	225	199	5	21	
14th meeting	August 11, 2014	305	282	2	21	
15th meeting	September 12, 2014	76	69	2	5	
16th meeting	December 2, 2014	283	260	2	21	1
Total		4,018	3,635	107	276	2

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 1,034 cases were received, 1,623 cases were reported in 2012, 1,453 cases in 2013, 829 cases in 2014.⁷⁴⁶ 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.⁷⁴⁷

B Abducted Persons in the Post-War Years

(1) 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.⁷⁴⁸ A total of 3,310 of them (86.5 percent) returned to South Korea after being held 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

746_ *Ibid.*, pp. 139~140.

747_ *Ibid.*, pp. 143~143.

748_ 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.

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.

Table VI-17		Status of Abducted Persons in the Post-Korean War Period(Estimated)					
		(Unit: persons)					
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	3,263	39	-	-	8
	Defected	9	9	-	-	-	-
Detained in the North		516	457	11	30	6	12

Source: Ministry of Unification, 2015 *The Unification White Paper*, p.113.

Table VI-18		Number of Abductees by Year			
		(Unit: persons)			
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: Separated Families Division, Ministry of Unification (31 December, 2014).

Table VI-19 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 Chunwanggho	July 12, 2005
XXX	August 17, 1975	Crew, the Chunwanggho	January 16, 2007
XXX	August 17, 1975	Crew, the Chunwanggho	September 10, 2007
XXX	July 2, 1968	Crew, the Geunyungho	January 9, 2008
XXX	August 17, 1975	Crew, the Chunwanggho	February 26, 2009
XXX	December 28, 1972	Crew, the Odaeyang No. 61	September 5, 2013

Source: Separated Families Division, Ministry of Unification (31 December, 2014).

Table VI-20 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

Incident	Date	Name	Date of Birth	Address	Occupation
The Kilyong-ho	January 22, 1966	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	"

Incident	Date	Name	Date of Birth	Address	Occupation
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
The Dulsung-ho	July 12, 1968	Yang-jin Lee	May 20, 1945	"	Crew

Incident	Date	Name	Date of Birth	Address	Occupation
The Odaeyang-ho	December 28, 1972	Wook-pyo Chun	November 18, 1946	Geoje, South Gyeongsang Province	Crew
The Daehan-ho	January 11, 1968	Young-chan Jang	February 23, 1938	Kosung, Gangwon Province	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 Families Division, Ministry of Unification.

(2) 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 defectors 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 kid-napped 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.⁷⁴⁹

The remainder of the abducted, whom North Korea presumably did not find useful, are likely to be detained in various political prison camps (*kwanliso*). Some abducted individuals from South Korea are detained in political prison camps (*kwanliso*) 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 (*kwanliso*).

749_ Interview with defector XXX in Seoul on January 7, 2004.

Table VI-21 List of Abducted Persons Reportedly Detained in Political prison camps (*kwaniso*) (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 Families Division, Ministry of Unification.

(3) North Korea's Reaction to Status Confirmation and Repatriation Requests

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.⁷⁵⁰

Two South Korean fishermen (XX Park and XX Choi) have met with their South Korean family members during the 19th separated family reunion meetings held on February 20~25, 2014, at Mountain Kumgang resorts. Twentyfive 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.

750_ *Naeil Newspaper*, November 4, 2010.

Category	Reunions of Post-War Abducted Persons (2000~2014)					Number of Persons at Reunion
	Status Unknown	Living	Deceased	Unable to Confirm	Reunion with Family	
Post-War Abducted Persons	140	19	27	94	18	20 families (88 individuals)

Source: Separated Families Division, Ministry of Unification.

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.⁷⁵¹

(4) Grants and Assistance for Post-War Abducted Victims to the North

On April 27, 2007, 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 Article 6 of the Act, the Committee on the Compensation and Assistant for

751_Ministry of Unification, 2013 *The Unification White Paper*, pp.136~137.

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 December 2014, the Committee has held 44 meetings(43rd meeting May 19, 2014, 44th meeting (letter exchange) 17~24 November, 2014) and decided the amount of grant, scope of compensation, qualification of applicants, etc. The following tables provide the details.

Table VI-23		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 Families Division, Ministry of Unification.

Table VI-24		Status of Decisions on Consolation Payments for Abducted Victims (As of December 31, 2014)		
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: Separated Families Division, Ministry of Unification.

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.⁷⁵²

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 con-

⁷⁵² *Ibid.*, p. 136.

tinuing their investigation into the possibilities of more abductions, including the “specific missing persons.”⁷⁵³ In 1997, the families 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.⁷⁵⁴

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.⁷⁵⁵

753_ 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.

754_ Japanese Foreign Ministry, *Abductions of Japanese Citizens by North Korea* (Tokyo: Japanese Foreign Ministry, 2012), pp. 1~7.

755_ *Ibid.*, p. 10.

Table VI-25 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.
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.

4

Korean War POWs

A 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.⁷⁵⁶

According to the defectors 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 require 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 of

756_ Ministry of Defense (ROK), *2012 Defense White Paper* (Seoul: Ministry of Defense, 2012), p. 110.

December 2014, 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 Hamgyong Province. The reason is because the former POWs were forcibly assigned to work at coal mines in North Hamgyong 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-26		Status of Returning POWs by Year (As of December 31, 2014)			(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	2011~14	-	80		
2003	5	34	Total	80			
2004	14	48					

Source: Ministry of Defense, Republic of Korea (December 31, 2014).

Table VI-27		Origin of POWs in North Korea (As of December 31, 2014, Including the Deceased)								
Province	North Hamgyong	South Hamgyong	North Pyongan	South Pyongan	Yanggang	Jaegang	North Hwanghae	South Hwanghae	Gangwon	Total
No. (persons)	60	9	0	3	4	1	1	1	1	80
Ratio (percent)	75.0	11.3	0.0	3.8	5.0	1.3	1.3	1.3	1.3	100

Source: Ministry of Defense, Republic of Korea (December 31, 2014).

According to the testimonies of defectors 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),⁷⁵⁷ 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.⁷⁵⁸ The number of POWs transferred to the Chukotsi 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 defectors in South Korea. The Ministry of National Defense commissioned a project in 2008 called “Research on Transfers of Korean War POWs to the Soviet Union during the Korean War.”⁷⁵⁹ As part of a fact finding mission, a

757_ 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.

758_ *Yonhap News*, April 13, 2007.

759_ Dr. Sung-hoon Cho at the Institute of Military History conducted this research from December 2008 to August 2009.

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 defectors 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 defectors testified that many former South Korean POWs were assigned to work and live at various coal mines. Working at the Sanghwa Coal Mine in Onsung County, North Hamgyong 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.⁷⁶⁰ Working at the Musan Coal Mine

(North Hamgyoung Province) were Gap-do Lee, Young-ho Kang, and Hee-keun Lee.⁷⁶¹ 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.⁷⁶² 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.⁷⁶³

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 camp (*kwanliso*).⁷⁶⁴ Korean War POWs were given citizen ID cards and released to the society from political prison camps (*kwanliso*) 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. 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. A defector testified that North Koreans called the Korean War POWs “puppet soldiers” (captured soldiers).⁷⁶⁵

760_ NKHR2008000021 2008-09-23.

761_ NKHR2008000016 2008-09-02.

762_ NKHR2008000011 2008-08-12.

763_ *The Chosun Ilbo*, April 30, 2013.

764_ Interview with defector XXX in Seoul on September 27, 2012.

765_ NKHR2008000011 2008-08-12.

Former South Korean POWs and their families are severely discriminated against in North Korea. North Korean defector 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.⁷⁶⁶ However, other defectors testified that even the families of former POWs can join the Party and it does not have any negative impact in their daily lives.

Discriminations against POWs and Their Family	
Table VI-28	
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 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 2011-08-02
The defector’s uncle faced discrimination in job assignments on the grounds that his grandfather was a Korean War POW from South Korea.	NKHR2014000093 2014-07-15
The defector’s nephew was accepted into the No. 5 Department, but this was cancelled on the grounds that his grandfather was an exchanged POW.	NKHR2014000168 2014-10-07

C 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 in regards to family reunions and exchange of letters. For this

766_NKHR2011000044 2011-02-08.

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)).⁷⁶⁷ Article 118 of the 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-29

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)

767_ 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.⁷⁶⁸

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 2007.⁷⁶⁹ 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.⁷⁷⁰ During the 2009 reunion of separated families on Chusok (Korean Thanksgiving), the status of 10 former POWs were confirmed,

768_ Ministry of Defense, *2012 Defense White Paper*, p. 110.

769_ *Ibid.*, p. 111.

770_ 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.

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-30		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 38 of the 80 former POWs who returned to South Korea have already passed away.

Table VI-31		Status of Surviving POWs by Age (As of December 31, 2014)									
Age	81	82	83	84	85	86	87	88	89	90	Total
No. (persons)	2	6	6	6	6	5	2	3	3	3	42
Ratio (percent)	4.8	14.3	14.3	14.3	14.3	11.9	4.8	7.1	7.1	7.1	100

Source: Ministry of Defense, Republic of Korea(December 31, 2014)

Table VI-32		Age of POWs at the Time of Death (As of December 31, 2014)				
Age	Under 70	71~75	76~80	81~85	Over 86	Total
No. of persons	1	4	11	18	4	38
Ratio (percent)	2.6	10.5	29.0	47.4	10.5	100

Source: Ministry of Defense, Republic of Korea(December 31, 2014)

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 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 defectors 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.⁷⁷¹

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).

771_ Ministry of Defense, *2012 Defense White Paper*, p. 112.

Table VI-33		Residences of POWs (Including the Deceased) (As of December 31, 2014)							
Area	Seoul	Incheon	Gyeonggi	Gangwon	Daegu	Chungnam	Chungbuk	Daegu	Gyeongbuk
Persons	21	1	20	5	2	0	1	4	6
Ratio (percent)	26.3	1.3	25.0	6.3	2.5	0.0	1.3	5.0	7.5

Area	Busan	Ulsan	Gyeongnam	Gwangju	Jeonnam	Jeonbuk	Jeju	Total
Persons	5	2	6	1	4	2	0	80
Ratio (percent)	6.3	2.5	7.5	1.3	5.0	2.5	0.0	100

Source: Ministry of Defense, Republic of Korea(December 31, 2014)

Table VI-34		Status of Surviving POWs Residences (As of December 31, 2014)							
Area	Seoul	Incheon	Gyeonggi	Gangwon	Daegu	Chungnam	Chungbuk	Daegu	Gyeongbuk
Persons	13	1	14	3	0	0	1	2	1
Ratio (percent)	31.0	2.4	33.3	7.1	0.0	0.0	2.4	4.8	2.4

Area	Busan	Ulsan	Gyeongnam	Gwangju	Jeonnam	Jeonbuk	Jeju	Total
Persons	1	2	1	0	3	0	0	42
Ratio (percent)	2.4	4.8	2.4	0.0	7.1	0.0	0.0	100

Source: Ministry of Defense, Republic of Korea(December 31, 2014)

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