

White Paper on Human Rights in North Korea

2006



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2006

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

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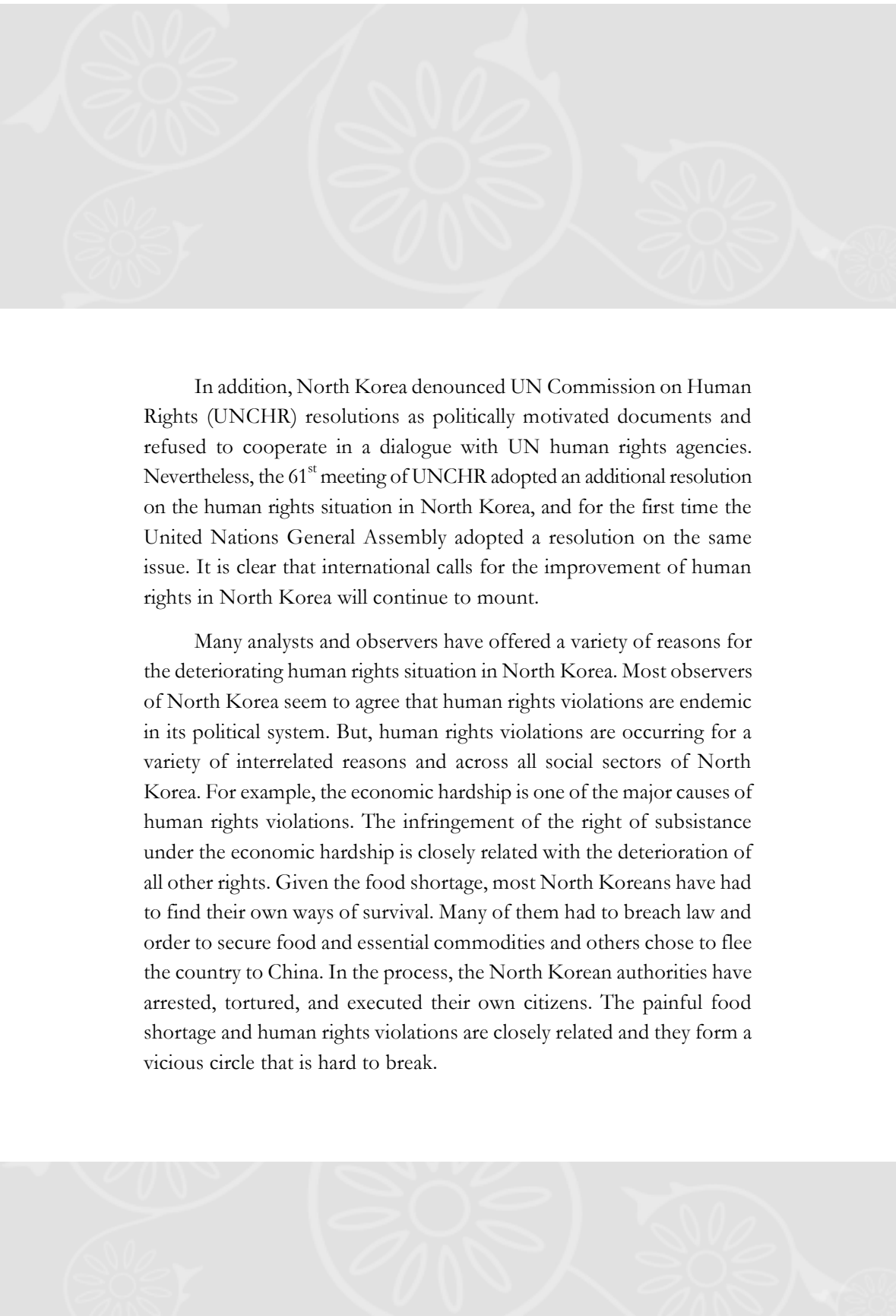




Preface


In 2005 the international community continued to increase its efforts to improve the human rights situation in North Korea. In response, North Korea also took some positive steps to improve the situation. For example, North Korea revised its Penal Code, and submitted a progress report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), fulfilling its duty as a signatory of the international bill of human rights. Yet overall, the assessment by the international community is that the human rights situation in North Korea in 2005 remains very poor.

In an effort to escape self-imposed isolation and to secure international support, North Korean authorities have sought to establish diplomatic relations with a number of Western nations. Domestically, they have tried to expand the scope of private economic activities of its citizens through the “July 1 (2002) Economic Management Improvement Measures.” North Korea has agreed to be part of a forum for resolving the nuclear issue by joining the joint statement at the Fourth Six Party Talks on September 19, 2005. However, a specific “roadmap” for the resolution of the nuclear issue has not yet emerged due to conflicting postures taken by North Korea and the United States, and due also to the counterfeit US currency controversy. Compounding these problems, North Korea also faces international criticisms for its decision to remove all WFP and international NGO personnel from North Korea while simultaneously demanding the conversion of emergency humanitarian relief to developmental aid.



In addition, North Korea denounced UN Commission on Human Rights (UNCHR) resolutions as politically motivated documents and refused to cooperate in a dialogue with UN human rights agencies. Nevertheless, the 61st meeting of UNCHR adopted an additional resolution on the human rights situation in North Korea, and for the first time the United Nations General Assembly adopted a resolution on the same issue. It is clear that international calls for the improvement of human rights in North Korea will continue to mount.

Many analysts and observers have offered a variety of reasons for the deteriorating human rights situation in North Korea. Most observers of North Korea seem to agree that human rights violations are endemic in its political system. But, human rights violations are occurring for a variety of interrelated reasons and across all social sectors of North Korea. For example, the economic hardship is one of the major causes of human rights violations. The infringement of the right of subsistence under the economic hardship is closely related with the deterioration of all other rights. Given the food shortage, most North Koreans have had to find their own ways of survival. Many of them had to breach law and order to secure food and essential commodities and others chose to flee the country to China. In the process, the North Korean authorities have arrested, tortured, and executed their own citizens. The painful food shortage and human rights violations are closely related and they form a vicious circle that is hard to break.




The Korea Institute for National Unification (KINU) has been publishing an annual “White Paper on Human Rights in North Korea,” both in Korean and in English. The purpose of this publication is twofold: to inform the readers at home and abroad of the accurate and objective facts about the human rights situation in North Korea, and to encourage and contribute to national and international endeavors to improve human rights in North Korea.

Unlike making assessments of other countries’ activities, there are many constraints when we try to access objective information directly or monitor independently ongoing human rights violations in North Korea. In fact, it is very difficult to conduct research on the current human rights situation or verify specific information about North Korea. To supplement the shortage of sources, this White Paper draws from a variety of reliable materials including intensive and repeated personal interviews with “new settlers” (North Korean defectors in South Korea), questionnaires and surveys, reports of NGOs and international organizations, and interviews with experts and staff at various relief agencies.

It is hoped that this report will serve to promote the public’s interest in human rights and contribute to the international endeavor to improve the human rights situation in North Korea.

Park Young-kyu, Ph. D
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May 2006





Recently, North Korea appears to be showing a somewhat more positive attitude toward improving its human rights situation. It has also been fulfilling its various duties as a signatory of the four major human rights covenants. For example, it has submitted its initial report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2002 and the report received an international review in July of 2005. North Korea also revised its Penal Code and Criminal Procedure Law in 2004 with a view to improving the human rights situation, although actual details of their implementation of the revisions are as yet unknown. North Korea has also consented to visits by committee members of the CEDAW and the UN Committee on the Rights of the Child.

However, North Korea has strongly denounced a resolution of the UN Commission on Human Rights (UNCHR) as a politically motivated document designed to topple its regime. It has also denied the legitimacy of the UN 'Special Rapporteur on the Situation of Human Rights in DPRK,' Vitit Muntarbhorn, appointed in accordance with the resolution adopted at the 60th meeting of UNCHR in 2004, and it refused technical cooperation with UN agencies in the human rights field. Meanwhile, the 61st meeting of UNCHR adopted another resolution on North Korean human rights in 2005, and extended the term of office of the Special Rapporteur. And for the first time in its history the 60th UN General Assembly has adopted a resolution relating to the North Korean human rights situation.

1. The Realities of Civil and Political Rights

As in previous years, North Korea has failed in 2005 to guarantee its people the right to live life at the level of international standards. From the testimony of “new settlers” (North Korean defectors in South Korea), it is clear that most of the crimes for which people are put to “public executions” do not correspond to the death penalty provisions stipulated in the Penal Code. Their most fundamental right, the right to life, is openly breached. These public executions are presumably carried out on the basis of the “on-site public trials” provision contained in the Criminal Procedure Law. The provision allows citizens to openly accuse others of criminal behavior. Accordingly, the authorities then gather a group of people and openly execute a law-violator based on on-site accusations. The idea behind the public execution is to create fear in the people’s mind and to command their absolute obedience. Under the Criminal Procedure Law, all executions of death sentences require the approval of the Standing Committee (Presidium) of the Supreme People’s Assembly, but obviously this provision is glossed over in the cases of public execution. However, since 2000 the frequency of public executions appears to be dwindling as economic hardship has been alleviated, although they are still practiced. In an effort to maintain domestic law and order before the year 2000, North Korea publicly executed individuals for such crimes as stealing cattle or copper products. It is not known whether such crimes are still punishable by public execution.

North Korea has revised its Constitution and Criminal Procedure Law in 2004. In the process, it has tightened certain provisions to require that law enforcement officials strictly follow the law in connection with

arrest, interrogation and detention. A new provision was inserted in the law requiring the officials to inform the suspect's family when an arrest is made. In ordinary criminal cases, most of these legal procedures are generally followed. In political crime cases, however, the law provisions are mostly ignored and human rights are violated. In particular, law enforcement officials will not inform the suspect's family of a political crime or the place of detention. Recently, however, "crime-by-association" is no longer applied to other family members in most cases.

North Korea handles ordinary crimes and political crimes differently and under separate jurisdictions. The National Security Agency handles all political crimes under the assumption that the crime(s) are attempts to topple the socialist system and restore a "system of exploitation." The Agency will not follow the established trial procedures, convinced that all political crimes must be absolutely crushed according to class struggle principles. The new settlers in South Korea, who previously worked at the security agency, have testified in personal interviews that the Agency's 'Prosecution Bureau' will assume the role of courts. However, they added, most of the criminal procedures are observed in ordinary crime cases, including the duration of detention, and requests for the replacement of court officials. North Korea also has a 'suspended sentence' system in the event of illness, and the rules are generally observed in these cases.

North Korea has not joined the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ("Convention against Torture"). The new settlers have testified that the "principles of class struggle" are firmly upheld in North Korea. Moreover, the citizens' understanding of fundamental human rights is poor. As a result, the officials will ignore proper legal procedures, detain and torture

the suspects, and perpetrate brutal human rights violations. The inhuman treatment also persists in the “labor training” camps.

Social education is a form of punishment in North Korea. In handing down a “social education” decision, many departments will get involved in addition to the courts. The prosecutors and “lawful socialist life guidance committee” will also participate. Since many pseudo-judicial agencies are involved in such a decision, the independence of the judiciary is never guaranteed. A former North Korean witness has testified that the People’s Safety Committee plays an important role in the trial process, in addition to its influences in the detention decision.

Under the Constitution, Criminal Procedure Law and Attorney Law, North Koreans are entitled to the “right to an attorney.” Individual attorneys, however, are under the guidance of the Attorneys’ Committee. Many new settlers have said that most North Koreans are unaware of the roles attorneys play in the trial process. However, the courts do follow, however nominally, the established legal as well as defense procedures in ordinary criminal cases.

The North Korean authorities exercise a policy of discrimination, including the opportunity of education and Party membership, based on the individual’s family and social background. The policy of discrimination, such as “crime-by-association,” is a source of serious human rights violation. During the economic hardship, however, North Korea appears to have relaxed this unfair practice.

In 2003, North Korea laid a legal basis for the protection of handicapped persons by enacting the “Handicapped Persons Protection Law.” The policy of protecting the handicapped is apparently working. Many new settlers have said that there are a number of “special education” facilities for the blind and deaf in North Korea. But, they also

said that the government is restricting the areas of residence for the handicapped. The former North Koreans further testified that before the “handicapped protection law” was enacted there had been “collective detention facilities,” where the handicapped persons were sorted according to their types of disability. These were designed to segregate the handicapped from the society.

North Korea is officially restricting free travels and movements under a “travel permit” system. The government is tightly restricting all access to Pyongyang and border areas, and foreign travels are also controlled. Despite the “travel permit” system, economic difficulties have changed the mode of travel for most people. Most new settlers said that travel permits are still necessary when traveling by train since security agents will frequently check on them. But, when traveling by means other than trains, travel permits means virtually nothing because cash or bribes will get people through most areas (except Pyongyang and specifically restricted areas). North Korea has recently begun to permit short trips to China for people who have relatives there. For people living in the border regions, the authorities will issue “river-crossing permits” when the people visit their relatives in China. For those living in inner regions, “three-month passports” are issued for those North Koreans visiting their relatives in China.

There has apparently been little change in the restrictions of fundamental rights, such as freedom of the press and freedom of association and assembly. And, there is no change in the area of freedom of religion. But, there are a few government sanctioned central religious organizations, religious facilities, and religious ceremonies. New settlers said that the authorities would impose heavy penalties if they found out that the deported North Koreans have had contacts with foreign

religious personnel. For these reasons, most North Koreans are extremely fearful of religion of all kind, let alone actively practice one. Most new settlers were not aware of any “family churches” in North Korea. And, the existence of “underground churches” that some Western observers mentioned could not be verified.

North Korea has become a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), submitted its initial report, and participated in a review session in July 2005. These are encouraging signs. North Korea is, at least legally, guaranteeing an equal status for men and women. In reality, however, the social status and role of women has not improved as much as the North Korean Government insists. The discrimination against women stemming from paternalistic feudal traditions is still pervasive in the North Korean society. The 1990 “family law” still contains antiquated, paternalistic elements, including the principles of “family lineage” and “father’s dominant control.” Since the food shortage struck North Korea, North Korean women in most cases have replaced their husbands as the breadwinner of the family, reducing the roles of husbands. Nevertheless, the role of the woman in the family has not changed due to the persistent beliefs in the traditional paternalistic custom. During the food crisis in the 1990s, incidents of family violence against women were widespread, and cases of human trafficking of women and forced prostitution increased.

2. The Realities of Economic, Social, and Cultural Rights

The prices of daily commodities, including grains, have rapidly risen due to the “July 1 Measures” of 2002. The costs of utilities, including rent, electricity, education and transportation, as well as tax rates and the cost of government services, have also jumped. Because of North Korea’s poor economic performance, however, the people’s purchasing power has become significantly weaker than before. In particular, large families and pensioners have suffered from high prices and low income.

It is generally believed that the grain shortage has been resolved to some extent, thanks to increased output, good weather, South Korea’s timely fertilizer assistance, and humanitarian assistance from China and the international community. But, the plan to partially restore the “public distribution system” in the latter half of 2005 did not work properly, and resulted in a significant disparity from region to region. Given the current level of grain output, a full resumption of grain ration system would be difficult. Worse, the World Food Programme had to discontinue its grain assistance when North Korea refused free access to the distribution sites (to assure transparency of distribution) and demanded to convert emergency humanitarian relief into developmental aid. WFP has not disclosed its future plans concerning the resumption of grain assistance. If the humanitarian assistance for the vulnerable class of people were to be discontinued completely, they are likely to suffer the most because they lack purchasing power in the markets.

The most important subject taught at North Korean schools is political ideology education. Imparting knowledge, teaching universal values of mankind, training of mind for proper personality are patently neglected at all levels of schools. Even though political education is still

emphasized, some visible changes began to appear since the mid-1980s. In view of the changing internal and external environment, North Korea has begun to teach computers skills and foreign languages at schools to catch up with advances in these practical skills. From early age all North Korean children are raised collectively at nurseries and kindergartens. From elementary schools onward, they are organized and assigned mandatory, uniform daily routines. The rights of young people to choose their own subjects of study are restricted and seriously abridged. In the name of “revolutionary training through real life struggles,” North Korean young people are mobilized for work at farms or socialist construction sites according to centrally directed plans, irrespective of individual preferences.

Young people are not free to pursue higher education at a college of their choice. The government will assign them as it determines. Colleges select students based on personal and family background and quality of allegiance to the Party. Since the 1990s, one’s academic qualifications, parent’s power background and wealth have been important considerations in addition to the background and Party factors. North Korea says it is providing free education, but since 2002 the student’s family must defray about 70 percent of all educational expenses. In addition to purchasing pencils, papers and other school supplies, they have to pay for school construction, building management, and even firewood in the winter.

3. The Rights of Political Prisoners, Abductees and Defectors

North Korea continues to treat political crimes differently from ordinary crimes as political crimes are specified in the laws. Consequently, North Korea still maintains concentration camps for political prisoners. However, it is quite difficult to know the true picture of various political prison camps in North Korea, because only a limited number of testimonies are available. More important, the number of “genuine political criminals” and “real conscientious objectors (to the North Korean system)” would be small compared to the large number of people detained in those concentration camps.

North Korea has abducted a total of 485 South Korean citizens since the Korean Armistice Agreement was signed in July of 1953. Based on new settler testimony, it is possible that there are more South Korean citizens held in North Korea, but personal information and the process of kidnapping of these others is unknown. The South Korean Association of Families of Abductees continues to add names to the list as they become available from various sources, including returning abductees. Based on personal testimony of Korean War POWs who have returned, the South Korean Government has confirmed the status of a total of 1,651 POWs (546 living, 845 dead, 260 MIAs) as of the end of November 2005. In an effort to resolve this humanitarian issue, South Korea has continuously called on North Korea to resolve the POW and abductees issues through the inter-Korean Red Cross talks, along with the issue of “family reunion.” However, North Korea flatly denies the existence of POWs and abductees. In the process of bilateral discussions, however, a new term has emerged. Rather than POWs, North Korea preferred to call them “the missing persons during the war.” In any case, since the Korean

War North Korea has continued to balk at discussing the abductees, refusing even to confirm their status (living or dead). In spite of the impasse, the status of a total of 100 individuals (49 POWs, 51 abductees) has been confirmed through the family reunion meetings. Thus far, 23 families (12 POWs, 11 abductees) have met with their loved ones.

As the North Korean food crisis is alleviated owing to the humanitarian assistance from various sources, defections appear to be decreasing. Based on a report of the US State Department (Feb. 2005) and the on-site survey of the Good Friends, the number of North Korean defectors in China stands somewhere between 30,000 and 50,000.

There have been many reports on the cases of forced marriage, prostitution and human trafficking involving North Korean women. The nature of “human trafficking” of North Korean women has been changing over the years. During the period when the food shortage was severe throughout North Korea, there were “go-betweens” who would encourage available women to cross the border. But, many of these cases were difficult to classify under human trafficking, because they could have been simple arrangements for illegal entries into China. In some cases, people would ask their experienced neighbors or the river-crossing guides for help before venturing out. Others would simply follow their relatives or neighbors across the border. In a rare case, a North Korean woman decided to “live in” with an ethnic Korean man who had helped her cross the border while on a visit to her hometown in North Korea. To be sure, there were organized groups that tried to systematically turn the women over for profit when the number of defectors suddenly surged, but, once the North Korean women were accustomed to their life in China and their language skills improved, the rate of “forced live-in” decreased. The women under “forced live-in” situations must have

found ways to avoid their dilemma. After the international community raised the human trafficking issue, North Korea launched a massive surveillance and arrest campaign, putting perpetrators to death by public execution.

North Korea relaxed the levels of punishment for border crossing when it revised the Constitution in 1998 and the Penal Code in 2004. The North Korean defectors, when deported by the Chinese, come through the border military units, and the National Security Agency in the border region conducts basic investigations, including the verification of personal information. The deportee is then transferred to his hometown. In the early period, North Korea treated deportees as political prisoners and they were specially supervised in the political prison camps. Their families would also be forcibly relocated to specially controlled, remote areas. Compared to 1998, when the number of defectors suddenly surged and domestic law and order were in disarray during the food shortage and economic hardship, the levels of punishment for the border crossing North Koreans are clearly lower today. Since 2000, almost no one has been ordered into the political prison camps for a border crossing violation. Most violators will get “labor-training” sentences and spend 1-6 months in labor training centers. It is very difficult today to find cases with sentences longer than one year detention, from the date of deportation to final release. Article 106 of the Criminal Procedure Law (of 1999 and 2004) stipulates that pregnant women three months before and seven months after childbirth shall not be kept in detention. But, interviews with new settlers revealed that some pregnant women ten months before and ten months after childbirth have undergone investigation at the border region Security Agency and there have been some forced abortion cases.

4. Overall Evaluation

Because North Korea continues to insist that the expressed concerns of the international community are attempts to overturn its regime, the human rights situation has not seen a significant improvement in 2005. However, reflecting its internal changes, and in response to the mounting pressures of the international community, North Korea has made some improvement measures. Changes are occurring in some areas of North Korean human rights. It appears, rather than raising broad and general issues, it would be more desirable to research and analyze the improving sectors and the unimproved sectors, employing a variety of scientific tools and approaches. For our purposes, sector-specific expert reports appear more useful and effective than general declarations of universal principles.



The North Korean Socialist System
and Human Rights

KINU

1. The Unique Characteristics of the System and Human Rights

A. Maintaining a Socialist System

Many studies have tried to explore and analyze the relationship between the nature of the North Korean socialist system and the horrific human rights situation there. In the process of building a socialist society, North Korea has adopted the Soviet model of Leninism-Stalinism. And, taking advantage of the traditional Confucian heritage (a hierarchical social tradition), North Korea has also developed various totalitarian characteristics and built a strong “unitary ruling system” around its leader.

North Korea has tried to replicate the Soviet-style socialist revolution, making necessary adjustments to fit the North Korean situation. For example, it has legitimized the lifetime rule of its supreme leader and ruthlessly purged all political rivals and opponents of its leader. The Soviet revolution led by Lenin and Stalin had called for a dictatorship of the proletariat (the “working class”) who would delegate power to a small number of (Party) elite who, then, would build a socialist society through the monopoly of power, use of terror tactics, and mobilization of the labor force. For that purpose, Lenin had not only monopolized leadership and state power, but also tried to solve various political, social, and cultural problems by means of terror tactics and brute force, and by purging his political and ideological opponents. In order to carry out these tasks more effectively, Lenin utilized secret police and a well- trained party organization.¹ Subsequently, Stalin would launch a deification campaign, demanding absolute obedience to the state power and his personal authority.

North Korea has adopted this model of totalitarian dictatorship and a centrally planned economic system for its national development.

¹ Zbigniew Brezezinski, *The Grand Failure* (NY: Charles Scribner’s Sons, 1989).

What little success North Korea was subsequently able to achieve was attained at the expense of enormous sacrifice of its people. The most salient characteristic of the Kim Il-sung/Kim Jong-il ruling structure would be the emphasis on state supremacy and the concentration of power in, and deification of, its supreme leader. Kim Jong-il has further strengthened his father's totalitarian rule, monopolizing power, purging his political opponents, and resolving all political, economic, and social problems through brute force. This type of ruling structure produced disastrous results during its 70-years experiment in the Soviet Union and Eastern European countries. Nevertheless, North Korea is still clinging to this hopeless model. Furthermore, when the level of the people's despair mounted amid economic hardship and food shortage in the 1990s, the North Korean leadership tried to tighten the grip of its forcible rule, further exacerbating the situation.

Meanwhile, the Soviet Union and Eastern European countries gave up on socialism in the 1990s and chose liberal democratic systems. China has also adopted capitalism through openness and reform since the 1980s, and has since transformed into a "socialist market economy." Today, Beijing is in the process of joining the global economic order, successfully carrying out various modernization projects. By 2005, China had risen to become the world's fourth largest economy (in terms of GDP), moving ahead of Britain and France.

On the other hand, the North Korean authorities have chosen to strengthen the socialist system and the unitary ruling structure based on Confucian traditions, all the while trying to rebuild the economy on the basis of overblown ideological incentives and brute force. Unfortunately, however, this anachronistic choice has terribly weakened the system's competitiveness. Furthermore, the Kim Jong-il regime's inability to shake off the fetters of socialism has forced North Korea into a "Failed State" Situation.² To be sure, the Kim Jong-il regime still retains various means of domestic control, for example, it still exercises full control over

its military and “public safety(police)” forces and utilizes them as a tool of oppression. Stressing the primacy of “military-first politics,” the regime seeks to mitigate and manage public discontents stemming from the failed economic policies. By emphasizing the importance of military culture, Kim Jong-il hopes to promote absolute loyalty and obedience to him and his authority by reinforcing idolatry. Above all, the Kim Jong-il regime continues to commit flagrant human rights violations, including staging executions and maintaining political concentration camps, while carrying out purges against anti-Kim Jong-il elements.

There are many stumbling blocks that must be removed before North Korea will be able to accept human rights as a universal value. Most serious examples include the deification campaign for the supreme leader Kim Jong-il, the tyrannical one-party system, the exercise of brute force by the army and security agents, and the centrally planned “socialist economy.” Many “new settlers”(this is an official term for the North Korean defectors who came to South Korea), have testified of the great number of people killed, and more who were deprived of their personal freedoms in the cause of Unitary Ideology and Unitary Dictatorship.³

B. Experimenting with a New Economic Policy

Together with its unusual regime characteristics, North Korea’s inefficient and anachronistic political and economic policies have brought on political and economic crisis, food shortage and diplomatic isolation in the 1990s. The powerful winds of democratization and globalization sweeping across the world since the end of Cold War have

² Of course, North Korea is the only one among the “Failed States” that still maintains effective physical means of control over its people. See Robert I. Rotberg, “Failed States in a World of Terror,” *Foreign Affairs*, Vol. 81, No. 4 (Jul./Aug. 2002).

³ Testimony of new settler Lee XX during an interview at KINU on Dec. 23, 2005; Many similar testimonies exist.

posed a major challenge to North Korea. With its very survival at stake, North Korea has begun to search for and experiment with a set of new or mitigated policies in response to the changing international environment.

During the Cold War, North Korea depended heavily on the support of the “socialist economies.” Therefore, when the “socialist bloc” collapsed in the early 1990s, the North Korean economy experienced a sudden and serious setback. Furthermore, North Korea’s strict adherence to socialist principles and its conservative (vertical) ruling style stifled the society’s creativity and vitality, lowered its productivity, and weakened its competitiveness. Until the early 1970s, the North Korean economy was stronger than the South Korean economy. Since then, however, North Korea’s economic vitality has waned rapidly. The economic hardship which appeared in the early 1990s produced a severe food shortage in the mid-1990s. Subsequently, North Korea had to ask openly to the international community for grain assistance. In the process, North Korea has officially admitted that a total of 220,000 people have died of starvation. But, the actual number of starvation deaths is known to exceed far more than the number North Korea has officially admitted. As the food shortage became exacerbated, the people’s behaviors became extremely unruly and defiant. Under the circumstances, the authorities had no option but to increase punitive measures against the people, which meant unrestrained abuses and violations of human rights.

In an effort to tide over its impending economic crisis, North Korea announced on July 1, 2002 the so-called “July First Economic Management Improvement Measures (hereinafter, the ‘7.1 Measures’).” These measures were designed to complement the inherent shortcomings of North Korea’s planned economy and improve its efficiency by partially allowing market economic ideas. For example, the measures legally allowed private business activities (peddling and vending) in the marketplaces and permitted fluctuations of wages and prices in line with market strength. The “7.1 Measures” were not intended as part of an overall reform and

openness policy, but as a partial and temporary measure to stem the tide of black markets and other economic instabilities. For this reason, the measures have had only an insignificant and temporary impact on North Korea's economy as a whole. As factories were unable to operate at full capacity for lack of energy and raw materials, workers were not paid wages. The quality of waged workers' lives was rapidly deteriorating. Inflation was running high, corruptions was pervasive, and the gap between rich and poor was widening. Many new settlers in South Korea have testified that new job categories like maids-for-hire and menial workers have appeared since the "7.1 Measures."⁴

The chronic shortage of daily commodities is a frequently observed phenomenon in socialist economies like North Korea. For North Korea to avoid this situation, it would be necessary to open completely its society and invite a massive, sustained infusion of foreign capital. Thus far North Korea has put off the decision to open its society widely for fear of a negative impact on its regime stability.

North Korea's grain production in 2004 amounted to about 4.31 million tons, recording the best crop since the 1990s. This level of production owes largely to good weather and the timely fertilizer assistance provided by South Korea. Every year, North Korea experiences a grain shortage of about one million tons, which it has to fill with assistance from South Korea, China and the international community. Yet North Korea is demanding that this international humanitarian assistance be converted into "developmental assistance," while asking for the withdrawal of the World Food Programme team from North Korea. It has also tightened social control and resumed the grain ration system in large cities, including Pyongyang.

These demands and tight controls appear to be part of "protective"

⁴ Testimony of new settler Park XX during an interview at KINU on Jan. 20, 2006. Many others have testified to the same fact.

measures designed to justify Kim Jong-il's hereditary rule, cope with the weakening social control capabilities in the wake of the grain ration system's collapse, and cover over economic policy failures which have exacerbated the food crisis. However, the people's trust in Kim Jong-il's leadership and Party policy is rapidly eroding. The food shortage in North Korea is unlikely to disappear unless certain conditions are met including individual incentives for farmers, a reliable supply of energy, and favorable weather conditions. The "2004 Report on Nutrition Levels in North Korea," jointly surveyed by UNICEF, WFP and the North Korean authorities, revealed that most children and pregnant women were suffering from severe and chronic malnutrition.

Recently, in an effort to overcome its economic hardship North Korea has introduced a number of partial reform measures, which could be construed as signs of transformation. Some of these measures include an expansion of markets and civilian economic sectors, introduction of store ownership, broader business independence, designation of special economic zones (SEZ), and the inter-Korean economic cooperation (e.g. Kaesong Industrial Complex). In addition, North Korea has been trying to promote cooperation with China to win economic as well as diplomatic support in connection with its nuclear issue. In hopes of improving bilateral economic cooperation, North Korea's Prime Minister Park Bong-ju has visited China leading an economic mission, and concluded an investment guarantee agreement and an agreement to expand mutual economic cooperation. Above all, Chairman Hu Jintao's visit (Oct. 28 ~ 30) to North Korea has served as an occasion to expand bilateral political and economic cooperation and promote friendly relations between the two countries.

Should North Korea decide to accept the Chinese model, having witnessed China's recent economic growth, we could expect progress not only on the nuclear impasse but also on the level and quality of economic cooperation with China and the international community. This would

certainly brighten the prospects for North Korea's own development. However, should North Korea decide to place its priorities on the maintenance of Kim Jong-il's "unitary ruling system," it would most likely experience another series of political and economic downturns, caused by conflicting values and policy priorities. Furthermore, in the process of resolving the dilemma, North Korea is likely to attempt a series of trials and errors between its "our-style reforms," which would allow only partial and limited solutions, and the new imperatives of change and reform. Clearly, North Korea will not be able to resist indefinitely the global trend of openness and reform. It will constantly face pressures for change, and in time it will be forced to take improvement measures, however gradually (so long as they do not pose direct threats to the regime stability.)

C. The Suspicion of Nuclear Development

In the 1990s, the two conflicting goals of nuclear development and improved relations with the United States were the major stumbling blocks in North Korea's pursuit of pragmatic diplomacy. In the 2000s, the suspicion that North Korea might be pursuing a highly enriched uranium (HEU) program had exacerbated its relations with the United States. The North Korean Foreign Ministry in early 2005 officially announced that North Korea was a nuclear power. On February 10, it said it was indefinitely postponing the "six-party talks" and announced its intentions to resume the development of nuclear device. Since then, North Korea's nuclear development has been a major international issue, as it poses security threats to Northeast Asia and the world.

Subsequently, the fourth round of six-party talks on the North Korean nuclear issue was held in Beijing (Jul. 26 ~ Aug. 7 and Sept. 13 ~ 19). The participating nations agreed to resolve the nuclear issue peacefully and continue discussions on a structure of peace on and the denuclearization of the Korean Peninsula. However, the fifth round of the talks,

held in November 2005, did not see any progress largely due to the question of North Korea's money-laundering and circulation of counterfeit US dollars, for which the United States has imposed financial sanctions against North Korea.

The six-party talks involving the North Korean nuclear issue have been grappling with far broader and more complex verification procedures than had been the case under the 1994 Agreed Framework. Since the talks are aimed at a complete resolution of the North Korean nuclear issue, and with higher levels of inspection and a verification regime, the success of the talks will take considerable time and effort. To break out of its self-imposed isolation and win economic cooperation from South Korea and the international community, North Korea should try, based on mutual trust, to produce tangible results in its nuclear negotiations with the United States.

To achieve a certain level of economic development, North Korea will need to depend on more than China's support. China is deeply concerned about the possibility that North Korea's nuclear development will trigger a nuclear race among the regional countries, including Japan and Taiwan, which will negatively impact China's own security interest. Moreover, in order to win China's political and economic support, it is necessary for North Korea to view China's policies of openness and reform from a more positive perspective. A new perspective will also allow North Korea to change its attitude toward resolution of the nuclear issue. Furthermore, North Korea desires to obtain economic support and cooperation from Japan through a normalization of diplomatic relations, but it can expect satisfactory results from those talks only if the nuclear development negotiations with the United States were to produce a positive outcome.

2. Recent Changes in North Korea's Human Rights Policy

A. Salient Characteristics of its Human Rights Policy

North Korea's concept of "our-style human rights" contains the idea of the "equal and self-reliance rights" of the people in all areas of life. North Korea argues that human rights are inseparable from the right of self-reliance (independence).⁵ So, North Korea's concept of human rights is highly abstract and particularly emphatic about the idea of independence from foreign influences. Following general socialist precepts, North Korea argues that the working people are the masters of socialism, so demand for human rights is basically meaningless. What is important, it stresses, is not human rights but the right of self-reliance.

The right of self-reliance has two meanings. Internally, human rights are guaranteed to those who support the socialist revolution and render absolute loyalty to the great leader, or Suryong. And, to those who oppose them, dictatorship is enforced. In short, the human rights issue is part of class struggle, and its most salient characteristic is the emphasis on collectivism rather than individual rights and duties. Specifically, the authorities advertise that human rights are guaranteed and respected not as a right but as benevolence from the leader to his people. So, human rights are "granted" as a means of marshalling support for the leader's power base. Externally, North Korea argues that it will not accept human rights separately from the right of self-reliance and that it will not tolerate any foreign intervention in North Korea's domestic affairs.⁶

North Korea had experienced imperialism and colonial occupation, as well as a war. So, it is understandable to an extent that North Korea will emphasize the right of self-reliance (independence). But, as a signatory of international bill of human rights it is wrong for North Korea to deny

⁵ Kim Jong-il, "Socialism is Science," *The Rodong Shinmun*, Nov. 4, 1994.

⁶ See Kim Jong-il above.

human rights as a universal value. To justify the monopoly of power by a specific person or a group of persons and to deny fundamental human rights to the people on the basis of cultural relativism is to invite complete isolation from the international community.

In connection with human rights, North Korea stresses “developmental rights.” It argues that materialistic guarantees are more important than guarantees of liberal rights. In fact, North Korea maintains at home and abroad that it guarantees basic material needs for its people, including full employment, free medical treatment, and free education.⁷ North Korea further argues that guarantees of all other rights such as individual rights and freedoms are impossible unless the right of survival is guaranteed. However, the economic development policy based on self-reliance that North Korea has been pursuing has failed completely. The fact is the policy of self-reliance has brought on the food shortage and dependence on foreign assistance, as well as deepening discontent for the monopoly of power by Kim Jong-il. Perhaps North Korea has learned something from its repeated failures. It is recently showing signs of change, particularly in its economic and human rights policies.

3. The North Korean Human Rights and International Community

A. Growing Pressure on North Korea to Improve Human Rights

Since the year 2000, the UN human rights establishment, especially the UN Committee on Human Rights (UNCHR), has been putting pressures on North Korea to improve the human rights situation. The European Union, in particular, has been leading the campaign. For the past

⁷ See Kim Jong-il above.

three years (2003, 2004, 2005), the UNCHR has adopted the “Resolution on Human Rights Situation in North Korea.” In addition, the 60th UNCHR meeting in 2004 has stepped up the pressure by appointing a “special rapporteur” on human rights in North Korea, who is responsible for reporting about the situation to the UN General Assembly and the UNCHR. The 61st UNCHR meeting in 2005 has extended the term of office of the rapporteur by one year and called upon North Korea to open doors for him and allow him free inspection activities.

However, North Korea has reacted hostilely to these calls of the international community, arguing that the resolutions were politically motivated and were part of an attempt to bring down the Kim Jong-il regime. Currently, the most pressing issue in the region is to secure peace and stability on the Korean Peninsula through a peaceful resolution of the nuclear issue. Since the nuclear issue is directly related to world peace and the stability of Northeast Asia, a stable management of the situation is critically important for all parties concerned. For this reason, the South Korean Government is pursuing a prudent policy through which it hopes to bring about improved inter-Korean relations and the relaxation of tension on the Korean Peninsula. Public calls by South Korea for the improvement of human rights in North Korea could backfire without significant practical impact, and worsen inter-Korean relations. South Korea’s policy priority should be on the maintenance of peace and stability on the Korean Peninsula.

The South Korean Government believes that human rights should be promoted as a universal value, and it has expressed concerns about the human rights situation in North Korea. However, the government has been criticized for its passive behavior at the United Nations and UNCHR meetings when it repeatedly did not participate in, or abstained from, the process of adopting the North Korean human rights resolutions. The South Korean Government policy of “four principles” on North Korean human rights is designed on a more realistic level to improve,

through inter-Korean reconciliation and cooperation, the human rights of North Koreans. South Korea has repeatedly made clear that it will actively cooperate with the international community in a concerted effort to improve the human rights situation in North Korea. The South Korean Government, through its “explanations on voting (EOV)” at both UN and UNCHR forums, has stated that it was not taking a by-stander’s position on the North Korean human rights issue, and that it also has called upon North Korea to make serious efforts to improve the human rights situation through dialog and cooperation with the UN and the international community.

The South Korean Government has also focused on a realistic policy for improvement of human rights in North Korea. It has actively provided urgent and pragmatic support measures to help out the North Koreans’ most serious needs, including grains, fertilizer and medical equipment, and to prevent starvation and alleviate food shortages that threaten the North Koreans’ most critical human right, the right to survival. Even though there is some criticism about the manner of the assistance extended to North Korea, the South Korean Government continues to respond favorably to North Korea’s requests for assistance, in order to continue the “separated family reunion” projects and to resolve the issues of abducted South Koreans and POW/MIAs. The South Korean Government continues to admit to South Korea the North Korean defectors who ask for protection to enable them to stay abroad. These efforts of the South Korean Government received highly favorable comments from Muntarbhorn, the UN special rapporteur on North Korean human rights, when he visited South Korea in November 2005.

In his reports to the 61st UNCHR meeting (Mar. 29, 2005) and the 62nd UNCHR meeting (Aug. 29, 2005), Vitit Muntarbhorn, the UN special rapporteur, has given a generally negative assessment of the human rights situation in North Korea. Sharply criticizing serious

violations of the right to life, as well as limitations of liberal rights, the special rapporteur has emphasized that these were clearly the responsibility of the North Korean Government. He then called upon international cooperation for immediate action to improve the situation.⁸ The Special Rapporteur, in his “6-point human rights proposal,” has called for the following. (1) North Korea must fulfill the terms of all human rights treaties it has signed. (2) North Korea is encouraged to accommodate various recommendations contained in the special rapporteur’s reports to the UN General Assembly. (3) South Korea should continue its support for the North Korean defectors. (4) The two Koreas should resolve the issue of abducted South Koreans. (5) North Korea should guarantee on-site observations of the distribution of humanitarian assistance materials. (6) North Korea should include human rights improvement measures in its economic development plans.⁹

The European Union has presented a resolution to the UN General Assembly calling for the improvement of human rights in North Korea and calling upon the North Korean authorities to carry out the terms of the resolutions of UNCHR. This EU resolution was adopted on Dec. 16, 2005. North Korean human rights have now become a pressing issue of the international community. The EU has reminded North Korea of its position and concern about the human rights situation there. In the absence of visible improvements on the part of North Korea, the United Nations has indicated that it will take up the issue every year; and pressures on the North Korean government will continue to mount.

⁸ Address of Mr. Vitit Muntarbhorn, Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, 29 Mar. 2005, UN Committee on Human Rights, Sixty-first session, Item 9 of the provisional agenda, pp. 1 ~ 13. Also see, “Situation of Human Rights in the Democratic People’s Republic of Korea,” United Nations General Assembly, A/60/150, 29 Aug. 2005.

⁹ *The Chosun Ilbo*, Nov. 11, 2005.

B. North Korea's Ambivalent Reactions

In the 1990s, North Korea was faced with numerous difficulties it found it could not handle, including economic hardship, a food crisis, starving people, increasing defections, growing domestic discontent, and overall social and political disaffection. In order to prevent this situation from developing into a major challenge to the Kim Jong-il regime, North Korea had to request assistance from the UN and the international community, and had to pursue a “pragmatic diplomacy” in search of support and assistance from the international community.

Once the Kim Jong-il regime was officially launched in September of 1998, North Korea began to pursue a policy designed to improve its image. It launched pragmatic diplomacy in all directions to secure the legitimacy of the regime from the international community. Departing from its past practices, North Korea began to break out of its passive and negative attitude toward the UN human rights establishment, and to actively participate in all its processes. Although this change of attitude was an attempt to dilute international pressure and criticism, it at least revealed that North Korea was aware of international public opinion and pressure concerning its human rights situation. We can observe North Korea's changing human rights policies through its domestic measures and its international behaviors.

Internationally, North Korea has reacted strongly to discussions of North Korean human rights at international and UN forums. They have objected to them as an “intervention in domestic affairs,” emphasizing the right of self-reliance (independence). The human rights issue, North Korea argues, is part of national sovereignty, and is North Korea's internal problem and is not subject to foreign intervention. It has further complained that the “imperialists” are using the human rights issue as a vehicle of world domination and a means to bring down the North Korean regime.¹⁰ North Korea has further criticized the United States

and the EU for using the United Nations as a political tool.

On the other hand, North Korea has been selectively improving its relations with various UN human rights bodies. In 2000, it submitted the second regular report to the UNCHR, which it had refused to submit for the previous 16 years. In 2001, it dispatched a delegation to the committee's deliberation process, responding to questions at the committee meeting. North Korea has signed the "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)" and participated in various educational and technical seminars and programs sponsored under the UN human rights establishment. In May of 2002, North Korea submitted a report in response to the recommendations of the UNCHR, although most of the report contained negative responses. It has also participated in human rights seminars and technical education programs held in Britain, Sweden and the Philippines.

North Korea has not yet agreed to a visit by the UN Special Rapporteur on Human Rights, but in 2004 it did invite two members of the Committee on the Rights of the Child and a Special Rapporteur on the frequency of violence on women. By diligently participating in various human rights seminars and education programs, North Korea has been trying to reverse the negative impression that it is a human rights violating regime. This is a significant policy change notwithstanding that North Korea's diplomatic efforts in connection with the UN human rights establishment were often nominal and formalistic.

In terms of a domestic change of attitude, North Korea apparently could not continue to maintain a negative posture in the face of mounting pressure by the UN human rights establishment to improve the situation and because it had to rely heavily on the economic assistance provided by the international community. Under the revised 1998 Constitution, North Korea has guaranteed its citizens the right of residence and

¹⁰ North Korea News Agency, Apr. 20, 2004.

relocation and expanded citizens' private property rights under the law. As part of the "7.1 Measures" of 2002, the regime has permitted commercial activities, and made various other improvements in its economic system, with a view to accommodating social change. Even the categories of economic crime have been updated to reflect the changing reality. In 2004, North Korea improved its Penal Code and Criminal Procedure Law, eliminating various elements that had been criticized as antiquated and undemocratic. For example, the principle of "nullen crimen sine lege" (No crime unless prescribed in the law) was introduced, guaranteeing, however nominally, that people would not be punished unless such punishment was prescribed in the Penal Code. Compilations of all laws and provisions, including the Penal Code, are now publicly available. In June of 2003, North Korea even adopted a "law for the protection of the handicapped," extending legal protection to physically challenged persons' rights.

From a system-wide viewpoint, the judicial system has seen some improvement when compared to the past, and the people can now expect to manage their lives in a more stable manner, taking personal responsibility for individual actions. This is a positive development. However, it would still be prudent to continue to monitor whether these legal protections are in fact and effectively implemented.

North Korea is displaying an ambivalent attitude toward the human rights issue. This could be the result of long-held fears of external influences on regime stability and/or a lack of understanding of international norms due to the decades of self-imposed isolation. Consequently, instead of demanding a complete acceptance of various UN recommendations and their immediate implementation, which will require a sudden change in North Korea's human rights policy, the international community would be well advised to lead North Korea gradually to international standards, occasionally offering incentives. Once North Korea is convinced of the accommodating international atmosphere, it is likely to take

various improvement measures, slowly and step-by-step.

4. Prospects

Prospects are not bright for North Korea to accept fully at an early date all the recommendations contained in various resolutions of the UN General Assembly and UNCHR. But North Korea appears to be well aware of the diplomatic and economic consequences if they completely reject the UN resolutions. So it is possible that North Korea will gradually open its doors and improve its human rights situation, so long as these actions do not pose a direct challenge to the maintenance of the Kim Jong-il regime.

North Korea is gradually accommodating international norms, however diplomatically and nominally. It is also enacting and revising its laws to reflect various domestic changes. In a way, these actions can be interpreted as North Korea's responses to sustained international pressures. That seems all the more so in light of North Korea's absolute need for continued international economic assistance. Although it is too optimistic to expect North Korea to eliminate its "systemic" or structural shortcomings in the near term, some of the changes it has made clearly seem to indicate that North Korea is aware of the worries and concerns of the international community. It is also evident that the human rights situation is making some progress. What is most needed at this juncture is the sustained interest of the international community and a concerted endeavor to improve the situation. Currently, North Korea is taking nominal and gradual measures. If these gradual changes are accumulated over time, however, they could lead to a significant transformation over a mid- to long-term. The Chinese example will show that economic progress does not necessarily translate into improved human rights. It seems only time and painstaking efforts will improve the human rights situation. Therefore,

it would be more desirable to have durable and lasting improvements that fully meet international norms and standards, rather than sudden and changeable improvements that fail over time.



The Civil and Political Rights Situation

KINU

Since the official inception of the Kim Jong-il system, North Korean authorities have actively reacted to the human rights issues raised by the international community. As a signatory of the International Covenants on Human Rights, North Korea submitted its “second regular report” on “Covenant B(civil and political rights)” to the UN Human Rights Committee (UNHRC) in March of 2000, some 16 years after its first regular report in 1984. It appears North Korea is trying to fulfill its procedural duties as a signatory of various UN human rights regimes by submitting regular reports. The national human rights reports submitted by members to the UNHRC generally emphasize legal and institutional aspects rather than the more practical aspects of guaranteeing human rights. So, it remains difficult to verify human rights realities in individual member states.

The North Korean authorities are taking advantage of this report to emphasize that North Korea, too, is fully guaranteeing human rights, and that they have taken various measures to guarantee human rights. After reviewing North Korea’s second regular report on Covenant B, the UNHRC pointed out, in its “Concluding Observations” of July 2001, various problems concerning the human rights situation in North Korea. The UNCHR has asked North Korea to submit a progress report on this point within a year, and include an additional progress report in its regular annual report. In connection with this requirement, North Korea has positively responded by submitting its first report in August 2002.

In 2004, in particular, North Korea has initiated a number of measures to promote a more lawful disposition of criminal matters. On April 29, 2004 it revised various laws involving civil and political rights, including its penal code (SPA Presidium Order No. 432) and again on May 6, 2004 its Criminal Procedure Law (SPA Presidium Order No. 436). However, it is generally believed that the civil and political rights of North Koreans have not seen any improvement in reality, despite various actions of the United Nations and North Korea’s various attempts to

improve its domestic laws. North Korea continues to enforce public executions, and refuses to guarantee independence of its judiciary or to establish an independent human rights commission. It also has not opened its doors to international human rights organizations. Clearly, then, it would be difficult to conclude that human rights situation in North Korea has really improved any in 2004.

1. The Right to Life

A. The Right to Life and North Korean Laws on Death Penalty Capital Punishment in North Korea

All people possess a unique right to life and no one may, at will, deprive another of his or her life. All countries are responsible for upholding this right to life, and all people have the right to have their lives protected. The protection of this right to life is a supra-national right and international cooperation is increasing to guarantee its protection. The International Covenant on Civil and Political Rights, better known as Covenant-B, in Article 6 emphatically stipulates, “Every human being has the inherent right to life... No one shall be arbitrarily deprived of his life.” The article goes on to state, “In countries which have not abolished the death penalty, a sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.”

The recent consensus of the international community is to guarantee the liberty and dignity of human persons including their right to life; and no government or society is allowed to insist or justify inhuman actions

such as extra legal executions, tortures, or massive genocide in terms of officially enacted domestic laws or traditional culture or custom.

As a signatory of Covenant-B(the international covenant on civil and political rights), North Korea has the duty to fulfill the terms of the covenant. In its second periodic report submitted in March 2000 to the UN Human Rights Committee, North Korea unequivocally stated that it has incorporated this treaty as part of its municipal law in December 1998. The covenant mandates that the signatory must execute the treaty faithfully. The covenant further mandates that the covenant on civil and political rights shall have the same force as domestic laws(Art. 17).

In August 1999, North Korea, showing some improvement in the legal sector revised its penal code, and reduced the number of crimes punishable by death from 33 to five. Under the penal code as revised April 29, 2004, North Korea kept the five death penalty crimes included in the 1999 revision. North Korea has made it mandatory for the courts to hand down death sentences for the anti-state and anti-people crimes “conspiracy to overturn the State,” “terrorism,” “treason against the fatherland,” “treason against the people,” and “premeditated murders.” But the revised 2004 penal code has defined somewhat more precise definitions of what would constitute these crimes. Specific stipulations for the death penalty are shown in <Table II-1> below.

<Table II-1> Mandatory Death Penalty under North Korean Penal Code

Conspiracy to overturn the state	Particularly serious cases of participation in a coup d'Etat, armed rebellion, civil disturbance or attack, or conspiracy thereof, with the aim of overturning the state
Treason against the fatherland	Particularly serious cases of treason against the fatherland, including transmitting confidential information, surrender, ideological conversion or willful flight to another state
Terrorism	Particularly serious cases of terrorist acts inflicting injuries on, or kidnapping and murdering of, officials or citizens for anti-state purposes
Treason against the people	Particularly serious cases of treason (traitors) against the people such as selling off national interests to the imperialists or engaged, as a fellow Korean, in repressions on the Korean national liberation movement or national unification struggles under imperialist rule
Premeditated Murder	Vicious cases of premeditated murder driven by greed, jealousy, or other inhuman motives.

The above provisions requiring the death penalty have been criticized for imprecise uses of terminology and the possibility of arbitrary interpretation. The phrase, “particularly serious cases,” could be seen as an improvement since it would mean that death penalty would be sentenced only in “exceptional” and “grave” cases. But, the phrase still leaves room for arbitrary interpretation. Nevertheless, it would appear that efforts have been made to clarify various elements that would constitute crimes punishable by death.¹¹

¹¹ Han In-sup, “The Contents and Meaning of Revisions of North Korea’s Penal Code, 2004,” The 93rd Monthly Seminar of North Korea Research Association, Dec. 9, 2004.

<Table II-2> Changing Levels of Death Penalty

Penal Code of 1999	Penal Code of 2004	Comparison
“Organizing an armed revolt, or participating in or conspiracy thereof, to overturn the state...” (Article. 44)	“Participating in a coup d’Etat, armed rebellion, civil disturbance, or attack, with the aim of overturning the state, or conspiracy thereof...” (Article. 59)	More specific by illustrating patterns of criminal act
“Who engaged in terrorist acts...” (Article. 45)	“Terrorist acts inflicting injuries on, or murdering and kidnapping...” (Article. 60)	More specific by illustrating patterns of criminal act

Since the 1999 revision, North Korea has raised the age limit for the death sentence from 17 to 18 years of age. This is in accordance with the international human rights covenants. Thus, North Korea has responded in a fashion to international criticism of the political nature of its death penalty provisions. However, even these latest revisions are not completely free from political interpretations.

B. Public Executions

As already discussed, North Korea’s penal code specifies cases subject to the mandatory death penalty. In the past, North Korea painstakingly explained to international human rights organizations that executions were carried out only in exceptional cases, and yet it refused to make public concrete data on death sentences and executions. However, the UN human rights review subcommittee demanded North Korea to release the number of executions in the recent three years. North Korea responded by reporting that there were 6 death sentences and 5 executions in 1998, 4 sentences and 4 executions in 1999, 5 sentences and 4 executions in 2000, and as of March 2001, no death sentences or executions were carried out in 2001.

However the penal code provisions and North Korea's official position, new settlers testified that death sentences would not only be handed down for the crimes listed in its penal code but also for unlawful behaviors arising from economic hardship. So, the right to life of ordinary citizens as well as political criminals is threatened. Apart from the provisions of penal code, the most blatant violation of the right to life in North Korea is public executions. As illustrated in <Graphic II-1>, North Korea issued a warning in 1997, saying that anyone stealing grains from the agricultural cooperatives would be shot. This "proclamation" was announced by North Korea's Social Safety Agency on August 5, 1997.

<Graphic II-1> A Proclamation by the Social Safety Agency

포 고
남알름 풀치고 뵈며 허실하는자들을
엄격히 처벌함에 대하여

물건을 구입하는 때에는 성실하여야 하며, 가짜, 가품, 중고를 진품으로 사거나, 또는 다른 사람의 사생활을 침해하여 이익을 취득하는 등 불법행위를 행하여서는 안 된다. 이와 같이 불법행위를 행하여 이익을 취득하는 자는 엄격히 처벌하여야 하며, 허실하는 자들은 엄격히 처벌하여야 한다.

1. 남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 모정과 부지, 함곡강, 장교 (장지)에서 폐지한 법칙으로 엄격히 처벌한다.
모정과 남알름 풀치는 엄격히 처벌한다.
색깔이 다른 옷을 입고 다니는 자는 엄격히 처벌한다. 단, 특별한 사유가 없는 한, 단정하고 단정하게 입을 것을 권한다.
2. 남알름 풀치는 영위를 정대로 하지 말라!
부실한 제품을 판매하는 자는 영위를 정대로 하지 말라!
부실한 제품을 판매하는 자는 영위를 정대로 하지 말라!
부실한 제품을 판매하는 자는 영위를 정대로 하지 말라!
부실한 제품을 판매하는 자는 영위를 정대로 하지 말라!

3. 남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!

4. 남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!

5. 남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!
남알름 풀치는 영위를 정대로 하지 말라!

조선민주주의인민공화국 사회안전부
1980년 1월 15일

Note: see <Graphic II-2> for translation.

<Graphic II-2> A Proclamation by the Social Safety Agency

Proclamation

Regarding Stern Punishment on Those Who Steal, Sell or Waste Grains

Grain is the primary means of peoples subsistence and the most important strategic material of the country. Under the wise leadership of the Party, the entire nation was fully mobilized to energetically conduct cultivation battles to solve the serious grain problem and the road is opened for the Hardship March to finish in victory.

However, some inhabitants are engaged in extremely selfish egoism and are trying to fulfill selfish greed by stealing, wasting or selling the grains.

These are anti-state criminal acts that harm the nation's happiness, and treasonous acts of isolating and stifling Our-style Socialism and aiding the enemy that deserve stern punishments.

Upon delegation of the Government of the Republic and to absolutely eradicate the acts of stealing, selling or wasting the grains, the Social Safety Agency proclaims as follows:

1. Do not steal grains!

Those who steal grains from the paddies, thrashing yards, silos or storages are subject to maximum punishment under the law and will be ordered to compensate for the entire amount. **Those whose crimes are particularly serious shall be executed by firing squad.**

Those who neglect to enforce adequate security measures and patrol duties around the paddies, thrashing yards, silos and storages, are also subject to punishment under the law. The grain security guards who steal grains and those who steal grains under conspiracy with the guards shall be subject to a more severe level of punishment. Those who sustained damage or wound while stealing grains shall have no right to appeal to the law.

2. Do not engage in grain-selling activities!

Those who are engaged in grain-selling activities for the purpose of illicit accumulation of wealth shall be sternly punished under the law, **including execution by firing squad.**

Those who steal from the paddies or state-run or other agricultural cooperatives, as well as those who buy or sell grains, or exchange them with other goods, at farmers markets, public places or back-alleys shall be punished under the law, and the grains, money and other goods shall be confiscated.

3. Do not ever cheat or waste grains!

Those who falsify production reports, organize or carry out unlawful book-keeping under such pretext as business, support, visiting guests, barter exchange, etc., and those who skim off grains by influence-peddling or cheat the amount of grain under conspiracy shall be strictly punished under the law, including execution by firing squad. The total amount of the affected grain shall be confiscated or subject to compensation.

All activities involving exchanges of grain with other items shall be strictly punished under the law. They include exchanges of grain with fertilizer, pesticide, farming equipment, fuel, machine parts, or animals between the farmers at the agricultural cooperatives, working units or sub-units and the workers at agencies, workplaces or social cooperative organizations. All affected grains and materials shall be confiscated, and all promissory notes of payback by grain upon harvest shall be null and void.

Those who handle the harvest, thrashing and storage of products irresponsibly, and those who are responsible for loose handling, wasting, spoiling or festering of grain shall also be punished under the law.

4. In the lofty ideal of patriotism and in the spirit of love of fellow countrymen, all citizens are encouraged to keep sharp watchful eyes on, and promptly report, anyone stealing and selling grains, as well as those cheating and misappropriating grains.

5. Those who violate this proclamation will be arrested as criminals-on-site and punished under the law, regardless of position, organization, or personal accomplishments.

August 5, 1997

The Social Safety Agency
The Democratic People's Republic of Korea

Note: translation of <Graphic II-1>

North Korea defines execution as a merciless iron hammer of the revolution to terminate the tainted destinies of the class enemies and a most formidable legal means of guaranteeing a firm victory for the class struggle. In this manner, North Korean authorities place political meaning on capital punishments, and from time to time gather large crowds of inhabitants and carry out public executions to force subservience on

them and create fears in their mind.

In a special report on North Korea released in October 1993, Amnesty International (AI) has reported on North Korea's practice of "public executions" as follows:

It is reported that the death penalty is widely used in North Korea as a penalty for a variety of crimes, including political offences. Witnesses at public announcements of death sentences, former detainees and visitors to North Korea report that the death penalty is used frequently, and has been increasingly used in recent years against alleged economic offenders. Reports suggest that dozens of prisoners are executed each year. Executions are carried out either by shooting or hanging. In some cases, prisoners sentenced to death are displayed at public meetings attended by workers and students, including school-age children. At these meetings, the alleged crimes of prisoners, and their sentence, are read out by officials. Executions have reportedly been carried out in front of these meetings, although in some cases it appears that the prisoners were taken away for execution. In places of detention, detainees have reportedly been executed in front of assembled inmates.

AI issued another special report on public executions in North Korea in January of 1997, which stated that over 23 public executions were carried out between 1970 and 1992. This report also concludes that because most witnesses testified that they saw more than one public execution the number of executions cited represents only a small percentage of the actual number. Lastly, the report states that in all probability these executions continue today because they have occurred in such diverse regions as Wonsan, Chungjin, Hamheung, Shinuiju, Pyongsan and Pyongyang.

Articles 127 and 129 of North Korea's criminal procedure law specifies that only the central (government) court and provincial (or major city) courts can try such serious cases as anti-state and anti-people criminal cases and such other criminal cases punishable by "unlimited-term correctional labor." Under Article 126, the People's Courts are authorized to handle ordinary criminal cases that do not fall within the purview of the Central Court, Special Courts, or Provincial (major city) Courts. But the 2004 revisions have stipulated stricter provisions by

separating Chapter 7 (Trials) of the 1999 version into Chapter 9 (District Court) and Chapter 10 (Superior Court).

The 2004 revisions have also adopted stricter provisions regarding the execution of death sentences. Under North Korean Criminal Procedure Law, the executing agency, after receipt of a copy of the court decision and the execution order, may carry out the execution only in the presence of a prosecutor and with the approval of SPA Presidium (Art. 419, 421, 422). Also, the executing agency must notify the sentencing court of the implementation of the death sentence within three days of execution (Art. 423).

Public executions are the most conspicuous cases of human rights violations departing from the legal provisions concerning the death sentence and its execution. New settlers testify that public executions are not being carried out according to clearly established standards but for the purpose of providing examples to residents. The 1999 criminal procedures assigned the area social safety agency the responsibility for the implementation of death sentences (Art. 295). The security agents and other executioners of death sentence usually take precautions to eliminate any possibility of resistance from the one to be executed by beating him up before setting him up for execution. For example, according to the “new settlers,” they then carry out the execution after reading a few words of charge and terms of sentence, and execute the prisoner. The 2004 revision has assigned the responsibility of executing death sentences to the “punishment execution agency” rather than to the social safety agency (Art. 422). In addition, the “sentence execution law,” revised in 1998, specifies that death sentences should be carried out by the agency that has received the death sentence execution order (Art. 24). It is therefore quite obvious that public executions are not carried out in accordance with either the criminal procedure law or the sentence execution law.

Usually, public executions are carried out at places where large

crowds gather, and schools, enterprises and farms are notified in advance of the scheduled public executions. The proceedings of public execution include the reading of the convict's personal background and the nature of crime committed before an assembled crowd. A judge dispatched from the People's Court will then hand down the sentence of execution, and the execution is carried out immediately.¹² At each implementation of the death sentence, the law requires that a prosecutor must be present (Art. 421). It is widely reported that prosecutors do not participate in most cases, which is evidence that the law provisions are not faithfully observed.¹³

The "sentence execution law" specifies that a death sentence should be carried out by a firing squad. Thus, most death sentences are carried out by firing squads, however, some people testified that death by hanging has also been used.

Sometimes the execution is carried out in the presence of the convict's families. There are also cases in which the convict is not blindfolded before the execution. When a People's Safety agent announces the name of the crime and orders the execution, a firing squad will fire 9 shots at the victim.¹⁴ It is reported that the North Korean authorities have increased the categories of crime subject to public execution due to rapid increases in unruly social behaviors amid the economic hardship and food shortage.

As the international public opinions and criticisms mounted over the practice of public executions and as solid evidence (pictures, notifications, videos) is presented to the North Korean authorities, North Korea has reportedly begun to carry out public executions at marketplaces or other crowded locations without advance notice (to avoid picture-taking).

¹² Testimony of new settler Kim XX during an interview at KINU on Sept. 8, 1998.

¹³ Testimony of new settler Chung XX during an interview at KINU on Jan. 20, 2006.

¹⁴ Testimony of new settler Sohn XX during an interview at KINU on Sept. 9, 1998.

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

<Public Executions for Anti-state Crimes>

For Criticizing the North Korean system

The entire family of his neighbor Shim XX of Sanghwa-ri, Onsung County, North Hamkyung Province, all neighbors of the witness, was publicly executed by a firing squad in 2002 for anti-state crimes.¹⁵ New settler Yoon XX testified that chairman Kim Man-kum of the agricultural committee and a senior Party secretary in the Kaesung City branch of the Communist Party were executed in 1997 on charges of anti-Party, anti-revolutionary espionage. They were publicly executed on the firing range of the Pyongyang Military Academy as Party cadres watched.¹⁶ According to the new settler Suk XX, North Korea in April of 1998 carried out a mass public execution of 13 cadres from the Social Safety Agency at Songrim City, North Hwanghae Province.¹⁷ New settler Ma XX testified that the members of an organized crime syndicate in Musan, North Hamkyung province, shouted in loud voices the name of their boss, Sungdo. They were charged with political crimes for showing respect for their boss. The boss was executed.¹⁸

¹⁵ Testimony of new settler Cho XX during an interview at KINU on Oct. 19, 2004.

¹⁶ Testimony of new settler Yoon XX during an interview at KINU on May 24, 2000.

¹⁷ Songlim City is a trade port. Kim Jong-ill, when he was working as a secretary for organization in the KWP, introduced the high-tech facilities into the Hwanghae Steel Mill in the city. As the economic difficulties were aggravated, facilities in the steel mill were robbed so frequently that the KWP or security apparatus could not control the situation. In Apr. 1998, the minister of People's Military Ministry proclaimed martial law in the city of Songlim, encircling the whole city with a brigade. Then the Security Commander in the Ministry searched for and executed thirteen criminals. Testimony at KINU on May 20, 1999.

¹⁸ Testimony of new settler of Ma XX during an interview at KINU on Aug. 17, 2002.

For Crimes Involving Information on South Korea

A new settler testified that he had witnessed a death by firing squad without any trial. In 1989, when he was serving in the army, a sergeant in his regiment named Kang Won-sook (age 21) fled from his barracks (absence without leave) after reading a South Korea leaflet. He was subsequently arrested and executed.¹⁹ New settler Kim XX testified that Kim Jung-rae, the father of his friend Kim Jung-soon, was executed as an anti-revolutionary after a gun and a South Korean leaflet were found in his home, and the entire family of Kim Jung-rae, was banished.²⁰

For Resisting Orders of Officials

New settler Kim XX testified that Hyun Chul-nam was executed for striking a security guard while in the process of being arrested at Jinha, Moosan County, for having stolen grains at Sangchang, North Hamkyung province, in 1996.²¹ New settler Kim XX testified that Yoo Sang-chul was publicly executed after a violent confrontation with a Social Safety agent, and that this execution was carried out to maintain social order by showing to others the consequences of such confrontations.²² According to new settler Lee XX, a husband and wife were publicly executed on March 15, 1998 in Haeju City for quarreling with a people's security agent. The couple had loaned 2,000 won to a friend in 1997. When the friend failed to pay back the loan, the couple took some furniture from the friend's home. The friend then asked the security agent for help. A quarrel ensued when the couple told the agent not to interfere. Subsequently, they were arrested and executed.²³ New settler Suh XX testified that a

¹⁹ Testimony of a North Korean defector in China during an interview on Oct. 19, 2001.

²⁰ Testimony of new settler Choi XX during an interview at KINU on Jul. 6, 2002.

²¹ Testimony of new settler Kim XX during an interview at KINU on Aug. 17, 2002.

²² Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2003.

group of seven thugs were publicly executed in Wonsan in 1998 on the pretext that they organized the so-called “Hong sons” gang led by Hong Sung-chul which had intimidated the staffers.²⁴

<Public executions on economic crimes>

For Stealing Government Property, Cattle, Goats, etc.

It is well-known that copper is state property. In September of 1994, a staff sergeant, named Suh X, at a communications unit stole some copper communication lines. He was arrested and publicly executed.²⁵ In another case, brothers Lee XX and Lee XX stole some copper lines from a coal mine and tried to sell them in China. They were arrested and executed by firing squad, and their father was sent to a political prison camp.²⁶ New settler Kim XX testified that Lim Chol-san living in Yong-am District, Myungchun County, stole a goat being raised at an enterprise. He and four other perpetrators were executed.²⁷ New settler Nam XX testified that Lim Chol-san and nine others conspired to butcher an animal on a goat farm. They were put to death in November 1998 for engaging in butchery.²⁸ New settler Suh XX testified that he personally witnessed the public execution of a family for having stolen eight head of cattle.²⁹

New settler Uhm XX has testified that during the intensive investigation of a Security Agency at Heisan City, Yangkangdo Province, in the winter of 1999, the inspectors found a female sales guide to be

²³ Testimony of new settler Lee XX during an interview at KINU on Aug. 31, 2001.

²⁴ Testimony of new settler Suh XX during an interview at KINU on Nov. 3, 2003.

²⁵ Testimony of new settler Park XX during an interview at KINU on Jun. 29, 2002.

²⁶ Testimony of new settler Choi XX during an interview at KINU on Jul. 6, 2002.

²⁷ Testimony of new settler Kim XX during an interview at KINU on Jun. 29, 2002.

²⁸ Testimony of new settler Nam XX during an interview at KINU on Aug. 17, 2002.

²⁹ Testimony of new settler Suh XX during an interview at KINU on Nov. 3, 2003.

guilty of certain connections with South Korea's CIA funds. Subsequently, all the staff members at major workplaces in Heisan City have been interrogated, and 13 ~15 individuals have been public executed at the Heisan Airfield.³⁰

Organized Thefts

New settler Um XX testified that three men, including Kim Yong-ju and Kim Woong-kil, were publicly executed at Sunamjang grounds, Chungjin City for having stolen a car, a television set, and a motorcycle.³¹ New settler Yoon XX also testified that two brothers were publicly executed at the Chong-am Market in Chong-am District, Chongjin City for smuggling a Japanese used car from China. In another case, 12 people disguised as soldiers had systematically stolen grains. They were publicly executed at the Nanam Market in Nanam District, Chongjin City in 2000.³²

<Public execution for socially delinquent behaviors>

Unruly Behaviors under Economic Hardship: Selling Human Meat, Human-trafficking

Two sisters who defected to the South, Chang XX and Chang XX, testified that a family of five was executed on charges of selling human meat in the Mankyungdae District of Pyongyang in December of 1995.³³ New settler Yoo XX testified that four persons, including a man, his wife and his parents, were publicly executed for selling human meat at a market in the Yongsung District of Pyongyang in April of 1997.³⁴

³⁰ Testimony of new settler Uhm XX during an interview at KINU on Dec. 23, 2005.

³¹ Testimony of new settler Um XX during an interview at KINU on Jun. 29, 2002.

³² Testimony of new settler Yoon XX during an interview at KINU on Jan. 10, 2004.

³³ Testimony of new settler Chang XX and Chang XX during interviews at KINU on May 14, 1998. Subsequently, other new settlers have also testified to the same issue.

Former kidnapped fisherman Lee XX testified that sales of “human meat” and the subsequent public execution of the perpetrator in 1997 in Hamju County, North Hamkyung Province.³⁵ The kidnapped returnee Lee XX testified that he had witnessed the public execution of the people who were involved in a “human meat” case at Hamju County, North Hamkyung Province in 1997. Also, six persons were publicly executed in February of 1998 on charges of slave trade in Onsung County in North Hamkyung Province.³⁶ One woman was publicly executed for slave trade in China in May of 1999 in the Yuson district of Hweryong City, North Hamkyung Province.³⁷ Kim XX was reportedly public-executed for involvement in human-trafficking crimes in Hweryong City, North Hamkyung Province, in May of 2000, Kim XX was public-executed after public trials in Hweryong for selling human meat.³⁸

Also, during the winter of 1998-1999, the manager of Pyongyang Fishsoup Restaurant, Choi Seung-hi (female) was public-executed by the Nampo City Protective Command during a period of intensive investigation of her (South Korea-inspired) espionage activities to recruit or buy up Party or Government officials. There have been more cases of public execution. For example, the actress-talent at the Nampo City Mobile Art Troupe Park Myoung-ok (female) was public-executed on prostitution charges and a deputy engineer at Nampo City Refinery on charges of espionage (for South Korea). There were three other public execution cases involving the deputy chairman of the Nampo City Administrative Council, the deputy director at the Trade Supervisory Bureau, and a factory supervisor at the Nampo City Flour Factory.³⁹

³⁴ Testimony of new settler Yoo XX during an interview at KINU on Nov. 22, 2000.

³⁵ Testimony of new settler Lee XX during an interview at KINU on Jan. 7, 2004.

³⁶ Testimony of new settler Choi XX during an interview at KINU on May 30, 2000.

³⁷ Testimony of new settler Joo XX during an interview at KINU on Nov. 17, 2000.

³⁸ Testimony of new settler Lee XX during an interview at KINU on Jun. 29, 2002.

³⁹ Testimony of new settler Lee XX during an interview at KINU on Dec. 23, 2005.

Punishment for Unruly Social Behaviors

A well known “people’s actress” Woo In-hee was public-executed in front of many artists for her outburst of temperament and fit of anger.⁴⁰ In Onsung County in October 1997, four drunken high school graduates, boys and girls, were engaged in a game of streaking. They were spotted and were all executed.⁴¹ New settler Park XX testified that her husband’s cousin, Kim XX, was a bully. He struck one of his friends. He fled to China unaware of the fact that his friend died. Upon his return, he was arrested, and executed for having gone disco dancing and followed revisionist fashions.⁴²

In January 1999, two women and a man were executed in Onsung. They were sent to rehabilitation camps for drinking and singing decadent songs at a school reunion meeting. Their parents petitioned to the central party. The result, on the contrary, was that their sentences were changed to the death sentence and they were executed.⁴³ According to defector Kang XX, Choi Min-sung was a bully in the marketplace, and he was arrested for disorderly conduct and was publicly executed.⁴⁴

<Public executions in political concentration camps>

Public executions and secret executions are carried out at political concentration camps and ‘Kyohwaso’ on an even broader scale. New settler Ahn XX, a former concentration camp security guard who defected in October of 1994, testified that executions based on summary trials are carried out on a routine basis at these camps and at times security personnel arbitrarily execute people in secret.⁴⁵ Those subject to public

⁴⁰ Testimony of new settler Park XX during an interview at KINU on Jan. 20, 2006.

⁴¹ Testimony of new settler Moon XX during an interview at KINU on Jun. 29, 2002.

⁴² Testimony of new settler Park XX during an interview at KINU on Aug. 3, 2002.

⁴³ Testimony of new settler Lee XX during an interview at KINU on Aug. 31, 2001.

⁴⁴ Testimony of new settler Kang XX during an interview at KINU on Aug. 17, 2002.

executions are usually people who are arrested during an escape attempt. New settler Choi XX, a former security officer at a concentration camp between May 1983 and June 1986 before he defected in December of 1994, stated that at Control Center No. 11 in Kyungsung, North Hamkyung Province, an entire family, including a grandmother, her son and grandchildren, were publicly executed after being caught during a three-day escape attempt. All the political prisoners at the camp were gathered together by security officials armed with machine guns to witness the hanging of the two adults and the execution by firing squad of the three children. Immediately after the execution, the political prisoners were forced to throw stones at the corpses.⁴⁶

New settler Ahn XX explained that even the security personnel at the Seventh Bureau fear the Third Section (Preliminary Investigation Section) of the State Security Protection Agency (SSPA), which is responsible for the arrest and investigation of political prisoners, particularly because of the manner in which they arbitrarily carry out executions. This fear is bolstered by reports that the Agency produces oil from human bodies to make cosmetic products and whips from human tendons. Ahn explains that for their personal fame or career advancement, some security personnel deliberately execute innocent political prisoners and frame them to appear as if they caught them while attempting to escape. In return for maintaining secrecy and to increase morale, security personnel who finish their terms are guaranteed entry into the KWP and college.⁴⁷

⁴⁵ Testimony of new settler Ahn XX during an interview at KINU on Jul. 9, 1996.

⁴⁶ Testimony of new settler Choi XX during an interview at KINU on Jul. 8, 1996.

⁴⁷ Testimony of new settler Ahn XX during an interview at KINU on Jul. 9, 1996.

<Public executions in ‘Kyohwaso’>

Public executions at ‘Kyohwaso’ also remain a serious problem. New settler Lee XX, who defected in December of 1995, testified that between December of 1987 and December of 1992 she witnessed nine public executions (seven males and two females) while she was imprisoned at the Kaechun Rehabilitation Center, in South Pyongan Province. These executions were carried out within the center’s factory grounds in the presence of the deputy warden of the prison and all the inmates. In 1990, Suh Yong-soon(female, age 23 at the time), formerly a cook for a group of construction workers known as the Pyongyang Commandos, was executed. She was initially sentenced to a three-year term for food shortages caused by serving portions larger than the rations allowed. After a new trial her sentence was increased to twenty years. She was later executed after it was discovered that she had tried to hide damaged products made at her factory.⁴⁸ New settler Yoo XX insisted that when he was detained at Chungjin No. 25 Correctional Center after his arrest upon return to North Korea, he eye-witnessed two individuals get executed by firing squad for having discussed religion.⁴⁹

North Korea is strongly rejecting the charge of public executions as absolute fabrications of hostile elements. But, it admitted to one case when evidence was presented during the UN review process. The case was about a public execution of Ju Soo-man for heinous murders of his grand parents Ju Jong-eun(age 84) and Choi Yun-ok(age 72) in October of 1992 in Hamheung City. While admitting the case, North Korea argued that it was simply complying with the demands of local residents. The UN review subcommittee urged North Korea to revise the criminal code provisions relating to capital punishment in a way that would be consistent with the relevant articles of international covenants, and to

⁴⁸ Testimony of new settler Lee XX during an interview at KINU on Jun. 12, 1996.

⁴⁹ *Yonhap News* (Seoul), Feb. 17, 2002.

prohibit any form of public execution. In its annual report released in May 2001, Amnesty International (AI) complained about the information control by North Korea, pointing out that there are persistent worries about unreported human rights violations being committed inside North Korea, including tortures and illegal confinement of political prisoners.⁵⁰

Most new settlers have witnessed that public execution was carried out most frequently between 1997 ~ 1998 when food shortages were most severe. They testify that North Korea resumed the practice in 2000 when crime began to increase. According to new settler Kim XX, many people complained that public execution was too harsh and cruel. In March of 2003, the authorities announced that they would refrain from public executions. Subsequently, public executions have been decreasing.⁵¹ But, public executions are still carried out.⁵²

Clearly flagrant violations of right to life, often in the form of public executions, persist in North Korea. Even with the recent revisions of the penal code and criminal procedure law, it is doubtful that in the areas of the death sentence and executions North Koreans' right to life is guaranteed. If North Korea wanted to guarantee the people's right to life, it should first change its perceptions of the law and the death sentence. Therefore, it is important to keep collecting data and to keep a close watch on the practice of public executions in North Korea; and whether their system of executions changes.

⁵⁰ Amnesty International, Annual Report 2001 see <<http://www.web.amnesty.org>>.

⁵¹ Testimony of new settler Kim XX during an interview at KINU on Oct. 27, 2003.

⁵² The Korea Institute for National Unification (KINU) plans to continue with its activities of collecting data and testimonies concerning public-executions from the new settlers from North Korea.

2. The Freedom of Individual Liberty

A. Illegal Confinement and Torture

The right to individual liberty consists of those freedoms of personal security and autonomy that cannot be limited or abridged without due process of the law. Together with the freedom of thought and free speech, individual liberty is one of the most basic human needs. If individual liberties are not guaranteed, the pursuit of other freedoms and rights undoubtedly cannot occur, and the dignity of all citizens will be violated. Accordingly, a person is entitled to inalienable rights such as the protection afforded by the rule of no arrest without warrant. Every person has the right to due process and should be treated humanely, and not be subject to illegal arrest, imprisonment, and torture. Also included among the protections granted by the rule of writ of habeas corpus are prohibitions against unreasonable arrest, imprisonment, search or seizure of property, illegal interrogation and punishment, from being labeled a security risk, and hard labor.

Article 5 of the Universal Declaration of Human Rights, provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 7 of the International Covenant on Civil and Political Rights also stipulates that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Furthermore, it is stipulated in Article 9 that no one shall be subjected to arbitrary arrest or detention. And, in Article 10 it is provided that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Based on Article 5 of the Universal Declaration of Human Rights, the UN adopted the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment at the General Assembly held on December 10, 1984. In 1993 the Vienna Declaration stipulated that the prohibition against torture must be respected in all circumstances, with particular attention

being paid during times of war, and further demanded that all UN member countries must endorse this declaration. Ostensibly, the freedom of habeas corpus is guaranteed in the revised Socialist Constitution of September 1998. Article 79 declares that unless based on the law citizens shall not be arrested or imprisoned, nor their homes searched. In 1992, North Korea revised its criminal procedure law and added a provision guaranteeing human rights during criminal procedures. This provision survives as Article 5 in the 2004 criminal procedure law. In the 1999 version, “investigation” and “pretrial examination” had been combined into one chapter (Chapter 4), but the 2004 revision has again separated them into two separate chapters, “investigation” (Chapter 6) and “pretrial examination” (Chapter 7), indicating an attempt to provide stricter and more independent procedures. Also, the mission and duration of Preliminary Examination (Section 1), interrogation of suspects (Section 3), and arrest and detention (Section 4). In short, more legally precise procedures have been provided for suspects during the arrest and their period of detention in the process of investigations and pretrial examinations.

North Korea’s penal code classifies detention in three categories (Art. 184): “physical detention” (Art. 185 ~ 188), “house arrest” (Art. 189) and “confined-area detention” (Art. 190). In the 2004 criminal procedure law, arrest and detention procedures are laid down in separate articles of the law. As the Constitution stipulates, the criminal procedure law also specifies, “No one shall be arrested or detained in a manner not provided for in the law or without following the procedures prescribed in the law” (Art. 177). Moreover, the law clearly stipulates that no arrest shall be made without a warrant, and only investigators and “pretrial agents” can make the arrest (Art. 180). Specifically, Article 181 stipulates that if a pretrial agent needed to detain a suspect the agent had to apply for and receive pre-approval from a prosecutor. In the past, there has been much criticism of the practice of not informing a detainee’s family subsequent to an arrest. Perhaps for this reason, a new provision (Art. 183) was

installed, stipulating, “A suspect’s family or organization shall be notified within 48 hours of arrest of the reasons for and the place of detention.” It would be necessary to confirm if this provision will also apply in the case of “family notification” of a missing person charged with political crimes.

In its 1999 revision of criminal procedure law, North Korea also had classified search and seizure regulations in more detail: Prior to search and seizure the agent must submit a form and obtain a prosecutor’s approval authorizing the seizure (Art. 271). Before the actual search and seizure, the agent must present the authorizing document in the presence of two independent witnesses (Art. 218 and 221).

The revised criminal procedure law requires enforcement officials to observe legally prescribed procedures in investigations and arrests. There are also many provisions prohibiting torture and other inhuman treatments. In connection with the interrogation of suspects, Article 167 specifically stipulates, “the pretrial agent should not obtain the suspect’s admission of guilt using leading questions or through forcible means.” Article 229 also stipulates that in the process of interrogation, the witnesses or suspects should be protected from the use of force or intimidation. The penal code revised in 2004 contains many provisions designed to punish illegal methods of interrogation, stipulating, “If a law enforcement official exercised unlawful methods of interrogation or willfully exaggerated or fabricated facts, he would be charged with up to five years of correctional labor. If the suspect’s health were harmed or he was criminally charged by the foregoing methods, the law enforcement official would be charged with five to ten years of correctional labor. In serious cases, he would be punished with correctional labor in excess of ten years (Art. 253). If a law enforcement official has “illegally arrested, detained, or searched the person or his home, or seized or confiscated his property,” he would be charged with up to two years of correctional labor. If he repeated the unlawful acts, or his actions caused a public

controversy, up to three years of correctional labor shall be imposed (Art. 252). As a result, all unlawful acts in the process of arrest, detention, search and seizure are now subject to punishment.

Under the revised penal code and criminal procedure law, the rights of suspects have been clearly set forth in the process of arrest, detention, search and seizure. Torture and other illegal techniques of interrogation have been banned. Despite these revisions in the criminal procedure law there still remains the possibility of human rights violations. As pointed out earlier, it is mandatory under the law to present appropriate prosecutor- authorized documents prior to making arrests, detaining, searches or seizures. However, under the same provisions the investigators or pretrial agents are not required to obtain arrest or search warrants from a court for enforcement measures such as arrests, investigations, searches and seizures. It is also widely known that laws are not faithfully followed throughout the enforcement process, even though the law clearly prohibits any violation of human rights or the liberty and security of a person.

In fact, according to the testimonies of defectors, inhuman treatment is easily found all over North Korea, including detentions and tortures without due process of the law. In cases of transgression of party policies or Kim Il-sung/Kim Jong-il instructions, even the basic human rights of the suspect are routinely violated to show to the people the severity of punishment.

Regarding unlawful detentions and tortures, new settlers have testified as follows:

When I was deported to North Korea and detained in prison, they twisted my legs and ordered me to lift a heavy bar with both hands fully extended. If I moved a little they would beat me, and if I uttered a word, they said I was lying or not telling the truth. If I kept quiet, they asked if my lips were frozen. Since I would get beat up either way, the best policy was to keep silent.⁵³

⁵³ Testimony of a man from Onsung County, North Hamkyung province, during an

They put me up in a 'Kyohwaso', beat me up and confiscated all my money and belongings. The interrogation began at 5am. They asked me whom I contacted, and which intelligence agency gave me what mission. All these had nothing to do with me. But, they clubbed me at will and did not give me enough water, so I was unable to wash my face or go to bathroom properly.⁵⁴

Two inmates in my room were starved, beaten and frozen to death. With the dead body in front of us, they said they wouldn't blink an eye even if thousands of these lowly beings were to perish, and threatened, 'you guys saw it with your own eyes, didn't you? You will all end up like this.'⁵⁵

At a collection point at Hweryong City, a safety agent ordered the repatriated female defectors to take off all of their clothes. He was wielding a big club over our bodies, heads, stomachs, waists and chests. So, for fear of clubbing we all had to take off our clothes... While we were there, a 28-year-old man called Choi XX tried to escape and was caught. They beat him for half a day to the extent that he could not even move a finger. At that point, they collected hundreds of detainees and showed them the cruel punishment given to an attempted escapee.⁵⁶

As already documented, many new settlers have testified about human rights violations directed toward woman. Lee XX, who was deported to Namyang in April 2003, was forced to take off her clothes and was then searched by male security agents at both Onsung Security Detachment and Manpo Security Detachment.⁵⁷

There is a standing organization called "Anti-socialist (behavior) Group," consisting of workers from the Party, government, courts and prosecution. Because they constantly conduct surveillance and investigations in various localities on violations of law and order, ordinary citizens fear them the most. If they detain anyone (for anti-socialist behaviors), it is

interview at a support organization for North Korean defectors in China.

⁵⁴ Testimony of a female new settler (from Eunduck County, North Hamkyong Province) during an interview at KINU on May 2, 2001.

⁵⁵ Testimony of a new settler (from Kilju County, North Hamkyong Province) during an interview at KINU on May 2, 2001.

⁵⁶ Testimony of a new settler (from Chongjin City, North Hamkyong Province) during an interview at KINU on May 2, 2001.

⁵⁷ Testimony of new settler Lee XX during an interview at KINU on Oct. 19, 2004.

very difficult to get released (without money or power), and people are usually charged with crimes subject to “correctional labor” sentences, which is a very serious punishment.⁵⁸

Many new settlers have testified that corruption and human rights violations are widespread in North Korean society. For example, inspectors from the Central Prosecutors’ Office are empowered to make detention decisions upon the approval of their office. While investigating the agencies or enterprises dealing with foreign currencies, the inspectors would routinely confiscate foreign-made used cars for their personal use.⁵⁹

North Korea has denied as untrue the charges brought by the international community that torture and cruel treatment continue in rehabilitation and detention centers. The March 2000 report to the UN Human Rights Committee contained various details about law provisions of the penal code, and North Korea repeated its detention center operating regulations and rules for rehabilitation, etc. North Korea argues that torture and cruel treatment are prohibited under these provisions and it is strictly enforcing the laws. But, North Korea partly admitted to certain cases, saying that some law enforcement workers sometimes beat the resisting detainees in violation of the provisions, and that the practice has not completely disappeared at this point. The responsible agencies, it explained, are sanctioning and punishing such workers in order to root out such practices. North Korean delegates even submitted statistical evidence showing that there were 3 cases of petition against torture or ill treatment in 1998, 1 case in 1999 and 2 cases in 2000, and all the agents were given administrative punishments.

North Korea argues that torture has disappeared as a result of relevant law revisions and the thorough education of law enforcement officers. But, the members of the UNHRC review panel refuted these

⁵⁸ Testimony of new settler Chang X during an interview at KINU on Jan. 20, 2006.

⁵⁹ See above testimony.

assertions and said that if the North Korean position were true, North Korea would indeed be a unique state. The UNHRC in its “concluding observations” also demanded that North Korea guarantee that all unfair treatments, tortures and other inhuman treatments be swiftly reported to and investigated by, an independent organization. In addition, they demanded that North Korea and to establish an independent surveillance system to prevent any abuse of power in the process of illegal arrests and detentions. In its response of August 2002 North Korea said that it could more effectively prevent the law enforcement officials’ abuse of power through regular institutions rather than through an independent national human rights commission. North Korea reacted negatively toward such a commission, saying that establishment of such an independent commission would require many discussions in the future.

New settlers testify that all sorts of tortures and inhuman treatments are inflicted at various detention facilities such as correctional centers, worker reinforcement training centers, collection points, and retention centers. Recent new settlers testify that the incidents of harsh treatment are being reduced after Kim Jong-il’s instructions. This shows that North Korea is a society that is run at the instructions of a supreme leader rather than on the basis of institutional means such as an independent supervisory agency as recommended by the UN. In reality, a branch office manager of the People’s Security Agency routinely threatens the people by saying, “No body would care if scum like you were to die.”⁶⁰ In most cases, beatings are carried out not by the instructors at detention centers but by other detainees under orders from them. New settler Chung XX testified that in January 2000 Ahn Soon-kwon (Age 29) died in the middle of harsh interrogations for his possible contacts with religious people while he was in China.⁶¹ New settler Moon XX testified that her husband

⁶⁰ Testimony of new settler Cho XX during an interview at KINU on Jul. 6, 2002.

⁶¹ Testimony of new settler Chung XX during an interview at KINU on Jan. 20, 2006.

died during the preliminary hearings in November 1999 from complications of beating after he was arrested in China and repatriated to North Korea.⁶² New settler Kim XX testified that in March 1997 a man was hung on a tree and indiscriminately beat up at a People's Security Agency patrol post in Obongku, Eunduck County. He died of intestinal ruptures.⁶³ New settler Kim XX testified that while his father was detained in a PSA center in Musan County in 1999, he said he saw a fellow detainee with severe bruises all over his body.⁶⁴ New settler Cho XX testified that Yo Sung-sam was arrested for larceny and subsequently beat up in the retention center and died of hunger.⁶⁵ New settler Lee XX testified that he himself was beat up with wooden clubs in the detention center and hung over a tree with fetters on.⁶⁶ According to New settler Park XX, in 1996, due to hunger, Park Chol wanted to escape from a worker reinforcement center at Songpyong District in Chongjin City. He died while being transferred to a district hospital because the instructor told other detainees to do away with him.⁶⁷ New settler Shin XX testified that he was tortured by electrocution when he was under detention at the Gaesong City Security Agency.⁶⁸ From these testimonies, it is quite clear that there are numerous deaths and victims of beating, starvation, and combinations of both.⁶⁹ New settler Kim XX testified that he was detained for about a month and a half at a Labor Training Center, but he was not beat up by fellow detainees or others in the center after Kim Jong-il's special instructions. However, North Korean defectors testified

⁶² Testimony of new settler Moon XX during an interview at KINU on Jun. 29, 2002.

⁶³ Testimony of new settler Kim XX during an interview at KINU on Aug. 3, 2002.

⁶⁴ Testimony of new settler Kim XX during an interview at KINU on Aug. 17, 2002.

⁶⁵ Testimony of new settler Cho XX during an interview at KINU on Aug. 3, 2002.

⁶⁶ Testimony of new settler Lee XX during an interview at KINU on Aug. 31, 2002.

⁶⁷ Testimony of new settler Park XX during an interview at KINU on Sept. 7, 2002.

⁶⁸ Testimony of new settler Shin XX during an interview at KINU on Nov. 30, 2002.

⁶⁹ Testimony of new settler Kang XX during an interview at KINU on Aug. 3, 2002.

that “group beatings” and inhuman treatments continue to persist in North Korea today.⁷⁰

B. Detention/Correctional Facilities and Human Rights

Prison facilities in North Korea are divided into a two-tier system that differentiates and manages crimes according to political or economic offenses. In the 1970s, Kim Il-sung attempted to separate the responsibilities of what was to become the SSA(it was then located within MPS and called the Political Security Department) from MPS because of internal tensions between the two organizations. This measure was intended to prevent inter- departmental friction and to separate the respective roles of the two departments so that the State Security Agency could take charge of political criminals, while the MPS could handle other criminals.

Punishment under the North Korean penal code is classified as “basic punishment” or “additional punishment.” There are four types of basic punishment: the death penalty, the unlimited term of correctional labor, the limited term of correctional labor, and labor training (Art. 28). The “unlimited term of correctional labor” and “labor training” were added during the penal code revision. The unlimited term of correctional labor sentences are 15 years and longer. The limited term sentences range from one to 15 years. Convicts sentenced to unlimited or limited correctional labor punishment, are detained in “correctional centers” and undergo “corrections” through labor (Art. 30). The criminals sentenced to correctional punishment are typically economic or violent criminals, rather than political criminals, and would be detained in the “correctional centers” managed by the “correctional bureau” of the People’s Security

⁷⁰ Testimony of new settler Yoon XX during an interview at KINU on Jan. 10, 2004. Also, see the testimony of new settler Shin XX during an interview at KINU on Nov. 3, 2003, and new settler Chung XX during an interview at KINU on Jan. 20, 2006.

Agency. In addition to the official correctional facilities, North Korea has been criticized for operating political concentration camps, collection points, and labor training camps. Political criminals are incarcerated in “kwanliso” operated by the “farm guidance bureau” of the State Security Agency. These centers are political concentration camps, often called the “control district” or “special district for dictatorial control.” At the People’s Security Agency, the camps that hold former high-ranking officials are also called “kwanliso.” Depending on the nature of the crime, these different agencies exercise control over the convicts. For example, the State Security Agency will handle anti-state and anti-people crime cases and the People’s Security Agency will investigate ordinary criminal cases. The prosecutor’s office handles other crimes involving administrative and economic projects, and violations by law enforcement officials and agents (Criminal Procedure Law Art. 122).

<Table II-3> Confinement Facilities

Types of crime	Economic criminals and criminals found guilty of violent crimes	Political Criminals
Supervising institution	Ministry of Public Security	State Security Agency (Bureau No. 7)
Confinement facilities	‘Kyohwaso’ Labor Training Camps collection points	Concentration Camps

‘Kyohwaso’ are among the facilities that the MPS manages, and they can be likened to correctional institutions or prisons. These institutions hold persons found guilty of the most serious crimes. People who have been sentenced by a court to death or penal servitude are held in these facilities, and each North Korean province contains one or more of these facilities.

According to the new settler Ahn XX, who entered South Korea in

May 1997, North Korean authorities are consolidating their correctional facilities because of food shortages and soaring death rates. For example, the Chunnae ‘Kyohwaso’ at Chunnae, Kangwon Province was merged with the Third Corrections Facility at Shinuiju, North Pyongan Province.

North Korea also disclosed to AI officials visiting the country for the International Festival in April 1995 that it has three rehabilitation facilities, including the Sariwon ‘Kyohwaso’, which holds between 800 to 1,000 persons. In addition, it said that 240 anti-state criminals are At the “Brothers Mountain Correctional Labor Camp”⁷¹

During the review of the second report, North Korea was asked to permit on-site inspections to international human rights organizations. But, North Korea refused the request, saying that it had twice permitted visits to AI, but because hostile elements attempted to take advantage of the occasions for their impure intentions, the concerned agencies in North Korea were growing nervous with such visits.

The North Korean penal code revised in 2004 defines crimes and types of detention as follows: Continued from

⁷¹There is a ‘correctional labor camp’ for political prisoners near the Brothers Mountain district of Pyongyang. New settler Lee XX has testified during an interview at KINU on Dec. 23, 2005 that this camp was built specifically for demonstration purposes for the visiting foreigners.

<Table II-4> Types of Crime Subject to Detention

Types of crime	Correctional centers		Designated location
	Unlimited term	Limited term	Labor training
Anti-state, Anti-people crimes (14 types)	Conspiracy to overturn the state (5 types)	Conspiracy to overturn the state (14 types)	-
Crimes disturbing national defense system (16 types)	-	Neglecting preparedness for wartime production (15 types)	Neglecting preparedness for wartime production (10 types)
Crimes injurious to socialist economy (104 types)	Taking or robbing state properties (6 types)	Stealing or robbing state properties (83 types)	Stealing or robbing state properties (76 types)
Crimes injurious to socialist culture (26 types)	Smuggling historical relics and smuggling and selling of narcotics (3 types)	Importing and spreading depraved culture (25 types)	Importing and spreading depraved culture (16 types)
Crimes injurious to administrative systems (39 types)	-	Collective disturbance, Interfering with official business (30 types)	Interfering with official business, Creating 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 life or damaging property of citizens (26 types)	Willful murder or kidnapping (3 types)	Willful murders (25 types)	Excessive self-defense (13 types)

In its second regular report, North Korea said the period of detention in the three correctional centers would range from one to 15 years, with the length befitting the crime. North Korea has submitted the following status report on the number of convicts in the centers and the average period of detention.

<Table II-5> Number of Detainees and Average Duration

Year	Number of detainees	Number of detainees per 100,000
1998	1,153	5.2
1999	1,999	14
2000	1,426	6.5
Average duration in the past three years	3 years	

In its second report North Korea insisted that the conditions of detention are stipulated in the rehabilitation project regulations, and that they are faithfully carried out. But the fact is that the human rights violations inside the detention facilities are absolutely cruel and inhuman. We can confirm the facts through the testimony of new settler Lee XX, who came to South Korea after having been detained in the Gaechun ‘Kyohwaso.’⁷² Originally a female ‘Kyohwaso’ under the SSA, located in South Sinuiju, the Gaechun ‘Kyohwaso’ became a management facility under the MPS when it was moved to Kaechun in March 1982. The Gaechun ‘Kyohwaso’ is one of the largest prisons in North Korea, built to house over 600 persons (approximately 20 persons per prison cell). Yet, this facility holds approximately 6,000 prisoners, 2,000 of whom are female inmates. A single cell (eight by six meters) usually holds eighty people. Most are economic criminals guilty of such offenses as dealing in the black market or theft. Some are burglars or murderers. New settler Yoo XX testified that a friend of his aunt, X Yon-hwa, was arrested for adultery. She was not aware of her pregnancy at the time, but later she died in a correctional facility in Jeungsan, South Pyongan province, due to complications after losing the baby (premature abortion).⁷³ New

⁷² Testimony of new settler Lee XX during an interview at KINU on Jul. 12, 1996.

⁷³ Testimony of new settler Yoo XX during an interview at KINU on Aug. 3, 2002.

settler Chi XX testified that while he was detained in a detention camp, the wardens sexually harassed female detainees under the pretext of “personal interviews.”⁷⁴ And, it is reported that if a female prisoner gave birth to a child, the newborn baby would be murdered.

Although DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day, inmates here normally get up at 5:00 am and work until 12:30 am the next morning, for a seventeen-hour work day. Total rest time during those hours, including mealtime, is only about an hour. Twice a year, usually for ten days each in the spring and in the fall, healthy people may be sent to work in areas outside the rehabilitation facility for planting and harvesting.

Meals consist of 300 grams of corn and cabbage soup per day even though the regulations call for 700 grams, and the penalty for underproduction is reduction to 240 grams. For underproduction three consecutive times, only 180 grams are given, and for those in solitary confinement or preliminary review confinement, 90 grams are issued.

New settler Lee XX testified that a production supervisor at the City Construction Team, Kang Sehwan, was caught for butchering a cow. It was confiscated and he was fined 3,000 won. He died suddenly while being transferred after serving term at the Junggori Correctional Facility. The reason given for his death was that he simply died of as physical fatigue due to life in the facility.⁷⁵

According to new settlers, in addition to the correctional centers North Korea has been imposing various punishments and operating other detention facilities. These facilities operate “outside” the penal code and are maintained to handle minor offenses. An example is the “labor training” punishment. It is widely known that detention facilities

⁷⁴ *The Chosun Ilbo*, Apr. 2, 2003.

⁷⁵ Testimony of new settler Lee XX during an interview at KINU on Oct. 12, 2002.

like “collection points” and labor-training camps exist in North Korea. In the law books, other than within the penal code itself, “labor-training” is defined as a form of “punishment.” For example, Article 18 of the Law on the Execution of Sentences and Court Decisions (SPA Presidium Order No. 160 of Nov. 9, 1998) specifying conditions leading to the suspension of execution of punishment. It says, “The execution of punishment would be suspended when the convict who was sentenced to correctional labor, labor-training, or labor without pay, was seriously ill; or when a woman was three months before, or seven months after, the date of childbirth.” As new settlers have testified, punishments not defined in the penal code were being carried out in reality. Under the 2004 penal code revision, North Korea has installed “labor-training” as a new type of punishment. At this time it is not known on what legal grounds the labor-training penalty has been enforced. Labor training is a form of punishment wherein the convict is sent off to “a location” for work details. Sentences range from six months to two years. For the convict, “two days of labor training” is supposed to count as the equivalent of “one day at a detention camp.” Under Article 31, the citizen’s basic rights are guaranteed during the period of labor training. But, according to the testimonies of new settlers who had been detained in the labor training centers, the “location” described in the penal code must be referring to the “collection points” and “labor training centers.” One hundred sixty five of the 245 articles contained in North Korea’s penal code, mention punishment by labor training. For harsher penalties, Sentenced to a term of ‘correctional labor’ (at a normal correctional center). Without exception, the “labor training” penalty is not given for anti-state crimes. But more than half of the crimes involving national defense will result in labor training penalties. And labor training is the sentence in almost all crimes involving economic and land management, environmental protection, labor administration and socialist culture. Suddenly, “labor-training camps” have begun to appear from the year 2001. Perhaps, this decision

was in response to international criticisms that there were too many “correctional labor centers” in North Korea. In any event, law violators were now being sentenced to “labor-training” penalties and sent to “labor-training camps,” instead of the “correctional labor camps.”⁷⁶ Most crimes involving disturbance of social order are also punished using labor training penalties, and they are utilized as a form of punishment for newly installed crime categories.⁷⁷ In fact, the 39 articles in the code relating to new crimes mandate punishments exclusively in terms of labor training. According to new settlers, the names of centers and reasons for detention appeared to vary from region to region. Most of the crimes subject to labor training are similar in nature to crimes testified to by new settlers. So, a systematic identification of crimes by region the names of detention facilities other than “correctional labor centers” and the types of crime and detention procedures would be desirable.

The “collection points” are similar to the “correctional centers” and are established and run by the “Socialist Law abiding Life Guidance Committee” to provide proper guidance to young people.⁷⁸ Staff at the collection points investigate and detain for six months to a year, without trial revocation of citizenship, various defectors, those transgressing the designated area, those overstaying travel permits, those on “wanted lists” and ordinary “loafers.” It is reported that at various “Provincial Collection Points” brutal acts are being perpetrated on suspects to obtain admissions of guilt.⁷⁹ If a person is caught traveling without permits, he/she is sent to a “collection point.”⁸⁰ The cases handled by “collection points”

⁷⁶ Testimony of new settler Chang X during an interview at KINU on Jan. 20, 2006.

⁷⁷ Han In-sup, “The Contents and Meaning of North Korea’s Penal Code Revised in 2004,” *op. cit.*

⁷⁸ New settler Hyon XX has identified “Relief Centers” not as a penal institution but as a ‘collection center’ where various “floaters” are kept for a certain period of time. See his testimony during an interview at KINU on Dec. 23, 2005.

⁷⁹ Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

include those whose crimes are not heavy enough for “correctional centers” but too serious to send off to “labor training camps.” Examples would include the cases of moral hazard at work, such as absence from work or group training sessions, and accidental homicide by medical doctors or vehicle drivers.⁸¹ Each Provincial Government runs a “central collection point” across North Korea. Anyone at these central collection points caught trying to escape, will be put to death. According to new settler Lee XX, he was beaten with clubs while detained in the Provincial Collection Point in Chongjin City in 1998, and at one point he was hung upside down on a wooden column with fetters on his legs.⁸² New settler Kim XX testified that his neighbor, Kim Hyun-guk, was put to hard labor from 5 am till 10 pm everyday he was in the collection point, and he was “group beaten” by cellmates under orders of the “cell senior” until he “confessed all his crimes.” If a detainee did not admit to his crimes, the wardens would repeatedly prohibit all cellmates from going to sleep, thus forcing confessions they wanted to have.⁸³

Because North Korean authorities could not continue to operate correctional centers during the food crisis, they consolidated the correctional centers, sending misdemeanor offenders to labor training centers for one to six months of hard labor. Sometime around 1990, Kim Jong-il issued a policy instructing “how to re-educate misdemeanor offenders within the military.” According to this policy each city and county organized and began to operate “a labor-training unit (or camp)”⁸⁴ However, since the normal operation of ‘Kyohwaso’ became impossible due to the deteriorating food situation, North Korean authorities decided to

⁸⁰ Testimony of new settler Cho XX during an interview at KINU on Jan. 18, 2005.

⁸¹ Testimony of new settler Yoon XX during an interview at KINU on Jan. 10, 2004.

⁸² Testimony of new settler Lee XX during an interview at KINU on Aug. 31, 2002.

⁸³ Testimony of new settler Kim XX during an interview at KINU on Aug. 31, 2002.

⁸⁴ Testimony of new settler Lee XX during an interview at KINU on Aug. 31, 2001.

consolidate the facilities and to impose forced labor at labor training camps - even on those whose crimes were relatively light.

New settler Ahn XX testified that as of August 1995 the former 'Kyohwaso' were abolished and new hard labor units (i.e., hard labor gangs) were organized under the control of city/county security agencies.⁸⁵ One "labor-training" camp is built for each county and city throughout North Korea, and each unit houses 500 to 2,500 individuals who committed larceny or ran away from the collective environment.⁸⁶ The labor units were initially run as an ad hoc organization called rehabilitation units, but later changed into Each "labor-training camp" is organized. Each "labor-training camp" is organized are organized with members from various organizations. They include one person each from the military, People's Safety Agency, and Inspector General's office, one from the 3-revolutions unit of the Party-in-the-military, one instructor from The "county youth league," one troop leader, one rearguard and the commander.

These Labor Training Centers are not official detention facilities, so possibilities of human rights violations continue to exist. This in itself is a fundamental problem. The People's Security Agency is solely charged with preliminary decisions to detain people either in the correctional facilities or Labor Training Centers. In the case of Labor Training Centers, people are detained without formal trials as stipulated in the North Korean laws.⁸⁷ According to new settler Bae XX, he was locked up in the labor training camp after the "Anti-Socialist Group" charged

⁸⁵ North Korea is housing the rapidly increasing number of minor criminals in the hard labor units installed in cities and counties. Each center houses about 100 individuals, and agents who retire from the People's Safety Agency are sent to supervise the detainees.

⁸⁶ North Korea is throwing the recently increasing minor criminals to the "labor-training camps" installed in each county and city. Each camp holds about 100 offenders and they are supervised by the People's Safety agents.

⁸⁷ Testimony of new settler Soon XX during an interview at KINU on Feb. 4, 2003.

him with laziness at work.⁸⁸ In 1998, the “Grouppa” was dispatched to Onsung County, North Hamkyong Province, and it had sent off some 150 antique dealers and others who frequented to China to the labor training camps.⁸⁹ Sometimes, people would be sent to the labor training camps for failing to report to work without prior authorization.⁹⁰

If anyone escapes from the labor unit, he/she is sent to a ‘Kyohwaso’, or a reform center. In the early days, service at the labor units was not recorded on the individual’s personal history, but the fact of service there is recorded today. Unlike the reform centers the individuals are allowed to retain their party and citizen cards after the service, but physically the service at the labor units is much harder to endure, since the objective is to rehabilitate through heavy physical burdens imposed over a short period of time.⁹¹

Human rights violations inside the labor units are also serious. New settler Park XX testified that Park X was detained in the LTC in Chongjin City. He was caught trying to escape due to hunger, and fellow detainees who acted on orders from the guard beat him up. He died of complications from the beating during a transfer to the district hospital.⁹² New settler Suh XX testified that he was caught while trying to defect, and was put through one month of “labor training camp.” Inside the camp, he was called “prisoner.” The detainees were allowed to use bathrooms only on appointed times, and the workload was very heavy and the duty hours would end at 6:30 pm.⁹³

Sometimes they would cut hair off female inmates, and beatings were routine. Despite the existence of “labor training camps,” North

⁸⁸ Testimony of new settler Bae XX during an interview at KINU on Jan. 20, 2005.

⁸⁹ Testimony of new settler Lee XX during an interview at KINU on Nov. 23, 2004.

⁹⁰ Testimony of new settler Cho XX during an interview at KINU on Jan. 18, 2005.

⁹¹ Testimony of new settler Lee XX during an interview at KINU on Aug. 31, 2001.

⁹² Testimony of new settler Park XX during an interview at KINU on Sept. 7, 2002.

⁹³ Testimony of new settler Suh XX during an interview at KINU on Nov. 11, 2003.

Korea reported in its second regular report that there was no “hard labor” in North Korea except for the “correctional labor punishments.” It argued that because there did not exist any legal basis to impose sentences of “hard labor” to violators of law and order, except for the sentences of “correctional labor punishment” given at formal trials, North Korea did not have any “labor punishment” imposed as a means of political, social or religious control.

There are, however, “detention points.” These are the facilities designed to temporarily house suspects under interrogation and those formally sentenced before sending them off to “correctional centers.” But, according to new settler’s testimony, tortures and beatings are routine in the detention points. New settler Kim XX testified that he was forced to sit at full attention in his underwear for long hours. If he failed to comply with this requirement, he was ordered to stand upside down on his chin against the wall (the “chin stand”), or was beaten on the back of his hands until they bled. He was also struck in the groin. For this reason the “correctional center” refused to take him in. Furthermore, the use of bathrooms was allowed only at appointed times throughout the interrogation. All these tortures were inflicted on the inmates to secure confessions of crime. At “detention points,” Also, he saw about 10 or 15 starvation deaths due to malnutrition, and testified that they would execute in secret (“sending off for a haircut”) without trial those charged with the theft of communication equipment (especially for stealing 100kg of copper lines).⁹⁴ New settler Shim XX testified that cellmates would be instructed to beat up the inmate who snored too much while sleeping.⁹⁵ Many North Korean defectors testified that they witnessed many deaths due to beatings by guards’ beatings, starvation and hunger related illnesses while detained in the People’s Security “detention points.”

⁹⁴ Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2003.

⁹⁵ Testimony of new settler Shim XX during an interview at KINU on Nov. 3, 2003.

According to the more recent defectors from the North, forced abortions are frequent in these detention facilities, a flagrant violation of women's human rights.⁹⁶ Dr. Willy Porter, the representative of Doctors without Borders (MSF) in Brussels, reported, "Interviews were conducted with 35 defectors who escaped from various detention facilities in the preceding 18-month period, and 31 of them testified to having witnessed the killing of newborns." He said this was organized behavior of wardens and correctional officials. These officials would seek out pregnant inmates and torture them or put them to hard labor to induce forced abortions and get rid of the babies.⁹⁷ In its annual human rights report 2002 ~ 2004, the US State Department pointed out that there were cases in North Korea of forced abortion of pregnant female inmates and murdering newborn babies. During the Fourth International Conference on Refugees and Human Rights in North Korea held in Prague, Czech Republic, investigator David Hawk of the U.S. Committee on North Korean Human Rights reported, "A North Korean defector testified to me that when he was detained at a detention point at Onsung (North Hamkyung Province, North Korea), two female inmates were forcibly taken to a hospital for forced abortion and the newborn babies were stifled to death." He added, "from various testimonies, I was able to confirm that tortures, abortions and murders of newborn are carried out in North Korean prisons and detention facilities."⁹⁸ David Hawk is the author of a report entitled, "The Hidden Gulag: Exposing North Korea's Prison Camps." In Chapter III, he reported testimonies of North Korean defectors on abortions and murders of newborn babies.⁹⁹ All North

⁹⁶ Testimony of new settler Suh XX during an interview at KINU on Nov. 9, 2004.

⁹⁷ *The Chosun Ilbo*, Jan. 9, 2002. In this connection, the Chosun Central News Agency criticized, The Chosun Ilbo carried a completely false and fabricated story about murder of newborns at concentration camps in the name of MSB. This is totally false. *The Chosun Central News*, Pyongyang, Jan. 18, 2002.

⁹⁸ *The Chosun Ilbo*, Mar. 3, 2003.

Korean defectors testify that they have never seen any female inmate being released from detention centers accompanied by their children. This fact supports the fact that murders of newborn babies are routinely carried out at detention facilities.

Regarding these grave violations of human rights and the numerous practices of inhuman treatments such as tortures, beatings, rapes, starvation deaths and murders of newborn, the UNHRC in its “concluding observations” strongly recommended North Korea allow on site inspections of various correctional and detention facilities in North Korea by independent national and international teams. But, North Korea insisted that it could improve such practices by means of existing systems, and maintained a negative position regarding this demand, arguing that opening doors to international human rights organizations and establishing an independent human rights commission would be difficult in light of the unique condition of inter Korean division.

3. The Right to Due Process of the Law

A. Human Rights and the North Korean Penal Code

Responding to international criticism concerned about the vulnerability of human rights under North Korea’s penal code and in reaction to changing domestic realities, North Korea has revised its penal code repeatedly: on February 5, 1987 on March 15, 1995 on August 11, 1999; and again on April 29, 2004. North Korea has been restructuring its penal code to remodel it into a mechanism for crime control rather than an instrument of regime protection. For example, Article 1 of the 1999 revised penal code declared a “struggle against crimes.” But Article 1 of

⁹⁹ David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps* (Washington, DC: US Committee for Human Rights in North Korea, 2003), Part III.

the penal code revised in 2004 stipulates, “The purpose of this revision is to properly establish our penal system and penal responsibilities against crime.” However, the penal code has not completely escaped its fundamental design as a system developed for a class-based society.

North Korea’s Penal Code (Criminal Code) is structured primarily on the basis of political and class (personal status) considerations. Basically, the law enforcement authorities, including courts, are required under the law to distinguish political crimes from ordinary crimes and hand down different levels of punishment. The main reason for this strange approach is the imperative of safeguarding the socialist system, and the rationale is that political and ordinary crimes stem from fundamentally different motives. North Korea argues that political crimes are perpetrated by anti-revolutionary elements that are committed to overthrowing the socialist system and restoring a “system of exploitation,” hence the increased need to prevent and suppress political crimes by all means and with heaviest penalties.¹⁰⁰ Although there is a stipulation in Article 4 that lenient sentences will be granted for those repentant of their anti-state and anti-people crimes, elements of political consideration have not been completely eliminated from the penal system. The tenor of anti-State crimes as defined in the 1987 penal code is still retained in the penal code of 2004.

In handling the criminals, class considerations are an important element. With regard to the courts’ mission, Article 156, Section 2 of the Constitution stipulates, “The court has the duties to ensure that all institutions, enterprises, organizations and citizens abide strictly by State laws and staunchly combat class enemies and all law-breakers.” In terms of basic principles for the handling of convicts, Article 2 enunciates class principles, declaring, “in dealing with criminals the State shall firmly maintain working class principles and social conventions when applying

¹⁰⁰ Kim Geun-sik, *Criminology* (Pyongyang: Kim Il-sung Univ. Press, 1986).

legal sanctions.” In addition, the class principle is reiterated in Article 2 of the Criminal Procedure Law, which stipulates, “The State shall strictly identify enemies from friend in its struggle against anti-State and anti-people criminals, subdue the leading minority and embrace the following majority. In the process, the State shall utilize social education in its struggle against ordinary crimes through an appropriate mix of legal sanctions.” In other words, the “class principle” under the Criminal Procedure Law means that the State will identify class enemies, who have committed political crimes, and strictly subdue the core leaders. Furthermore, North Korean authorities argue that because the interpretation and application of the penal code is inseparable from politics, judges should understand the principles of class struggle and receive party guidance in determining proper sentencing.

In the past, North Korea’s penal code has been sharply criticized for ignoring the principle of no criminality without prescribed laws, allowing analogous legal interpretations and applications, instead. For example, Article 10 of its 1999 Penal Code had stipulated, “In the event of a crime, for which the Penal Code has not precisely prescribed, criminal responsibilities shall nevertheless be charged according to the provisions that are applicable to crimes similar to the crime committed in terms of the types of behavior and the level of danger.” Accordingly, citizens were subject to criminal punishment at any time and under any pretext. Regarding this issue, the UNHRC in its Concluding observations recommended that Article 10 of North Korea’s Penal Code was incompatible with Article 15 of the international covenant on civil and political rights, which mandated the realization of “the principle of no criminality without prescribed laws.” In the process of revising its penal code in 2004, North Korea has deleted the section allowing analogous interpretations and incorporated the principle of criminality based on prescribed laws. Article 6 of the penal code reads, “The State shall charge criminal responsibilities only in cases of crimes prescribed in the penal

code.” At the same time, the penal code is now much freer than it was from a variety of unclear and nebulous expressions that had permitted disparate interpretations. The revised code defines more specifically various acts that constitute criminal activity under the law. As a result, the total number of articles in the code was expanded from 161 in 1999 to 303 in 2004. The number of articles defining various crimes also dramatically increased, from 118 to 245, thereby delineating in more detail the criteria for determining punishable crimes. Overall, the 2004 penal code revision contains positive changes, having eliminated the opportunity for disparate interpretations and incorporated the principle of criminality defined by legal precepts. It is, however, important to continue to observe whether the penal code is actually and faithfully enforced.

Due to its emphasis on political and class orientations and in spite of its statute of limitation clauses, the North Korean penal code has been criticized for permitting human rights violations. Therefore, it is particularly noteworthy that in Article 9 of the new penal code, it stipulates that when an act was committed that was defined as a crime under the old code, but is no longer a crime under the new code, the new penal code shall apply. The North Korean penal code formerly stipulated that the legal provisions in effect at the time of the commission of a crime should be applied. Article 56 defines the statute of limitation on crimes punishable by “labor training,” “limited-term correctional labor,” or “unlimited-term correctional labor.” However, there is no statute of limitation under Article 57 for such crimes as anti-state or anti-people crimes, or premeditated murders. As a result, anyone charged with one of these crimes is subject to punishment until the day of their death.

Under the North Korean penal code, anyone planning, conspiring or being an accomplice to commit a crime, including unsuccessful attempts to commit a crime, shall be punished the same as convicts or perpetrators. Article 19 stipulates, “Provisions applicable to convicts shall be applied in cases of preparing for or failed attempts of a crime.”

Article 22 of the North Korean penal code specifies, “in conspiracy cases the provisions applicable to the principal perpetrator shall be uniformly applied to all co-conspirators and accomplices.” In North Korea, if one is involved at any stage of the planning or commission of a crime, whether one actually takes part in the crime makes no difference. However, Article 19 of the new penal code revised in 2004 concerning planning and preparation for a crime, stipulates, “charges of criminality shall be brought on the participants according to the nature of gravity, levels of execution and reasons for failure. Those who had simply participated in the planning would be given a more lenient sentence than those actually attempted and failed, and the latter would get more lenient sentence than those who actually carried out the crime.”

But in cases of anti-state crimes, crime-by-association is institutionalized. Articles 70, 71 and 72 define the crime of “concealing anti-state or anti-people criminal(s),” “not reporting anti-state crime(s).” and “neglecting to inform anti-state crime(s).”

Despite repeated revisions of the penal code, ordinary North Koreans are generally not aware of the existence of the penal code itself.¹⁰¹ Although they are aware of criminal provisions such as anti-state crimes, they believe that the application of the law is not impartial but depends on one’s power and wealth.¹⁰² One of the complaints of the international community has been that detailed contents of the North Korean penal code have not been made available to the public, excepting to some researchers with special permission and then only inside libraries. In response to this criticism, North Korea in 2004 published a legal compendium for public use. This legal compendium is also being sold in South Korean bookstores. In this matter, North Korea has responded and attempted to accommodate international criticism by removing

¹⁰¹ Testimony of new settler Bae XX during an interview at KINU on Jan. 20, 2005.

¹⁰² Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

various abuse-prone human rights elements from its penal code. Yet there remains a great number of elements, including the ambiguous character of “labor training” punishment and related detention facilities, the persistent “political crime” provisions without statute of limitation, and the concept of crime- by-association, that are woefully insufficient to guarantee the basic rights of ordinary citizens. More serious is the fact that crimes are defined less in terms of the law than in terms of the policies of the supreme leader. For example, if someone were to report, “Dear General, our youngsters are wearing blue jeans. This is a capitalist and revisionist fad imported from the United States. We must stop this,” and the reporter received an affirmative reply; then wearing blue jeans would be banned and punished.¹⁰³

B. The Unfair Trial Procedures

As part of their right to fair trial, people should be entitled to equal rights under the law; the independence of the court should be guaranteed; trials should be conducted openly; and verdicts openly based on specific evidence. Furthermore, the suspects should have the right to an attorney and the right to appeal unfair trial procedures, and the results should be institutionally guaranteed. Even though petition procedures are legally guaranteed, many new settlers have testified that they are never observed in reality.

Our survey results on criminal enforcement procedures seem to indicate that the relevant laws are generally observed in handling ordinary criminal cases, even though the provisions are often repugnant to human rights. There are, however, numerous problems in the trial procedures.¹⁰⁴

In light of the nature of socialism in North Korea, observers would

¹⁰³ Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

¹⁰⁴ Kim Soo-am, *The North Korean Penal Code, Criminal Procedures, and their Actual Applications* (Seoul: KINU, 2005).

not predict an independent judiciary based on the principle of separation of powers. In fact, the mission of North Korean attorneys is to protect the policies of the KWP rather than the rights of the accused. Despite these provisions in the Penal Code and Criminal Procedure Law, they are not fully observed during the trials, especially in handling political criminal cases.

In response to this criticism, North Korea in May 2004 significantly improved its criminal procedure law and its trial procedures. Most noteworthy were the increased number of articles from 305 to 439. Article 8 stipulated that all criminal cases would be handled according to the methods, principles and procedures set forth in the criminal procedure law, emphasizing trials based on lawful investigations, and describing pretrial and indictment procedures. Article 13 assigns the type of court that shall handle various kinds of trials, and specifies that the assessment of punishment shall be decided by the court. North Korea has enacted a “Court Organization Law” in January of 1976 and revised it twice, on July 1, 1998 and Nov. 19, 1998. It has also enacted a “Sentence and Decision Law” (sentencing guidelines) on Jan. 23, 1997. Under the revised law, the section on “political roles and missions” was deleted, but the basic framework of trial procedures was not changed. Article 3 defines how the court system shall be set up. There are three levels of courts and two special courts: namely, the central court, provincial (major city) courts, and people’s courts. In addition, there is a military court and a railroad court. A judge and a people’s jury render a court’s decision (Art. 4). Article 9 reads that the district court consists of a judge and two people’s juries. The superior court consists of three judges (Art. 14). Court decisions shall be determined by a majority vote of the participating judge(s) and the people’s juries (Art. 17).

In terms of organizational hierarchy, the North Korean courts operate under the direction of the Supreme People’s Assembly. For this reason, the infringement of judicial independence is highly possible.

Article 162 of the North Korean Constitution stipulates, “The Central Court is accountable to the SPA Presidium when the SPA is in recess.” Most importantly, the independence of the court is difficult to maintain since the judges are politically responsible for the sentences they impose. In addition, Article 11 of the Prosecution Supervision Law stipulates, “Prosecutors are responsible for overseeing whether the laws are accurately followed during the trials and arbitrations.” In other words, the Prosecution has the right to supervise all trials and arbitrations by participating in their procedures. This provision stands in conflict with the principle of an independent judiciary. The North Korean prosecution plays a role that is similar to the function of “Constitutional Court” in South Korea. In North Korea, then, the prosecutors are higher in hierarchy than the judges.¹⁰⁵

All judges, prosecutors and attorneys lack professional qualifications because they are appointed by the state from among the graduates of law schools.¹⁰⁶ In view of these realities, the UNHRC in its concluding observations recommended North Korea appropriate steps to guarantee and protect the independence and fairness of courts at all levels. Article 272 of North Korea’s criminal procedure law, as revised in 2004, stipulates, “The courts shall conduct trials independently and according to laws.” Article 255 mandates punishment of judges for unfair, unjust and/or arbitrary judgments or decisions. However since the criminal procedure law mandates upholding class principles there is still room for breaches of judicial independence and for human rights violations. Article 2 of the law stipulates, “The State shall distinguish friends from enemies strictly in its struggles against anti-state and anti-people crimes, overpower reactionary leaders and embrace majority followers, and, in its

¹⁰⁵ Kim Dong-han, “The Laws of North Korean Courts: Trends and Evaluations,” in *The North Korean Laws: Past and Present* (Seoul: A Seminar Report of the North Korean Law Study Association, 2005).

¹⁰⁶ Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2003.

struggles against ordinary crimes, hand down legal sanctions based on our social conventions.” Furthermore, Article 3 mandates maintaining the “mass” principle, saying, “in handling criminal cases, the State shall rely on the power and wisdom of the masses.”

With regard to the open courts principle, most North Koreans do not understand why the open courts principle is essential for the fairness of trials. In fact, new settlers testify that officials and staff are tried in closed courts or secret trials.¹⁰⁷ In other words, citizens are tried in open courts, but officials and party staff are tried in secret. The reason for this practice, the defectors say, is that trying the officials openly will have a negative impact on the society. In fact, an open trial is tantamount to punishment since they are already censured (punished) by the party in the pre-trial stage.

The UNHRC demanded an explanation regarding the section of the North Korean report that stated, “trials may not be open in case there are possibilities of leaking classified information or the opening could have bad influences on the society.” North Korea replied that Article 16 of its criminal law defines state secrets as those directly related to national security and those facts and documents that must not be released without the approval of the government agencies concerned. The cases of “bad influences on the society,” North Korea explained, include sex crimes and other crimes that could disturb a healthy social atmosphere. North Korea then submitted statistics showing that there had been no closed trials in the last three years.

In revising its criminal procedure law, North Korea has newly installed a provision requiring that trials be open. But the UNHRC has

¹⁰⁷ Testimonies of new settlers Kim XX and Yoon XX during interviews at KINU on Jan. 9, 2004 and Jan. 10, 2004, respectively. Kim is a graduate of Pyongyang Mechanical Engineering College and Yoon quit during his senior year at the Kim Il-sung University. They understood the open court principle to be the difference between the trials conducted inside or outside the buildings.

pointed out the exception provision. Article 271, allows exceptions in cases which deal with confidential information of the State or when a person needing protection is involved, or if open trials would adversely impact the society.

One of the institutional setups prone to violate human rights is the “on-site open trial” system. Article 179 of the 1999 Criminal Procedure Law stipulates, “In an effort to prevent crimes in advance and to remind the public, the courts may organize and conduct ‘on-site open trials.’ In this case, any representative(s) of workers and farmers may accuse and reveal the criminal behavior. The persons who are responsible for the education of the accused and those responsible for allowing the crime to take place may also be required to participate in the procedure so that they too may learn the lesson.”

“The on-site open trial is a form of education about” law-abiding. “It could educate hundreds and thousands by striking down one. Properly conducted, the on-site trials could teach a lasting lesson to many people who have witnessed them.”¹⁰⁸

The tenor of Kim Jong-il’s instructions above is retained in the revised 2004 Criminal Procedure Law. Article 286 of the law stipulates, “The courts may organize on-site trials to prevent crimes and to alert the public. In this case, the representative(s) of an agency, workplace or organization may reveal and accuse the criminal behavior of the accused.” The only “revised” item here is that the phrase “workers and farmers” has been replaced by the phrase “the representative(s) of an agency, workplace or organization.” The other change is that the last part of the provision has been dropped. The removed portion said, “The people who are responsible for the education of the accused and those responsible for allowing the crime to take place may also be required to

¹⁰⁸ Kim Jong-il, “On Improving and Strengthening the Work of Judicial Prosecutors,” *The Selections of Kim Jong-il* (Pyongyang: KWP Press, 1996), p.316.

participate in the procedure so that they too may learn the lesson.” Nevertheless, the provision for ‘openly revealing and accusing the crime’ is still retained, thus leaving room for violations of human rights. One of the prime examples of on-site open trials is the “public-execution,” during which trial procedures are never observed and human rights are blatantly violated. The new settlers in South Korea who have witnessed the trials said they used to call them “comrade trials.”¹⁰⁹

Particularly noteworthy is the fact that North Korea has adopted a people’s jury system in its trial procedures. Judges and jurors for each level of court are elected by the Standing Committee of the Supreme People’s Assembly and the central, provincial and city/district people’s assemblies in accordance with Article 110, Section 13 and Article 134, Section 5 of the Constitution. The people’s jurors enjoy the same status as the judge. At every level of trial, these jurors can exercise a judicial right to interrogate the accused. Typically, one judge and two people’s jurors participate in the sentencing.

This system would appear, at least in its form, to follow somewhat the jury system of the Anglo-American courts. But, in reality, it is a system employed to exercise the Party’s control over the judicial system. Qualifications to serve as “people’s jury” are limited to “workers” such as farmers and laborers. In fact, their primary role is not to provide fair and objective trials but to rubber stamp the conviction of the accused wrongdoer. According to the testimonies of North Korean defectors, their role is indeed limited to confirming the list of crimes presented at the trials.¹¹⁰ New settler Yoon XX testified that an agent of Hamheung City Social Safety Agency arrested him three days after he struck a party official. Two people’s jurors were appointed by the Party-in-the-military. They were required to express their opinions at the trial. So, they said, “Striking an official working for

¹⁰⁹ Testimony of new settler Cho XX during an interview at KINU on Jan. 18, 2005.

¹¹⁰ Testimony of new settler Kim XX during an interview at KINU on Jan. 9, 2004.

Kim Il-sung was dangerous for the society.” Prosecutors and judges proceeded with the trial on the basis of this kind of statement.¹¹¹ Moreover, new settlers testify that most North Korean people know of the citizen jury system and they know jurors appear before the court, but they have absolutely no idea what their role is or how the jurors are selected.¹¹² In reality, they are selected from among the more competent persons. But, since they lack professional knowledge, they remain largely nominal and would not play proper roles.¹¹³ New settlers Kim XX, Shin XX and Yoon XX all testified that at open trials a judge and People’s Security agents will be present; and in most cases executions are carried out without witnesses or without specifying the crimes committed.¹¹⁴

North Korea continues the policy of strictly separating political crimes from ordinary crimes and punishes the political offenders under different terms. Regarding the so-called anti-State crimes committed by anti-revolutionary hostile elements in opposition to the people’s regime and the Korean Workers’ Party would be treated as political crimes and the National Security Protection Agency handles the investigation as well as the Preliminary Examination (Articles 122 and 124 of the Criminal Procedure Law). And, unlike ordinary criminal cases, the Provincial and Major City Courts functions as the primary (first level) court for all political crimes. (Article 127, Criminal Procedure Law). The Jurisdiction on the investigation and preliminary examination is strictly defined and practiced under the Criminal Procedure Law. If the People’s Safety

¹¹¹ Testimony of new settler Yoon XX during an interview at KINU on May 16, 2001.

¹¹² Testimony of new settler Kim XX during an interview at KINU on Jan. 9, 2004. And, testimony of new settler Soon XX during an interview at KINU on Feb. 4, 2003.

¹¹³ Testimony of new settler Cho XX during an interview at KINU on Jan. 18, 2005.

¹¹⁴ Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2004; Testimony of new settler Shin XX during an interview at KINU on Nov. 3, 2003; Testimony of new settler Yoon XX during an interview at KINU on Jan. 10, 2004.

Agency or the prosecution (or any other agency) has arrested a spy or an anti-party, anti-system criminal, it is required to transfer the case to the National Security Agency.

The National Security Agency will investigate and conduct ‘preliminary examinations’ on all political crime cases, but the court will conduct the trials. Some new settlers have testified that the Agency will also conduct trials. New settler Yoon XX who previously worked at the agency testified that if a Provincial Security Agency found a political crime, it would report it to the Prosecution Bureau of the National Security Agency. If the bureau confirmed the crime, trials would be conducted in the province where the preliminary examination was conducted. A prosecutor from the Prosecution Bureau will then hand down the sentence in the name of Central Court in a closed-door court session and in accordance with the “sentencing guidelines.” During this session, the security agency will also decide whether to lock up the criminal for life and whether the criminal’s family will also be sent off along with him. There are no established guidelines for this decision, however. The prosecutor, the security agent and other officials will confer and determine the scope and duration of detention for the accused.¹¹⁵ New settler Lee XX, who previously performed related work at the Security Agency, has testified that as soon as the preliminary examination is over, a prosecutor from the Prosecution Bureau of the National Security Agency will come to the local area and hand down the sentence. He also testified that a prosecutor from the National Security Agency would come down to the Provincial Security Agency for sentencing (at the City Security Agency in the case of Nampo City and at the Provincial Security Agency in the case of other cities and counties). In any case, political crimes are not referred to formal trial procedures.¹¹⁶ The new settlers who previously worked

¹¹⁵ Testimony of new settler Yoon XX during an interview at KINU on Apr. 19, 2005.

¹¹⁶ Testimony of new settler Lee XX during an interview at KINU on Oct. 10, 2005.

for the National Security Agency have all testified that the Agency's Prosecution Bureau would perform the court's role. Further investigation is necessary to verify this part of trial procedure for political criminals.

We will now examine the so-called "social education," which is a form of punishment handed down by the courts. Normally, it is a punishment for under-age criminals. But, it is also given to the adults, depending on the levels of "remorsefulness" and "danger of the crime," and if it is considered that "corrections" are possible through the method of social education. If a social education sentence is given, the person is immediately released, preventing the creation of a criminal record under Article 66 of the Criminal Procedure Law. But, Article 343 stipulates, "Sentences of penal terms and social education are guilty decisions. And, the 'no-crime' decision alone is not the same as 'not-guilty' sentence." In other words, the social education decision legally represents a guilty sentence, but in practice the person sentenced to social education is treated as if no crime was committed.

<Table II-6> Social Education Decisions

Category	Details
Reasons	Over 14 and under 17 years of age; If corrections are considered possible without formal penalties.
Procedures	Prosecutors will decide upon the approval of higher authority. Courts will decide upon trial and judgment.
Actions	The detained suspect or accused will be released.
Status	Treated as non-violators.
'Education' responsibility	The agency or workplace employed, or the district of his residence.
Cancellation	If new crime is uncovered while serving the previous criminal term.

In connection with the social education decisions, the inter-agency relationship between the court, the prosecution and other agencies is defined. But, in light of the fact that “social education” is a type of punishment, its relationship with the court is unclear. Article 36 of the Prosecution Supervision Law stipulates, “If a prosecutor wanted to reform an individual through ‘social education,’ he could hand him over to the ‘lawful socialist living guidance committee’ or to the agency, workplace or organization where the accused is a member to for his participation in a mass struggle.”

The law enforcement agency should refer those subject to trial to the court, and those subject to reform through social education to the ‘lawful socialist living guidance committee’ or to the person’s agency or organization for an educational reform.¹¹⁷

Article 63 of the Criminal Procedure Law authorizes both the prosecutors and courts to hand down “social education” decisions. The prosecutors are authorized to hand down a social education decision upon the approval of higher-level office. The courts are also empowered to issue social education decisions. Because many authorities, such as the prosecutors, courts and “the lawful socialist living guidance committees” are authorized to issue the decisions, possibilities are high for human rights violations.

In addition, the fact that many quasi-judicial agencies, such as the lawful socialist living guidance committees and “comrade committees,” are involved in the decision, the courts’ independence is seriously impaired.¹¹⁸ Many new settlers have testified that the Party’s Safety Committee is interfering with the criminal procedures. In other words,

¹¹⁷ Kim Jong-il, “On Improving and Strengthening the Work of Judicial Prosecutors,” p. 319.

¹¹⁸ Ministry of Court Administration Overview of North Korean Judicial System (Seoul: Ministry of Court Administration, 1996), pp. 629 ~648.

the Party is controlling the courts' trial procedures. Many people have testified that the court trials are reported in advance to the City or County Party Safety Committee, which then reviews each case before the trial.¹¹⁹ In other words, the committee not only makes the detention decisions, it also plays an important role in the trial process. It is imperative to verify further the actual cases of interference with court trials by other agencies including the Party Safety Agency.

Article 211 of the 1999 Criminal Procedure Law stipulates that the accused will be informed of the names of judges, prosecutors and clerks and asked if the accused wants any of them replaced. New settler Chang X accurately knew about this provision. He had raised the question of replacing a prosecutor who was not friendly to him. In Chang's case, he had to spend a month between April 23 and May 23 in the prosecutor's custody in Nanam District. When the agent conducting the preliminary examination (taking statements, witnesses, etc.) failed to collect evidence from him during the month-long period, the agent had to extend the detention for another month. According to the law, he knew the Provincial Prosecutors' Office should have handled his case, but the agent retained him for an extra month upon the approval of the Provincial Prosecution and filed the case as if the latter had conducted the investigation. When he was brought before the North Hamkyong Provincial court on June 23, Chang learned that his case had bypassed the Provincial Prosecution. Consequently he had an argument with the prosecutor during the trial and requested the court replace the prosecutor. However, he did not insist on it because the judge persuaded him, saying that to pursue it further he could be given an unfavorable decision.¹²⁰

Even North Korea's Criminal Procedure Law stipulates "emergency

¹¹⁹ Testimony of new settler Yoon XX during an interview at KINU on Apr. 29, 2005.

¹²⁰ Testimony of new settler Chang X during an interview at KINU on Oct. 12, 2005.

appeals” procedures if the court decision were to exceed the legal boundary(Article 384). Such appeals procedures are defined in Article 353 of the law. However, under Article 359, appeals are not allowed after the lower court decision (of the central or federal courts) and the appeals court (or emergency appeals court) decision. Under Article 403, North Korea has also installed an appeals system to remedy mistaken court decisions or decisions based on new crimes. In short, North Korea does maintain an appeals system, but people are said to avoid these appeals procedures because they are most likely to end up with heavier punishment as a result. Also, it would take much longer to go through the appeals procedures, which would mean a longer and more painful period of detention in jails. So, many would prefer to serve in correctional centers, instead.¹²¹

North Korean authorities insist that they have appeals regulations and guarantee citizens’ rights to appeal for compensation in the event their rights and interests are infringed by law enforcement agencies. North Korea has revised its Petition Law in 1998, 1999 and 2000, respectively. And Article 250 of the revised penal code mandates punishment for officials who intentionally ignore or mishandle petitions. In the process of reviewing North Korea’s second regular report on human rights, the UNHRC asked if North Korea had an independent organization that would handle appeals. North Korea replied, “People can freely make appeals verbally or through documents, in person or through an agent, and from the lowest levels of organization or workplace to the highest sovereign authority.”

Despite these institutional apparatus, however, petitions in North Korea are certain to bring enormous harm to the petitioner(s). New settler Lee XX testified that so-called personal appeals are a constitutionally guaranteed system for a person who has been unfairly prosecuted.

¹²¹ Testimony of new settler Soon XX during an interview at KINU on Feb. 4, 2003.

However, as the appeals move up toward the capital from the county, city and provincial level, they are usually ignored if officials fear that they might be blamed. Initially, officials will pretend to listen sympathetically to the appeals, but in the end they will hand down penal judgments, saying that the content of the appeals violated the Sole-Ideology system.¹²² In light of these realities the UN human Rights Committee, in its concluding observation, urged North Korea to establish a national human rights commission.

North Korea also has a clemency system called the great amnesty. Article 53 of North Korea's penal code reads, "The pardon of the convicted shall take two forms of "special amnesty" and "general amnesty," and the decisions for amnesty shall be made by the SPA presidium." According to new settler Yoon XX, there is a great amnesty every three to five years or on Kim Il-sung's birthdays, and 80 percent of prisoner releases are due to amnesty. Yoon XX During Dec. 27, 2001.¹²³ In this context, North Korea's Central Broadcast reported on December 27, 2001 that the Presidium of the Supreme People's Assembly decided to issue an order of Great Amnesty on the occasion of the 90th anniversary of Kim Il-sung's birth, which is the greatest festival of the North Korean people. The report stated the Presidium would implement the order effective January 1, 2002 for those who were sentenced to labor rehabilitation.¹²⁴

North Korea also has a "suspended sentence" system as defined in Articles 51 and 52 of the Penal Code. Article 37 of the Sentencing and Decision Law (Sentencing guidelines) stipulates, "The enforcement of suspended sentences will be carried out by the agency, which received copies of decisions or notifications, by sending the inmate to the directed agency, workplace or organization for labor duties." The suspended

¹²² Testimony of new settler Lee XX during an interview at KINU on Sept. 9, 1998.

¹²³ Testimony of new settler Yoon XX during an interview at KINU on May 16, 2001.

¹²⁴ *Yonhap News*, Dec. 27, 2001.

sentences are carried out in the form of labor training at a court-directed place or location. The reasons for suspension are also spelled out. Article 299 of the 1999 Criminal Procedure Law stipulates, “Sentences may be suspended if a person sentenced to ‘correctional labor’ is mentally unstable or suffering from a serious illness. Pregnant woman undergoing ‘correctional labor’ may be suspended of the sentence three months before and seven months after the childbirth. The local Social Safety Agency will supervise those inmates who have been released for hospital or home treatment.” New settler Chang X was due for detention at the Hweryong Market Correctional Center, but released for reasons of illness. One released for reasons of illness can receive treatment at a hospital. He is free to move around within the district, but the Social Safety Agency will supervise his movement.¹²⁵ Through the testimony of Chang X, it is clear that in most cases the provisions concerning suspended sentences are carried out.

C. The Right to an Attorney

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

Furthermore, the question of whether a defense attorney’s role of protecting the human rights of the accused can be effectively carried out depends on an attorney’s independence from the state. Ultimately, the

¹²⁵ Testimony of new settler Chang X during an interview at KINU on Oct. 12, 2005.

fairness of a trial depends on whether an individual is allowed to select a conscientious and able attorney, who is independent from the state, and who is able to provide his assistance throughout the trial. In most civilized states, the right to receive the assistance of an attorney and related methods and procedures are stipulated in detail in the Constitution, the Criminal Procedures and Attorney laws.

Article 158 of the Constitution stipulates, “Court cases are heard in public and the accused is guaranteed the right of defense. Hearings may be closed to the public as stipulated by law.” Article 106 of the Criminal Procedure Law also stipulates, “In criminal cases, the suspect’s right to an attorney is guaranteed.” And, Article 327 specifically illustrates necessary procedures. It says, “The defense argument should include the motives, objectives, levels of danger, and the suspect’s remorsefulness, as well as the level of punishment.” Article 121 further allows the right to an appeal. It specifies, “If a defense attorney found out that the suspect’s rights are not fully protected, he could appeal to the prosecutor or the court.”

Despite the legal guarantee of a right to an attorney, many people have testified that most North Koreans do not have the opportunity to exercise their right to an attorney during the trial process.

The problem seems to be the overall lack of understanding about the role of attorneys. Attorneys are generally perceived as a propaganda agent of Party’s policies. An “attorney should endeavor to impart the legitimacy of the Party’s enforcement policies and should strive to protect the Party’s policies. And, he is responsible for proving the seriousness of the crime and analyzing the motives and causes of crime so that the suspect will deeply repent his crime before the people and the fatherland.” In this respect, the attorney is not an agent working for the suspect’s rights. He is not in a position to protect and defend the suspect.¹²⁶

¹²⁶ Lee Jae-do, *The Criminal Procedure Law* (Pyongyang: The Kim Il-sung Univ. Press, 1987), pp. 76 ~ 207.

For these reasons, the attorneys in North Korea are responsible under the law for the protection of Government and Party policies, rather than individual rights. Article 11 of the Legal Representation Law provides that an attorney's responsibility is to "explain the nation's laws and regulations to the people, and to help the people obey these laws and regulations." This indicates that the duties of an attorney in North Korea are to make sure that the policies of the party and government are understood and carried out by the people. Lawyers usually attempt to persuade defendants to confess their crimes. Therefore, the attorney will try to persuade or induce his "client" to confess the crime, rather than defending the client in the case. Article 6 of the Attorney Law guarantees the attorney's activities but at the same time Article 8 stipulates, "Attorneys shall discharge their work under the guidance of the Attorney Association (Bar Association)." The Bar Association is responsible for the supervision and control of lower-level associations and the attorneys' activities (Article 30, Section 3). In short, the attorneys work within the framework of an official association rather than as independent individuals. Suspects also may forfeit their 'right to an attorney.' The suspects may voluntarily give up their right to an attorney, and in that case the trial will proceed without the participation of an attorney (Article 276 of the Criminal Procedure Law). All attorneys belong to various levels of attorney associations, and if an attorney not belonging to an association is chosen, his selection is subject to approval of the prosecutor or the court (Art. 112, criminal procedure law).

There are personal testimonies stating that most North Koreans, in fact, do not understand the role of an attorney in the process of trials. New settler Soon XX said because his brother had faced trials, he was aware that there was an attorney system in North Korea. But he testified that most trials are conducted without the presence of attorneys, and even if attorneys are present their defense was usually ineffective.¹²⁷ Another new settler Kim XX testified that North Korea did not have

lawyer qualification examinations, and attorneys, judges and prosecutors are appointed by the state from among the university law school graduates.¹²⁸ The attorney's role is to explain and make the accused understand what the law is rather than defending him/her.¹²⁹ Consequently, even those who are aware of the attorney system do not exactly know the role of lawyers, and even if they thought the lawyer knew the accused as well as his own family, they would not expect the lawyer to play a positive role in protecting their human rights.

But other people have testified that attorneys are in fact defending their clients, at least formally, during the trial procedures. According to new settler Chang X, the prosecution had called for a 13-year sentence at the time of initial indictment. After a consultation among the judge, prosecutor and his attorney, his attorney performed a nominal defense asking for a reduced sentence as a gesture of fairness. The judge then said he was reducing the sentence, specifically indicating that the reduced sentence was due to the attorney's active defense work.¹³⁰ Clearly, then, we will need to collect more detailed information on actual cases of defense involving ordinary criminals.

4. The Right to Equality

It is an evident truth that because all people are endowed equally with sanctity and value they should all receive equal treatment under law. The principle of equality requires that all people be treated equally and it is based on a belief in non- discrimination and the principle of equal

¹²⁷ Testimony of new settler Soon XX during an interview at KINU on Feb. 4, 2003.

¹²⁸ Testimony of new settler Kim XX during an interview at KINU on Feb. 19, 2005.

¹²⁹ Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2003.

¹³⁰ Testimony of new settler Chang X during an interview at KINU on Oct. 12, 2005.

opportunity.

Article 6 of the Universal Declaration of Human Rights provides that all people, regardless of their nationality, have the right to be recognized as human beings, and Article 7 of this Declaration further provides that all people are equal before the law and have the right to be protected by the law without any type of discrimination. Articles 14 and 26 of the “Human Rights Covenant B” stipulates, “All persons shall be equal before the courts and tribunals···” and “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law···”

The right to equality under the law is an indivisible civil right that provides that one will not be discriminated against by the state, and allows one to demand equal treatment from the state. The right of equality under the law is not a right granted by law; rather it is a natural, universal human right.

In the political arena, everyone is entitled to the right of moral self-conduct and the security of the person. In the economic arena, no one should be discriminated against in terms of employment, wages, working conditions or taxation. In the social sphere, it means that there should not exist any discrimination based on one’s family background, gender, or other reason that would preclude one from participating in social groups or pursuing one’s career. Culturally, it means that all citizens must be guaranteed the freedoms and rights to participate equally in all social activities, including cultural activities and educational opportunities.

A. Social Discrimination Based on Family Background

<Project to Classify the People by Family Background>

Article 65 of the revised 1998 Constitution recognizes, at least nominally, citizens’ rights to equality, stipulating that, all citizens shall have equal rights in all sectors of the social life of the nation. It is asserted

that equal here means equality in realizing the rights provided by the constitution. In its second report, North Korea insisted that the citizens of the Democratic People's Republic of Korea (DPRK), in accordance with international covenants, enjoyed equal rights and were not discriminated against for reasons of race, color, sex, language, religion, political beliefs or opinions, national or social origin, property, birth or status.

Despite this argument, Pyongyang strictly classifies every individual by his or her family background (or class origin) and by the degree of loyalty to the regime. For example, on numerous occasions since liberation from Japanese rule in 1945 North Korea has conducted loyalty surveys in order to classify its citizenry.

Having completed socialist institutional reforms by August 1958, the DPRK began in December of the same year to classify everyone according to their family background with a view to converting everyone into workers to facilitate socialist construction. This policy was part of the socialist class policy designed to control the people more effectively by surmising everyone's political inclinations based on their family class background and social activities, then categorizing them by their degree of loyalty to the regime.

The loyalty surveys were conducted in phases. They included an intensive guidance program by the central party staged from December 1958 through December 1960; a residents re-registration program between April 1966 and March 1967; a project from April 1967 through June 1970 to classify the people into three classes and 51 sub-classes; a program to classify naturalized foreigners and defectors from the South from January through October 1980; and a program to classify repatriates from Japan from January through April 1981. In the 1980 project to classify naturalized foreigners and defectors, conducted in accordance with Kim Jong-il's instructions, 13 sub-classes were added to the list.

Former KWP Secretary Hwang Jang-yup, who defected to South Korea in April 1997, has testified that after the Korean War the North

Korean authorities organized special resident's registration groups and conducted background checks on all residents eight times. Meanwhile, North Korea is reported to have conducted a new personal background investigation project under the pretext of promoting Kim Jong-il's broad-base politics and allegedly to relax the personal background policy and embrace the complex masses. But the exact nature of the project remains unknown (See <Table II-7>).

Since many groups of people have been newly labeled or unlabeled in the process of the staggered implementation of the inhabitants' background investigation project, it is rather difficult to accurately know all the classifications used for inhabitant categories. For example, the national capitalists and landlords formerly classified as part of the basic masses and complex masses appear to have been abolished. In addition, new social groups are apparently being added to the list specific to a given period. It also appears that since the mid-1980s when Kim Jong-il began to assume the leadership role, all unnecessary classifications that still remained to that point were either abolished or consolidated in accordance with his instructions to relax the personal background policy.

<Table II-7> Family Background Investigation Projects

Project	Period	Description
Intensive guidance by the Central Party	Dec. '58 ~ Dec. '60	Exposing, punishing and forcing relocation of impure elements to remote mountain villages
Re-registration of the people	Apr. '66 ~ Mar. '67	Classification based on family background to arm a million-man Red Army (investigate three direct generations and all relatives of the wife and mother that are removed up to the 6th degree)
Division into 3 classes and 51 sub-classes	Apr. '67 ~ Jun. '70	Based on the re-registration project all people are divided into Core Class, Wavering Class and Hostile Class, and then further divided into 51 sub-classes
Understanding People Project	Feb. '72 ~ '74	Investigate and determine the inclinations of people based on discussions concerning North-South relations and then classify people based on those whom everyone can believe, those whose beliefs are somewhat dubious, and those believed to be renegades
Civic Pass Inspection Project	Jan. '80 ~ Dec. '80	To expose impure elements and increase control, inspect and renew citizen. Certificates according to Kim Jong-il's orders
Project concerning naturalized foreigners and defectors from South Korea	Apr. '80 ~ Oct. '80	Divide those outside people who entered North Korea such as those who defected to North Korea into 13 categories and update monitoring data
Project concerning those compatriots who were repatriated to North Korea	Jan. '81 ~ Apr. '81	Segment the data on former Korean residents in Japan who were repatriated to North Korea and reduce material monitoring of recent scientific activities
Citizenship identification card Renewal Project	Nov. '83 ~ Mar. '84	Renewal of citizen's certificates and revision of documents for all residents
Inhabitants Re-registration Project	Mar. '84 ~ Oct. '89	Review and Re indexing Inhabitants Registry, Develop background data on separated families
Renewing Citizenship Cards	Feb. '98 ~ Oct. '98	Change passport style to credit card style

Source: Ministry of Unification, "North Korea 2004" (Seoul: Ministry of Unification, 2003), p. 327.

<Class Categories of North Korean Inhabitants>

North Korea classifies the entire population into three groups: Core Mass (Core class), Basic Mass (Wavering class) and Complex Mass (Hostile class) (See <Table II-8 ~10>). The new settlers have testified that this classification, along with the background discrimination policy, has an important impact on daily lives in terms of political and social status, education opportunities, jobs, and marriage. According to the testimony of new settler Kim XX, all North Koreans are classified into Categories 1 ~7 depending on their personal background. These records are maintained at Province or County People's Security Offices. People in Categories 1 ~3 are known as "Core Masses," Category 4 includes factory managers and party workers. The rest of the general public is known as "bastards" or low people.¹³¹ In some cases, people attempt bribery to alter the records of their background if it interferes with their social advancement.¹³²

The core class, comprising about 28 percent of the population, is the ruling class that spearheads the North Korean system. Included in it are the family members and relatives of Kim Il-sung and Kim Jong-il, high level cadres estimated to number about 200,000, or one percent of the population, and mid-level cadres who account for about 26~27 percent of the population. The mid-level cadres comprise mostly anti-Japan partisan fighters and their families, and the families of those killed in battle or otherwise during the Korean War.

For the education of core class children, North Korea operates various special schools including the Mankyongdae and Kangbansok Institutes for the bereaved children of revolutionary martyrs. High-level cadres live in luxurious residences, send their children to special schools and possess modern home appliances. They could also use the cars

¹³¹ Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2003.

¹³² Testimony of new settler Kim XX during an interview at KINU on Oct. 27, 2003.

registered with the company as their own. They also own private telephones, and are allowed to read foreign publications and listen to foreign broadcasts. Most of them live in Pyongyang and other major cities, enjoying privileges such as party membership, or administrative or military positions. In effect, they form a feudal hereditary class entitled to benefits in education, promotions, food rations, housing and medical services. Since the food crisis, the level of public discontent has been rising against Kim Jong-il and the system. However, the Core Class supports and protects Kim Jong-il. The Core Class (about 10 percent of the population) prefers the current system and enjoys the favorable treatment.¹³³ The former medical doctor Park XX testified that different levels of medical service was provided to people depending on their status and background. Large hospitals maintained special units for the treatment and care of party officials.¹³⁴

The so-called wavering class comprises a near majority of the North Korean population. This group is made up of ordinary workers, technicians, farmers, office workers, teachers and their families who do not belong to the core class and who are not party members. They represent about 45 percent of the population. Members of the wavering class are provided with meager incomes and food rations. These people usually become technicians or low-level officials. They maintain a living on irregular wages and individual vending efforts. Most of them live in small cities and in rural areas. Health benefits are insufficient. However, some of them, depending on the quality of their loyalty and contributions, improve their personal status to become members of the Core Mass. Many new settlers have testified that during the economic hardship there appeared to be some weakening of class distinctions, as bribery increased and people at low levels could get promotions through bribery.¹³⁵

¹³³ Testimony of new settler Park XX during an interview at KINU on Sept. 23, 2004.

¹³⁴ Same testimony.

The hostile class consists of national enemies, those branded as impure elements and reactionaries. They are alienated from the rest of society and their human rights are often abused. The hostile class accounts for about 27 percent of the population. This class is composed of the families of those who owned land and businesses prior to the communist takeover, public officials under Japanese rule, religiously active persons and those who collaborated with the advancing South Korean forces during the Korean War. They are denied the right to receive college education, join the party, or to become an officer in the military.

The “personal background policy,” a policy of discrimination, sometimes does suppress the social mobility of the persons belonging to Basic Masses but those in the Complex Masses category suffer most directly. Those classified as part of the hostile class are discriminated against in all aspects of their lives including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the hostile class are limited to laborious and hazardous manual work. For society management purposes they are classified as either: dictatorial targets, isolation targets or absorption and indoctrination targets. Dictatorial targets are held separately from society, isolation targets live in society but are kept under close, round- the-clock surveillance. Recruitment and indoctrination targets are intensively indoctrinated for possible absorption into the system. New settler Kim XX testified that those belonging to the complex masses category are now allowed to live in Sinuiju, which is a border city, and the ratio of their number living in cities across the nation is very low.¹³⁶

¹³⁵ Testimony of new settler Hwang XX during an interview at KINU on May 24, 2000.

¹³⁶ Testimony of new settler Kim XX during an interview at KINU on Aug. 21, 1997.

<Table II-8> The 3 Classes and 51 Sub-classes

3 Classes	51 Sub-classes	Treatment
Core Class (28%)	People from the families of laborers, hired peasants (farm servants), poor farmers, and administrative clerical workers during the Yi Dynasty and Japanese occupation, Korean Workers' Party cadre members; bereaved families of revolutionary (killed in anti-Japan struggles); bereaved families of patriots (killed as noncombatants during the Korean War); revolutionary intellectuals (trained by North Korea after liberation from Japan); families of those killed during the Korean Wars; families of the fallen during the Korean War; Servicemen's families (families of active People's Army officers and men); and families of honored wounded soldiers (family members of service members wounded during the Korean War).	-Recruit as staff of party, government or military. -Set apart from individuals of other class, and offer special privileges (in matriculation, promotion, rations, residence, treatment and other areas).
Wavering Class (45%)	People from the families of small merchants, artisans, small factory owners, small service traders; medium service traders; unaffiliated persons hailing from South Korea; families of those who went to the South (1st Category); families of those who went to the South (2nd Category); People who formerly were medium-scale farmers; national capitalists; families of those who went to the South (3rd Category); those who repatriated from China; intellectuals trained before national liberation; the lazy and corrupt; tavern hostesses; practitioners of superstition; family members of Confucianists; people who were previously locally influential figures; and economic offenders.	-Employ as low-level managers or technicians. -Promote a limited number to the "core masses" class.
Hostile Class (27%)	People from the families of wealthy farmers, merchants, industrialists, landowners, or those whose private assets have been completely confiscated; pro-Japan and pro-US people; reactionary bureaucrats; defectors from the South; members of the Chondoist Chongu Party; Buddhists; Catholics; expelled party members; expelled public officials; those who helped South Korea during the Korean War; family members of anyone arrested or imprisoned; spies; anti-party and counter-revolutionary sectarians; families of people who were executed; anyone released from prison; and political prisoners; Members of the Democratic Party, capitalists whose private assets have been completed confiscated.	-Assign to dangerous or heavy-duty labor. -Block and suppress from school admissions, matriculations, and party membership. -Classify as subjects of control, surveillance and persuasion. -Control: By forcible relocation, separate accommodation. -Surveillance: Place under constant surveillance of movements. -Persuasion: Intensive reeducation. Reclassify very limited numbers (ex. Children)

* The following is a sample of 1970 classification based on the results of a citizen registration project at the time. Source: Ministry of Unification, An Overview of North Korea, 2000, p. 420.

<Table II-9> Categories of the Personal Background

Special Class	Families of Revolutionary Fighters and Patriots (1 ~2 percent)
Core Masses	Party members; Families of war-dead (if death is confirmed), Families of honorees and rear-area military families, rich/poor farmers, clerks, and workers.
Basic Masses	KWP party members, clerks, workers, families of honorees, South Korea volunteers to People's Army, new intellectuals
Complex Masses	Intellectuals, South Korean refugees and voluntary entrants, Returning POWs, Families of defectors (to South Korea), Small/medium merchants and skilled workers, former waitresses and families of shamans, former Confucian scholars and the rural area (bourgeois) leaders, former intellectuals, and economic criminals.
Under Surveillance	Families of former landed class, entrepreneurs, bourgeois farmers; families of former pro-Japanese, pro-American activists, and staff of enemy organizations; religious practitioners; former inmates, party members (dropped from membership), persons fired from jobs, families of inmates and the arrested.

* This table is based on the testimony of new settler Lee XX.

<Table II-10> Categories of the Complex Masses

Dictatorship targets	These are the people who are trying to overturn the current North Korean system and regime. They should be segregated from the ordinary inhabitants and moved to the so-called "safe zones" such as coal mine areas or mountainous highlands
Isolation targets	These are very dangerous people who will participate in or are likely to support the South Korean causes should the circumstances warrant. They will be exposed to the basic masses for purposes of collective surveillance.
Inclusive education targets	These people include those belonging to "potential disturbance groups." Their levels of misdemeanors are so minor as to warrant including in the system and ideology. These are fluid groups of people who show possibilities of returning to the fold if they underwent intensive ideology education.

<Emphasis on Family Background in Recruiting Core Cadres, and the Reality of Discrimination>

North Korean authorities have one's personal background is the most critical factor when selecting the candidates for positions in the Party or law-enforcement agencies, on the assumption that the class origin of those who harbor an extreme enmity toward the system does not change, even after three generations. This policy has been especially apparent since the defection of Hwang Jang-yop in 1997. Immediately after the defection of former party secretary Hwang Jang-yop, the personal background of candidates was checked more carefully when considering promotions or for various other selection processes.¹³⁷

When appointing military officers, party officials, or officials for the judiciary, people with an unfavorable personal background are fired or reassigned to other positions. In extreme cases, even vehicle drivers at party or judiciary organizations have been fired because of a poor personal background. In the military, people with unfavorable backgrounds are excluded from officer ranks, although such action does not extend to non-commissioned officers. In the case of those working in the field of technology, on the other hand, the family background does not play as great a role as in the past. Thus, even those technicians who sided with South Korea during the Korean War are employed although supervision of them is being tightened. New settler Kim XX testified that after graduating from the Ryuhyon High School in Pyongyang he joined the army and was working as a singer at the Army Performance Unit. However, due to his personal background, he was forcibly reassigned to an artillery unit. In North Korea, if he or she fails to qualify for party membership while in the military, he or she wouldn't be treated as a human being. And, because of family background, he could not join the KWP, and was

¹³⁷ National Intelligence service, "Recent Realities of North Korea," No. 186 (Aug. 1999), p. 37.

discharged from the army. The stated reason for the discharge was “psychological” (unfit for military life), but the real reason was “life discharge” (undisciplined attitude in barracks life).¹³⁸

Yet, new settler Lee XX insisted that in North Korea job assignments are determined from birth. For example, he belonged to the Core Class and served as an officer at the Security Agency after graduating from college. For example, he previously belonged to the Core Class, so he was able to work as an officer at the Security Agency upon graduation from college.¹³⁹ Clearly, then, background and contacts remain crucial elements for both education and job assignments in North Korea.

Most North Koreans would prefer to work for powerful agencies like the party, security agency, and People’s Safeguard Agency. However, background checks are thoroughly conducted before anyone can be assigned security jobs. This practice is indistinguishable from social discrimination. For example, to work for the People’s Safeguard Agency, a very thorough background check is mandatory, extending to and including one’s second cousins. No relatives up to and including one’s second cousins can have served in correctional centers (not to mention have been traitors.) To work for the National Security Agency, background checks include investigating applicant’s third cousins, because workers at the National Security Agency handle many classified materials.¹⁴⁰

<Crime-by-Association as a Means of Control and Punishment According to One’s Family Background>

One way of understanding the extent of controlling its people

¹³⁸ Testimony of new settler Kim XX during an interview at KINU on May 23, 2001.

¹³⁹ Testimony of new settler Lee XX during an interview at KINU on Sept. 20, 2004.

¹⁴⁰ Testimony of new settlers Kim XX and another Kim XX. Also see National Information Service, “Recent Realities of North Korea,” No. 180 (Feb. 1999), p.44.

through discriminatory policies based on family background is to examine forced relocation of families. North Korea is taking advantage of “crime-by-association” as a major tool of maintaining its ruling system. “Crime-by-association” is a system in which family members of convicted individuals are also punished in connection with political and ideological crimes. This system works horizontally to include all direct members of one’s family, and vertically to affect one’s children and grandchildren. The government maintains these records and uses them as a means of maintaining firm control over the people.¹⁴¹

North Korea has classified a significant portion of its population (25 ~ 30 percent) as members of separated families, whose relatives are classified as traitors who defected to South Korea. They are therefore treated as part of the hostile class. These people continue to be dispossessed of their fundamental rights. Others are disadvantaged because of the behavior of their ancestors or for events that occurred during the Japanese occupation or the Korean War. A person could be banished to remote areas, or to coal mines, or lumber mills, for physically unbearable hard labor if a family member had participated in police duties in South Korea during the Korean War or if the family member was a former POW. POWs formerly held by South Korea have had to endure various forms of repression. Their spouses and children are placed under constant surveillance. There are additional disadvantages related to social advancement. Essentially what exists is a systematic conferring of an unfavorable background to one’s children and grandchildren.¹⁴²

According to new settler Kim XX, the guilt-by-association system is being applied strictly to political prisoners. With respect to this, there are some articles regarding the guilt-by-association in the policies of the

¹⁴¹ The UN 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,” p. 11.

¹⁴² Testimony of new settler Yoon XX during an interview at KINU on May 23, 2000.

State Security Agency. What is important is that if the husband's house were found in violation, the wife would be automatically divorced and sent home. But, in the case of wife's house the husband (or, the son-in-law) would be exempt from punishment.¹⁴³ As the economic hardship worsened, the people's complaints increased and the so-called "verbal reactionaries" also increased. Under the circumstances, the North Korean authorities would not impose severe punishments so long as the complaints were not "politically motivated." Even in cases of "serious verbal" violations, they would send only the person involved to the political concentration camp, showing that the practice of "guilt-by-association" was being relaxed.¹⁴⁴ There is a "principals only" political concentration camp in Chongjin City, North Hamkyong Province, but even to this day the practice of "guilt-by-association" persists.¹⁴⁵

Officially and externally, North Korea does not admit of any social discrimination based on family background. North Korea has maintained this policy since the mid-1980s when Kim Jong-il instructed officials to relax the background policy. Nevertheless, the discriminatory practice persists in North Korea, and many people are deprived of their political and social rights due to the background check policy. However, the final judgment depends upon the background or birth origin of the criminals and thus the death penalty is sometimes reduced to a prison sentence if the background of the criminal is good.

By contrast, criminals having inferior backgrounds or birth origins, including orphans, are usually sentenced to death without any other considerations. Thus, people who have witnessed the executions complain that they are unfair and that the level of punishment for a crime varies according to one's background. North Korean people complain that

¹⁴³ Testimony of new settler Kim XX during an interview at KINU on Oct. 19, 1999.

¹⁴⁴ Testimony of new settler Cho XX during an interview at KINU on Jan. 18, 2005.

¹⁴⁵ Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

governmental authorities arbitrarily determine the level of punishment on criminals depending upon the criminals background or birth origin.

New settler Lee XX testified that if a criminal act became clear in the Security Agency's investigative process, then his family registry would be brought from the local People's Safety Agency. The family registry is used in the process of determining the terms of punishment. In short, the family background serves as a basis of consideration in determining the level of punishment. The idea behind this is that if there were many Party members among detainee family, he/she could be "reformed" since the family environment is favorable for re-education. In this connection, the Security Agency maintains a set of guidelines for handling the cases; for example, if there were more than nine Party members in the family as many as three years would be reduced from the sentence. Also considered for reduced sentences are the recipients of the Kim Il-sung Citation and other decorations.¹⁴⁶ We do not have information beyond this level of consideration and will need to collect more information on how "class" status affects the process of handling criminal cases. In particular, it is necessary to examine the basis of 'discretionary judgments,' such as offers of 'social education' rather than legal sanctions. We know one's class status is an important criterion, but we do not know which elements are more important than others in class considerations.

Personal background also affects marriages. Men with unfavorable personal background has little chance to overcome the class barriers unless he is lucky enough to get marry a woman with a good personal background.¹⁴⁷ If one's background is unfavorable, control apparatus such as Security Agency will often systematically interfere with personal affairs. According to Lee XX, who defected after being abducted, he was denied permission to marry ten times, even though he had favorable

¹⁴⁶ Testimony of new settler Lee XX during an interview at KINU on Oct. 10, 2005.

¹⁴⁷ Testimony of new settler Kim XX during an interview at KINU on Jan. 7, 2004.

personal interviews with prospective brides, because the agents from the Security Agency or Factory Party Committee members secretly and intentionally spread the word that he came from South Korea and had anti regime inclinations.¹⁴⁸ Han Jong-nam (female) graduated from Heisan Arts College in 1998 and was teaching at Heisan Teachers' College. She could not become a Party member or get married because her background on her father's side was bad. Her married sisters were all divorced and had to live with her father.¹⁴⁹

<Discrimination in Residence and Housing According to Class>

North Korea assigns housing to people according to their background and forcibly relocates people from one place to another. Those people whose backgrounds are regarded as bad are primarily from South Korea or once belonged to the landlord or capitalist classes. North Korean authorities fear the possibility that these people might escape from North Korea because they secretly admire South Korea. For that reason North Korean authorities limit the areas where these people are allowed to live. For example, people having bad backgrounds are not allowed to live in Pyongyang, Nampo, near the coast, and in other sensitive areas.¹⁵⁰

Also, even people with good backgrounds are frequently expelled from urban areas like Pyongyang to secluded places in the mountains because of mistakes made by their family members or relatives. These people who are forcibly relocated due to their backgrounds are prohibited

¹⁴⁸ Testimony of Lee XX, who had been kidnapped and later returned home, during an interview at KINU on Jan. 7, 2004.

¹⁴⁹ Testimony of new settler Uhm XX during an interview at KINU on Dec. 23, 2005.

¹⁵⁰ New settler Soon XX was born in Pyongyang, but his father was originally from South Korea. He was accused of some mistakes at work and had to relocate to Shinuiju. Testimony of new settler Soon XX during an interview at KINU on Feb. 4, 2003.

from serving as salaried members of the KWP or to hold important positions in administration. Instead, they can only be promoted to low ranking public service positions. These people frequently gather together to sympathize with one another, complain about their situations, and express resentment against the North Korean authorities.¹⁵¹ The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains. According to new settler Park XX, people who are ostracized and forcibly relocated to remote places are called the Pyongyang evacuees.¹⁵² These people are acutely despised and discriminated against by the local population. Instances of discrimination against expelled individuals can be easily found.

While the local populace is allowed to assault these people, the relocated are not allowed to assault or inflict damage on the natives. It is routine for supervisors belonging to the MPS to publicly beat and torture these expelled individuals. Also, these exiled individuals are forced to work at the most difficult jobs, such as logging and mining. Even if they work long and hard, they are rarely promoted to staff positions in the work places. Rather, they are often stripped of their houses and private gardens and are forcibly relocated to inferior housing.

This discrimination extends to marriage, as the locals marry only among themselves, saying, “Backgrounds of the banished were no good.” In cases where natives and exiles are caught working together to commit a crime, the native is set free without suspicion while the expelled is punished as a criminal. Since the expelled are discriminated against in many ways, they always feel alienated. In this way the banished persons are being discriminated against and must live like foreigners in the place of banishment.

¹⁵¹ Testimony of new settler Cho XX during an interview at KINU on Jan. 18, 2005.

¹⁵² Testimony of new settler Park XX during an interview at KINU on Aug. 3, 2002.

<Discrimination by the North Korean Authorities against Pyongyang Citizens>

North Korean authorities decide, based on a person's background, whether or not they are eligible to live in Pyongyang. Even residents of Pyongyang face discrimination by how they are classified. By and large, citizens of Pyongyang are divided into three categories. The first and second categories are composed of those people who do not have any clear defects in terms of their background. These people account for almost 80 ~ 90 percent of the entire population of Pyongyang. The third category includes people repatriated to the North, people from South Korea, and people whose relatives are listed as missing persons. The segment comprising these people is between 10 ~ 20 percent of the total. People belonging to the third category are not eligible to attend various political events. For instance, people belonging only to the first and second category are mobilized when the heads of foreign governments visit Pyongyang. Hence, people belonging to the third category are always shunted aside and can only participate in general mass rallies. In this case, they are also discriminated against. People in the first and second category can sit in the front seats while people from the third category must stand in the most rear seats while being supervised by members of the State Security Agency.

Those belonging to the third category constantly live in fear and are acutely aware of their alienation, as they do not receive the benefits entitled to ordinary citizens of Pyongyang. Although they desperately try to gain admission to the KWP, the discrimination against them based on their background is not easily changed.

Discrimination of the Disabled

The world has over 500 million disabled people, and due to such events as the Korean War, North Korea is known to have a considerable

share of that number. In June of 2003, however, North Korea for the first time introduced the Handicapped Persons Protection Law (consisting of 54 articles), providing an institutional device for the protection of rights of the handicapped. This law provides for overall protection of the handicapped in the areas of rehabilitation, jobs and education. The law requires operation of a committee for the protection of the handicapped and stipulates the terms of criminal and administrative penalties for those individuals and staff who neglected or breached the protection of the rights of the handicapped. Article 2 of the law stipulates, “The handicapped persons have lost or have limited physical and mental functions, so their normal activities as citizens are always impaired. However, they should be respected as persons. And, their political and social rights and interests shall be guaranteed as equally as normal persons.”

This law has provided an occasion to expand recognition and acceptance of handicapped persons as “members of the society” by guaranteeing them rights equal to other members of society. Under the law, the handicapped are entitled to equal and free treatment at medical facilities (Art. 10). Middle schools must include special education for the handicapped as part of the regular curriculum. Also, they are not to be discriminated against in college entrance opportunities (Art. 15 ~20).

It is estimated that there are about 700,000 handicapped persons in North Korea. Secretary Lee Sung-sim of the Chosun Handicapped Persons Assistance Association established in July 1998 gave an interview with Choguk (fatherland), a monthly magazine published by the All Koreans Association in Japan. In the interview carried in its May 1999 issue, he stated that a sample survey was conducted between January and March of 1999. Exactly 435,866 inhabitants from four areas of Pyongyang, Pyongwon-gun and Pyongsung City (South Pyongan province), Tongchun-gun and Wonsan City (Kangwon province) and Pyoksung-gun (South Hwanghae province) were surveyed. Of those surveyed and found to be handicapped, as high as 38.85 percent were

classified as unable to use their limbs freely, 22.03 percent as hearing impaired, and 21.63 percent as seeing impaired. In addition, 4.95 percent of them had mental defects and 3.5 percent had a level of intelligence that would hinder their normal social life. Some 9.04 percent were suffering from multiple impairment handicaps.¹⁵³

In its Second Report on “Covenant A” (International Covenant on economic, social and cultural rights), North Korea reported that the handicapped persons are provided with jobs appropriate for their capabilities and Constitutional rights. North Korea also insisted that the Government was paying special attention to handicapped children, and that pre-school children were receiving treatment at special hospitals, while school-age children were getting special consideration to enable that their treatment to continue throughout their school education. North Korea said it was maintaining three specialized schools for the blind and deaf-and-dumb children, and 9 schools for speech-impaired children. A total of 1,800 handicapped children were attending these schools at primary and secondary levels to learn specialized skills tailored to their individual needs. The report said these children were receiving Government scholarships and living in school dormitories built especially for them. However, after reviewing North Korea’s second regular report on Covenant A in 2003, the UN Committee on Economic, Social and Cultural Rights, in its concluding observations, expressed concern about the fact that handicapped children were excluded from the normal educational process. New settler Park XX has testified that there were several schools for the blind and the speech-impaired one being in Hamhung City.¹⁵⁴

Although North Korea insists in its Second Report that it is protecting handicapped persons, it is widely known that handicapped

¹⁵³ *Yonhap News*, May 5, 2002.

¹⁵⁴ Testimony of new settler Park XX during an interview at KINU on Jan. 23, 2006.

persons are extremely discriminated against at all levels of society, except for wounded and honored soldiers. Article 7 of the law on the handicapped stipulates, “The State shall provide special favors for the handicapped, including honored soldiers who have made sacrifices for the fatherland and the people.” New settlers have testified that the North Korean government has been taking discriminatory action against the handicapped and have repeatedly violated their human rights.

It is a well-known fact that the disabled may not live in Pyongyang. North Korean authorities strictly prohibit handicapped persons from living in the special district of Pyongyang and other cities like Nampo, Kaesung and Chongjin where visits of foreigners are frequent. With the exception of talented individuals, ordinary handicapped persons are not allowed to live in Pyongyang or other places where foreigners visit frequently because they are said to give a bad impression of the country.¹⁵⁵ The handicapped may not be transferred on a permanent basis, but they are sent away to other areas whenever the authorities wish, such as during special events.¹⁵⁶

Some people have testified that North Korea was discriminating against the handicapped, and was operating concentration camps designed to hold persons of certain disabilities. One piece of testimony that deserves special attention testimony was that North Korea was running a concentration camp for midgets. This piece of information needs independent verification. According to Hwang Jang-yop’s testimony, Kim Il-sung instructed in the 1960s that midgets not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for midgets was established at Jungpyong County, South Hamkyung Province. New settler Chung XX testified that there is

¹⁵⁵ Testimony of new settler Han XX during an interview at KINU on May 18, 1999. Also, testimony of new settler Yoon XX during an interview at KINU on May 23, 2000.

¹⁵⁶ Testimony of new settler Lee XX during an interview at KINU on Feb. 15, 2003.

a segregation facility for children with birth defects in Youngkwang County, South Hamkyung province.¹⁵⁷ Also, new settler Lee XX testified that there is a “midget camp” deep in the mountains of Jakang do Province.¹⁵⁸

Some of them have even testified that all midgets are subjected to forced sterilizations. New settlers Choi XX and Park XX testify that the so-called midget detention camps exist. Marriages at these camps are permitted but having children is not.¹⁵⁹ New settler Kim XX testified that midgets are separately detained in the detention camps, and he heard all male midgets are castrated. But he also heard that they were released during the 1998 ~1999 period due to pressure from the international human rights community.¹⁶⁰ New settler Park XX has also testified that there was a midget camp in Bujon County, South Hamkyong Province, and that the authorities have performed “neutering” operations on them.¹⁶¹ This part of the testimony also needs independent verification, along with information about whether such operations continue to be in force.

Most of these testimonies concerning human rights violations were obtained before the enactment of the Handicapped Protection Law. With the legislation of the handicapped protection law of 2003, it is expected that such discrimination will significantly diminish. It would be too soon to expect that all discrimination has completely disappeared as a result of the new law, but it is meaningful to note that a protective legal device has been put in place and the possibilities of its implementation

¹⁵⁷ Testimony of new settler Chung XX during an interview at KINU on Nov. 30, 2002.

¹⁵⁸ Testimony of new settler Lee XX during an interview at KINU on Feb. 15, 2003.

¹⁵⁹ Testimony of new settler Choi XX during an interview at KINU on Jul. 6, 2002; and testimony of new settler Park XX during an interview at KINU on Oct. 12, 2002.

¹⁶⁰ Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2003.

¹⁶¹ Testimony of new settler Park XX during an interview at KINU on Jan. 23, 2006.

have increased for those who had previously been discriminated against, especially the children and the handicapped. This by itself should be taken as a significant progress. It is necessary monitor whether North Korea is complying with various provisions concerning the handicapped persons as the law requires.

5. Civil Liberties

The most important aspect of human rights is to limit totalitarian power and guarantee individual freedoms and equality. Together with equal justice under law, freedom is an important factor in human rights and is a fundamental necessity for all people to enjoy a happy life. Freedom has historically been a great human concern. Civil liberty as a fundamental right is a positive and defensive public right that should be free from state interference or infringement of one's individual livelihood. Freedom and equality are supra-national rights of humankind.

The most important part of the Universal Declaration of Human Rights and “human rights Covenant B” is the guarantee of rights to various freedoms. This White Paper will first deal with the freedom of residence, relocation the freedom of speech, publication (expression); the freedom of assembly and the freedom of association. In light of its importance, the freedom of religion will appear in a separate section.

Article 1 of the Universal Declaration of Human Rights declares, “All human beings are born free and equal in dignity and rights.” And, “everyone has the right to life, liberty and security of person (Art. 3).” Article 13 specifies, “Everyone has the right to freedom of movement and residence within the borders of each state.” Under Articles 18 ~20, it is stipulated, “Everyone has the right to freedom of thought, conscience and religion... Everyone has the right to freedom of opinion and expression... and the right to freedom of peaceful assembly and

association.” Covenant B also provides for broad freedoms. For example, Article 9 guarantees everyone the right to liberty and security of person. Article 12 provides for the right to liberty of movement and freedom to choose one’s place of residence. Article 18 specifies the rights of freedom of thought, conscience and religion. Article 19 guarantees the right to hold opinions without interference, and Articles 21 and 22 guarantee the right to peaceful assembly and association.

A. Freedom of Residence, Movement and Travel

The freedom of residence and movement concerns the right to independently determine where one chooses to live, to be able to relocate freely from that place, and not to be relocated against one’s will. As a fundamental freedom throughout human history, by expanding a person’s area of activity, the freedom of residence and relocation allows the creation of a forum for free human exchanges which contributes to the development of individuals. By contributing to development and human growth this freedom maintains and develops human sanctity and value.

Article 13 of the Universal Declaration of Human Rights stipulates, “Everyone has the right to freedom of movement···to leave any country··· and to return to his or her country.” Article 12 of the Human Rights Covenant B specifically guarantees, “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own··· No one shall be arbitrarily deprived of the right to enter his own country. And, (these) rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others···”

In the past, North Korea did not recognize the freedom of travel

and the right to choose one's residence. However, as its economy has collapsed and food shortages have worsened since 1990, social fluidity and movement of inhabitants in search of food have increased tremendously. Furthermore, the North Korean authorities were forced to tacitly accept this reality. And so, in revising the Socialist Constitution in September 1998, for the first time it stipulated, "Citizens shall have the freedom of residence and travel." (Art. 75) In practice, however, and to control society, significant constraints are imposed on the freedom to travel and to choose one's residence. In short, there is a significant gap between the law and reality in North Korea today. The fact is that the "travel permit" system is still maintained as a means of restricting the freedom of travel and movement. In its Second Human Rights Report submitted in 2001, North Korea stated that all citizens wishing to travel must obtain travel certificates in accordance with Article 6 of the Travel Regulations. The purpose of such certificates, it argued, was to safeguard the nation's security by preventing activities of espionage or other destructive and harmful elements, given North Korea's unique situation. North Korea still has in place "travel restrictions" on special areas, along with the "travel permit" system. If anyone wishes to travel to the border regions or military areas, they must obtain an approval number from the Security Guidance office.¹⁶² The reason North Korea imposes restrictions on movements and travel is to prevent anti-system and socially delinquent behaviors stemming from information exchanges. In other words, people on the road could easily get psychologically complacent, and through exchanges of information they could become critical of government policies.

According to the testimonies of new settlers Kim XX and Uh XX, people who wanted to travel must two weeks in advance submit an

¹⁶² Testimony of new settler Suh XX during an interview at KINU on Nov. 11, 2003. Also, testimony of new settler Park XX during an interview at KINU on Jan. 20, 2006.

application to the chief of his workplace through the accounting department. The approval would first be subject to an initial screening on labor mobilization records and personal integrity on ideology or beliefs. As a second stage, one must submit a travel permit application three days in advance to the permit department of the People's Safety Agency in his area to clear his/her background in terms of "dangerous individual," "under surveillance," or "records of misdemeanor." After overall confirmations by the local Security Agency, he would be issued a travel permit through the party secretary at his place of employment. Other new settlers have said that travel permits are issued at Section Two of the local People's Committee upon approval by the local Security Agency. Usually, travel permits would take 7-15 days for the restricted area and 2-3 days for the non-restricted area. But there is absolutely no guarantee that the permit will be issued.¹⁶³ At the central government level, there may exist established procedures, but in the provinces different sets of procedures seem to exist, depending on agencies and localities. Another new settler, Kim XX, testified that travels to and from the Rajin-Sunbong region (a special foreign investment zone) are strictly controlled and people are required to obtain permits from six different agencies to travel to the area.¹⁶⁴ The number of travel permits for the Rajin-Sunbong area (where South Korea is constructing light water reactors for North Korea) is limited, and it is difficult for ordinary citizens to get travel permits to that area.¹⁶⁵ Moreover, high-voltage wires have been installed around the Rajin-Sunbong area to prevent unauthorized traffic. Some people have died while trying to cross over the wired fences.¹⁶⁶ Meanwhile, the inhabitants

¹⁶³ Testimony of new settler Hyon XX during an interview at KINU on Dec. 23, 2005. Also, testimony of new settler Park XX during an interview at KINU on Jan. 23, 2006.

¹⁶⁴ Testimony of a new settler during an interview at KINU on Sept. 8, 1998.

¹⁶⁵ Testimony of new settler Shin XX during an interview at KINU on Feb. 19, 2005.

¹⁶⁶ "A workshop with new settlers" sponsored by KINU on Dec. 23, 2005.

in the border regions need to obtain the approval signature of a local Security Agent to get travel permits issued.¹⁶⁷ The “travel permit” system is actually restricting the citizens’ freedom of travel and movement. This is demonstrated by the fact that violators are thrown into a detention facility called “collection centers.” Article 17 of the Social Safety Control Law specifically requires orderly travels by stipulating, “The Social Safety Agency shall enforce orderly travels, including orderly travels on foot.”

After arrival, the traveler reports to the head of the local neighborhood unit or Inminban, registers on the travel roster, and gets his travel pass stamped by a local MPS official. A travel pass carries the date of return, and a traveler can purchase a train ticket only after applying at the railway station security office four days beforehand. Permits are issued by the next day in smaller cities and counties, while they can take 5~7 days in Pyongyang or along the border regions.¹⁶⁸ In urgent cases, for example in the event of a death in the family in a remote region, people would not be able to attend the funeral ceremonies due to the time required to process the complicated permit procedures.

North Korea is severely restricting foreign travels by its citizens. The only country the people are permitted to travel to is China. They must apply for the permit at the Foreign Affairs Division in each city or county, where even application forms are difficult to obtain. Personal travel is allowed for most North Koreans for the sole purpose of visiting their relatives in China. People wait, sometimes as little as three years and sometimes as long as 10 years. In recent years, the process has been shortened to where it now normally takes about a year.¹⁶⁹

North Korea submitted the following status report on foreign

¹⁶⁷ Testimony of new settler Uhm XX during an interview at KINU on Dec. 23, 2005.

¹⁶⁸ Testimony of new settler Kang XX during an interview at KINU on Sept. 17, 2004. Also, testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

¹⁶⁹ Testimony of new settler Huh XX during an interview at KINU on Sept. 20, 2004.

travel applications and the number of application denials to the UN Human Rights Committee during the Committee’s review of North Korea’s second regular report. North Korea explained that the number of denials were due to the lack of approval of the destination countries.

<Table II-11> Status of Foreign Travel Denials

Year	Number of Applications	Number of Denials
1998	17,440	65
1999	29,875	104
2000	35,650	91

The UN human rights committee, in its concluding observation, strongly urged North Korea to consider abolishing its domestic travel permit system. It also recommended that North Korea abolish the exit visa requirement for foreign residents in North Korea. It recommended that North Korea limit the permit system to cases that fit the terms set out in the international covenants.

New settlers have testified that the people who have relatives in China are often allowed to travel. As per Kim Jong-il’s instructions of December 2003, North Korea has begun to issue travel permits to those who have relatives in China, regardless of their area of residence in North Korea.¹⁷⁰ Those who have relatives in China and are living along the border regions will be issued “river-crossing” permits. Those living further inside North Korea will be issued a passport valid for three months. The “river-crossing permits” will be issued without letters of invitation from the Chinese relatives, but passports will not be issued without such documentation. About US\$300 is needed to get the foreign travel permits. Those without sufficient resources will have no reason to even think about applying.¹⁷¹

¹⁷⁰ Testimony of new settler Chang X during an interview at KINU on Jan. 20, 2006.

As in the case with travel permits, North Koreans are not permitted to freely move their residences, and must obtain permission from the authorities. Individuals who change residence without permission would be unable to obtain a citizen card, hence they would face extreme restrictions in social activities including finding jobs and obtaining food rations. As new settler Chi XX testified, those released from indoctrination camps are subject to constant surveillance and their employment and residence options are restricted. However, since the economic hardship in the 1990s, and as the private economic sector has expanded, the authorities often tacitly overlook and indirectly permit some freedom of residential relocation. Simultaneously, off the record house sales among the rich and powerful has increased.¹⁷²

The most obvious breach of the freedom of residence is forcible relocation. North Korea is forcibly moving and transplanting politically suspect people. Forced transfers of political prisoners and anti-regime complainants have become a routine phenomenon. In addition, North Korea forcibly relocates people according to the needs of the regime as evidenced at special economic zones like Rajin-Sunbong and newly developed industrial or coal mine regions in Jakang and Yangkang Provinces. The former secretary of the KWP, Hwang Jang-yup, stated that after the Korean War North Korean authorities conducted evacuation exercises in Pyongyang every 3~4 years as part of war preparations and for population adjustment purposes. According to his testimony, at the time of the abduction of the USS Pueblo in 1968, a large number of Pyongyang residents who were identified as bad elements were relocated to other regions. In addition, after the Panmunjom axe-murders in 1976, a sizable number of Pyongyang residents were moved out of the city under the pretext of war preparations. In 1994,

¹⁷¹ Testimony of new settler Kim XX during an interview at KINU on Jan. 20, 2006.

¹⁷² Testimony of new settler Suh XX during an interview at KINU on Nov. 11, 2003.

when the identification cards of Pyongyang citizens were renewed, many citizens who were identified as having committed punishable crimes, exhibited bad behavior, or frequently changed jobs, were evicted to other provinces.¹⁷³

New settlers have testified that even though the travel permit system is officially maintained, economic hardship has significantly changed actual travel patterns. The official regulations, however, it appears that in reality controls over travel are becoming less restrictive due to the deteriorating economic situation and the food shortages. When traveling by train, one needs to have a travel permit because security agents will frequently check the papers. However, when traveling on foot within the province, travel permits were practically meaningless during the food shortage and economic hardship. Since the 1990s, the mobility of the North Korean citizens has tremendously increased, and the situation has reached a stage where even the authorities have had to condone the development. Inspections are still conducted on trains, so people usually travel on foot without travel certificates. For this reason, it is common to observe people trying to hitch a ride in the streets of North Korean cities. Such a ride usually costs about 100 won per 40 kilometers.¹⁷⁴ New settler Uhm XX have testified that he had spent 600 Won for his trip from Heisan to Bukchong, another 600 Won from Bukchong to Sinpo, 400 Won from Sinpo to Wonsan, and an additional 400 Won from Wonsan to Kosung (South Korea), for a total of 2,000 Won.¹⁷⁵ According to an aid worker of NGO, the travel permit system is still in place in North Korea, but control over travel has been significantly relaxed except for some important security sensitive areas. In practice, travel restrictions are being relaxed because the authorities

¹⁷³ Testimony of new settler Lee XX during an interview at KINU on Apr. 26, 2003.

¹⁷⁴ Testimony of new settler Soon XX during an interview at KINU on Feb. 4, 2003.

¹⁷⁵ Testimony of new settler Uhm XX during an interview at KINU on Dec. 23, 2005.

will quietly permit personal travel when a bribe is offered. Until the year 2000, going through transportation checkpoints was a frightening experience, but the checkpoints have now become “bus stops,” where one can pass through by paying cash.¹⁷⁶ If one does not have travel permits, one cannot purchase transportation tickets, which in turn requires a substantial cash substitute, so people still prefer to get travel permits before departure.¹⁷⁷ Although travels to certain areas is still strictly banned, people can obtain permits to visit almost any area, except Pyongyang and a few other locations, because officials are corrupt and people are driven by the economic hardship to travel outside their hometowns.¹⁷⁸

B. Freedom of Speech and Press

The freedom of speech and press signifies the freedom to freely express and publish one’s opinion. A broader meaning includes not only the freedom to publish an opinion, but also the people’s right to know; the right to access, use, or refute information of a press institution or to establish a new one; and procedural freedoms such as the right of the press to report, edit and compile information.

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed, “Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.” The International Covenant on Civil and Political Rights, too, stipulates in Article 19, “Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds regardless of

¹⁷⁶ Testimony of a humanitarian worker during an interview at KINU on Jan. 2004.

¹⁷⁷ Testimony of new settler Suh XX during an interview at KINU on Nov. 11, 2003.

¹⁷⁸ Same testimony.

frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.”

Article 67 of North Korea’s 1998 constitution provides, “Civilians shall have the freedom of press, publication, association, demonstration and assembly.” Yet, the North Korean press disregards the proper function of the press, such as providing critical commentary and providing objective information to citizens. It instead focuses on the propaganda of Kim-Il-sung based on the Juche ideology and upon indoctrinating the population. The press is used as a tool to turn North Koreans into good communists. Freedom of the press is only guaranteed to the extent that it helps the masses participate even more vigorously in the construction of socialism.

Therefore, the press in the DPRK is an advertiser, instigator and organizer for the KWP designed to help achieve its goals and it exists only as an educational tool. Under no circumstances may the North Korean press engage in any type of criticism of the leadership or the instructions of the great leader Kim Il-sung. The press’s only function is to be a means for the party to fulfill these instructions.

Every single issue of a North Korean publication or broadcast service contains something that eulogizes Kim Il-sung and praises Kim Jong-il. Reports on the two Kims occupy the front pages of newspapers, and their names are printed in special bold fonts. All news is written for the express purpose of embedding the supremacy of the North Korean system in the minds of the people. There are no critical reports or discussions on sensitive issues regarding the system. However, news on negative aspects of the United States or South Korea is normally dealt with in a straightforward manner.

Pyongyang blocks the inflow of information. All radio dials are fixed to the DPRK official broadcasting service channels and sealed. An official of the MPS visits each home every three months; if a seal is found broken the person involved is assumed to be guilty of listening to South

Korean or other foreign broadcasting services and treated as a political criminal. These sorts of controls are ongoing. New settler Suh XX testified that people must register their radios, televisions and tape recorders, and the frequencies must remain firmly fixed at all times.¹⁷⁹

In its second periodic report (Covenant B), North Korea stated that journalists could travel to any region in North Korea to meet with individuals they wish to meet. North Korea also insisted that foreign reporters are free to collect information and report it under regulations regarding the activities of foreign journalists.

However, the facts indicate that contact with foreign journalists remains controlled. North Korea did agree to guarantee the activities of foreign reporters at the time it opened diplomatic relations with Germany. But the State Department report pointed out that the North Korean government continued to strictly control the activities of foreign visitors.

In answer to an oral inquiry during the review of the second report, North Korea frankly admitted that sale of foreign newspapers and magazines are not allowed on the North Korean streets.

In its responses to the concluding observations on the second report, North Korea argued that reporters' activities abroad were being restricted due to the shortages of foreign currency during the economic hardship. It is true that foreign newspapers and publications are not widely circulated in North Korea. Presumably, this is due to the shortages of foreign currency and the small number of people who can read and understand foreign languages. All news media in North Korea belongs either to the state or to public organs. In order to support the activities of correspondents abroad, the media organizations should guarantee financial support. But because the media organizations do not have sufficient foreign currency, they are unable to maintain correspondents abroad.

¹⁷⁹ Testimony of new settler Suh XX during an interview at KINU on Nov. 11, 2003.

The North Korean news media obtain information from such sources as foreign mass media and from reporters assigned to North Korean embassies abroad. North Korea also asserted that it does not restrict the dispatching of reporters abroad.

The role of the press in North Korea is not to improve the quality of life for individuals by providing information, protecting individual rights, monitoring the government, or transmitting entertainment, advertisement or culture. It exists only to justify the policies of Kim Il-sung and Kim Jong-il, as well as to monitor and reproach the people. North Korean citizens are utterly uninformed about international affairs because the sources of external information are completely blocked to them. Consequently, it is unrealistic to expect them to have any desire to freely express their views or any ability to criticize the policies of the North Korean authorities. Only recently, have the people in the border regions been somewhat exposed to outside information through defectors who come across the border. According to recent new settlers, some Chinese cellular phones are smuggled into the border regions of North Korea for communication with their counterparts in China.¹⁸⁰

In North Korea, the right to freely express one's opinion is also subject to strict controls. The North Korean penal code, as revised in April 2004, stipulates that people who systematically listen to broadcasts opposing the Republic, or who have collected, retained or disseminated their contents, shall be punished by up to two years of labor training, even if anti-state intentions were not involved. In serious cases, up to five years of correctional labor can be imposed (Art. 195). Earlier penal code provisions prescribing punishment for these offenses have been reaffirmed. Article 222 also specifies that anyone found spreading unfounded lies that could contribute to the distrust of the State, even without anti-state aims, or spreading inaccurate rumors that could create social

¹⁸⁰ Testimony of new settler Byon XX during an interview at KINU on Apr. 26, 2003.

confusion, would be punished by up to two years of labor training. Even though the level of punishment has been reduced compared to the previous punishment of up to one year of correctional labor, the duration of punishment has been extended. In short, an individual's rights to freedom of opinion, or to communicate with others, remains suppressed.

Due to the economic hardship, people's discontent and complaints have increased, and the degree of punishment for "verbal reactionaries" has been weakening, but many new settlers testified that criticism of, and swearing at, Kim Jong-il and his family is not tolerated in any form.¹⁸¹ It is obvious from their testimonies that for purposes of regime maintenance and idolatry of Kim Jong-il the right to freedom of opinion is tightly restricted.

Publications are also used as a means for ideological education and the party directly manages, censors and controls all publication materials. Publications inculcate the communist ideology and fulfill their organizational role as instigators of the revolution. They act as a means of publicizing the policy of the party based on party- and class-consciousness, the mass line, and revolutionary zeal. Publications are an important means of connecting the party and the masses and are a strong organizational weapon used to mobilize the laboring masses to work for the construction of politics, economics and culture of the party. In other words, all publications support the Juche ideology and the unitary ideological system of Kim Il-sung. They seek to realize the party line and the line of the masses and to solve theoretical and actual problems such as those discussed in revolutionary principles. In the end, publications must devote themselves to the worship of Kim Il-sung, and the systemization of the unitary ideology. Publications have promoted the establishment of the Kim Il-sung/Kim Jong-il hereditary succession and have fostered participation

¹⁸¹ Testimony of new settler Park XX during an interview at KINU on Sept. 23, 2004. also, testimony of new settler Kim XX during an interview at KINU on Jun. 28, 2003.

in the construction of the North Korean-style life in “our-own way” socialist economy. Freedom of the press is guaranteed in Article 67 of the constitution but only under the guidance and control of the party and the state. The North Korean press serves as the mouthpiece of the KWP.

So, any writing or literary work must be ultimately censored by the KWP Propaganda Department. A North Korean publishing something in violation of censorship would be punished with up to five years of correctional labor, and in serious cases, from 5 ~ 10 years of correctional labor under Article 61 (Crime of Anti-State agitation). By expanding the parameters of possible durations of punishment, violators can benefit from shorter terms of punishment, unlike the situation under previous provisions which defined only one type of correctional labor. In reality, it is impossible to publish any criticism of Kim Il-sung/Kim Jong-il or KWP. And new settler Lee XX testified that an influx of foreign ideas through books would be difficult because three times a year joint censor teams consisting of MPS, SSA and Party officials conduct censorship reviews on all books and printed matter.¹⁸²

North Korea regulates literature and the arts as a means of educating workers in the communist way and for turning the entire communist society into the working class. In other words, literature and art in North Korea is an important ideological tool utilized to attain a complete socialist revolution. It functions as an important device for ideological mobilization, a device that functions with military precision at the orders of the party. Since the formation of All Korea League for Literature and the Arts (AKLLA), North Korea has faithfully adhered to the principle of strictly following the Party’s lines and policies in the literary and creative works, including the fact-based socialist creative methods and the upholding of the ‘party-class-people’ principle.

A 1966 meeting of KWP delegates had called for arming the North

¹⁸² Testimony of new settler Lee XX during an interview at KINU on Apr. 26, 2003.

Korean society with Juche ideology. Responding to the call, writers and artists produced a literary and artistic theory based on the Juche ideology.

The Juche theory of literature and the arts, therefore, sets forth as its first task the depiction of Kim Il-sung as the prototype of the quintessential communist. The theory also calls for the deification of Kim Il-sung's family in a manner that equals the deification of Kim Il-sung himself.

North Korea exercises full control over its literary sector. This control is implemented through the AKLLA, which is an external organ of the KWP. Publication of literary works and performing arts, in particular, are strictly controlled and supervised. All literature and arts are permitted for publication and performance only upon approval of KWP and the Ministry of Culture. No publication is allowed without their seal of approval. The same is true of music and art work. Article 226 of North Korean Penal Code stipulates that violators of these provisions are subject to punishment by labor-training, and in serious cases 3 years of correctional labor will be imposed.

In connection with the freedom of press and expression, North Korea answered during the UN review of its second report that there have been 30 cases in the past three years in which publication and dissemination of materials were prohibited. North Koreans insisted that the contents of the prohibited articles generally contained state and military secret materials. The number of stop-print orders and revisions in the process of printing was about 27~28 cases mostly involving encyclopedia, maps and magazines, and 3~4 cases involving military books and pamphlets. Despite these replies, the UN Human Rights Committee, in its concluding observation, recommended that North Korea specifically list the reasons for prohibiting certain magazines from distribution, and refrain from barring subscriptions to foreign newspapers. It further urged North Korea to ease foreign travel restrictions on North Korean reporters and not to abuse or misuse the concept of national

security, for it could then be used for repressions of the freedom of expression.

C. Freedom of Association and Assembly

The freedom of association and assembly permits a large number of people to gather freely and unite for a common goal. If freedom of speech and press could be considered as an individual type of freedom of expression, then the freedom of association and assembly could be considered as a type of freedom of expression with a broader meaning, carried out by a group.

Art. 20 of The Universal Declaration of Human Rights guarantees, “Everyone has the right to freedom of peaceful assembly and association. And no one may be compelled to belong to an association.” The International Covenant on Civil and Political Rights also stipulates, “The right of peaceful assembly shall be recognized (Art. 21), and everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests.” (Art. 22) Hence it is quite clear that the freedom of assembly and association is a civil and political right in its truest sense to protect one’s own interests.

Article 67 of its Constitution states that the citizens have the freedom of association and assembly. The state guarantees this condition for free activities of democratic party and social groups. In reality, however, only the assemblies and associations required by the party are permitted. In its second regular report to the UNHRC, North Korean authorities stated that there were very few public demonstrations. They did report that many assemblies and rallies had been held in response to the needs of individual organizations, factories and organizations, and that central, provincial, city and county governments had sponsored some events. This description indirectly reflects the fact that these

meetings and assemblies are called at the needs of the Party.

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. In its recently revised penal code, North Korea stipulates that those who have caused extreme social disorder or who collectively have refused to follow the instructions of the State shall be punished by up to five years of correctional labor (Penal Code, Article 219). This approach has strongly suppressed demonstrations of any kind. Relative to freedom of assembly, North Korea in its second report on Covenant-A offered the following explanation: To stage a rally, the organizers must notify the local people's committee or local branch of PSA three days in advance in accordance with the rules guaranteeing assemblies and rallies. The notifications must include the purpose, day of the week, time, place, the name of organizer and the size of the assembly or rally. The people's committee or PSA branch must guarantee various conditions necessary for the assembly or rally and cooperate for the maintenance of safety and order. The assemblies or rallies that could disturb sound social order or national safety can be controlled according to methods and procedures set forth in the Public Safety Management Law.

Again, relative to freedom of association, North Korea in its second report stated the following: In order to organize a democratic public association it is necessary to register the association with the government 30 days in advance. In North Korea, there are dozens of democratic public organizations, such as Workers' Unions, Farmers' and Working Masses' Cooperatives, Youth Alliances, Women's Alliances, the Federation of Literary and Artists' Unions, Democratic Attorneys' Association, Christians' Alliance, Buddhists' Alliance, Anti-nuclear Peace Committee and Association for African-Asian Coalition.

In its second regular report on "Human Rights Covenant A," North Korean authorities asserted the following position regarding the formation of job leagues: The workers at state organs, factories and

enterprises are not simple employees but owners participating in the planning, administration and management of their own organs, factories, and enterprises. Therefore, with the exception of personal complaints, problems such as collective bargaining with the enterprise owners, labor disputes or demonstrations for the protection of workers rights are not raised. However, workers employed at foreign enterprises have to depend on the labor unions to protect their rights and interests, their working environment and the terms of contract with foreign firms and their implementation. So far, however, there has not been any labor dispute in connection with the activities of labor unions in North Korea.¹⁸³ In its “concluding observations” presented in 2003 after reviewing the second periodic report on North Korea’s performance involving Convention-A, the UN Human Rights Committee on Economic, Social and Cultural rights expressed concern over the fact that the only professional union in North Korea is under the control of Korean Workers’ Party and its rights are subservient to the authority of National Security apparatus. Furthermore, the UN committee pointed out that the union did not recognize the freedom of demonstration.

Despite the information in this report, North Korean citizens do not have any organizations or institutions that can protect their individual rights because the only permitted assemblies and associations are those formed in response to Party instructions. Independent agencies or associations are never allowed in North Korea, and all organizations and associations are subject to absolute control by the authorities, including women’s organizations, labor unions, religious associations, and political parties.

All North Koreans are required to join various organizations from the age of six to retirement. This includes kindergarten, youth corps,

¹⁸³ North Korea submitted its Second Regular Report on Covenant-A in May 2002. For a full text, see <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030c1256c5a0038d8f0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030c1256c5a0038d8f0?Opendocument)>.

various educational institutions, the Socialist Workers' Youth Alliance, Chosun (Korea) Employees' Alliance, Chosun Agricultural Workers' Alliance, Chosun Democratic Women's Alliance, Korean Workers' Party, etc. But social organizations are not interest groups or pressure groups in the Western sense. They are instead, as explained in Article 56, Part 9 of the Party by-laws, party auxiliary organizations that faithfully fulfill the orders of the KWP, and function as transmission belts between the party and people.

The main purpose of social organizations is to support the party and to facilitate loyalty to Kim Il-sung and Kim Jong-il. These social organizations act as primary control mechanisms over the people and also serve as a means of mobilizing people for mass rallies and marches at national events (i.e., movements to accomplish the goals of authorities; movements to increase productivity, such as the Chollima (flying horse) Movement; and the birthdays of Kim Il-sung and Kim Jong-il.) What the new settlers most disliked in North Korea was the lack of individual freedom. All citizens were required to join various organizations, including the one in his workplace, and they had to attend collective life or political education sessions twice a week. Being absent from these meetings resulted in reprimands, and in extreme cases banishment to the provinces. The new settlers complained that North Korean people were experiencing the most regimented lifestyle in the world.¹⁸⁴

The Korean Workers' Party is responsible for the supervision of all mass organizations. The KWP controls the people's voluntary ideas and collective actions through a system of mutual surveillance, criticism, guidance, and the like, and trains the partisans and supporters through various social organizations. In its second report, North Korea argued that there are no specific laws relating to organization of political parties, because the existing party was formed prior to the birth of the Republic

¹⁸⁴ Testimony of new settler Kim X during an interview at KINU on Sept. 23, 2004.

and has been functioning for over 50 years, and that there has in fact never been any public demands for the formation of a new party. The existing political parties are the Korean Workers' Party, the Korean Social Democratic Party, and the Korean Chundokyo (Heaven's way) Youth Party. But these political parties, as satellite organs, are nothing but faithful supporters of the KWP, complying completely with the Party's statute.

In connection with human rights organizations, North Korea insists that the government does support the establishment of organizations that seek to promote human rights. The procedures for establishing such organizations are the same as the administrative requirements for any public organizations. North Korea reported that there are currently many human rights organizations, such as the Human Rights Research Institute, the Association to Assist Handicapped Persons, the Lawyers' Association and Democratic Attorneys' Association. In addition, North Korea stated many others are freely working for human rights. During the second report review session, the UN Human Rights Committee members demanded explanations as to why they were not able to obtain any information from non-governmental organizations in North Korea. A North Korean delegate replied that it was because the activities of North Korea's non-governmental human rights organizations were not robust, and said he would transmit the details of discussion at the UN session to North Korea's non-governmental organizations on human rights.

The UN Human Rights Committee in its concluding observations demanded that North Korea provide additional information on the requirements to hold public assemblies, even though the North Koreans reported that the freedom of assembly and association was fully guaranteed. In particular, the committee demanded to know under what circumstances public assemblies are denied, and in the event of denial, whether or not appeals are allowed and in what manner. The North Korean delegation

maintained that in reference to the spirit of Article 25 of Covenant B, which defines the right of political participation, no social demand existed in North Korea for the formation of new political parties nor any legal procedures for that purpose. Mindful of these explanations, the committee recommended that North Korea faithfully refer to the committee's general recommendation No. 25 in fulfilling the terms of Article 25 of the Covenant B that defines the right of political participation.

D. Right to Privacy

The guarantee of the right to privacy exists so that individuals can maintain their human dignity. The purpose of a privacy protection is to protect the content, honor and credibility of one's private life from interference. From a different perspective, privacy exists so that the formation and enjoyment of freedom is guaranteed. Therefore, the right to privacy is an inviolable right that exists primarily to protect the legal development of individual character, which is crucial for the respect of the sanctity and dignity of human beings as well as for legal stability.

Article 17 of the International Covenant on Civil and Political Rights guarantees, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. And everyone has the right to the protection of the law against such interference or attacks."

Article 79 of North Korean constitution stipulates, "Citizens are guaranteed inviolability of the person and the home and privacy of correspondence. No citizens can be placed under control or be arrested nor can their homes be searched without a legal warrant." North Korean authorities in their second regular report to the UNHRC also confirmed that illegal and arbitrary breaches of the right to private lives were prohibited, and the privacy of correspondence was guaranteed. In its second report, North Korea stated that illegal or arbitrary invasion of

citizens' privacy is prohibited and the confidentiality of private letters is fully guaranteed.

In this connection, the revised criminal procedure law of May 2004 deleted Article 137 of the criminal procedure law of September 1999, which said, "In the event some unrelated private confidential information came to light in the process of criminal investigation, it should not be made public." The new law in Article 223 instead specifies, "Documents and items related to the crime under investigation shall be seized." This apparently is a weakening of the earlier provision, but a minimum legal protection appears to continue in place for the protection of privacy. North Korea makes an exception to the principle of open and public trial by allowing closed trials in cases where confidential information of individuals or the State needs protection, or in cases when the trial procedures would have a negative impact on the society.

In addition, pretrial agents, during any attempt to investigate a crime or criminal, must obtain prior authorization of a prosecutor to seize letters or cablegrams. The authorization must be based on sufficient evidence and then executed only in the presence of a representative of related agencies or the postal service (Articles 217, 218 and 221 of the revised criminal procedure law).

In 2003, North Korea's International Communication Bureau has launched an international e-mail service, and said it has begun international e-mail service, guaranteeing a normal speed of transmission and the confidentiality of private communication.¹⁸⁵ However, these legal provisions have little to do with actual life. The right to the protection of privacy that North Korea describes is entirely different from that of the West. The invasion of privacy and private life is taking place almost everywhere in North Korea. One of the most well known examples is the wiretapping of homes to eavesdrop on the inhabitants personal life. The

¹⁸⁵ Korean Central News, Nov. 28, 2003.

North Korean authorities are invading private lives through strict mutual surveillance systems, such that wiretapping devices are installed in the residences and automobiles of high-ranking officials, military officers and party leaders. In view of these realities, the UN Human Rights Committee wanted to hear explanations about reports that there was an extremely high level of domestic surveillance of citizens' private lives. To this query, North Korea replied that such reports were unfounded rumors spread by hostile elements. In other words, North Korea was saying that such speculations would not be spreading had North Korea not been confronting head-on the hostile external forces, and if North Korea did not engage in a struggle to safeguard "our-style system" and ideology.

Hwang Jang-yop testified that North Korean intelligence agencies conduct much closer surveillance over the Party cadres than over the general public, and that eavesdropping devices are mobilized to monitor the cadres every word and every move. He explained that one of the reasons the high-ranking cadres were watched so closely was that they had the highest potential to rebel against Kim Jong-il. New settlers Yoo XX and Kim XX also testified that North Korean authorities are setting up eavesdropping devices in the houses of major Party cadres and in public places in order to prevent any anti-regime activities from taking place. New settler Chung XX has testified that "eavesdropping" activities are conducted by Bureau 13 of the National Security Protective Agency.¹⁸⁶

Also, North Korea is strengthening its surveillance of people who have relatives living abroad. It is reported that North Korea is recording the attitudes of those people by classifying their words and moves into a positive or negative category, based on record cards kept since 1995. This is done because it is thought that people who have relatives abroad tend to have an illusion of the outside world and so behave strangely and

¹⁸⁶ Testimony of new settler Chung XX during an interview at KINU on Jan. 20, 2006.

differently from ordinary people. In addition, the State Security Agency has strengthened its surveillance over people who have recently traveled overseas, according to Han XX.¹⁸⁷

North Koreans frequently tell foreign travelers of the atmosphere of terror brought about by the rampant monitoring of personal activities in North Korean society. Those outside the ruling classes fear criticizing or even mentioning politics or discussing issues in a way that might deviate from what has been decided by the party. People seldom exchange words even within the same residential complex. Family members rarely exchange opinions on current issues.

North Korea routinely utilizes the security network to violate personal privacy. The Overnight Inspection Group at the MPS visits each family and carries out inspections between midnight and 3:00 am. to prevent such activities as unauthorized stays and adultery. This group frequently visits and searches homes without warning under the pretense of inspecting for illegal stays.

North Korea also utilizes the Inminban or “subdivision unit” system. Ostensibly to prevent fires or unexpected accidents, workers must give their house keys to the leaders of their people’s neighborhood unit (Inminban). These leaders in turn visit families without notice and inspect the sanitary conditions, as well as portraits and books related to Kim Il-sung and Kim Jong-il. Moreover, during census surveys, uninvited officials from the county or city district enter and inspect houses. A “people’s class” consists of 15~25 families and is under the control of a class leader. The leader is authorized to pay visits to the families at any time, and, accompanied by Social Safety agents, inspect the number and types of people staying at each home. The purpose is to conduct surveillance of suspected ideological divergence and certain family situations, as well as for labor mobilization and collective living.

¹⁸⁷ Testimony of new settler Han XX during an interview at KINU on May 18, 1999.

The class leader conducts routine surveillance, but there are also many secret informants, Social Safety agents, and the local party secretary. This creates double and triple rings of surveillance around the people.¹⁸⁸

Many methods are employed to control the private lives of the people. The KWP, State Security Agency and People's Safety Agency are the major agencies of repression. The local party units normally exercise control over the people. The lowest party unit consists of 5 ~ 30 cells. Party cells are based on production units and expand upward from the primary party unit, district (or sector) party unit and city or county party unit. The Organization Guidance Department of KWP Secretariat is responsible for overall surveillance and the control of citizens, political party units and social organizations, as well as party apparatus and staff at the central party headquarters.

The SSPA is under the direct control of the National Defense Committee, and has been at the forefront of maintaining the Kim Il-sung-Kim Jong-il system. Through writing and enforcing the ten regulations that parallel the ten Great Principles (delivered by Kim Jong-il at a lecture to Those in Charge of Ideology in Feb. 1974) this body has been exercising absolute power in North Korea. This institution tracks down and arrests anti-party and anti-system conspirators, infiltrates special areas and arrests spies, collects and analyzes information related to domestic and foreign matters, and supervises the guard alert system in border areas and extraterritorial regions. During wartime, the SSA is to take full responsibility for ideological issues by culling out betrayers among the supposed supporters of the North Korean system. The institution accomplishes these tasks by closely watching the activities of officials and the general population as well as by supervising what are termed factional elements and political criminals.¹⁸⁹ The party cannot

¹⁸⁸ Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

¹⁸⁹ According to new settler Kim XX, the basic surveillance units in the National

interfere with matters of the SSPA and must render full cooperation. As anti-regime activities increased rapidly in recent years, North Korea's State Security Agency has significantly increased the number of surveillance agents to detect such incidents beforehand and flush out anti-regime elements. The "informer system" consists of two groups: ordinary informants and inside informants. Ordinary informants are hired from among the loyalists and inside informants are those registered with the Security Agency, some of whom would become undisclosed Party members.¹⁹⁰ In ordinary neighborhoods, the "people's monitor," or the person in charge of neighborhood affairs, is the most useful informant.¹⁹¹ Agents are mainly recruited from the ranks of people with lots of citizen contacts, such as barbers, vehicle drivers and office security guards who keep the visitor logs. New settler Choo XX used to work as a stringer for the Security Agency when he was a college student, and he testified that he was required to report or bring up five or more items or accusations per day.¹⁹² The agents of the State Security Agency are known to constantly interfere with private lives, asking individually to describe the activities of friends in detail.¹⁹³

The MPS professes to be a body representing the dictatorship of the proletariat that maintains social order and protects people's lives and property. However, the MPS has as its main duty supervision of the entire population for the purpose of maintaining the North Korean system. Its

Security Agency are the Surveillance Bureau and Eavesdropping Bureau. These units are conducting "tailing" and "tapping" operations at all motels, inns, hotels and public facilities. Testimony of new settler Kim XX during an interview at KINU on Oct. 19, 1999.

¹⁹⁰ Testimony of new settler Chung XX during an interview at KINU on Jan. 20, 2006.

¹⁹¹ "A Workshop for New Settlers," sponsored by Korea Institute for National Unification (KINU), Jan. 20, 2006.

¹⁹² Testimony of new settler Joo XX during an interview at KINU on May 25, 2001.

¹⁹³ National Intelligence service, "Recent Developments in North Korea," No.188, pp. 21 ~22.

purpose has been to eliminate any factors that might hinder the construction of socialism, and to suppress the populace in order to render them obedient to the dictatorship of Kim Il-sung and Kim Jong-il.

The MPS is an organ of the Administration Council, and on the national level it is composed of its main body and affiliated bodies. In each province there is a Public Security Bureau and affiliated agencies, and there are Public Security Departments in all city and county areas. Its members, called security guidance personnel, are also dispatched to factories and enterprises.¹⁹⁴

6. The Freedom of Religion

The freedom of thought is a fundamental condition necessary to maintain the sanctity of human beings. This freedom includes the formation and conveyance of thought, acts of conscience and faith, and independent scholarship. Due to the very nature of these activities, they lose their significance without freedom from oppression and the interference of state power. In a democratic society the freedom of thought must be respected in order to maintain the system itself and to secure a democratic society.

Article 18 of the Declaration guarantees, “Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change religion or belief, and freedom, either alone or in community with others, and in public or in private, to manifest his religion or belief in teaching, practice, worship and observance.” Article 18 of the International Bill of Rights also declares, “This right shall include the freedom to have or to adopt a religion or belief of one’s choice, and freedom, either individually or in community with others and

¹⁹⁴ For details on People’s Security Agency, see Chon Hyun-joon, *North Korea’s Social Control Agencies - with Emphasis on People’s Security Agency* (Seoul: KINU, 2003).

in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Article 18 of the Human Rights Covenant B also stipulates, “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice···(And this freedom) may be subject only to such limitations as are prescribed by law···(And shall be respected) for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Since the founding of the regime and pursuant to Kim, Il-sung’s statement, “Religion is the opiate of the masses,” the DPRK has consistently persecuted religiously active people. It explains religion as a tool for the ruling class to exploit the masses. The North Korean Dictionary on Philosophy states, “Religion historically was seized by the ruling class to deceive the masses and was used as a means to exploit and oppress, and it has recently been used by imperialists as an ideological tool to invade underdeveloped countries.”¹⁹⁵

Many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. Most religiously active people were categorized as anti-national and counter-revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they were regarded as tools of imperialist aggression. Taking advantage of the anti-American sentiment in the wake of the Korean War, North Korea has begun to persecute religions. Through the background checks on its people, North Korea has identified and began to persecute the religious persons and their families as “anto-revolution elements.” In particular, immediately before and during the Korean War, large numbers were arrested and executed or banished.

¹⁹⁵ The Academy of Social Science (Pyongyang: The Academy of Social Science Press, 1985), p. 450.

Religious practitioners have nearly disappeared as a result of the central party's intensive guidance program that began in 1958. Only 60 out of a total of 400 or so Buddhist temples have survived. The 1,600 monks and nuns and their 35,000 Buddhist followers have been either killed or forced to recant their faith. In addition, some 1,500 Protestant churches and some 300,000 followers, three Catholic dioceses and 50,000 Catholic followers; and 120,000 followers of Chondokyo (a Korean traditional religion) have been eradicated or forced to recant their faith. Kim Il-sung stated in a speech made at the MPS in 1962.

(We) cannot carry such religiously active people along our march toward a communist society. Therefore, we tried and executed all religious leaders higher than deacon in the Protestant and Catholic churches. Among other religiously active people, those deemed malignant were all put to trial. Among ordinary religious believers, those who recanted were given jobs while those who did not were held at concentration camps.¹⁹⁶

According to official statistics, North Korea's total population at the end of liberation August, 1945 stood at 9.16 million. About two million, or 22.2 percent were religious practitioners, including about 1.5 million Chondogyo, or "heavenly way" followers, 375,000 Buddhists, 200,000 Protestant Christians, and 57,000 Catholics.¹⁹⁷ The actual number was believed to be much higher, however, because North Korea classified them (under the three classes and 51 categories system based on personal background) as "hostile" and "complex" classes, where as such they were kept under surveillance and persecuted. It is estimated that approximately 400,000 religious practitioners were executed or imprisoned in political concentration camps through 1970. Second and third generation children of religious practitioners have been classified as "reactionaries"

¹⁹⁶ Koh Tae-woo, *North Korea's Policy on Religion* (Seoul: Minjok Cultural Pub., 1989), p. 79.

¹⁹⁷ The Chosun Central News Agency, *The Chosun Central Annual 1950* (Pyongyang: Chosun Central News Agency, 1950), p. 365.

and are supervised closely by the government.¹⁹⁸

In the 1970s when inter-Korean talks began, North Korea began to externally propagandize by reorganizing religious organizations and revising constitutional provisions. In legal terms, North Korea added Article 54 during the 1972 revision of its socialist constitution, stipulating, “Citizens shall enjoy the freedom of religion and freedom to launch anti-religious campaigns.” Freedom of religion was the progressive development, but the complementary freedom of anti-religious campaigns served to deny full-fledged freedom legally and practically. North Korea has also created new religious organizations by reviving defunct religious organizations, such as the “Chosun Christians League,” the “Chosun Buddhist League” and the “Chosun Chondogyo Central Guidance Committee.” Through these bodies, North Korea has sought to form a “united front” with progressive South Korean religious leaders to promote its unification formula and anti-South Korean position. In short, North Korea is using religion as a tool for political propaganda against South Korea.

As the international criticism mounted over the freedom of religion issue in North Korea in the 1980s, and as the contacts of its religious organizations with outside counterparts increased, North Korea relaxed its policies relating to religion. Subsequently, some superficial changes began to take place, such as the establishment of new churches and the addition of religion departments in colleges. North Korea began to pursue a new policy on religion in the late 1980s. First, it allowed the building of religious structures. Second, it allowed religious ceremonies. Third, it provided a legal basis for the operation of religious educational facilities. In late 1998, North Korea began to advertise its decision to guarantee religious freedom when it allowed construction of

¹⁹⁸ Huh Man-ho, “EU Human Rights Policy toward North Korea and the UNHRC Human Rights Resolution on North Korea,” *The Journal of Korean Political Science Association*, Vol. 12, No. 2 (2004), p. 18.

the Bongsu Church and the Jangchung Cathedral. The Chilgol Church was built in 1992.

In the 1990s, the international community repeatedly raised human rights issues with North Korea at the UNCHR and at the Subcommittee on Human Rights. In response, North Korea revised its socialist constitution twice, in 1992 and 1998. In the 1992 revision, North Korea added the freedom of residence and movement. In the 1998 revision, North Korea deleted the freedom of anti-religion clause, and stipulated in Article 68, “Citizens have freedom of religious beliefs. This right is granted by approving religious ceremonies and the construction of religious buildings. No one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.”¹⁹⁹ Relative to the freedom of religion, the revised North Korean constitution has shown some progress. Official steps have been taken, at least superficially, by recognizing the freedom of religion, to build religious structures and hold ceremonies. Legally speaking, North Korea is still capable of restricting religious freedom, because it continues to believe that foreign influences can use religion as a conduit to disrupt national and social order.

In the process of changing its religious policy since the 1990s, and on Kim Jong-il’s instructions, North Korea has begun construction of “Jongbaik Temple,” a shrine of the Russian Orthodox Church, in Payongyang on June 24, 2003. Regarding this project, HurJin-il, the chairman of Chosun Orthodox Committee, has observed that the construction of Jongbaik Temple in Pyongyang will contribute to a strengthened Russo-North Korean friendship. In order that church services can be conducted upon completion of the building, four North Koreans have been sent to study the teachings of the Russian Orthodox

¹⁹⁹ In the revised 1998 constitution, the only phrase deleted was “whosoever.” As a result, the 1992 provisions for religious freedom have been essentially preserved in the revised constitution.

Church at a seminary in Moscow.²⁰⁰

The reason North Korea is changing its religious policy in terms of legal and institutional arrangements is to maintain religious repression internally amid deteriorating food shortage, the death of Kim Il-sung and the unruly social environment, while expanding contacts with the international community through various religious channels. In short, North Korea is utilizing religion as a means of gaining foreign currency.)

It would, therefore, be desirable to examine the reality of religious freedom the North Korean authorities have reported. In 2001, a North Korean delegate to the session reviewing North Korea's second regular report to the UNHRC submitted the following data on religion in North Korea.

<Table II-12> The Status of Religion

Religion	Churches/temples	Pastors/monks	Congregation
Christian	2 (500 "family service" sites)	20 (Pastors)	12,000
Catholic	1 (2 assembly sites)	-	800
Buddhist	60	200	10,000
Chundokyo	800	-	15,000

North Korea is advertising internationally the fact that religious educational facilities have been established and are in operation. According to the second regular report to the UNHRC in 2000, a department of religion was newly installed in the Kim Il-sung University in 1989. The report stated, "There are religious educational facilities run by religious organizations. The Chosun Christian League operates the

²⁰⁰ *North Korean Central Broadcast*, Jun. 25, 2003; Also, *Yonhap News*, Jun. 24 and 27, 2003.

Pyongyang Theological Seminary and the Chosun Buddhist League Central Committee is running a Buddhist school. The Chosun Chondogyo Central Guidance Committee operate a Chondogyo middle school, and the Chosun Catholic Association Central Committee also teaches students.” In addition, the ‘Voice of Russia’ radio reported that in 2003 North Korea sent graduates of Kim Il-sung University to Moscow to study Christian teachings through the Chosun Christian League.²⁰¹

Furthermore, North Korea has been emphasizing that freedom of religion is guaranteed, especially in connection with the freedom of assembly and association. In its second report on Covenant B, North Korea insisted that there were no restrictions for religious practitioners who wanted to form associations or religious activities as they were guaranteed under Article 67, Section 2, that “The State shall guarantee conditions for the free activity of democratic political parties and social organizations.” North Korea also insisted that under freedom of association many religious organizations were engaged in religious activities. A list included the Chosun Christian League, Chosun Buddhist League, Chosun Catholic Association, Chosun Chondogyo Central Guidance Committee and Chosun Association of Religious Practitioners. The North Korean delegation boasted that religion was completely separate from the State, and no religion was discriminated against or interfered with. People were free to choose and freely practice the religion of their choice.

While legally and institutionally reforming its religious policies, North Korea has been engaged in inter-Korean religious exchanges. For example, it has permitted inter-Korean joint religious ceremonies to take place across the nation. On January 15, 1989, for the first time since the Korean War, North Korea permitted ceremonies at all Buddhist temples in North Korea to observance a special Buddhist occasion. Subsequently,

²⁰¹ *Yonhap News*, Mar. 31, 2003.

North Korea has allowed observance of three major Buddhist holidays and ceremonies.²⁰² It has also permitted some religious ceremonies like Easter. The Chosun Christian League and the Chosun Buddhist League issued a statement on March 27, 2003, supporting the calls of (North Korean) government-party-organizations for the protection of peace and national self-reliance under a joint national effort.²⁰³ As the foregoing examples show, the activities of North Korean religious organizations are often used as propaganda ploys targeting South Korea.

North Korea has since been taking positive steps and in 2003 North Korea began allowing South Korean religious organizations to participate in building or restoring religious facilities in North Korea. South Korea's Buddhist Jogye Order for National Community Movement, in cooperation with its North Korean counterpart, has launched a campaign to repaint 59 Buddhist temples in North Korea, including Bopwoo-am Temple near Pyongyang. There are also plans to rebuild the Shinkesa Temple in Mt. Keumgang, which had burned during the Korean War. South Korea's Buddhist Chontae Order was active in the Youngtongsa Temple in Kaesong rebuilding project. The Korean Presbyterian Church, under an agreement with North Korean Christian League, has been building a new church in Chongryu-dong, Pyongyang.²⁰⁴

Furthermore, North Korea is allowing religious organizations to engage in exchanges with their international counterparts. In the 1990s, North Korean religious organizations sought to establish contacts with their South Korean, European, and American counterparts. In 1995, as part of an effort to improve relations with the United States, American missionary organizations were invited to Pyongyang, and a North Korean Christian delegation led by Reverend Kang Young-sup, chairman

²⁰² *Yonhap News*, May 5, 2003.

²⁰³ *Korean Central News*, Mar. 29, 2003.

²⁰⁴ *Yonhap News*, Nov. 26, 2003 and Jan. 19, 2004.

of its central committee, toured the United States making contacts for a month.²⁰⁵ The Chosun Buddhist League also sent delegates to the Asian Buddhist Peace Conference held in Laos.²⁰⁶ These religious organizations have been organized primarily as counterparts to foreign religious organizations or international aid agencies, rather than as instruments to guarantee and support free religious activities. According to new settler Suh XX a central party official told him that there were religious organizations for diplomatic purposes.²⁰⁷ Through these religious organizations, controlled by the central authorities, North Korea has been trying to internationally illustrate that freedom of religion is guaranteed in North Korea. However, it is not known whether any central religious organization is maintaining branches in the provinces. In the interviews conducted in preparation for a religious report, all new settlers interviewed said they were unaware of any religious organization that has branches in the provinces.²⁰⁸

Even though North Korea is taking some positive steps to legally and institutionally, guarantee religious freedom, to build religious structures, and to allow religious ceremonies, new settlers in South Korea have all agreed that religious freedom is not granted the ordinary people. The primary reason North Korea cannot allow full-fledged religious freedom is the imperative of personality cult built around the “Suryong Unitary Ruling System.”

One of the most important reasons for North Korean’s perception of religion as a source of foreign intrusion and exploitation, as well as of social confusion, is the antithetical nature of religion vis-à-vis

²⁰⁵ Kim Byung-ro, “Changes of North Korea’s Policy on Religion and Realities of Religion” (Seoul: KINU, 2002), p. 48.

²⁰⁶ *Korean Central News*, Feb. 10, 2003.

²⁰⁷ Testimony of new settler Suh XX during an interview at KINU on Nov. 11, 2003.

²⁰⁸ David Hawk, “Thank you Father Kim Il Sung,” U. S. Commission on International Religious Freedom, 2005, p. 88.

the unitary ruling structure of Kim Il-sung/Kim Jong-il. Religion worships an all-powerful entity. This is diametrically opposite to, and clashes with, the stature of Kim Il-sung and Kim Jong-il who need to be revered as all-powerful entities. Juche Ideology demands exclusive worship of Suryong (Kim Il-sung/ Kim Jong-il) as an all-powerful entity based on the “theory of socio-political organism.” Consequently, it is absolutely impossible to permit another all-powerful entity to challenge the unitary ruling structure of the leader(s). In reality, in North Korea today it would be impossible to conceive of worshiping any other entity but the creator Suryong of Juche Ideology.

The worship of Kim Il-sung and Kim Jong-il is specifically stipulated in the Ten Great Principles of Unique Ideology. The principles of being unconditionally loyal to Kim Il-sung and adopting Kim Il-sung’s instructions for absolute guidance are provided for in this document. Since its announcement in 1974, the “ten great principles” rule has been utilized more than the constitution or any laws and regulations as a means of exercising control over North Koreans, as well as deifying the Great Leader Kim Il-sung. The principles are treated like prescribed laws and are actually applied in criminal cases.²⁰⁹

²⁰⁹ Ten Great Principles are as follows:

1. Struggle with all your life to paint the entire society with the one color of the Great Leader Kim Il-sung’s revolutionary thought.
2. Respect and revere highly and with loyalty the Great Leader Kim Il-sung.
3. Make absolute the authority of the Great Leader Kim Il-sung.
4. Accept the Great Leader Kim Il-sung’s revolutionary thought as your belief and take the Great Leader’s instructions as your creed.
5. Observe absolutely the principle of unconditional execution in carrying out the instructions of the Great Leader Kim Il-sung.
6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Kim Il-sung.
7. Learn from the Great Leader Kim Il-sung and master communist dignity, the methods of revolutionary projects, and the people’s work styles.
8. Preserve dearly the political life the Great Leader Kim Il-sung has bestowed upon you, and repay loyally for the Great Leader’s boundless political trust and

Since interpretation of the ten principles is arbitrary, they are routinely used to frame political dissenters with political and ideological criminality. For example, two entire families disappeared because in one case a nine-year old second-grade student scribbled over with pencil the faces of the Kim's in his text book; in the second family an elderly grandmother used issues of the Rodong Shinmun as wallpaper. Of course, they contained pictures of Kim Il-sung and Kim Jong-il. Both families were punished on the basis of the Ten Great Principles.

The inhumane practice of forcing people to sacrifice even their lives to save portraits of Kim Il-sung and Kim Jong-il in accordance with the Ten Great Principles persists in North Korea. In *Stories on Revolutionary Optimism* authored by Ahn Chang-hwan and published in 1991 by the Pyongyang Working People's Organizations Publishing House, is presented the story of a person named Park Young-duk who sacrificed his life to protect a portrait of Kim Il-sung. It is reported that while working in the Yellow Sea Park Young-duk died when his boat capsized and while it was on the verge of sinking he carefully wrapped a portrait of Kim Il-sung with a plastic cover, attached a heavy weight to himself and jumped into the sea.

In an effort to reinforce ideology education during the food crisis and economic hardship, North Korea renewed its emphasis on the "ten principles." Recently, instructions from authorities high in the government have stressed that the harder the daily living the stronger the ideological unity and education should be. The instructions demand, "Tighten the workers" and "tighten them without providing food or

considerations with high political awareness and skill.

9. Establish a strong organizational discipline so that the entire Party, the entire people, and the entire military will operate uniformly under the sole leadership of the Great Leader Kim Il-sung.
10. The great revolutionary accomplishments pioneered by the Great Leader Kim Il-sung must be succeeded and perfected by hereditary successions until the end.

clothing. Tighten the organized living.” In addition, new settler Lee XX testified that the effort at deification of Kim Jong-il has been reinforced.²¹⁰

New settler Lee XX testified that the most feared event in people’s daily lives was the discipline of “ten principles.” He said that anyone critical of Kim Jong-il or the party would be punished, without exception, under the “ten principles.”²¹¹ It appears then that it is the “ten principles” that are utilized to control and regulate people’s daily lives. New settler Kim XX concurred with this observation. Since the economic hardship, especially since 1995, the “10 principles” are repeatedly emphasized at various people’s meetings. In the past the instructions of Kim Il-sung/ Kim Jong-il had been stressed.²¹²

Whether religious freedom is really granted in North Korea can be confirmed by observing whether it is allowed in the provinces and places other than the officially sanctioned facilities and organizations. There are two churches and one cathedral in Pyongyang, but there are no churches or religious facilities in the provinces. When the United States designated North Korea as a religion-suppressive country, North Korea refuted it through the “Chosun Shinbo” newspaper that reported that every Sunday 200 ~ 300 Christians were conducting services at Pyongyang’s Bongsu Church, and over 500 families across the nation were conducting services every Sunday.²¹³ In December 2002, the Chosun Christian League announced that there were 12,300 registered Christians in North Korea and a total of 513 family service locations.²¹⁴

Even in the case of “family churches,” which North Korea insists exist, it is highly doubtful if such churches are freely allowed in the

²¹⁰ Testimony of new settler Lee XX during an interview at KINU on Sept. 21, 2004.

²¹¹ Testimony of new settler Lee XX during an interview at KINU on May 14, 2001.

²¹² Testimony of new settler Kim XX during an interview at KINU on Oct. 27, 2003.

²¹³ Ministry of Unification, “Weekly News on North Korea,” No. 569, pp. 9 ~ 10.

²¹⁴ *The Christian Newsweek*, Oct. 19, 2002.

provinces. In hundreds of extensive personal interviews with the new settlers (North Korean defectors), there was not one person who knew of any place of worship in North Korea. Most new settlers from the provinces were not aware of the two churches and one cathedral in Pyongyang. However, David Hawk has reported that in the course of his personal interviews regarding religion, he had heard of a total of eight churches in North Korea: five churches in Pyongyang, one in Kaesung, one in Sungchon, and one in South Hwanghae Province.²¹⁵ However, most experts doubt if the freedom of worship is fully granted even at the two churches and one cathedral in Pyongyang. Moreover, North Korea is utilizing churches, cathedrals and temples for external propaganda and political purposes by allowing foreign religious leaders and other occasional visitors to these religious facilities. Local citizens are strictly barred from entry or use of the facilities. Unsurprisingly, ordinary citizens generally perceive these religious places as “sightseeing spots for foreigners.” In the case of Bongsu Church in Pyongyang, which was newly built in September of 1998, only the building supervisor and his family live there normally. When foreign guests come to visit, however, several hundred carefully selected 40-50-year-old citizens are gathered to conduct church services in disguise. Foreign Christians testified that, while in Pyongyang, they had visited the church on Easter Sunday without prior consultation with the authorities and found the church doors firmly shut.

The fundamental reason for North Korea’s difficulty in guaranteeing the freedom of religion in accordance with the Socialist Constitution stems from its belief that religions are a means of foreign encroachment and would inflict harm on North Korea’s social disciplines. Believing that the Christian church has a negative impact on the maintenance of the regime, North Korean authorities have recently begun to control Christian

²¹⁵ Testimony of new settler Kim XX during an interview at KINU on Feb. 19, 2005. Also see, David Hawk, “Thank you Father Kim Il-sung,” *US Commission on Religious Freedom*, 2005, pp. 87 ~ 88.

missionary work more strictly. Since 1997, State Security Agents have instructed the North Korean people to prevent Christian missionary activity. The instructions tell citizens of the necessity of searching out missionaries and methods of finding them.²¹⁶

It is assumed that freedom of religion is restricted even at the locations that are officially sanctioned. This becomes obvious by observing how North Korea handles forcibly deported North Korean defectors. As the food shortage has worsened, North Korea has had to relax the levels of punishment administered to North Koreans who traveled to China and returned home. However, if the travelers had any contact with any South Korean religious personnel, they were treated as political prisoners subject to harsh penalties. North Korean authorities are imposing severe punishments on those who have been deported by Chinese security agents, especially if they were known to have contacted South Korean Christians. This practice is believed to be part of an effort to prevent transmission of Christianity into North Korea. These incidents clearly show that the freedom of religion in North Korea is superficial. New settler Kim XX recounted that her sister was arrested and deported to North Korea for having met with a South Korean at a church in Yenji, Manchuria.²¹⁷ New settler Ma XX was arrested by the State Security Protection Agency because one of the defectors informed the authorities that he was related to the church.²¹⁸ In another case, new settler Huh XX reported that one Johan was sentenced to three years of work rehabilitation for having contacted Christians in China.²¹⁹ New settler Um XX testified that the SSPA arrested him twice because someone informed the

²¹⁶ North Korea has been encouraging the inhabitants to report on persons who were reading the Bible. Testimony of new settler Kim XX during an interview at KINU, May 31, 2000.

²¹⁷ Testimony of new settler Kim XX during an interview at KINU on Aug. 3, 2002.

²¹⁸ Testimony of new settler Ma XX during an interview at KINU on Aug. 3, 2002.

²¹⁹ Testimony of new settler Huh XX during an interview at KINU on Sept. 7, 2002.

authorities that he had contacted a missionary. He was released after he testified that he was not a Christian.²²⁰ These defectors also related an incident in which some 60 people were sentenced to 15-year prison terms because they visited a church upon unconfirmed news that they would be given 15 kilograms of corn if they became Christians.²²¹ New settler Choi XX was deported in October of 2002 and detained in Hweryong Security Agency when a 19-year-old man was brought in for religious violations. He had heard from a guard that the man would be sent to a concentration camp via the Provincial Security Agency.²²²

While the North Korean authorities were trying to suppress religious activities, many new settlers have testified that underground religious activities were increasing. New settlers testified on the subject of the existence of “underground churches” as follows. The new settler Yoo XX testified that in 1996 he investigated for three years in an effort to uncover the existence of an underground church.²²³ The new settler Hwang X testified that in Sariwon, Wunsan County, North Hwanghae Province, a daughter-in-law reported a family church service. Four family members were subsequently executed and the rest were sent to a political concentration camp.²²⁴ One defector who had worked at the Security Agency testified that in the early 1990s a total of 86 underground Christians were arrested in Anak County, Hwanghae Province. Some of them were executed and others were sent off to political detention camps. This Hwanghae incident was a clear case of massive repressions on an underground church.²²⁵ New settler Kim XX testified that Bang XX was

²²⁰ Testimony of new settler Uhm XX during an interview at KINU on Aug. 3, 2002.

²²¹ Testimony of new settler Moon XX during an interview at KINU on Jun. 29, 2002.

²²² Testimony of new settler Choi XX during an interview at KINU on Feb. 19, 2005.

²²³ Testimony of new settler Yoo XX during an interview at KINU on May 22, 2000.

²²⁴ Testimony of new settler Hwang XX during an interview at KINU on May 24, 2000.

²²⁵ *Yonhap News*, Jun. 15, 2001.

the sister of his friend, Bang XX, and she got married to a man in Nampo City. In 2001, he heard she and four others were caught trying to promulgate religion and were executed by firing squad.²²⁶ Despite these testimonies, it is difficult to verify the existence of underground churches. Some Christian organizations have been operating “mission halls” in China for the North Korean defectors and are reportedly trying to expand their activities into North Korea. However, new settler Chung XX said that some defectors would copy portions of the Bible on the North Korean-made notebooks to “prove” that they have been doing missionary work inside North Korea.²²⁷

North Korea maintains a policy of “controlled, publicly sanctioned religion,” in which all religious activities are strictly controlled by the government.²²⁸ North Korea utilizes religious activities only for political and economic goals; namely, to improve its international image, to secure humanitarian assistance from overseas, and to earn foreign currency. As a matter of fact, North Korea imposes strict punishments on underground Christians, thereby showing that North Korea’s guarantee of freedom of religion is simply for external propaganda purposes. In a strict sense, freedom of religion does not exist in North Korea. New settler Choi XX testified that North Korea absolutely was a society of no religion, where even fortune-tellers would be placed under arrest if they became well known and popular.²²⁹ In short, the North Korean authorities will not even allow going to the fortune-tellers.²³⁰ Palm-reading and all other forms of superstition are also banned.²³¹ It would be difficult to find genuine followers of religion in North Korea, except

²²⁶ Testimony of new settler Kim XX during an interview at KINU on Apr. 26, 2003.

²²⁷ Testimony of new settler Chung XX during an interview at KINU on Jan. 20, 2006.

²²⁸ Kim Byung-ro, *op. cit.*

²²⁹ Testimony of new settler Choi XX during an interview at KINU on Sept. 21, 2004.

²³⁰ Testimony of new settler Kim XX during an interview at KINU on Feb. 19, 2005.

²³¹ Testimony of new settler Kim XX during an interview at KINU on Feb. 19, 2005.

perhaps those officially recognized as such. Buddhist monks do not wear their religious attire on a daily basis, and they are appointed or ordained by the government. It is reported that some of them are not even familiar with Buddhist scriptures. After decades of anti-religious indoctrination, where religion was treated as opium, superstition, a tool of exploitation,²³² and American imperialism, it would be hard to expect anyone to become true believers of any religion. Furthermore, under constant surveillance, there would be no one who would publicly say he or she had a religion, unless they were officially sanctioned by the government to do so. In exceptional cases, there is a possibility that former followers of religion are still alive in control zones such as the political detention camps. Even though religious freedom is restricted, contacts with religious personnel appear to be increasing. North Koreans returning from China and Christian humanitarian assistance personnel are bound to meet with local North Koreans, as the interest of religious groups around the world for proliferation in North Korea is increasing. Under the circumstances, it would be desirable to find out if underground religious activities are discreetly taking place inside North Korea.

In this context, the UNHRC did raise questions about whether religious beliefs and Juche Ideology could co-exist and were compatible in North Korea. The UNHRC pointed out that religious repression was a violation of Article 18 of the Human Rights Covenant B. In its concluding observations after the review of North Korea's second regular report on Convention-B, the UN committee asked North Korea to submit more recent information concerning religious followers and their facilities, as well as more realistic measures of the steps it has taken to guarantee religious life.

²³² Ko Tae-woo, "North Korea's Religious Policy," *op. cit.*, pp. 81 ~83.

7. The Right of Political Participation

The right of political participation encompasses the subjective civic right of people to participate directly in the formation of their country, to join in the election and voting process as election candidates or voting members and to be elected to public office. Everyone should have the right to participate or not participate in the vote, and each person should have the freedom to vote for any candidate whom he or she wishes. Therefore, all persons should have the ability to freely choose to vote for a specific candidate. In addition, balloting should be fair and done in secret and should be carried out in accordance with legal procedures.

Article 21 of the Universal Declaration of Human Rights stipulates, “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives··· The will of the people shall be the basis of the authority of government.” However, Article 21, Section 3 specifies, “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” In Article 25 of the International Covenant on Civil and Political Rights, it states, “Every citizen shall have the right and the opportunity··· without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives; (and) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”

As part of its tribute to Kim Il-sung, North Korea suspended for three years all events related to political participation, including the Supreme People’s Assembly, Party Congress, and elections at all levels. Kim Jong-il was inaugurated as Party Secretary General, but the people were deprived of their political rights because he was nominated to the

position, not elected.

According to Article 6 of the revised 1998 Constitution, “All levels of sovereign office from the County People’s Assembly to the Supreme People’s Assembly shall be elected through secret ballot based on universal, equal, and direct suffrage principles.” Article 66 also stipulates, “All citizens above the age of 17 shall have the right to vote and the right to elective office.” Yet, elections in North Korea are used, internally, to confirm the people’s confidence in the party and to justify the single party dictatorship, while externally they are used as a propaganda tool to demonstrate that democracy is being practiced. These characteristics are obvious if one considers the manner in which candidates are nominated, registered and elected, and the loss of suffrage rights if one is considered guilty due to family history.

One candidate in each electoral district is nominated for election, and the KWP carefully selects candidates in advance. The KWP also carefully screens in advance the candidates from the “Social Democratic Party” and the “Chung Woo Party.” For all intents and purposes the KWP controls all these candidates.

Under the principle of universal, equal and direct voting the law requires secret ballots, but in reality voters are instructed to cast a yes-or-no vote for a single candidate nominated by the KWP. The elections are conducted under the strict surveillance of the State Security Agency, and the entire voting procedure consists of simply receiving a ballot and casting it in a yes-or-no ballot box.²³³ Consequently, elections are regarded as mere celebrations in which to express active support for the party-nominated candidates. For this reason, electoral districts will sponsor various performances on election days.

The colorful performances of brass bands and small artisan groups that

²³³ Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

various levels of students put up in open spaces and railway station grounds are inspiring fighting spirits and revolutionary passions.²³⁴

According to new settler Joo XX, the authorities would build up to an upbeat atmosphere several days before the election of people's deputies to the Supreme People's Assembly by mobilizing students and others to sing and march on the streets.²³⁵ 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.²³⁶ New settler Kim XX testified that voting supervisions recently have been relaxed so that only the currently residing voters are allowed to participate in voting.²³⁷ However, new settler Bae XX testified that if a resident failed to vote, he would be suspected of political motives for not doing so, and this fact remains on the person's record for years, adversely affecting him in the event he is involved in another misdemeanor.²³⁸

Free expression of opinion by citizens is practically impossible in the candidate nominating process and when casting votes. Elections in North Korea are not a part of the political process where various political forces freely contend on the basis of ideas and policies. Rather, it is part of a political mobilization to reinforce the people with a sense of political participation and a pro forma and post facto approval of the power structure and the method of elite recruitment designed by the KWP. This process was precisely repeated during the election of deputies for the 11th Supreme People's Assembly on August 3, 2003. Through a "report" the North Korean Central Election Committee announced that a total of

²³⁴ *Korean Central News*, Aug. 4, 2003.

²³⁵ Testimony of new settler Joo XX during an interview at KINU on May 25, 2001.

²³⁶ *Korean Central News*, Aug. 4, 2003.

²³⁷ Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

²³⁸ Testimony of new settler Bae XX during an interview at KINU on Jan. 20, 2005.

687 deputies for the SPA and 26,650 deputies for the Province, City and County People's Committees have been elected. It further stated, "Some 99.7 percent of those listed on the eligible voter registry participated in the election and 100 percent of those voting cast "yes" for the candidate nominated by the district."²³⁹

During elections, Security and Safety agents exercise strict control over the people. Whoever does not participate in voting, or refuses to vote, is suspected of political motives and experiences a negative impact on daily lives. For these reasons, new settlers testified, they always participated in voting.²⁴⁰

8. The Right of Women

A. Equality of Man and Woman and Women's Social Participation

Article 3 of human rights "Covenant B" provides that the signatories must guarantee that men and women will equally enjoy all the civil and political rights specified in the declaration. The declaration also emphasizes the importance of gender equality. Article 3 of the Convention to Eliminate all forms of Discrimination against Women (CEDAW) stipulates, "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with

²³⁹ Above testimony.

²⁴⁰ Testimony of new settler Bae XX during an interview at KINU on Jan. 20, 2005. also, testimony of new settler Kim XX during an interview at KINU on Oct. 27, 2003.

men.”

Looking simply at current laws and systems, as well as the social participation of North Korean women, it is possible to think that North Korean women are enjoying equal civil and political rights with men, and their social status and roles have seen a significant improvement.²⁴¹ North Korea has joined the CEDAW convention in February of 2001, and submitted its first progress report on the convention in September of 2002. In the report, North Korea insisted, “Over its long history, North Korea has abolished all discriminations against women. The gender equality in North Korea means more than simple equality between the sexes, it means placing more emphasis on women. And, this concept has been reflected in policies and legislation.”

In practice, however, the status and roles of North Korean women have not improved as much as North Korea claims and the society wide discriminatory attitude stemming from the feudal patriarchal tradition continues to prevail in North Korea. The policies of women’s social participation and socialist reforms in household chores pursued during its founding years were motivated by the class theory and the need to mobilize the labor force for economic growth functions, rather than for the liberation of women. Since the 1970s, North Korea has been emphasizing the importance of family, the paternal hierarchy and patriarchal national hierarchy for political reasons and succession purposes. As a result, there developed an unbridgeable gap between the ideal of women’s liberation and the lives of North Korean women in

²⁴¹ Before the regime’s inception, North Korea enacted the “law concerning the equality of men and women,” and after the inception North Korea tried to guarantee women’s political and social roles by enacting various laws, including the “constitution,” the “law on children rearing and education,” “socialist labor law,” and “family laws.” It also sought to encourage women’s social participation and improve their status by abolishing the family registry system, and pursuing institutional reforms such as the socialization of household chores and a national nursery system for children.

reality. In connection with women's political participation, about 20 percent of the people's deputies at the Supreme People's Assembly have been women and 20 ~ 30 percent at lower levels of people's assemblies have been women since the 1970s.²⁴² This level of political participation by women is almost equal to that of countries in the West. The difference is that delegates in North Korea are not elected through free elections, but are instead arbitrarily assigned by the Party due to political considerations. Furthermore, assembly delegates serve only a symbolic purpose and the delegates do not perform important functions or supervisory roles in the affairs of state. The political power of North Korean women is not as strong as the number of delegates to the Supreme People's Assembly would suggest. In fact, only a very small number of women are appointed to cabinet positions that offer political and administrative powers and responsibilities. On average, women occupy only 4.5 percent of the more powerful Party's Central Committee positions. In addition, during the UNHRC review session of North Korea's second regular report (The second regular report on International Convention on Political and Civil Rights) of July 2001, a North Korean delegate clearly admitted that, in connection with the effort to improve women's social status "The fact that only 10 percent of our central government officials is women is clearly unsatisfactory in terms of achieving gender equality." He then promised to consider improvement measures.²⁴³ In this connection, North Korea has submitted in September 2002 its first progress report on the CEDAW convention. In the report, North Korea said, "In order to enhance the social status of women, the government has increased the

²⁴² In its initial report on the CEDAW Convention, North Korea has reported that in the 1998 general elections for the Supreme People's Assembly about 20.1% of all the deputies elected were women and that women accounted for 21.9% of all the province, city and county deputies.

²⁴³ Lee Won woong, "An Observations Report on the UNHRC Review Session on North Korea's Second Regular Report on Human Rights," *passim*.

ratio of women staff in the public sector. For example, the ratio of female judge is 10 percent and diplomat 15 percent.”

In the economic field, however, women’s participation was encouraged in order to fill the woeful shortages of labor that has existed throughout the process of socialist nation-building and postwar reconstruction. During this period, the Party and government organizations arbitrarily assigned most women between the ages of 16 ~ 55 to specific posts in accordance with the workforce supply plans of the State Planning Commission. Once assigned to a work site, they were then forced to perform the same kind of work as men on the basis of equality, irrespective of the difficulty or danger factor of the work.

As postwar rehabilitation and collective farm projects progressed and as numerous administrative measures were taken to expand the participation of women in a variety of economic activities, discrimination against women began to emerge in the form of differentiated pay scales and inequality in the types of work. Under the guidelines, men would be assigned to important, complicated, and difficult jobs, while women would be assigned to relatively less important and lower paying jobs. As such, the sexual criteria in employment became more pronounced. As a result, anew phenomenon developed in which women were assigned to special fields where a woman’s touch was required, such as in the light industries, agriculture, commerce, communications, health, culture, and education. According to official North Korean statistics of 2001, the percentage of administrative staff in the health-children-nursery-commerce sector who were female was 70 percent,²⁴⁴ One hundred percent of nurses and 86 percent of school teachers were also women.²⁴⁵ Even though women constitute 50 percent of North Korea’s economically active

²⁴⁴ North Korea’s first progress report on the CEDAW convention.

²⁴⁵ These were the numbers given by the North Korean delegation to UNHRC during the review process of North Korea’s second report on the implementation of Human Rights Covenant A in Nov. 2003.

population,²⁴⁶ the ratio of women is higher among workers and farmers, the two largest categories of manual labor. For example, some 75 percent of the employees are women at the Pyongyang Textile Factory, which is one of the largest and best-known textile factories in North Korea. Considering that over 65 percent of all office workers, in the government and elsewhere, are men, the exploitation of women's labor in North Korea is extremely serious.

The North Korean Democratic Women's League ("Women's League") is an organization in which North Korean women between the ages of 31 and 60, must join if they have no other specific affiliations. But this is not a voluntary organization for the promotion and protection of women's rights, and it does not exercise any critical or political influences as a social organization. It is simply the party's external arm charged with responsibilities of mobilizing women for the construction of a socialist economy. Its main task is to perform ideology education of women.

B. Women's Status and Role at Home

The status of women in the home also reveals serious divergence from the socialist principle of equality between men and women as advertised by the socialist regime. In the early days of the regime, North Korea declared that the then existing male-centered and authoritarian Confucian traditional family system was not only a hurdle to a socialist revolution but that it also oppressed women politically and economically. Therefore, it adopted as an important task at that stage of the anti-imperialist, anti-feudal democratic revolution to liberate women from the colonial and feudalistic yoke of oppression and to guarantee them equal rights with men in all realms of social activity. Even though

²⁴⁶ During the Jul. 2001 UNHRC review of North Korea's second regular report on human rights, North Korea reported that currently the ratio of women was as high as 48.4 percent of the total number of workers engaged in the people's economy.

superficially legal and institutional measures were taken to provide socialist equality between men and women, in reality the traditional patriarchal family structures were maintained in the families. Moreover, as the sole leadership of Kim Il-sung and Kim Jong-il was solidified in the 1970s, pre-modern traditions began to be emphasized again in family lives. Furthermore, the family law, promulgated in 1990, codified various elements of pre-modern, patriarchal family order, Providing overall family support

North Korean authorities have always insisted that they guaranteed an environment for the equal social participation of women through such measures as the socialization of family chores and the rearing of children. Contrary to their claims, however, emphasis was placed on the traditional role of women in the family. Because North Korean still retain the deep-rooted traditional concept that family chores and the rearing of children are the natural responsibilities of women, and because women have to participate in society as equal workers with men, North Korean women shoulder a dual burden. In connection with women's role and mission in the family, North Korea mandates, "A woman is a housewife and a flower that enables a warm and healthy atmosphere to overflow in the family. It is the woman in the family who will take a good care of old parents in their late years of life, and it is the wife who, as a revolutionary comrade, will actively assist and support her husband in his revolutionary projects. Women will also give birth to and raise sons and daughters, and women are the primary teachers who will prepare the children as trustworthy successors of the great revolutionary tasks."²⁴⁷

Worse still was the fact that as the economic situation deteriorated since the 1980s the demand for women workers dwindled drastically. One result was the reduction of various socialization measures related to

²⁴⁷ Park Young-sook, "Revolutionizing Families and Women's Responsibilities," in *The Korean Women magazine*, No. 3 (Mar. 1999), p. 15.

domestic chores and child rearing. This change in the status of women is also reflected in the North Korean Constitution. Article 62 of the 1972 constitution had stipulated, "Women shall enjoy the same social status and rights as men. ... The State shall liberate women from the heavy family chores and guarantee all conditions for them to advance in the society." But Article 77 of the 1998 constitution stipulates, "Women shall enjoy the same social status and rights as men. ... The State shall provide all conditions for them to advance in the society." Here, the clause "liberate women from the heavy family chores" has been deleted. This clearly indicate that the policies to "socialize" family chores and childrearing have been weakened or cancelled during the food crisis and economic hardship. Since sharing the burden in terms of household chores and childrearing is not practiced in most North Korean families, most women have been suffering from the burden of excessive workload. Their workload inside and outside of their homes, particularly in connection with securing food, has tremendously increased.

According to the results of questionnaires and personal interviews with new settler women, the "voices" of North Korean women have become more influential in the family as their "economic capabilities" increased through peddling and vending. But most North Korean women are said to believe that supporting their husbands as masters of the family is the best way to keep family peace and therefore they do not resist the traditional pattern of male-dominant family life. They also generally accept without resistance the common belief that all family matters, including earning a livelihood, are the responsibility of women. In its first progress report on the CEDAW convention, North Korea said, "The traditional concept of division of labor between the sexes has disappeared. However, customary differences still persist; for example, calling husband the external master and wife the internal master, or heavy duties for man and minor chores for woman."

Even though women for all practical purposes assumed the leading

role throughout the food crisis as the role of husbands shrank, the traditional patriarchal attitude has remained in most North Korean families. The source of this enduring perception of family can be traced back to the pre-modern “superior man/inferior woman” idea. North Korea defines the traditional concept of men being superior to women as the remnants of a feudalistic Confucian idea that should be rooted out, or as the reactionary moral precepts of an exploitative society. Unlike the official North Korean position on this issue, it is reported that the belief in the superiority of men is still strong among the inhabitants of North Korea. Along with the traditional patriarchal system, this belief in inequality is yet another factor that constrains the life of women in North Korea. Article 18 of North Korea’s family law clearly states, “Man and wife shall have the same rights in family life.” But in reality, the husband is the center of family life in North Korea. The husband, who is called the “household master,” wields absolute authority in all family affairs, including matters concerning children.

C. Sex Violence

Under the strong influences of patriarchal perception and the pre-modern “superior man/inferior women” idea, sexual violence is commonplace in North Korea, and women rarely raise complaints about this phenomenon. The misguided “man-centered” idea of sex is pervasive in North Korea, while at the same time women are expected to maintain sexual integrity. Sex education is absent in the schools. Since the food crisis in the 1990s, sexual violence against women has significantly increased in North Korea. Also increasing rapidly were cases of human trafficking and activity in the sex-slave business. During the review of its second regular report to the UNHRC in July 2001, a North Korean delegate flatly denied that trafficking of women occurred, emphatically stating that the sex business was absolutely banned in North Korea, and

had not existed in North Korea in the past 50 years. He also stated that trafficking of women is an activity that is completely inconsistent with North Korea's laws and systems, then he added, "Even though we do not know what activities are taking place along the border areas." This comment would seem to indicate that North Korean authorities were aware of human trafficking activities along the borders.

Human trafficking of North Korean women takes various forms. Forcible abduction, luring by the intermediaries, and volunteering for family support purposes. Many North Korean women who have been "human-trafficked" to China are known to suffer personal ordeals under a number of unbearable circumstances. Often they are forced to marry Chinese men and/or fall victim to sex violence. They suffer from unwanted pregnancies and gynecological diseases. They are forced to engage in prostitution and exploited for their labor. Women married to Chinese men often beaten, mistreated by the husband's family, and denied access to any money or resources. They live under constant threats of exposure of their illegal status and deportation, and the longing for their family back home aggravates their personal grief.²⁴⁸

Human Rights Watch reported both in 2005 and 2006 that many humanitarian organizations in China have raised a number of complaints regarding the issue of human trafficking of North Korean women in China. In the past, sexual assault of North Korean women occurred at workplaces where the supervisor or party official would induce the woman with promises of promotion or party membership. Usually in exchange for sex, a party official would promise membership to the party, or a supervisor at work would promise reassignment to a better position. People said that in most cases where a single woman became a party member, sex was involved.²⁴⁹ On military bases, male officers would

²⁴⁸ Kim Tae-hyon and Noh Chi-young, *The Life of North Korean Women Defectors in China* (Seoul: Hawoo Pub. 2003).

often sexually assault enlisted women.²⁵⁰ If a woman was arrested by an agent on the street for some minor violation, and did not have money to pay the fine, she would be taken to the agent's place and sexually assaulted.²⁵¹ In North Korean society, however, sexual harassment of women usually isn't an issue because most North Koreans are not conscious of the problem. Generally, women are treated as inferior to men, so women have little recourse even if sexually harassed or assaulted. If a sexual assault of a woman were revealed in a workplace, it would likely be the woman who would be humiliated and mistreated rather than the man who had assaulted her. Often the victimized woman would rather keep quiet and cover it up.

But, if the fact of sex violence is publicly reported, the Security Agency will get involved and handle the case according to the law.²⁵² Article 153 of the revised North Korean Penal Code mandates a heavy penalty for raping women and for molesting girls under the age of 15. Article 154 also mandates a criminal penalty on any man demanding sexual favors from a woman employee.

Sexual assault of women became more widespread after women took over the burden of family support during the food crisis and economic hardship. Unlike in the past, sexual assaults related to the granting of party membership or promotions have declined, while "chance assault" cases have increased. For example, security agents at the market, safety conductors on the train, and soldiers demand sex when a woman has committed some minor violation. More disturbing is the routine sexual assault of women who have crossed the border to China and are then forcibly deported back to North Korea. Many women

²⁴⁹ Testimony of new settler Lee XX during an interview at KINU on Jan. 7, 2004.

²⁵⁰ Testimony of new settler Huh XX during an interview at KINU on Apr. 16, 2004.

²⁵¹ Testimony of new settler Lee XX during an interview at KINU on Nov. 16, 2002.

²⁵² Testimony of new settler Park XX during an interview at KINU on Jan. 20, 2005.

crossed the border to China during the food crisis. When they were caught and deported to North Korea, they would routinely be detained and tortured or mistreated. Male inspectors would search naked women for money, concealed letters or other items. In extreme cases, they even examined wombs, or applied electrocution techniques on specific body parts of naked women.²⁵³ In this connection, the UN CEDAW committee has reviewed North Korea's first progress report in July of 2005, and recommend North Korea "to extend support for the protection of human rights of those women, who have returned home after defection for economic reasons, so that they may be able to reunite with their family and the society."

Family violence is another serious category of sexual assault of North Korean women, specifically, the wife-beating habits of North Korean husbands. Normally, family violence is not regarded as a problem in North Korea. When the Women's League intervenes in a family violence case, rather than resolving it according to legal procedures, and although they may occasionally criticize the man, they most often conclude it is a family matter.²⁵⁴ There is no statistical data on wife-beating cases in North Korea, which would seem to indicate that incidents of wife-beating or family violence is not perceived in North Korea as a serious violation of the fundamental human rights of women. The UN CEDAW committee said, "The committee is concerned that North Korea does not recognize the existence of family violence and as a result has not taken any violence-preventive measures for women or protective measures for the victims. The committee is, therefore, requesting the North Korean authorities to conduct surveys on the frequency, causes and status of all violence on women, including family violence, and

²⁵³ Good Friends Foundation, "North Korea's Food Shortage and Human Rights" (Seoul: Good Friends Foundation, 2004), pp. 102~105. Also, testimony of new settler Choi XX during an interview at KINU on Jan. 21, 2005.

²⁵⁴ Testimony of new settler Kim XX during an interview at KINU on Oct. 20, 2003.

include the results in the upcoming report.”

D. Deteriorating Health

Another serious problem for North Korean women is their deteriorating health, brought on by severe malnutrition and exacerbated by pregnancy, childbirth, and childrearing. Due to malnutrition, the childbearing and childrearing abilities of North Korean women have markedly declined.²⁵⁵ Pregnancies occurring under conditions of severe malnutrition are resulting in abortions, stillborn babies, and premature or underweight babies, as well as causing harm to the mothers. Furthermore, due to the economic hardship, the medical supplies system has collapsed making safe abortions impossible. Many expectant mothers attempt ill-advised abortions, risking their own lives and the lives of babies in the process.

Premarital, as well as extra-marital, sex is subject to punishment in North Korea. Since the late 1980s, however, premarital and extramarital sex has been increasing, partly to maintain livelihood through prostitution and partly due to the changing perceptions of sex in the wake of the influx of foreign culture. Women who become pregnant as a result of premarital or extramarital affairs attempt illegal abortions to avoid punishment and embarrassment. Since the food crisis, the infant mortality rate, as well as the death rate of young children, has significantly increased. In an effort to encourage women of childbearing age to have babies, North Korea held the 2nd Mothers' Rally in 1998. Kim Jong-il himself issued an “instruction on childbirth.” For these reasons, it has become impossible to obtain contraceptives or go for abortion procedures at hospitals. The result has been a widespread increase in illegal abortions. Sometimes, pregnant women bribe doctors or secretly attempt illegal contraceptive procedures at their homes. Because anesthetics are not used in these

²⁵⁵ According to North Korean women defectors, since the food crisis many North Korean women have been experiencing irregular periods or no periods at all.

cases, the women not only suffer from severe post-procedure pain but also seriously harm their health. In many cases, they become permanently sterile.

The health problems of North Korean women stemming from years of starvation are not confined to malnutrition, pregnancies, childbirth and childrearing. During the food crisis, most North Korean women had to initiate vending, peddling and trading businesses to support their families. But they operated under constant threats and fear of pickpockets, mugging, robbery, human trafficking, sexual assault and sexual harassment by soldiers and safety agents at the markets and on the trains. Furthermore, long distance travel, constant walking and ever-present hunger exacerbated the mental anguish and physical exhaustion. In addition, the psychological and emotional strains stemming from the responsibility to provide food for the family was almost unbearable. Perhaps for these reasons, the number of North Korean women suffering from various illnesses, such as cervical cancer, breast cancer and diabetes, has significantly increased. Many women are suffering from venereal diseases due to sexual activity or prostitution, but they are unable to receive medical attention at hospitals. The best remedy available to them is treating themselves at home with the Chinese medicine they purchase at the market.²⁵⁶

²⁵⁶ Testimony of new settlers Huh XX and Choi XX during interviews at KINU on Apr. 16, 2004.



The Economic, Social
and Cultural Rights Situation

KINU

Article 22 of the Universal Declaration of Human Rights states “Everyone, as a member of society, has the right to social security and is entitled to realization... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” Then, Article 25 specifically spells out, “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...”

In addition, Article 1, Section 1 of the International Covenant on Economic, Social and Cultural Rights (hereinafter, “Covenant A”) stipulates, “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Section 2 of the same article further declares, “All peoples may, for their own ends, freely dispose of their natural wealth and resources... In no case may a people be deprived of its own means of subsistence.”

Article 1 of “Covenant A” contains the most essential elements of economic, social and cultural rights. But because it laid out specific details that would contradict with fundamental premises of socialist systems like North Korea, many socialist countries raised objections to the article. Basically, the socialist countries and developing nations emphasize the so-called “developmental rights,” while the advanced nations have stressed the importance of civil and political rights. This ideological discord, however, was somewhat relieved when the advanced nations accommodated the “developmental rights” as an important part of Covenant A during the 1993 World Human Rights Conference in Vienna. Emphasizing the materialistic aspects of human rights, North Korea continues to insist that its people enjoy human rights because the government guarantees the rights to economic, social and cultural life.

Article 11, Section 1 of Covenant A reads, “The States Parties to the present Covenant recognize the right of everyone to an adequate

standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. And, Section 2 mandates,” The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, (all necessary) measures, including specific programs. In connection with the right to have food, this section specifically stresses the fact that the primary duty of a State is to guarantee its people the right to eat, because hunger is a problem that will directly affect one’s right to life. The right to life is an essential precondition for the protection of and respect for fundamental human rights.

Considering the right to food, the first World Food Summit was held in 1996, to define the concept of the right to food. During the second World Food Summit in 2002, the UN High Commissioner for Human Rights said all governments had the primary responsibility for the protection of and respect for the right of the people to have food, and must carry out measures to this end. The right to food can only be realized when everyone, all men, women and children, individually or collectively, access to food physically and economic capacity means to appropriate it. The right to food should not be narrowly to mean the simple provision of minimum nutrition, and the State has the primary responsibility to take necessary to address the problem of hunger.²⁵⁷

1. The Right to Food

Before North Korea announced the Economic Management Improvement Measures in July 2002, the citizens’ daily commodities

²⁵⁷ Report of a Special Mission on the Right to Food, Section 23, E/CN4/2003/54, Jan. 10, 2003.

were supplied through a nationwide ration system, so much so that most they understood socialism to be a system in which the state provides, through ration systems, all daily necessities including food. Indeed, the ration system is one of the vital features of the North Korean Socialist System because they previously included encompasses not simply grains and food items, but also clothing, housing, education and medical care.

North Korea's ration system is a multi-purpose system. It is intended to efficiently distribute scarce grain resources and to exercise an effective control over the people.

In the 1990, the North Korean ration system largely collapsed and became inoperative in most regions except in Pyongyang. By the 1990 ~ 1995 period, the amount of issue was ignored, Only three to five day's worth of grain(three kilograms) was rationed to each family per month. Since 1995, in most areas the ration stopped system had collapsed and rations were almost completely stopped. Since the end of 1996, individuals became responsible for their own food. Agencies, factories, and businesses independently began to engage in various illicit profit-making trade and ventures to earn foreign currencies. They then handed out about 3~4 days worth of food per month to the employees. Foreign aid has increased in the year 2000 and North Korea's grain output also increased slightly in 2001. As a result, the grain distribution has somewhat improved, but there is absolutely no improvement in the grain shortages situation.

Currently, official food rations are distributed on a priority basis to Pyongyang, which is a special supply zone, and to a select class of elite, such as Party cadres, high government officials and the military. New settler Lee XX who entered into South Korea after working for 10 years at a grain administration office that handled grain purchase and distribution. According to Lee, the grains harvested at the farms are distributed to military units and the grains provided by the foreign sources are distributed mainly to the high-ranking staff members. New settler Lee XX who entered into South Korea, reported that the inhabitants received

2-3 days worth of grain on major holidays like Kim Il-sung's birthday, Kim Jong-il's birthday, Korean Thanksgiving Day, and so on.²⁵⁸

It is not true that soldiers were getting sufficient amounts of rations simply because the military were supplying them on a priority basis. Food is supplied to military units on a priority basis, but officers are supplied first and the amount of food rationed to the enlisted men is so extremely limited that they looked pale like patients suffering from tuberculosis. According to Kim XX, who defected after completing 22 years of military service, his ration was so little even though his rank was second lieutenant that he too had to live on corn porridge mixed with some edible field vegetables.²⁵⁹ According to new settler Joo XX, testified that the food situation in the agricultural areas was relatively better than workers in the provincial cities experienced serious difficulties when the government discontinued grain rations.²⁶⁰ The grain situation in the farm areas is comparatively better, but the grain shortages is a serious threat to workers in the provincial cities. The food shortage was most severe in remote provinces like Hamkyong, Yangkang and Jakang Provinces, where transportation access is poor. The inhabitants there have been forced to face a severe food shortage situation due to the lack of energy and means of transportation, as well as due to the collapse of the central ration system and the diversion of international aid to other special areas.

As soon as the rations were suspended, they were released to find food on their own. Consequently, they have received assistance from their relatives in the agricultural areas. In addition, due to the failure of the central ration system, North Korean were forced to trade various coupons illegally, and housing cards, circulating behind the scenes. Most

²⁵⁸ Testimony of new settler Lee XX during an interview at KINU in Sept. 9, 2001.

²⁵⁹ Testimony of new settler Kim XX during an interview at KINU on Jan. 29, 2003.

²⁶⁰ Testimony of new settler Joo XX during an interview at KINU on May 6, 2002.

inhabitants who lack purchasing power face starvation, and so they are forced to concentrate on peddling or barter trading. When the central ration system stopped operating in the wake of the food shortages, most North Koreans began to rely on marketplaces for their daily commodities, including food and grains. Under the “self-help” slogan, even the North Korean authorities encouraged the people to help themselves rather than rely on the Party. However, the survival of those who had little means to purchase goods at the marketplace was seriously threatened.

In the wake of the Economic Management Improvement Measures of July 2002 there was a major change in North Korea's grain supply system. The ration system, which existed only nominally, was officially discontinued and a system of purchase at current market prices was launched. After this, the prices of daily necessities jumped 20- to 40-fold, food prices went up 40- to 50-times, and the rice price per kilogram was raised from eight NK cents to 44 NK dollars (North Korean units of *jon* (cent) and *won* (dollar), respectively). The trolley fare went up from 10 cents to a dollar and subway fare from 10 cents to 2 dollars. Even though the ration system was abolished, the ration card system was maintained unchanged. This exception appears to be intended for continued state control over grain circulations inside North Korea.

In the wake of the “7.1 Measures,” the wage-level has also gone up accordingly. Regular office workers got a raise from 140 won to 1,200 won and some heavy-load workers like miners received over 20-fold increases. Other workers, farmers and scientists got a 10-fold raise and soldiers and bureaucrats received anywhere from 14- to 17-times higher pay. The official prices have also increased in tandem with the market prices. But, the market prices have jumped much higher and faster. The price of one kilogram of rice is about 185-195 NK Won, which is more than four times the official price of 44 Won for the same amount before the “July 1 Measures.” Subsequently, the grain prices have risen rapidly, and the disparity of prices was pronounced between regions and at

different times.

As a result of “7.1 Measures,” the prices of daily commodities have jumped, and all taxes, including rent, electricity, education and transportation, have also risen. However, the people’s purchasing power has been greatly weakened due to the poor performance of the North Korean economy. In large families and particularly for those living on pensions, the level of pain from high prices has been truly untenable.²⁶¹

According to an FAO/WFP report of October 2003, had reported that the citizens of Pyongyang were suffering less because they were paid wages on time, but that coal-miners were paid only one-third of their monthly wage of 2,500 won, and this amount was further slashed after October of 2002. The report also cited government officials as stating that only 50 ~80 percent of regular wages were paid to workers at work places or county levels.²⁶² The reality of the situation was that the hourly wage system could never function properly because factories were not operating properly. In the absence of outside investment. of outside investment the chronic shortage of daily commodities could not be overcome.

Due to high prices and low wages, most North Koreans were living extremely harsh lives, and this situation is well-expressed by the following comment: “In the past, we have been able to maintain our lives even when we were out of work, but now we cannot survive unless we worked and worked very hard.” Up to this point, a social security system had existed, however nominally. But the complete demise of this system came as a major shock to the North Koreans who were accustomed to the government-dependent lifestyle.

7.1 Measures have brought an extreme confusion to those North

²⁶¹ Testimony of new settler Hong XX during an interview at KINU on Dec. 20, 2002.

²⁶² Amnesty International, “Starved of Rights: Human Rights and the Food Crisis in the Democratic People’s Republic of Korea(North Korea),” pp. 6~7 see <<http://web.amnesty.org/library/print/ENGASA240032004>>.

Koreans who had depended on trading and vending in the black markets before 7.1 Measures.²⁶³ 7.1 Measures have had some positive impact by introducing a “general market” system that incorporates the black markets. The rising prices in the wake of the “7.1 Measures” have had a negative impact on the ordinary people. As the economy stagnated, people without regular wage income suffered from the burdens of rising prices and increased taxes.

It has been reported that in September ~October of 2005, North Korea has reopened a “pay-as-you-get” ration system in certain parts of the country. However, this grain ration system was quite irregular both in terms of time and place. According to the Good Friends, North Korea conducted in late 2005 a survey of the supply and demand of all available food resources, and developed a new grain ration system. It is believed that the government decided to include as part of the national ration even the small amounts of foodstuff the individuals produced in their backyards.²⁶⁴ Along with the partial resumption of the national ration system, North Korea has also banned grain sales at the marketplaces. As a result, the price of rice, which had gone down to 750 Won per kilogram in September of 2005, rose to 1,000 Won in October.²⁶⁵ The partial ration system in the latter half of 2005 was also highly irregular in terms of time and place. For now, however, the resumption of a full-fledged nationwide ration system appears unlikely in view of North Korea’s current grain production capabilities. Nevertheless, the North Korean authorities appear to be attempting to revive its grain ration system in an effort to recover its capacity for social control. For example, there is an urgent need to control the inflow of foreign information, the movement

²⁶³ Above testimony.

²⁶⁴ Good Friends: Center for Peace, Human Right and Refugees, “North Korean News Today,” *Draft Publication No. 10* (Oct. 2005).

²⁶⁵ *Ibid.*

of population, the grain supply, as well as law and order in the society. Given the circumstances, the individual's right to food sources would be gravely infringed if the government could not guarantee a smooth grain supply.

A. Status of Grain Supplies

The shortage of food in North Korea became known to the outside world when the North Korean government launched the “two-meals a day” campaign in 1991. In 1992, the ration system became quite irregular after the decision to reduce the ration amount by 10 percent. By the summer of 1994, the grain ration was suspended except on certain national holidays. The people living in the remote northeastern region where cultivable land was limited and transportation was poor, suffered from extreme shortage of grains because they had depended on grain rations from the State.

The already declining grain production took a sharper downturn during the “three year natural disasters” in 1995 ~ 1997, so much so that in 1997 only six percent of population received grain rations. It is true that the natural disasters had in fact contributed to a reduced production of grains, but the North Korean food crisis occurred more from its structural flaws. First, North Korea has pursued energy-intensive agricultural production methods on a relatively small area of arable land, using tractors and excessive fertilizers. Second, in addition to the reduced energy and coal output in the wake of natural disasters, North Korea experienced a drastic shortage of energy in the wake of the collapse of the Soviet Union and East European socialist systems. Imports of strategic industrial supplies (oil, fertilizers and other industrial goods) from these countries and China were reduced to less than 10 percent of the pre-1990 levels. This had a negative impact on all production sectors, including the agricultural, industrial and transportation sectors.²⁶⁶ The dominant

reason for poor grain production was the shortage of fertilizer. Fertilizer production was reduced to 12 percent of the pre-1990 level, and by the year 2000 only 20~30 percent of the required fertilizer had been provided for successful farming. Every year the North Korean have requested from the South Korean government a large amount of fertilizer aid. In 2005, it asked for 500,000 tons of fertilizer. Third, North Korea tried to maintain its collective production methods, preserving the agricultural cooperatives, and in so doing failing to provide sufficient incentives to farmers, and thereby causing a sharp drop in agricultural output. Realizing the inefficiency of collective farms, China has successfully reformed its farming system into individual farms. In addition to these structural factors, the natural disasters contributed to sharply reduced grain output. The following <Table III-1> shows the grain production trend provided by the North Korean authorities.

<Table III-1> Annual Grain Output in the 1990s

Year	Amount of Production (tons)
1990	9,100,000
1994	7,083,000
1995	3,449,000
1996	2,502,000
1997	2,685,000
1998	3,202,000
1999	4,281,000
2000	3,262,000

Source: The Second Report North Korea submitted to the UN Human Rights Committee on Economic, Social and Cultural Rights in 2002.

²⁶⁶ Meridith Woo-Cumings, "The Political Ecology of Famine: The North Korea Catastrophe and Its Lessons," *Asian Development Bank Institute Research Paper 31*, Jan. 2002, p. 21.

As seen above, since 1990 North Korea has experienced an annual shortfall of one to two million tons of grain every year. While undergoing the “three-year disasters” in 1995 ~1997 North Korea fell short by 1.5 ~ 2 million tons of grain every year. North Korea’s grain output, which previously produced 4.7 million tons in the 1970s, had dropped below three million tons a year.

To fill the gap, North Korea has had to import about one million tons of grain from outside sources since 1990. Until 1994, all grain imports were commercially based. But, as the grain crisis has deepened since the flood damages in the summer of 1995, North Korea has had to depend on grain assistance from the international community every year. The percentage of grain from international aid sources out of the total grain imported from abroad is increasing year by year, from 33 percent in 1995 to 80 percent in 1998. Also, grain aid increased from 5.5 percent of the nation’s food supply in 1995 to 10.3 percent in 1999.

North Korea is still short of 0.51 ~1.28 million tons of grain each year despite continuous aid from abroad. This is the result of reduced grain imports, which had once amounted to one million tons a year. North Korea’s grain importation drastically decreased from 0.83 million tons in 1992 and 1.09 million tons in 1993 to 0.29 million tons in 1998 and 0.1 million tons in 2001.

Recently, North Korea’s grain output was 4.25 million tons in 2003, 4.31 million tons in 2004, and 4.54 million tons in 2005. This is the result of a variety of assistances from South Korea and the international community, including fertilizer agricultural know-how, an improving operability rate of various agricultural equipment, made possible by increased shipment of fuel assistance, and also some favorable weather conditions. Despite this improving trend, North Korean grain production still falls short of its estimated normal demand of 6.3 million tons a year by about two million tons a year. If its minimum demand were estimated at 5.1 million tons a year, it would still fall short

by about 900,000 tons a year.

In 2006, South Korea is expected to provide the North with about the same level of grain assistance as in 2005. But North Korea has asked to discontinue the emergency relief, refusing the request of, the international community to allow free access to and transparency of the distribution process. In turn, the World Food Programme had to discontinue its aid with no plans to resume it. Unless the international humanitarian assistance is resumed, those North Koreans who are unable to purchase necessary foodstuff in the marketplace will suffer the most.

North Korea is still unable to provide minimum necessary amounts of food and grain to its people despite the agricultural recovery of the past three years. North Korea has had to depend on outside food and grain assistance due to its limited abilities to import grains.

It is indisputable that North Korea is in need of outside assistance. But because of the nuclear issue and North Korea's refusal to allow on-site inspections of the distribution process, the assistance of the international community has been drastically reduced.

In an effort to overcome the continuing grain crisis, North Korea is attempting to make policy changes in the agricultural sector. North Korea has emphasized in its New Year Message that it would guarantee on a priority basis the materials needed for the agricultural sector. The *Rodong Shinmun* also stressed the importance of concentrating efforts on agriculture in 2005, saying, "The direction of main attack of this year's revolution is the agricultural frontline" and "Rice is the barrel of the gun and national power."²⁶⁷ For this purpose, an agricultural reform was implemented, allowing a family-cultivation system and guaranteeing the profits from it to the families. Under this system, the former 8~17 member farming units now become 4~12 member units.²⁶⁸

²⁶⁷ *The Chosun Ilbo*, Jan. 4, 2005.

In its New Year's joint editorial, North Korea has vowed that it would make the "agricultural front the main frontline of economic reconstruction" and mobilize all its capabilities for a successful campaign.

However, it is doubtful if the gradually increasing rate of agricultural output will alleviate the food crisis. Since 7.1 Measures the wages has risen 20 times on average, and the prices of agricultural products also have risen sharply, as government subsidies for agricultural products were abolished and the supply of agricultural products fell drastically. At the same time, the purchasing power of workers at workplaces and of government officials (and their families) was seriously weakened when they were not paid at levels promised by the governments. Thus, it becomes almost impossible for ordinary citizens to purchase enough grain.²⁶⁹ This grain crisis has had an especially serious impact on pregnant women and children who need extra nutrition.

B. The Impact of the Food shortages

The grain shortage has had a tremendously negative impact on the North Korean society. North Korea's Vice Foreign Minister Choi Su-hon read a report on starvations in North Korea in the 1990 at a UNICEF conference in Beijing on May 15, 2001.²⁷⁰ According to this report, the average life expectancy was reduced by six years from 73.2 in 1993 to 66.8 in 1999 due to the shortages of food and medicine. During the same period, the mortality rate for children under the age of five increased from 27 to 48 per thousand. The birth rate decreased from 2.2 percent in 1993 to 2 percent in 1999. Also, the per capita GDP decreased

²⁶⁸ *The Dong-A Ilbo*, Jan. 4, 2005.

²⁶⁹ Amnesty International, "Starved of Rights: Human Rights and the Food Crisis in the Democratic People's Republic of Korea (North Korea)," ASA 25/009/2004, 2004.10.13, pp. 6~7.

²⁷⁰ UNICEF, "UNICEF Humanitarian Action, DPR Korea," Jul. 12, 2001.

by more than a half from US\$991 to \$457 during the same period. The rate of supply of safe drinking water, which stood at 86 percent in 1994, dropped to 53 percent two years later. The vaccine supply for polio and measles dropped from 90 percent in 1990 to 50 percent in 1997. This data was also contained in the second report on Covenant A North Korea submitted in May 2002 to the UN Human Rights Committee.²⁷¹

It is believed that massive starvation due to malnutrition, poor medical facilities, and widespread diseases has occurred during the period of food shortage. According to the testimonies of new settlers in South Korea, in Jungpyong County, North Hamkyung Province, more people had died from hunger and diseases than from a war.²⁷²

Since 1990, the numbers of starvation deaths vary from one North Korean agency to another. During the UNICEF conference held on May 15, 2001 Deputy Foreign Minister Choi Su-hon said some 220,000 North Koreans perished during the food crisis in 1995 ~ 1998. This number has since been cited as the official statistics of starvation deaths in North Korea.²⁷³ Doctors Without Borders (Medicine Sans Frontiers: MSF) estimated on the basis of account by North Korean defectors accounts in China that some 3.5 million people died from starvation or disease between 1995 and 1998.²⁷⁴ David Morton, a representative of the World Food Programme(WFP) stationed in North Korea, reported the number of starvation deaths was about one million since 1995.²⁷⁵

In February 1999, the South Korean government estimated that the number of deaths from starvation to be about 2.5 ~ 3 million, citing documents from the North Korean Ministry of Social Security.²⁷⁶

²⁷¹ See <[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2 df030c1256](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2 df030c1256)>.

²⁷² Testimony of New settler Lee XX (former worker at Herb Medicine Office, Jungpyong County, North Hamkyung Province).

²⁷³ UNICEF, "UNICEF Humanitarian Action," DPR Korea, Jul. 12, 2001.

²⁷⁴ *Yonhap News*, Jul. 30, 2001.

²⁷⁵ Yoshida Yashiko (a Japanese professor), 『世界週報』 (1999.11.16).

According to the testimony of another new settler, during a KWP Partisans education class the attendees were told that the number of starvation deaths was about 2 ~2.5 million and the number of defectors about 200,000.

South Korea's Ministry of Unification estimated the number of malnutrition-related deaths to be about 500,000 ~800,000 a year over the past two to three years. Former KWP party secretary Hwang Jang-yop testified that he heard in mid-November 1996 from the chief of the KWP Organization Affairs, who was responsible for regularly reporting food supply levels and starvation death statistics to Kim Jong-il, that in 1995 about 500,000 people died of starvation, including 50,000 Party members, and as of November 1996 the number had reached one million. If there was no improvement in the food situation during 1997 ~ 1998, he estimated that more than a million people would die of hunger each year. In addition, many organizations have estimated much higher numbers of starvation deaths than official North Korean numbers. For example, Korean Buddhist Sharing Movement(later, Good Friends) had estimated for 1994 some 3.5 million starvation deaths, former POW Chang XX has reported one million starvation deaths, and a 35-member special committee of Council on Foreign Relations has estimated one million starvation deaths in 1996 ~1997.

The number of starvation deaths seems to have decreased during 1999 ~2003 for the following reasons: First and foremost, North Koreans no longer expect to receive grain distribution from their government and have therefore learned to fend for themselves on the black market. Second, a large portion of those who were most vulnerable to food shortages, such as the infirm and the elderly, may have already passed away. And third, grain assistance from the international community since 1995 has improved the situation.

²⁷⁶ *Yonhap News*, Nov. 25, 1999.

However, the continuing food crisis poses a serious threat to the people's right to life. The 'right to subsistence' means the right to be free from the lack of food, malnutrition and diseases. The enormous number of starvation deaths is truly a humanitarian disaster. The right of 22 million North Koreans to enjoy healthy lives is being threatened by the food crisis. Their right to life will be protected only when their access to proper meals is guaranteed and when the government fulfills its responsibilities to provide for and respect their right to have food. The food crisis is an important cause of human rights violations beyond simply the violation of the right to have food.

The continuing food crisis is also having a negative impact politically and socially. Politically, regardless of the amount of ideology education that is conducted and how much harmonious life is emphasized, people's attitude toward the party and the leader has become more cynical, and cases of "verbal reactionaries" continue to increase. In the early days, those committing "verbal reactions" were sent to political concentration camps. As long as the complaints are not openly directed at Kim Il-sung and Kim Jong-il, or members of their family, the agents would be more lenient and tolerant.²⁷⁷ The food crisis seems to have had the effect of relaxing the government's social control.

Socially, families are being split and young people tend to avoid marriage. According to the testimony of new settlers, fathers and mothers during the food crisis would travel far and away in search of food, and often never return. The children who had been left at home would roam around the streets or farms, ultimately becoming what the North Koreans call "gotchebbi." The numbers of these children increase and decrease depending on the severity of the food crisis, but their continued presence is an indication of a continuing food crisis.

²⁷⁷ Testimonies of New settlers X Keum-X and Park XX during interviews at KINU on Sept. 22, 2004 also Sept. 23, 2004, respectively.

New settler Hong XX testified that economic conditions have deteriorated since the July 1, 2002, Measures and the gap between the rich and poor has become wider. Crime was on the increase and the “gotchebbi” that had disappeared in 1999 had begun to reappear in 2003. There is a saying that a child can become a “gotchebbi” at any moment.²⁷⁸ Many new settlers testified that the food crisis intensified selfish behaviors, many people would avoid marriage, and the rate of divorce was increasing.

2. Social Security Rights

The right to social security is an individual’s right to demand compensation from the state to maintain his or her dignity and when one is in need of assistance or protection due to unemployment, sickness, disability, or old age. Freedom from poverty and sickness is an immutable goal of governments around the world. For this reason, the nations of the world have come to promulgate the demands for social security as an individual’s right.

From North Korea’s Constitution and Social Security Laws, North Korea appears, at least institutionally, to be striving for a welfare state that offers comprehensive social security. Article 72 of North Korea’s Constitution stipulates, “Citizens shall have the right to free treatment and children, the old, and the infirm are entitled to material assistance, and that these rights are guaranteed by the free medical system, medical facilities, state social insurance and the social security system.”

In reality, North Korea’s social welfare system can be divided into the following three categories: First, the State Social Insurance and the State Social Welfare, which are the two pillars of North Korea’s social

²⁷⁸ Testimony of new settler Hong XX during an interview at KINU in Sept. 2004.

welfare system. Second, the food, clothing and shelter supply system, which is a typical public support system. Under this form of income guarantee system, there are cash payments and in kind payments. Third, as part of health care and medicine, there is a free treatment system. Unlike the other payment systems mentioned above, the free treatment system is in most cases offered in the form of medical payment.

The State Social Welfare, the food, clothing, and shelter supply system, and the free treatment system play the role of primary social safety net by protecting family members lives. The Industrial Accident Compensation System fills the role of secondary social safety net, and is a form of State Social Insurance.

As part of the social security system, North Korea enacted an Insurance Law in 1995 and revised it twice, in 1999 and in 2002, respectively. Article 2 of the law contains two major types of insurance; 1) health related insurances such as life insurance, casualty insurance, insurance for children, and passenger insurance; and 2) property related insurances including fire insurance, maritime insurance, agricultural insurance, liability insurance, and credit insurance. Article 5 of the law mandates that both insurance companies and the state insurance management agency will manage the insurance sector. Therefore, a nominal insurance system does exist in North Korea. North Korea also has a pension system. According to the “Socialist Labor Law”(enacted in Apr. 1978, revised in 1986 and 1999), citizens reaching the age of 60 for men and 55 for women are entitled to a retirement pension if qualifying by a required number of years of service (Art. 74). In addition, public assistance is extended to those who fall under special categories, such as livelihood protection, casualty relief and veterans. Included in the living subsidy program are those with national citations, military families, retired soldiers, deported Koreans from Japan, and defectors from South Korea.

North Korea claims that its social security system is ahead of other advanced nations. However, there is a wide gap between the law and

reality in North Korea's social security system because the system is not functioning properly owing to a lack of necessary resources. Above all, the most fundamental means of living, the ration system, is not working, except in Pyongyang and a few select areas. Nothing more need be said of those who have lost the ability to work, such as the old and the infirm. For the retirees the pension system is near perfect, legally and institutionally, but it is never fully carried out in reality.

The situation had seriously deteriorated when North Korea announced the July 1 Economic Management Improvement Measures of 2002, abolishing significant portions of social security benefits. Although the previous system is nominally maintained, 7.1 Measures changed the nature of operating principles and benefit payments. Under 7.1 Measures, the food, clothing, housing supply system (ration system) was practically abolished, and the state social insurance and the state social security benefit payments began to be transformed in a way that individuals rather than the government would have to bear the principal burdens. This meant that workers would now have to rely on their income for these benefits. As a result, the function and role of the social safety nets that North Korea's social welfare system had aimed for has been greatly reduced. In short, 7.1 Measures transferred the family welfare responsibilities from the state to individuals.

In addition, the levels, nature, and functions of cash payments have all changed. Under 7.1 Measures, the responsibility to pay various welfare obligations do not depend on whether one has a job, but are determined by the workers' skills, contribution to finance (taxes), and individual income levels. In particular, the increasing price of rice, which is a major form of in-kind payment, has seriously undercut the life guarantee functions under the State Social Insurance and the State Social Welfare systems. As a result of these North Korean social welfare realities, the burden on the various welfare program recipients has greatly increased.

The North Korean social welfare system was distorted and has

been inoperative since the economic hardship of the 1990s. North Korean authorities finally were forced to admit to flaws in their system and make revisions to reflect the realities. In the process, they reduced excessive state responsibilities in this sector. 7.1 Measures could be regarded as a North Korean style of “social welfare reform.”

Under the North Korean concept of social welfare, 7.1 Measures have shifted the responsible parties for people’s welfare, minimizing the state’s responsibilities and maximizing the responsibilities of individuals and families.

The testimony of defectors fully documents these developments. According to a testimony of Kim San-X, who defected to the South after retirement, the retirees are entitled to 600grams of grain and 60won of pension, but they never receive either benefit. The pension money is disbursed to individuals and registered on a personal account, but no one is allowed to withdraw for personal use. It is also impossible to depend on one’s children. Thus, once a person retires, his/her life becomes very difficult to manage.²⁷⁹

Under the slogan of “military-first” policy, priority is placed on soldiers. But retired soldiers are not even assigned a housing unit. New settler Kim XX, who retired as first lieutenant after 22 years of military service, was not given any housing after retirement nor any place to work. Instead he had to stay at his sister’s house at Daehungdan-gun. He made several trips to China, and then decided to defect to South Korea.²⁸⁰ This last is a good example of the reality of North Korea’s public support system. It is clear that there is a wide gap between the system and reality. Under the deteriorating economic hardship and food shortages, children, senior citizens and people with various diseases are suffering from severe physical pains and hardships due to the breakdown of the grain ration

²⁷⁹ Testimony of new settler Kim XX during an interview at KINU on Nov. 13, 2002.

²⁸⁰ Testimony of new settler Kim XX during an interview at KINU on Jan. 29, 2003.

system, which used to provide a minimum of basic means of subsistence.

Of its social security system, the feature North Korea is most proud of is the free medical system. Due to economic problems, however, this system is almost non-operative. Article 56 of the North Korean Constitution stipulates that the state shall strengthen and develop the free medical care system, and by promoting the district doctor system and preventive medicine, the state shall protect the lives of the people and promote the health of the workers.

North Korea's medical policy objective is to prevent diseases through the district doctor system, which in turn operates as part of the free medical system. Under this system, the people in a district are expected to receive systematic health care from the district doctor. But the system does not appear to function properly, because (a) the quality of the district doctor's diagnostic skills are poor, (b) their medical qualifications are not sufficient, and (c) each doctor is charged with a maximum of 4 ~ 5 districts, or up to 4,000 people.

The current structure of North Korean medical facilities is as follows: One university hospital and one central hospital in areas where people's committees exist; one to two people's hospitals where city and county people's committees exist; one hospital and one diagnostic center in workers' districts, and one combined diagnostic center each for groups of smaller villages. However, very few North Koreans have access to medical facilities above people's hospitals at the city and county levels because there is an absolute shortage of hospitals relative to the number of people.

Moreover, in order for anyone to be admitted to higher-level hospitals, patients are required to submit a patient transfer that is issued by one's own diagnostic center and the district people's hospital. The procedures are so strict that without a patient transfer authorization, no one, under any circumstances, can be admitted into a city-county level hospital to receive treatment.

In addition to the poor quality, the medical system is not fair. The discriminative medical structure offers different treatment levels for people with different backgrounds. All hospitals have a list of pre-determined levels for patients according to rank, and they will not permit the treatment of people who are not on that list. For example, the Bonghwa Diagnostic Center in Pyongyang is exclusively for Kim Il-sung and Kim Jong-il and their family members, as well as people with the rank of minister or above in the Party and the military. The O-eun Hospital is for colonels and generals and the Namsan Diagnostic Center is for vice-ministers and above, as well as for some prominent persons such as “people’s actors/actresses” and deported Koreans from Japan. These hospitals are for a special class of people only and do not treat ordinary people. They must go to their local diagnostic center or to city/county/district hospitals to receive treatment.

North Korea’s so-called free treatment system is still maintained. However, with the deteriorating economic hardship, the medical system and medical care service have almost ceased to function. For example, doctors will provide free diagnoses and prescriptions for the patients, but the patients are responsible for obtaining the necessary medication because there is little medication in the hospital. The patients have to go to the markets or to the individuals introduced by the doctor to purchase the necessary medication. Even though the entire nation is suffering from poor medical facilities and shortage of medicine, the situation in Pyongyang is said to be somewhat better than in provincial areas.²⁸¹

The following is a collection of testimonies of various individuals on the reality of the medical service situation in North Korea. Witnesses include the officials of international organizations and NGO workers who have observed firsthand the conditions of the North Korean medical system, foreign correspondents who visited North Korea, a

²⁸¹ Testimony of new settler Park XX during an interview at KINU on Sept. 23, 2004.

defector who used to serve as a medical doctor there for 30 years, and a low-level party official who was assigned to a hospital. Since the observations are very consistent in their details the testimonies appear to be highly credible. All witnesses testified to the fact that there were significant differences between Pyongyang and the provincial cities and farm regions, and that major differences existed between ordinary hospitals and those for the high-ranking officials.

The WHO mission chief in North Korea, Eigil Sorensen, testified at an interview with South Korean reporters in Jan. 2004 to the effect that the level of medical service in North Korea was so serious as to call it a crisis.²⁸² According to Sorensen, hospital hours are limited due to the shortages of electricity and running water, and that very frequently patients needing urgent care could not be treated in time. He also noted a complete lack of heating in the patient wards in winter months.

Norbert Vollertsen is a German doctor who provided medical service in North Korea between July 1999 and December 2000 when he was expelled. In an article he contributed to the Wall Street Journal, he testified that in most North Korean hospitals there were no antibiotics or bandages, let alone such simple operating equipment as surgical knives. On the other hand, hospitals that were used for treatment of high-ranking military officers and the elite were full of modern equipment almost like German hospitals. They were equipped with MRI, Ultrasound, EKG and X-ray cameras. He testified that an enormous inequality existed between the two levels of hospitals.²⁸³ In an annual report on the world's disaster areas, released on June 28, 2000, the International Committee of the Red Cross (ICRC) reported that North Korea was suffering from serious shortages of medicine and medical equipment. Over 70 percent of medicine dispensed by North Korean hospitals

²⁸² *Yonhap News*, Jan. 29, 2004.

²⁸³ Norbert Vollertsen, "The Prison State," *The Wall Street Journal*, Apr. 17, 2001.

consisted of traditional herbal medicine, the reason being that there was a shortage of Western medicine. Communicable diseases were on the rise and about 40,000 new tuberculosis patients were reported annually.

This assessment by the international community of the medical crisis in North Korea is also corroborated by the testimonies of new settlers. New settler Kim XX (alias, age 58, pediatrician from XX city hospital in North Hamkyung province) provides a well-organized testimony on the status of hospitals in North Korea as follows: North Korean medical service became paralyzed from about 1990. The most important medical policy is preventive medicine, but most children in North Korea cannot receive preventive vaccination, and the BCG vaccines have disappeared since 1992. The only preventive vaccination still given is against cholera and Japanese influenza. But this vaccination is given only to a small minority such as security agents and staff members who frequently travel. Because children are not vaccinated at proper stages, all varieties of contagious diseases and illnesses are rampant. A majority of cases are communicable diseases like cholera and liver diseases, particularly the type-B liver infections, which are usually spread via the repeated use of syringes. New settler Sohn XX, who defected in August 2002, testified that recently an increasing number of North Koreans are dying from liver infections and tuberculosis.²⁸⁴

The most serious problem is the shortage of medical equipment. The hospitals are unable to fulfill their functions due to a lack of medical equipment. In the case of Danchon City Hospital in North Hamkyung province, the hospital should have been equipped with a minimum of 200 syringes and 2,500 hypodermic needles, but there were only about five of each and the cylinders on those were so worn out that the syringes were seriously defective. Because blood-testing equipment is not available, doctors cannot properly diagnose the condition of their patients.

²⁸⁴ Testimony of new settler Sohn XX during an interview at KINU on Feb. 4, 2003.

Many abnormal situations are occurring due to the lack of medicine and medical equipment. Since there are no medicines at hospitals, patients are required to purchase their own medicine from the market. The doctors simply diagnose and prescribe medication for the patients.²⁸⁵ Thereupon, the patients go to the market and obtain the medicine, and then the doctors give them instructions about how to take or apply the medicine. According to Kim XX, who used to practice medicine in Chongjin City until 1999, doctors in North Korea merely write prescriptions for the patients because there is no way they can treat them. In some cases, children suffering from simple indigestion died for lack of treatment at the hospitals. Beyond the lack of medicine at hospitals in Chongjin, North Hamkyung province, there were only one blood-pressure gauge and one body temperature gauge for every six doctors.²⁸⁶ Since medicines are in short supply, doctors provide appropriate medicines only to ranking officials or to the doctor's acquaintances, All other patients get consultations only. For this reason, medicine is the most frequently desired item North Koreans request of their overseas relatives or of those traveling outside the country. The small amount of medicine supplies in hospitals is dispensed only to ranking officials, not to ordinary citizens. As previously described, patients have to obtain medicine from the market since hospitals do not have enough supplies, but in many cases the medicines sold in the market are not genuine. One of the primary reasons hospitals do not have enough medicines is because they are smuggled onto the black market where their value is greater. Another reason is because the pharmaceutical factories are not operating properly. When and if medicines become available, they are smuggled onto the black market by ranking officials and nurses in charge of medicine.

Second, the collapse of the medical system and its poor facilities

²⁸⁵ "A Workshop for the New Settlers," sponsored by KINU, Jan. 20, 2006.

²⁸⁶ *Yonhap News*, Jul. 3, 2002.

have made the operation of the free treatment system an unrealistic idea, consequently, the patient's family is now responsible for treatment. According to Cha XX,²⁸⁷ formerly a low-level party secretary at a hospital, food and room temperatures for the patients in provincial hospitals are the responsibility of their families and guardians. Because there is not enough grain for patients' meals, hospitals are restricting the patient admissions. In-patient numbers are pre-allocated to each division of the hospital, and only emergency patients are admitted. A majority of patients are suffering from cholera, paratyphoid and typhoid. In the early stages, these contagious disease patients were treated in segregation at hospitals. As the number have increased, however, they are now being treated at their homes.

Third, in an effort to cover the shortage of medicines, the government is encouraging the use of folk medicines. They encourage the construction of production bases that will autonomously produce (herb) medicine on the theory of the revolutionary spirit of self-help and anti-Japan guerrilla-style projects. In order to spread the herb medicine treatments, they also introduced various cases of folk medicine treatment, while encouraging an all-masses campaign for the production and circulation of medicinal herbs.

Fourth, doctors maintain their standard of living by accepting bribes in exchange for medicine. When the doctors treat patients at hospitals, they must do it free of charge but they can visit patients' homes and provide treatment for a fee. One person testified that doctors make money by smuggling the medicines out of the medical facility to their friends and then asking patients to purchase the medicine they need from the friends.²⁸⁸ Many doctors also take money for issuing false diagnosis. The patients submit the false diagnosis to their offices in order to take

²⁸⁷ Testimony of new settler Cha XX during an interview at KINU.

²⁸⁸ Testimony of new settler Kim XX during an interview at KINU on Feb. 3, 2003.

time off and engage in peddling in the markets. In the provincial areas, even the doctors take turns taking time off to cultivate crops on their personal patches of land to help alleviate the food shortage.

A particularly serious problem is the poor electric service for medical facilities. Sometimes electricity will go off in the middle of surgery. Doctors worry about the electrical service while preparing for an operation. In many cases, they will talk to representatives at the electric unit and ask for their cooperation before each operation. But it is said that even the Pyongyang Red Cross Hospital is experiencing a 30 percent electricity cut-off rate.²⁸⁹

North Korea is receiving several hundred tons of medicine from the Western world every year. However, it is suspected that most of it is being diverted for use by special classes of people, and there is absolutely no transparency as to the distribution and use of the medicine. According to Dr. Kim XX, a medical doctor and defector, some medicines do occasionally arrive at XX city hospital through international support groups, but the hospital and regional government staffs intercept the boxes, saying that they or their family members are ill. They then sell them at the market at high prices. On September 30, 1998, Doctors Without Borders (MSF) who had provided free medical service in North Korea officially announced their withdrawal from North Korea. Dr. Eric Goumart, secretary general of MSF, announced that MSF was withdrawing from North Korea because North Korean authorities had restricted the humanitarian activities of the doctors from MSF. He stated that North Korean authorities prevented the doctors from approaching the inhabitants and refused to allow them to watch the process of distribution of medicine and medical supplies MSF had provided to North Korea.²⁹⁰

²⁸⁹ Testimony of new settler Park XX during an interview at KINU on Sept. 23, 2004.

²⁹⁰ "A Workshop for the New Settlers," sponsored by KINU, Jan. 20, 2006.

3. The Right to Work

Article 23 of the Universal Declaration of Human Rights provides that, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Article 3 of Covenant-A also stipulates, “The States Members to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.” Furthermore, Article 7 declares, “the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no other considerations than those of seniority and competence; And, rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”

In Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (Covenant A) it is guaranteed that, “The states party to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work... [And] to ensure the right of everyone to form trade unions and join the trade union of their choice.” Article 70 of North Korea’s constitution provides for the people’s right to work. That is, all persons with the ability to engage in labor may select occupations according to their choice and talents and are guaranteed the right to a secure job and labor conditions. People are supposed to work based on their abilities and receive allocations based on the amount and quality of their labor. The "right to work" in North Korea, in reality, is not a right but a duty to respond to mobilized labor.

Article 83 of the Constitution states, “Work is noble duty and honor of a citizen.” Article 31 says, “The minimum working age is 16 years old. The State shall prohibit child labor under the stipulated working age.” Therefore, in North Korea, labor is the responsibility of all people because labor is not for the individual’s benefit: based on collectivist principles, but a group activity for the benefit of everyone. One can find further support for this interpretation in the various sections of Article 1 (Fundamental Principles of Socialist Labor) of the Socialist Labor Law(enacted in April of 1978) enacted by the Supreme People’s Assembly. Under these provisions, all North Koreans above the age of 16 are obligated to work at a workplace until the age of legal retirement (60 years of age for men, and 55 for women).

Moreover, free labor unions that protect and represent the interests of laborers do not exist in North Korea. The only labor union that exists is the General Federation of Korean Trade Unions, but it does not have the right to collectively organize, bargain, or strike. The KWP is solely responsible for representing the interests of the laborers, and the trade union exists merely as a formality. Following the Ninth Plenum of the Fourth Party Central Committee held in June 1964, the trade union’s role of monitoring and controlling corporate management was abolished, and the interests of the laborers have been placed under the control of the party. The General Federation of Korean Trade Unions merely acts as a transmission belt that links the KWP with the labor classes, and an active supporter that strictly and unconditionally seeks to fulfill the directives of Suryong (Great Leader).

The North Korean authorities severely oppress the activities of labor cooperative bodies through the penal code. Relevant provisions for labor unions are contained in Chapter 5, Section 1 of the revised 2004 Penal Code, entitled, “Crime against Government Properties and Properties of Social Cooperative Organizations.” These provisions make voluntary labor movements basically impossible. There are no provisions to

prevent coercive work.

In addition, Article 71 of the North Korean Constitution provides that people have the right to rest, and Article 62 of The Socialist Labor Laws adds that laborers have a right to rest. Article 65 of the Socialist Labor Law stipulates, “Workers, office workers, and workers on cooperative farms are entitled to 14 days of annual leave. Depending on their line of work, an additional leave of 7 ~21 days may be granted.” The government does not control annual leaves. They are granted to individual workers upon request.

The constitution states in Article 30 that workers shall engage in eight hours of work a day. However, Article 33 of the Labor Law specifies, “The State shall enforce the principle of 8-hour workday, 8-hour rest, and 8-hour studies in the lives of all workers.” Of course, the “8-hour rest” principle is often ignored. North Korean workers rarely have eight hours of rest. This is because, in addition to their basic workloads, these people are exploited for additional labor mobilization programs and various study sessions. Labor projects are planned by daily, monthly and quarterly schedules, and to surpass the goals of these plans socialist work competition movements such as the Speed Creation Movement have been established. Under these circumstances, the extended work hours are inevitable.

For North Koreans, work is not a right but a duty. Yet, a majority of North Korean industrial workers are unemployed. The average rate of factory operation is only 20-30percent due to economic hardship, and workers cannot find places to work. Since the factory is not in operation, even if workers report for work they soon venture out for street vending or other personal profit-seeking activities.

4. The Freedom to Choose Jobs

Article 23 of the Universal Declaration of Human Rights provides, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Furthermore, Article 6 of the International Covenant on Economic, Social and Cultural Rights stipulates, “The states party to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which one freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Article 70 of the North Korean Constitution provides, “People have a right to the choice of employment according to their desire and talent.” However, employment decisions do not respect individual choices but are made according to manpower needs as determined by the party and state institutions. Workers are assigned to their jobs according to the central economic plan and the demands of individual sectors, and individual talents or wishes are secondary considerations.

For example, medical students graduate from medical colleges with a license but the government assigns them according to a government plan. In the process, individual wishes are reflected 30 percent of the time.²⁹¹ One new settler testified that he was assigned a job in Onsung by bribing an official with 5,000 won upon graduation from a community college.²⁹² Changing jobs is strictly controlled, but one can change jobs if released by the workplace where the job is located. In the meantime, however, one has to temporarily become a laborer. Transfer from one organization to another requires an approval number from the city of where the prospective new job is located. This number can only be

²⁹¹ Testimony of new settler Park XX during an interview at KINU on Sept. 23, 2004.

²⁹² Testimony of new settler Kim XX during an interview at KINU on Sept. 20, 2004.

obtained after obtaining and submitting various papers to the new city, including government dispatch orders, party affiliation, other documents related to military service, residence and rations.²⁹³ In order to resign from a job, one has to obtain the approval of the manager and the party secretary. Usually the party secretary's approval is very difficult to obtain, and will require some sort of bribe.²⁹⁴ But there are some recent cases in which job transfers were permitted if the factory could not pay wages.²⁹⁵

The Labor Section of the city/county people's committee will assign jobs for the middle graduates.²⁹⁶ The administration/economic committee of the city or province will be responsible for job assignments for the community college graduates, and the university under the direction of the Staff Section of Central Party will assign jobs for college graduates. The discharged soldiers will get job assignments from his local City/County Administration/Economic Committee, while retired officers will get their job assignments from the Staff Section of the City/County KWP Party Branch.

Routinely, the government has already investigated the student's family lineage before they graduate. Students with low-class lineage—those whose relative have spoken out against the ideological system whose family member defected to the South or was a member of a South Korean security squad during the Korean War, or whose family previously owned land—are assigned to work in a field that requires hard physical labor, such as a farm, village or mine. Sons of party cadres and government

²⁹³ Testimony of new settler Kim XX during an interview at KINU on Jan. 9, 2004.

²⁹⁴ Testimony of new settler Suh XX during an interview at KINU on Nov. 11, 2003. New settler Kim XX said that some people would be able to resign from work by providing cigarettes or TV sets to the County Labor Section. Testimony of new settler Kim XX during an interview at KINU on Jan. 29, 2003.

²⁹⁵ Testimony of new settler Hwang XX during an interview at KINU on Jul. 4, 2003.

²⁹⁶ Since Sept. 1, 2002, North Korea changed its classification name for “senior middle school” to “middle school.”

officials, i.e., good lineage, are stationed at desirable work places regardless of their ability. But according to the testimony of a new settler in 2002, many middle school graduates are freely assigned to factories and enterprises as needed regardless of the level of their Party allegiance or personal background now that personal background information is almost completely on file.²⁹⁷

There is also a testimony stating that the Party has the authority to assign jobs, but most assignments are made on the basis of personal favoritism or bribes. Frequently, college graduates are assigned to trade-related agencies engaged in dollar-making business regardless of their college majors. The assignments are based on personal relations and the amount of bribe. Due to this type of practice, perception is spreading among North Koreans that the North Korean economy is deteriorating due to bad job assignments based on personal favoritism and bribes.²⁹⁸

In North Korea, the most common example of violations of individual rights to choose jobs is that most job appointments take the form of group allocations. This means that people are assigned their jobs or work places on a group basis to factories, mines or various construction facilities that the Party or believes necessary. Recently, as North Koreans began to avoid hard labor, North Korean authorities began to sponsor loyalty resolution rallies and to send handwritten letters from Kim Jong-il to discharged soldiers and graduates of high schools before group-assigning them to coal mines and construction sites. In September of 2001, high school students and soldiers being discharged from the military were group-assigned to the Pyongyang Textile Factory located deep inside the lumbering fields in Rangrim County, Jagangdo province and to the Ranam Coal Mine Machine Company Collective in Chungjin City, North Hamkyung province, from where the “Ranam Torch Movement” originated.

²⁹⁷ Testimony of new settler Hong XX during an interview at KINU on Dec. 20, 2002.

²⁹⁸ Testimony of new settler Kim XX during an interview at KINU on Feb. 3, 2003.

North Korean authorities awarded service medals and gave colorful send-off ceremonies, but the defectors testified that the authorities, independently of individual wishes, were in fact sending them off forcibly.²⁹⁹ A new settler has testified that in 2002 about one thousand young discharged soldiers were “group assigned” to a collective farm in the Daeheungdan County.³⁰⁰

The group assignments are carried out upon the approval of KWP general secretary Kim Jong-il, so no one dares to refuse to comply. Since they are very strictly controlled, even the children of powerful and wealthy families cannot hope to avoid the assignment. If ever it were revealed that someone was missing from the group-assignment, the responsible staff would be subject to severe punishment, while the missing individual would be returned to the original group-assignment. To prevent evasions from group-assignment, the authorities collect such vital documents as the grain ration card, inhabitant registration card, and KWP partisan membership card, and ship them ahead of the person to the unit of assignment. They then register their residence with the local county office en masse.

Because rations are suspended if one does not report to work because of refusal to obey a group-assignment, no one can refuse to report to work. Once assigned to a workstation, it is very difficult to change positions, regardless of one’s aptitude for the job, because whoever leaves the workstation without permission will be excluded from all rations, including grain and daily necessities. The North Korean authorities are not allowing movement between workstations to prevent man-hour losses resulting from these manpower flows and continue to carry out the planned economy systematically through a tight grip on their manpower. This system permits the authorities to institutionally

²⁹⁹ *Yonhap News*, Dec. 13, 2001.

³⁰⁰ Testimony of new settler Uhm XX during an interview at KINU on Jan. 20, 2005.

control the inhabitants through their work places and to maintain psychological subservience and loyalty to the Party.

However, despite the strict labor law regulations and the ration system, labor relocations are rather active in North Korea today. As the economy worsens, the number of people who gain early retirement-through bribes or other means-to become peddlers will likely continue to increase.³⁰¹ It is reported that most workers are more interested in going into personal business than maintaining their job at a workplace.³⁰²

If an individual wants to change jobs, he or she will have to provide bribes, for example, cigarettes or a television set, to the guidance official at the city or county labor department or to the party secretary at his workplace.³⁰³ If one wanted to engage in a peddling or vending business, an individual would pay an established monthly amount to the office and then be allowed to conduct business at the marketplaces. For example, in Chongjin, most factories and enterprises have been shut down since the launch of the Economic Management Improvement Measures, and the workers report to offices only to engage in work unrelated to what they officially earn a wage for, such as working in the construction of fish-farms or salt paddies. Since this type of work does not pay well, the families suffer from extreme difficulties. Because of this, workplaces usually look the other way and permit the workers to engage in peddling as long as they pay their monthly dues.³⁰⁴

Another new settler stated he moved around to a number of different jobs. Finally, he rented a fishing boat, and then decided to defect

³⁰¹ Testimony of new settler Yoon XX during an interview at KINU on Jan. 12, 2004.

³⁰² Testimony of new settler Park XX during an interview at KINU on Jan. 20, 2005.

³⁰³ Thirty to forty percent of all workers who are transferred will move on to new jobs by bribing local Party officials. The most bribery-prone sections are the Organization Section, Staff Section, and Foreign Currency Section of the Party. Testimony of new settler Soon XX during an interview at KINU on Feb. 4, 2003.

³⁰⁴ Testimony of new settler Hong XX during an interview at KINU on Dec. 20, 2002.

to the South.³⁰⁵ Since the food shortage, it is clear that in North Korea today the system of job assignment by the central government is crumbling.

5. The Right to Education

A. The Party's Control over Education

The right to education means the right to demand the government provide educational opportunities. The right to education is one of the fundamental human rights, most important and indispensable right for any person in terms of basic rights and personal development.³⁰⁶

Article 73 of North Korea's Socialist Constitution declares, "Citizens have the right to education. This right is ensured by an advanced educational system and by the educational measures enacted by the State for the benefit of the people." North Korea maintains that every citizen has the right to education under its advanced educational system and policies for the people.³⁰⁷ North Korea has also spelled out the citizens' duty to receive education, along with the right to education, in its 1977 "Thesis on Socialist Education." The details of this thesis are contained in the 1999 "Education Law." Education in North Korea is part of a national program conducted under the direction of the KWP. The basic mission of North Korea's socialist education is essentially to create "a human reformation program," which seeks to develop "a self-reliant Communist revolutionary" through ideological indoctrination. So, the right to education, to which the North Korean people are entitled, is to

³⁰⁵ Testimony of new settler Sohn XX during an interview at KINU on Feb. 4, 2003.

³⁰⁶ See <http://portal.unesco.org/education/en/ev.php-URL_ID=9019&URL_DO...>

³⁰⁷ See North Korea's "Second Progress Report on the Convention on Economic, Social and Cultural Rights" (Apr. 2002).

be realized entirely according to the direction of the Party and the Government. Consequently, everyone has a duty to accept and follow the methods and contents of education as it is formulated and enforced by the Party.

North Korea's overall educational system is under the control of the Department of Science and Education, which is under the Secretariat of the KWP Central Committee, which formulates all educational policies and directs and supervises enforcement. The Ministry of Education under the Cabinet is an administrative agency, which carries out the Party's educational policies and other administrative affairs. The "higher education division" and "general education division" under the Ministry supervise and direct educational affairs of various levels of schools. The Party exercises control over educational systems at all levels of schools. In a school, the vice principal for academic affairs, who is also chairman of the "Party Committee" at the school, is more powerful than the school's principal. The principal is responsible for administration and financial affairs, while the vice principal supervises the office activities of all teachers and takes charge of "teacher education" and ideological education programs.

B. Major Contents of Education

North Korea's basic educational system consists of two years of kindergarten, four years of elementary school, six years of secondary (middle) school, and 3-5 years of college.³⁰⁸ At the graduate level, there are 3-year "researcher" courses and 2-year "doctoral" courses. In addition to the grade school system, there are also "revolutionary schools" and special-purpose schools for arts and sports, which are not "grade"

³⁰⁸ On Sept. 1, 2002, North Korea changed the names of elementary schools from "people's school" to "Low (level) School" and the names of secondary schools from "Higher middle school" to "Middle School."

schools. “Revolutionary schools” have been established to train the successors of socialist revolution, and the children of “revolutionaries” attend these schools.

North Korea also operates foreign language schools. Foreign language schools at the secondary school level (6 ~ 7 year courses) exist in Pyongyang and in each of the Provinces. The so-called “Number-one Middle School,” which was set up to train “gifted and talented” students in the science and technology field, is also one of these special-purpose schools. This school was established in September of 1984 in Pyongyang. Today, there are about 200 such schools nationwide, including at city and county levels.

According to Article 29, Section 2 of the Convention on the Right of the Child, the objective of child education is to develop “the child’s personality, talents and mental and physical abilities to their fullest potential.” The basic principles of socialist education and the missions of North Korean schools are contained in various education-related laws. The most important curriculum in all North Korean schools is political and ideological education. Imparting knowledge and universal values is relatively neglected. The teaching of Communist ideology and the idolization of Kim Il-sung, Kim Jong-il, and Kim Jong-sook, take up a major part of elementary and secondary school curricula. In terms of idolatry, school children, during four years of elementary education, study such subjects as “the Childhood of Beloved Suryong and Great Marshall Kim Il-sung,” “the Childhood of Great Leader Marshall Kim Jong-il,” and “the Childhood of Anti-Japan Heroine Mother Kim Jong-sook.”³⁰⁹ Students also, during the six years in middle school, study such subjects as “the Revolutionary Activities of Beloved Suryong Marshall Kim Il-sung,” “the Revolutionary History of Great Suryong

³⁰⁹ Since the academic year 1998 ~ 1999, all levels of schools from upper classes of kindergarten to colleges began to teach the “Kim Jong-sook Revolutionary History.”

Comrade Kim Il-sung,” “the Revolutionary Activities of Great Leader Comrade Kim Jong-il,” “the Revolutionary History of Great Leader Comrade Kim Jong-il” and “the Revolutionary Activities of Anti-Japan Heroine Mother Kim Jong-sook.” The students are also required to visit during their vacations the historical sites commemorating the revolutionary struggles of Kim Il-sung, Kim Jong-il and Kim Jung-sook.

Even though the emphasis is placed on political education, North Korea has begun since the mid-1980s to teach computer applications and foreign languages and other pragmatic subjects in an effort to catch up with the changing internal and external environment. North Korean students may choose to learn one foreign language, either English or Russian. Most students are known to prefer English but the fact is school authorities will decide for them. Since the early 1990s, North Korea has begun to teach computer applications in select schools. Computer education has been a part of the general curriculum since the late 1990s. Today, upper level (4th-6th grade) middle school students receive an average of about two hours a week of computer education. In North Korea, which needs to overcome the on-going economic hardship, computer education is regarded as “the essential demand of the times to improve the national competitiveness in the 21st century.”³¹⁰

C. Academic Freedom and Freedom to Choose Courses

Collectivism is the basis of Socialist and Communist life in North Korea and a guiding principle for people’s daily lives. Consequently, all young children are collectively raised at nurseries and kindergartens. Upon they entering elementary school, they are required to live as a member of an organization. Two examples of such organized life are the “Korean Boy Scouts” and the “Kim Il-sung Socialist Youth League.”

³¹⁰ *Teachers’ Newspaper*, Feb. 1, 2001.

These mandatory organized-life requirements seriously hamper young people's freedom of academic activity. This organized life has become customary for all North Korean young people. They live and study under the strict guidance and control of the organization. Article 13, Section 1 of the International Convention on Economic, Social and Cultural Rights stipulates, "Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms." Article 29, Section 1 of the Rights of the Child Convention stipulates, "The education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential." But, due to the organized political life under the collectivist principles, the desires of North Korean young people to perfect their personality through education is seriously hampered and their chances of "developing their personality, talents and physical and mental abilities their fullest potential" are significantly restricted. Through organized life, the North Korean young people are raised as "well- organized and ideologically inspired Communist revolutionary leaders." For them this means the perfection of a person. The academic activities of young people are organized into a regimented and uniform manner in an effort to mold them into revolutionary Communist leaders. Also, they are required to study mandatory ideological subjects such as the Party policies, the history of revolutionary tradition, the works of Suryong and Party documents. Consequently, their chances of developing normal "personality, talents and mental and physical abilities" are reduced to a minimum. These mandatory requirements, in turn, amount to a flagrant violation of their rights to choose "educational contents." The infringement of educational rights also takes the form of Party control over the teachers, who are at the forefront of education of young people. The teachers are at the mercy of Party Leadership. They are required to design course plans according to imposed course guidelines and obtain the approval of the school's

administrative staff, and the Party committee at the school. The course plans and class models are reviewed every week. Under Party control, education is carried out in a uniform manner and with identical content, which infringes on the students' academic rights and their right to choose courses.

Article 32, Section 1 of the Rights of the Child Convention stipulates, "The right of the child should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." Article 31 of the North Korean Constitution and Article 15 of its Labor Law puts the legal working age at 16 and prohibits under-age child labor. In reality, however, all North Korean children are forcibly mobilized for work at the farms or social construction work-sites under the banner of "revolutionary training in realistic struggles." Under such excuses as "combining education with practice," or the "realization of love of work," the exploitation of young people's "labor duty" is maximized. A female new settler recalled that she had to spend more time working than studying during her elementary and middle school years.³¹¹ Another female new settler, who was a middle school teacher in North Korea, has also testified that North Korean middle school children will be mobilized for work for four weeks in the spring, and high school students for eight weeks (four in the spring and four in the fall). They would usually be mobilized for farm work or construction work, but the level of work was so intense that the students could not study properly.³¹² Farm work includes supporting activities for tilling, cultivating and harvesting. Work at construction sites includes carrying construction materials such as rocks and sand and filling in at shorthanded sectors at the worksite.

³¹¹ Testimony of new settler Byun XX during an interview at KINU on Jul. 28, 2005.

³¹² Testimony of new settler Chae XX during an interview at KINU on Jul. 14, 2005.

D. Guarantees of Academic Opportunity

Article 28, Section 1 (C) of the Rights of the Child Convention stipulates, “(States Parties shall) make higher education accessible to all on the basis of capacity by every appropriate means.” Article 26, Section 3 of the Universal Declaration of Human Rights also specifies, “Parents shall have a prior right to choose the kind of education that shall be given to their children.” In terms of equal opportunity of education, Article 48 of North Korea’s Education Law stipulates, “The student selection for higher education of the gifted and talented shall be based on the quality of academic achievement.” Articles 15 to 23 of North Korea’s Handicapped Persons Protection Law (enacted on Jun. 18, 2003) also stipulate the principle of equal opportunity of education for the handicapped, based on the quality of academic achievement. Public education of North Korean young people is equally guaranteed on the basis of the principle of “11 years of free and mandatory education.” Since March 1980, North Korea has been offering a “college entrance examination (a national exam),” which gives all middle school graduates an opportunity to advance to college. This new entrance exam system was apparently in response to widespread complaints against the previous system, which had given priority to the students with a good family background. However, many students who were admitted on recommendations of good family background failed to meet the standards, disappointing official expectations. North Korea then determined introduce a new system, offering college education opportunities to all middle school graduates. In reality, however, only a small percentage of middle school graduates are known to apply. There are several reasons. First, one has to have a letter of recommendation to take the entrance examination. Second, the number of recommendation forms allotted to each school is extremely limited, causing intense competition.³¹³ In many cases the forms are offered to a select number of graduates who have the support

of Party officials or whose parents are able to offer bribes to school officials. As a result, most middle school graduates are not able to take the college entrance exams. On the other hand, the graduates of “Number One Middle School” get special favors, like exemption from national exams and direct recommendation to colleges. Because of these “discriminatory” practices for “talented” students, it is very difficult for ordinary graduates to matriculate to college.

Opportunities for a college education for North Korean young people are determined not by the abilities or desires of students but by the national demand. From time to time the government determines the levels of demand for “national staff,” and on this basis the size of the freshmen class is determined for each college department. Also considered in the process is the students’ personal background and the quality of allegiance to the Party. All middle school graduates are therefore offered the opportunity to go to college, at least in principle, but in practice personal background and Party affiliation will determine college admissions, rather than the quality of individual academic achievement. Particularly well-known for these selective admissions are Kim Il-sung University, Kim Chaek Polytechnic College and the Teachers’ College. In the case of Kim Il-sung University, where core elite leaders are trained, no student with a missing family member will ever be admitted regardless of his background or Party affiliation.³¹³ Kim Il-sung’s relatives and the children of anti-Japan fighters (Category 11 honorees) are allowed to matriculate to any college. Those students who were selected for government employment by the Party’s review board during their 4th or 5th year in middle school will get college allocations according to the national demand. Included in this category of students are the Honor

³¹³ Choi Young-pyo and Han Man-kil, “The North Korean Education I Received,” (Seoul: Korea Education Development Institute, 1994), p.86.

³¹⁴ Testimony of new settler Choi XX during an interview at KINU on May 12, 2005.

Guards (Protocol/Reception), Category 6 honorees,³¹⁵ and the Kim Jong-il Personal Guards.³¹⁶

Since the 1990s, however, the student's academic quality, the power of the parents' background, and the levels of family wealth are said to affect admission decisions more than considerations of personal background and Party affiliation. Especially at the colleges of science and technology is emphasis placed on bright students rather than personal background. Thus, excellent students are now able to advance to colleges of engineering and natural science. Even the "Number One Middle School," which is known for its high quality students, recently began to admit the children of powerful parents. According to a new settler from Pyongyang, all the people living in Pyongyang have good personal background. School grades for them are an important factor for college admission. But, increasingly more students advance to colleges on the basis of money rather than academic records.³¹⁷ Since the economic hardship of the 1990s there have been numerous cases in which the children of people with an abundance of foreign currency have been admitted to colleges. A female new settler, who had been a school teacher, said, "Since the period of 'Hardship March,' money took precedence over personal background, and you cannot dream of going to college without money."³¹⁸

³¹⁵ Selection of female guards will be based on personal background, looks, talents, family background, and wealth. In the past, these were called "Category 5" jobs but recently it has been changed to "Category 6." If one is selected for a "Category 6" jobs, she will be assigned to work at premium jobs such as guide at Keumsoosan Memorial Palace, building supervisor at the Party Central Committee, hotel waitress, or at North Korean restaurants in China. All North Korean girls are known to prefer "Category 6 jobs." Testimony of new settler Uhm XX during an interview at KINU on Nov. 8, 2005.

³¹⁶ Testimony of new settler Choi XX during an interview at KINU on Aug. 12, 2005.

³¹⁷ Testimony of new settler Choi XX during an interview at KINU on Aug. 12, 2005.

³¹⁸ Testimony of new settler Park XX during an interview at KINU on Jan. 20, 2005.

The North Korean young people are not offered an equal opportunity for education. This is more so in the case of higher education, because there apparently is also sex discrimination in college education. On this point, the UN Committee on the Right of the Child has recommended, after reviewing North Korea's second progress report on the Rights of the Child Convention in 2004, that "North Korea should guarantee an equal opportunity for higher education for the female students." (Section 55b) In its first progress report on CEDAW Convention, North Korea had reported that the ratios of female students in the elementary-secondary schools and in the colleges were 48.7percent and 34.4percent, respectively.

In connection with the equality of educational opportunities in North Korea, it is important to pay attention to the education of handicapped children. In its second progress report on "economic, social and cultural rights," North Korea said in 2002, "We provide not only scholarships but also subsidies to the blind and deaf children."³¹⁹ In its second progress report on the Rights of the Child Convention, North Korea also reported that it was operating three schools for the blind and nine schools for deaf children, and that a total of 1,800 blind and deaf children were registered. According to Lee Yang Hee, who is a member of the Rights of the Child Committee, North Korea's social security measures for the handicapped have failed to produce expected results due to the on-going economic hardship.³²⁰ In its second recommendation on North Korea's second progress report on the Rights of the Child Convention in 2004, the UN committee "expressed concerns over the inequality that the North Korean children, including the handicapped children, were experiencing

³¹⁹ DPRK, "The Second Progress Report on the International Convention on Economic, Social and Cultural Rights," Apr. 9, 2002.

³²⁰ Lee Yang-hee, "The Realities of the Rights of the Child in North Korea," in *Life and Human Rights*, No. 34 (Seoul: Citizen Coalition on North Korean Human Rights, Winter 2004), p. 23.

in terms of basic services.” (Section 27) The committee has further “expressed concerns over their extremely poor living conditions and the fact that they were excluded from the schools and society at large.”(Section 48) The committee then recommended that “all handicapped children be absorbed into the regular school system and special educational programs be specifically developed for their needs.” (Section 49d) The concerns and recommendations of the UN Committee are further evidence that the handicapped children in North Korea are left in a situation that is far inferior to normal children, and that they are not receiving appropriate education due to their physical handicaps.

From September of 1975, North Korea has been providing its young people with 11-year mandatory education. The government will pay for all educational expenses. All children are provided with textbooks and school supplies free of charge, including the use of educational facilities. Students living in the dormitories also receive living expenses from the government. Through this free education, North Korea argues it is guaranteeing the rights and freedoms of education for the young people. The reality of free, mandatory education in North Korea is quite different. According to the new settlers in South Korea, North Korea’s free education system was operating well until before the economic hardship. If a child reached school age, he or she would be given free education. Therefore there would be no child illiteracy. There was no tuition, and children were issued free of charge a pair of shoes, a backpack, a school uniform (both summer and winter), school supplies, and textbooks. In rare cases, students had to pay small amounts of money for uniforms and school supplies, but that cost was negligible. Occasionally, if supplies ran out, some elementary school children could not get their school uniforms at official prices. In that case, they could wear their sibling’s uniforms instead and it was not a major problem for most families. Since the 1990s, however, the cycle of free school supplies, which previously arrived every semester, was expanded to every 3~5

years. Subsequently, the schools stopped providing school supplies altogether when the severe economic hardship struck.

A woman new settler who attended elementary and secondary schools in North Korea during the years of deepening economic hardship and deteriorating food supplies (1987 ~1997), said she was required to purchase everything excepting tuition, but including textbooks, school supplies and uniforms.³²¹ Students had to pay one-half of the cost of school uniforms and they had to bring bundles of scrap paper to school to get textbooks and notebooks. The government's supply of textbooks ran far short of the number of students.³²² For example, students were learning 17 subjects, but textbooks for only three subjects were distributed to each student. Students had to copy from each other's textbooks or borrow copies from classmates.³²³ Not only was the number of textbooks running woefully short, but the paper quality was so poor that the students had a difficult time reading them. However, special-purpose schools in Pyongyang were exceptions. A new settler who attended one of these special schools in Pyongyang said there was no shortage of textbooks, but students had to purchase school supplies from the marketplace on their own.³²⁴

Since 2002, as government's school budget ran short, parents had to assume up to 70 percent of all school expenses. Expenses The expenses included school supplies, paper and pencils, school building construction and maintenance, and firewood in the winter.³²⁵ This

³²¹ Testimony of new settler Byon XX during an interview at KINU on Jul. 28, 2005.

³²² Testimony of new settler Chae XX during an interview at KINU on Jul. 14, 2005.

³²³ Testimony of new settler X Keum X during an interview at KINU on Sept. 22, 2004.

³²⁴ Testimony of new settler Choi XX during an interview at KINU on Aug. 12, 2005.

³²⁵ The North Korea Research Center, Dongkuk University, "The Reality of Human Rights in North Korea through the Testimonies of North Korean Defectors" (Seoul: Dongkuk University, North Korea Research Center, 2005), p.111.

situation appears to be the result of Kim Jong-il's "1.10 instructions on economic management improvement" announced in January of 2002, in which he stressed that the free, mandatory educational system should also eliminate all unreasonable things.

One of the more serious points the international community has raised in connection with North Korea's mandatory educational system has been the mandatory military drill for young people. All North Korean young people must undergo two weeks of "Red Guard Youth" training in the 5th year of middle school. They even actually practice rifle-shooting on the firing range for 2~3 days during the training.³²⁶ In its second recommendation, the UN Committee on the Rights of the Child expressed concern "that school children had to participate in the military training during the summer vacation to learn how to disassemble and re-assemble rifle parts." (Section 56)

As the North Korean economy began to deteriorate in the mid-1990s, the living environment of North Korean young people also began to deteriorate rapidly. This deteriorating situation was reflected attendance and in the rate of truancy.

For example, only seven boys and ten girls out of a class of 45 were present in the 1996-97 academic year at a middle school in XX District of Onsung County, North Hamkyong Province.³²⁷ It is reported that most schools in the Nanam region could not remain open in 1994 due largely to the absence of teachers who had to look for means of daily subsistence elsewhere. The situation became rapidly worse in 1995, and in 1996 some 40 students in a class of 50 did not show up at all.³²⁸ A new settler³²⁹ who was a middle school teacher testified that from 1991 to 1997 there were

³²⁶ Testimony of new settler Kang XX during an interview at KINU on Aug. 11, 2005.

³²⁷ Testimony of new settler Koh XX during an interview at KINU on Aug. 9, 2005.

³²⁸ Testimony of new settler Kang XX during an interview at KINU on Aug. 11, 2005.

³²⁹ Testimony of new settler Cho XX during an interview at Korea Education Development Institute on Jun. 12, 2003.

schools where only a few students out of a regular class of 50 would come to the school. A picture of this situation can be gleaned from an article in the “Teachers’ Newspaper” published in May of 2001. We had heard from other sources of information that despite economic hardship, the schools in Pyongyang were operating normally. But this article pointed out that there was a serious truancy problem in the middle schools in Pyongyang.³³⁰

Since 1994, according to the new settlers, students have been so hungry that they have not been able to study during class. Sometimes teachers have allowed students to on their own while the teacher slept or rested due to hunger and fatigue.³³¹ The teachers often combine 2-3 classes together and take turns supervising the self-study sessions.³³² But from region to region the situation is different. For example, in North Hamkyong Province where the food situation was extremely dire, the student attendance rate was good at schools located in the areas where many government officials were living, because they received grain rations on a regular basis. In 1996, at an elementary school located in XX district of Chongjin City, North Hamkyong Province, only one or two students of a class of 40 absent. At a middle school the attendance rate was 100 percent, with no one dying of starvation.³³³ Special schools in Pyongyang operated normally with few absentees even during the period of economic hardship. As the economic hardship and food shortages increased, however, the student absentee rate climbed over 50 percent at most schools outside Pyongyang and major cities, forcing schools to close down temporarily.³³⁴ In its second progress report on International

³³⁰ *Teachers’ Newspaper*, May 3, 2005.

³³¹ Testimony of new settler Byon XX during an interview at KINU on Jul. 28, 2005.

³³² Testimony of new settler Kim XX during an interview at KINU on Oct. 11, 2005.

³³³ Testimony of new settler Huh XX during an interview at KINU on Aug. 11, 2005.

³³⁴ Testimony of new settler Kim XX during an interview at KINU on Feb. 3, 2003.

Covenant on Social, Economic, Cultural Rights, North Korea said, “In accordance with Article 14 of the Enforcement Rules of Education Law announced in April of 2000, North Korea has extended the age limit for compulsory (middle school) education to 19 for those who could not finish middle school for illness or other justifiable reasons, if verified by medical doctors or related agencies.”³³⁵ This measure is believed to reflect the reality that many students could not finish school owing to absences during the period of food shortage and economic hardship. The International Committee on the Rights of the Child, in its second recommendation in 2004 expressed concern over the “low attendance rate of 60 ~ 80 percent over long periods of time and in different seasons owing to the extended economic difficulties.” (Section 54a) The committee then recommended North Korea “take appropriate measures to prevent extended student absences from school, including appropriate heating at all school buildings.” (Section 55a) The primary cause for the rapidly rising rate of truancy since the food shortage was lack of food, hunger, and hunger-related illnesses. Other reasons included the need to accompany their parents when they ventured out for peddling or in search of foodstuff.

In implementing the “socialist education project” in North Korea, one of the principles states that “the State shall take the responsibility of organizing and implementing all educational projects.” This means that the “state” is fully responsible and will provide for all necessary conditions and materials needed the educational projects, including teacher training, construction of schools, educational facilities, textbooks and school supplies.³³⁶ These principles are enumerated in Articles 39 ~ 41 of the Education Law. In reality, however, the overall quality of

³³⁵ DPRK, “The Second Progress Report on the International Covenant on Economic, Social, and Cultural Rights,” Apr. 9, 2002.

³³⁶ Kim Il-sung, “A Thesis on Socialist Education,” *The Kim Il-sung Selections 32* (Pyongyang: KWP Press, 1986), pp.381-382.

educational facilities and equipment is so poor that students are unable to benefit from their use. From various testimonies of new settlers and a review of historical data, it appears that school facilities and equipment had been supplied to schools until before the economic hardship in the early 1990s. For example, in the early 1970s school supplies like textbooks, chairs and desks, and student supplies, as well as office supplies, were normally issued. From the 1980s, the normal supply was disrupted as the North Korean economy deteriorated, and by the 1990s supplies did not arrive at schools and even repairs became difficult. The North Korean authorities also acknowledge this situation. In its second progress report of 2002, North Korea admitted that some difficulties came upon the educational sector due to natural disasters. The report said that the unexpected floods in 1995 destroyed some 2,290 school buildings and 4,120 kindergarten facilities, and many educational materials and much equipment had been washed away. In addition, tremendous damage and losses were sustained by many paper mills and factories that previously produced educational supplies and related items, forcing the entire educational sector to experience an extended period of difficulty.³³⁷

6. The Rights of the Child

Article 25, Section 2 of the Universal Declaration of Human Rights stipulates that all children in their childhood are “entitled to special care and assistance.” The Convention on the Rights of the Child³³⁸ (hereinafter, the Child Convention) in its preamble also emphasizes, “the

³³⁷ DPRK, “Second Progress Report on International Covenant on Economic, Social, and Cultural Rights,” Apr. 9, 2002.

³³⁸ Article 1 of the Child Convention 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.”

child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,” and that “the child should be fully prepared to live an individual life in society and brought up in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.” Article 24 of the International Covenant on Civil and Political Rights also stipulates, “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.”

Article 12 of North Korea’s Childrearing Guideline Law reads, “The State and social cooperative organizations shall guarantee all necessary measures for childrearing under the principle of ‘best things for the children.’” Article 6 of its Family Law stipulates, “Protection of special interests of children and mothers is a consistent policy of DPRK. The State shall pay primary concerns on guaranteeing conditions in which mothers can rear and raise children in a healthy manner.”

North Korea joined the Child Convention in September of 1990, and submitted a ten-year “National Action Plan” for the survival, protection and development of the child to the World Summit Conference held the same year. It also established the National Committee for the Rights of the Child (NCRC) in April 1999 to carry out the terms of the Child Convention, and it adopted the second National Action Plan for 2001 ~ 2010. North Korea submitted its first Rights of the Child Performance Report in February 1996 and its second report covering the period of 1995 ~ 2000 in May of 2000, describing its efforts to fulfill the terms of the Child Convention. On June 1, 2004 the UN Committee for the Rights of the Child reviewed the North Korean report.

In its performance report, North Korea stated it had experienced numerous difficulties owing to a series of natural disasters and the extended economic sanctions. It further stated that the poor nutritional

management for the children and the shortage of medicine, as well as poor school and medical facilities, were hampering its performance. However, North Korea reported that it had invested a significant amount of its budget during the 1995 ~ 2000 period in the child-benefit sector in areas such as public hygiene, welfare and education. It stated it has also taken various legal measures to ensure a living standard appropriate for the survival and development of children, including the Medical Practice Law (1997), the Epidemic Prevention Law (1997) and Education Law (1999). North Korea insisted in the report that all children are provided with food at very little cost and with free medical treatment. It further declared that even though the North Korean children were facing difficult challenges and lacked many things, they were full of optimism and self-confidence. In its second performance report on “Human Rights Covenant A” submitted in April 2002, North Korea enumerated various measures it had taken to raise the growing new generation as wise, ethically proper, and physically healthy human beings under the principle of “best things for the children.” Included among the measures was the 11-year compulsory and free education for all children under articles 45 and 47 of its Constitution. All pre-school children would be sent to nurseries and kindergartens at government expense and mothers and children would receive special protection under Articles 56 and 77 of the constitution, respectively. In addition, North Korea listed various children protective measures contained in a series of laws, including the Childrearing Guidelines, Education Law, Medical Law, Family Law and Civil Law. Despite these legal and institutional arrangements, it has been widely reported that North Korean children’s living conditions have become very poor and their quality of life has deteriorated since the mid-1990s due to the food crisis and economic hardship. Even the basic right to have food was not guaranteed for a majority of children and their lives were exposed to constant risks. Due to hunger and disintegrating families, many children were thrown into the streets as “gotchebbi.” The

2002 UNICEF/WFP survey showed some improvement in conditions since the 1998 survey but still some 20.15 percent of 6,000 children surveyed were under weight, 39.22 percent were suffering from chronic malnutrition, and 8.12 percent suffered from acute malnutrition. The survey pointed out that the deteriorating nutritional levels would have serious deleterious impact on the children's physical, mental, moral, intellectual, and social development. Furthermore, the nurseries, kindergartens, schools and other educational and children protective facilities were not able to fulfill their proper functions. This situation clearly illustrates that North Korea has been unable to fulfill the terms spelled out in the Child Convention, specifically Article 6, section 2, which mandates, "States Parties shall ensure to the maximum extent possible the survival and development of the child." North Korea has also failed to meet the terms of Article 27, which specifies, "All States Parties recognize that all children are entitled to enjoy the standard of living adequate for the physical, mental, intellectual, ethical and social development."

Article 24 of the Child Convention illustrates various measures to be taken for the fulfillment of health rights of the child. They include measures "to diminish infant and child mortality; to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; to combat disease and malnutrition, including within the framework of primary health care, through, (among others) the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; and to ensure appropriate pre-natal and post-natal health care for mothers."

In its performance report, North Korea stated there were no cases of infringement of rights of the child to be provided with public medical service. The report further stated that due to the extreme natural disasters

the material and technical foundations of health service for children had been weakened and the children's health indices showed lower numbers but thanks to the active efforts of the government and the people to overcome the impact of the natural disasters, along with international cooperation, the health of North Korean children was gradually improving, and the health service had recovered to the level of the early 1990s. However, the fact remains that North Korea's medical service structure had collapsed due to the food crisis and deepening economic hardship, and most North Koreans have not been able to receive even the most basic of medical treatment. Moreover, due to the absence of epidemic prevention and disinfectant measures, contagious diseases such as typhoid, paratyphoid, cholera, malaria and tuberculosis have spread among the population since the mid-1990s, killing many children. Lack of clean water and the unsanitary living conditions have been the main culprits. According to a 1999 survey, the death rate of children under the age of 10 was 25.7 percent.³³⁹ The North Korean performance report admitted that due to the repeated natural disasters and the consequent lack of food and medicine, the death rate for children had increased compared to the early 1990s. But the report stated, as a result of active efforts to overcome the scars of natural disasters, the rate has been lowered in recent years. However, it was not difficult to find firsthand accounts from the testimonies of new settlers that many children had died or had been abandoned at rail station plazas or in waiting lobbies during the period of "hardship march."³⁴⁰ The US Human Rights

³³⁹ Good Friends Association, "A Joint International Activity Report for the Improvement of Human Rights in North Korea, 2003~2004" (Seoul: Good Friends, 2004), p. 261.

³⁴⁰ Kang Jung-ku and Pommyun, "In Search of Hope for the Nation, 1999" (Seoul: Jung-to Pub. 1999); Good Friends Association, "The North Korean Food Crisis and Human Rights" (Seoul: Good Friends, 2004); Good Friends Association, ed., "We Want to Live like Human-brings: Testimonies of 1,855 North Korean Defectors" (Seoul: Jungto Pub., Co, 1999). Idem. "People Who Crossed the

Watch(HRW) in its 2005 report also stated that many North Koreans, especially young children, were suffering from diseases that could easily be treated and cured with proper medicine. In April 2004, a massive explosion occurred at the Yongchon Rail Station. The Yongchon Elementary School was located near the rail station. Some 76 of the 161 dead were school children, and 60% of the seriously wounded were also children.³⁴¹ According to a joint survey on the nutritional levels of North Korean mothers and children conducted by UNICEF and WFP in 2002, one third of mothers surveyed were suffering from anemia and the under-nutrition of mothers was the main cause of poor nutrition of newborn babies. According to the new settlers, under-nutrition of women has contributed to the sharp drop in birthrates, and it also causes unintended abortions and stillborn babies, as well as immature and underweight babies. Once the medical service system collapsed, contraception became difficult, and many pregnant women attempted illegal or extra-medical abortions, in many cases endangering the lives of the mothers as well as the babies.

Article 14, Section 1 of the Child Convention requires, “States Parties shall respect the right of the child to freedom of thought, conscience, and religion.” Article 15 specifies, “State Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.” But North Korean children are denied access to, or consideration of, various Western ideas and are forced to believe in the Kim Il-sung Revolutionary Ideology and the Juche Ideology. They are not allowed to choose religion by their free will, or form associations. From elementary

Tuman River: Surveys on North Korean ‘food refugees’ in 2,479 villages in Northeastern Region of China” (Seoul: Jungto Pub. Co., 1999); Idem, “Stories of North Korea as told by North Koreans” (Seoul: Jungto Pub. Co., 2000); Kwon Hyuk, “The Hardship March” (Seoul: Jungto Pub. Co., 1999).

³⁴¹ The Children’s Medicine Assistance Center, “Report on North Korean Children’s Health, 2004” (Seoul: Children’s Medicine Assistance Center, 2004), p. 87.

school levels, North Korean children are forced to join organizations like “boy scouts” or the Kim Il-sung Socialist Youth League, and are required to live mandatory collective lives.

Article 19 of the Child Convention stipulates, “States Parties shall take all measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” Article 20 provides, “A child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the State.” On this issue, North Korea declared in its performance report that it was taking various measures to provide family environments for children who lost parents and it was paying great attention to childrearing at both the family and society levels. North Korea has declared that since 1996, it has been devising a variety of means to solve the problem of children on the streets. Most of them have been sent to vocational schools or to institutions where they could receive government protection. In accordance with Articles 16 and 17 of “Human Rights Covenant A,” North Korea submitted its second report in 2002. In the report, North Korea stated it was providing special protection to children who had lost their family or were in a poor environment.

Children without a means of livelihood had the right to receive material assistance under Article 72 of the Constitution, the report affirmed. Article 18 of the Childrearing Guideline Law stipulated that children not under State or family protection would be taken care of by the nurseries and orphanages. But according to new settlers, during the food crisis many parents abandoned their children due to divorce or the death of one parent, thereby putting a heavier burden on the surviving parent. Parents also abandoned or left their children behind when they attempted to cross the border into China in search of food. Children were an added security risk as well as a daily burden when fleeing the country. In short, when life in North Korea was no longer possible the only way

to survive was to risk defection to China. But a crying baby posed a great risk along the border, and meant another mouth to feed even after one had successfully fled to China.³⁴² In some cases, parents left their children with neighbors or relatives. Most of these cases happened in China rather than in North Korea. Parents who felt the heavy burden of raising their children and who were concerned for their children's future would give them away to a Chinese or Korean family that wanted to have children. Children who were abandoned or whose parents had died or who had ventured out on their own out of extreme hunger floated around streets and markets as "gotchebbi," engaged in begging or stealing. North Korean authorities established and operated so-called "9·27 facilities" to house and protect "gotchebbi." The so-called "9·27 facilities" refer to a Central Party decision on September 27, 1997 to collect the children of the streets and others who had lost their support sources, and put them in empty rooms at nurseries, kindergartens, local inns, and apartment units for management and supervision.³⁴³ The effort, however, is known to have failed as authorities soon found out that they could not feed the children so housed.

Article 22 of the Child Convention mandates, "States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee shall receive appropriate protection and humanitarian assistance" Addressing this in its report North Korea stated that no child had been regarded as a refugee or had sought refugee status for political or other reasons. Therefore, it stated, it had never had to deal with the question of protecting or assisting a refugee child. But it is widely known that numerous North Korean children under the age of 18 were leading lives as "gotchebbi," begging and sleeping in the streets

³⁴² Good Friends Association, ed., "People Who Crossed the Tuman River: Surveys on North Korean 'food refugees' in 2,479 villages in Northeastern Region of China" (Seoul: Jungto Pub. Co., 1999)

³⁴³ Good Friends, "North Korean Food Crisis and Human Rights," *op. cit.* p. 83.

under constant the fear of arrest and forcible deportation to North Korea. Most of them were suffering from severe malnutrition and various illnesses. They were sworn at, beaten, and humiliated. Some became involved in violence, larceny and human trafficking.

In their report, North Korea stated that it was carrying out the terms of Article 35 of the Child Convention, declaring that prostitution and illegal sexual behaviors were strictly prohibited under its penal code. As is widely known, however, a large number of human trafficking cases have been reported out of North Korea and China since the food crisis, and since the late 1990s it has been reported that teenage girls have been trafficked. For example, an interview survey of 202 North Korean women defectors in Yanbian, China (Jul. ~Oct. 1999) revealed that some 33.2 percent of the respondents said that the reason they were living with their current husbands was because they were ‘caught and sold after defection from North Korea.’³⁴⁴ One North Korean woman defector testified that her relative, a 16-year old girl, was sold to a Chinese man in a deal between North Korean and Chinese intermediaries.³⁴⁵ Since the food crisis, ‘prostitution for living’ has become widespread among North Korean women, regardless of their marital status. In many cases, under-aged girls are involved in the sex business.³⁴⁶

With regard to the judicial rights of the child under Article 37 of the Child Convention, the North Korean report insisted that in North Korea children, in principle, are not be arrested, detained, or imprisoned. If necessary, and only as a last resort are they held in their own houses after school or in special areas under Article 104 of the penal code, and such ‘supervisory’ practices do not exceed one month. The North Korean

³⁴⁴ Moon Sook-jae, et.al., “Motives of Defection and the Lives of North Korean Women,” *The Journal of Korea Family Study Association*, Vol. 38, No. 5 (Seoul: Korea Family Study Association, 2000), p. 147.

³⁴⁵ Testimony of new settler Huh XX during an interview, Apr. 16, 2004.

³⁴⁶ Kwon Hyuk, “The Hardship March,” (Seoul: Jungto Pub. Co., 1999) p. 149.

report also insisted that North Korean laws have been revised to comply with international agreements, especially the standards spelled out in the Child Convention. For example, the age for assessing the death penalty for young people has been raised from 17 to 18, and during the reporting period North Korea did not experience a single incident in which a child was tortured or otherwise mistreated or punished in a cruel or inhuman manner. However, the young people who returned to China after experiencing deportation to North Korea and life in the detention camps testified that they were shouted at, beaten, and tortured upon their return to North Korea. Once in the detention camp they suffered from beating and hunger in addition to the hard labor of felling and dragging lumber taller than their own height.

In 2004, two members of the UN Committee on the Rights of the Child visited North Korea for the first time. During their visit, they vigorously pointed out various problems concerning the economic exploitation of children, human trafficking, violation of the judicial rights of the child involving torture, and the mistreatment of children returning from China.

Regarding Article 7 of the Child Convention on the nationality of the child, North Korea stated that children would never be left without a nationality. If either one of a child's parents were Korean, the child would be given North Korean nationality. But the fact is that children of North Korean women defectors in China could not be officially registered because the mothers were illegal aliens. Even North Korean women who are married to Chinese or Korean men are not entitled to protection because their marriages are not legal, rather they are considered arranged live-in cases based on human trafficking, or "common law" marriages through informal intermediaries. The result is that their children become stateless. The children are not guaranteed the right to any nationality or educational opportunity even when they reach school age.



Other Human Rights Violations

KINU

1. Human Rights Violations at Political Detention Camps

It is widely and internationally known that North Korean political concentration camps are the one place where human rights are violated the most. The fact that North Korea has been operating many political concentration camps was revealed to the outside world by the former political prisoners and prison guards, and their families, who defected from North Korea. The realities inside the camps were also uncovered through the persistent efforts of international human rights organizations like Amnesty International. New settler Kim XX, who came to South Korea in 1982 and previously worked as an intelligence agent at the State Political Safeguard Agency, testified for the first time about the existence of political prison camps. Subsequently, several former inmates provided additional information on political prisons. They included Kang Chul-hwan and Ahn Hyuk(admitted in 1992), who defected after release from Yoduk Detention Camp, Ahn Myung-chul(admitted in 1994) who defected while working as a security guard at Hweryong Detention Camp, and Choi Dong-chul(admitted in 1995) who formerly a security guard at the State Security Protection Agency in the mid-1980s. New settler Lee Young-guk, Bae XX, Chung XX, Shin XX, who served a term at Daesuk-ri Unit No. 8 of Yoduk Detention Camp from 1995 to January 1999, recently disclosed his experience living inside a political prison camp. The Digital Globe zoomed in its satellite cameras on Unit No. 22 Political Prison Camp in April 2002, and the pictures were released to the international media, including the South Korean media, on December 5, 2002.³⁴⁷ The US Committee for Human Rights in North Korea published a report in October 2003, on realities of political prison camps in North Korea,

³⁴⁷ On Jan. 15, 2003, NBC-TV in the United States reported the realities inside the political prison camp based on the testimonies of the defectors and the satellite pictures. See <<http://www.msnbc.com/news/859191.asp?0sp=v3z2&0cb=114130475#BODY>>.

based on defector's testimonies and satellite pictures.³⁴⁸

North Korean authorities give the name of camps depending on either the numbers for a specific area or the document number regulating the crimes that were deemed to be harmful to the maintenance of the regime. In some areas, it appears that "correctional centers" are used only for purposes of detaining political prisoners.³⁴⁹ The Yoduk Concentration Camp in South Hamkyung Province is labeled 'Kwanliso' No. 15. These camps are camouflaged by being reported officially as a unit of the North Korean People's National Guard. Each Concentration Camp in North Korea is recorded as No. 2915 unit of the North Korean People's Security Guard.

According to North Korean documents seized during the Korean War and later released by the US State Department, North Korea has been operating collective camps since 1947, two years after national liberation. The people confined there in the post-liberation years were landowners, along with pro-Japanese and religious persons. After the war, inmates consisted mostly of those who had served as local security unit members on the side of the advancing South Korean and UN forces during the war. These detention camps were turned into banishment camps for political prisoners after the so-called August Faction Incident of 1956 (when Choi Chang-ik, Yoon Kong-heum and others conspired against Kim Il-sung). The former KWP secretary Hwang Jang-yop, who came to South Korea in April 1994, testified that the controlled districts originated from the August Faction Incident. At first, according to Hwang, only the sectarians were sent to these camps, but later all political

³⁴⁸ David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps* (Washington, DC: US Committee for Human Rights in North Korea, 2003).

³⁴⁹ Kim XX was caught in 1958 while attempting to flee South through the Demilitarized Zone (DMZ). He was punished as a political criminal, and served 12 years from 1960 at Susong Correctional Center in Chongjin. Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

prisoners, including anti-Kim Il-sung elements, were sent there. He further testified that at the time Kim Il-sung argued that the sectarians were so wrong in their minds that they should be sent along with their families to remote rural mountain areas to lead segregated lives. Accordingly, the first controlled district was set up in the Dukjang Coal Mining region of Bukchang County, South Pyongan Province, at the end of 1958.

In the course of purging Kim Il-sung's political foes, such as those of the Yen-an Faction, the Pyongyang authorities retaliated against anti-party and anti-Kim Il-sung elements (and to contain the proliferation of their influence) by holding those unexecuted involved persons, together with their families, in remote mountainous areas.

Yoduck No. 15 'Kwanliso' began housing political prisoners in 1969 after the recorded speech of Kim Il-sung on "the Need to Revolutionize the Staff."³⁵⁰ At the time, many well-known artists were detained in Yoduck Center, including the former South Korean actor/comedian Shin Bul-chool, actor Kang Hong-shik, who had starred in Japanese movies, and his family, and stage-dancer Hyun Jung-soo, who was a student of North Korea's best-known dancer Choi Seung-hee.

During 1966, North Korea began re-registering its people to prepare for the arming of one million people as part of the Worker-Peasant Red Guards. The project included gathering information on everyone's political beliefs and from 1967 through 1970 the entire North Korean population was categorized into three classes and fifty-one subclasses.

Among those categorized as belonging to the hostile class, about

³⁵⁰ New settler Kim XX had served about eight years between 1970 and Dec. of 1978 at Yoduck Concentration Camp along with her family, except for her husband. Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005. At first, Kim XX was assigned to No. 3 Work Team. She recalled that at the time, No. 1 Work Team included many returnees, and No. 10 Work Team was placed between No. 3 and No. 4 Teams.

6,000 people who were branded as sectarians or anti-revolutionaries were executed after being tried in show trials. The approximately 15,000 who escaped execution, along with their family members who numbered about 70,000, were held in the remote mountains under Cabinet Decision No. 149. Confined separately were those who opposed the Korean Workers Party or Kim Il-sung himself.³⁵¹ In the process, the families of some political prisoners were driven out and forced to disperse across deep mountainous areas or to rural farm areas with certain restrictions.

In their early stages the combined area of the camps was about equal to that of a small town. Since the Three Revolutionary team movements began in 1973 as a move to consolidate Kim Jong-il's power base in preparation for his succession to power, the number of inmates swelled phenomenally.

In the course of purging the party, military and administration officials who opposed Kim Jong-il's succession to power following his seizure of party control at the 6th Party Congress in 1980, the need for the creation of at least four more concentration camps became evident. As of 1982, more than one hundred thousand were sentenced to hard labor at eight camps, isolated from the rest of society for the rest of their lives. Following the fall of Eastern Europe in the late 1980s, the number of camps grew, the number of inmates reaching about two hundred thousand as the regime tightened its internal control to keep the wave of reforms from reaching North Korea.

³⁵¹ Professor Ogawa insists that the current concentration camps have been formed in the process of establishing the Kim Il-sung-Kim Jong-il Sole Ideological System in the latter part of the 1960s. Ogawa Haruhisa, *North Korea's Concentration Camp, International Seminar for the Issue of North Korea's Human Rights and Defectors* (jointly held by Chosun Ilbo, The Civilian Coalition for the North Korean People's Lives and Human Rights, and Korea University: Dec. 2, 1999).

A. The Scope and Punishment of Political-Ideological Criminals

In referring to politico-ideological prisoners, North Korea calls them vaguely anti-revolutionaries, or people with unsound ideology or hostile elements, so that once a leader decides to eliminate someone, he can do it readily by an accusation under one of these counts. Kim Il-sung once said, for the victory of the socialist revolution, we should oppress those anti-revolutionary elements who are opposed to and who impede the thought and passion of the revolution as well as hostile elements who stage a compromising struggle against unsound thoughts - especially those who try to revive capitalism. For North Korea, then, it is a matter of course either to execute or to hold in concentration camps not only the political foes of the Kim Il-sung and Kim Jong-il system but also those who are uncooperative in the construction of socialism. Such people are branded as politico- ideological criminals.

Under the 1990 penal code, crimes subject to punishment as a political prisoner included “conspiracy to topple the State,” “reactionary agitations and propaganda” and “treason against the fatherland.” The “conspiracy” sentence is imposed on “those who had participated in a civil disturbance or in a conspiracy to overturn the Republic.” People who were charged with anti-party or anti-Kim Il-sung would be given this sentence and would be either executed or banished to political concentration camps (Art. 44 ~55 of Penal Code). In order to impose heavy punishments on political and ideological criminals North Korea had enumerated 12 articles under its penal code (Articles 44 through 55). More detailed classifications of anti-state crime appeared in the revised penal code of 2004. They are “conspiracy to topple the State; terrorism; anti-State propaganda and agitation; treason against the State; espionage; destruction and murder; armed intervention and agitations to sever foreign relations; and hostile actions against foreigners(Articles 59 ~ 66).” The 2004 revised penal code appears to have made some improve-

ments on the 1990 version in that the new version contains more specific crime categories.³⁵² For example, the “conspiracy” crime would be brought for “those who conspired or participated in a coup d’etat, violent civil disturbance, or raid with anti-State aims.” (Art. 59) The “espionage” crime would apply to “those who were not North Korean citizens, had detected, collected or provided confidential information with the aim of spying on North Korea.” (Art. 63)

Whether or not to send ordinary criminals to prison is determined through minimum reviews and trial procedures. Cases of individuals charged with politico-ideological crimes, however, are unilaterally reviewed by the State Security Agency in a single-trial system without judicial trial procedures. Even an innocent politico- ideological suspect can hardly be found not guilty and set free. New settler Lim XX said that Lee Dong-myong was in Russia in 1998, demanding to go to South Korea. He was later deported to North Korea, and reportedly sent to a political prison camp. People are sent to political prison camps secretly without their neighbors’ knowledge.³⁵³ Punishment is not limited to the person involved; immediate family members and even more distant relatives are punished under the North’s system of guilt by association. According to Kim XX and Tak XX, the scope for applying the system of guilt by association is limited to immediate family members. If a husband is punished as a political prisoner, his wife should be separated and returned to her original home. However, if a wife is indicted as a political prisoner her husband is not punished.³⁵⁴ New settler Lee Young-guk testified that political detention camps are where the authorities send those people who presumably said things or acted contrary to the

³⁵² See Han In-sup, “The Contents and Meaning of North Korea’s Revised Penal Code of 2004,” *op. cit.*

³⁵³ Testimony of new settler Lim XX during an interview at KINU, Sept. 7, 2002.

³⁵⁴ Testimony of new settler Kim XX and Tak XX during an interview at KINU on Nov. 30, 2002.

one-man-one-party dictatorial system. There they are completely segregated from the outside world and forced to live in exile. Lee Young-guk recounted recent examples of criminal behaviors that are subject to detention in the political prison camps, in addition to political crimes. New settler Lee Young-guk testified that political detention camps are where the authorities send those people who presumably said things or acted contrary to the one-man-one-party dictatorial system. There they are completely segregated from the outside world and forced to live in exile. Lee Young-guk recounted recent examples of criminal behaviors that are subject to detention in the political prison camps, in addition to political crimes. First, the primary target is the staff or cadres who spread information concerning Kim Il-sung, Kim Jong-il, their families and their personal lives, and those who have criticized the politics of Kim Il-sung and Kim Jong-il. Second are those who exercised negative influences in the process of amassing slush funds for Kim Jong-il. Recently, more people have been detained in connection with irregularities over the formation of slush funds. Third are those who either listened to South Korean broadcasts or contacted South Koreans in a country (China, for example). Most of these people are former diplomats. There are other detainees who were caught while attending church services out of curiosity during visits with their families in China. Fourth, there are former high-ranking officials who have attempted to maintain lavish drinking fraternities with local leaders: For example, a division commander, an organization secretary of the Party, and a political director at the First Corps of the Ministry of People's Armed Forces were all implicated on such charges. No private associations such as fraternities or mutual loans among inhabitants are allowed. These behaviors are punished before such behaviors can grow to form decadent organizations. Finally, cases of forming anti-government cells are increasing recently. For example, in August 1995, seven squadron pilots were detained on charges of anti-regime conspiracy, including Lee Chul-woong, assigned to the Third

Fighter Wing command of the North Korean Air Force, located in Hwangjoo Air Base.³⁵⁵

B. Status and Operation of the Camps

Detention camps in North Korea are located in remote mountainous areas in South Hamkyung, North Hamkyung, South Pyongan, North Pyongan and Jagang Provinces. Their total inmate population is estimated to be about 200,000. Since there is no confirmed evidence, we have to rely on the testimonies of defectors who previously worked on the prison staff or who were personally detained as prisoners at the political detention camps. According to the testimonies, the actual realities in the camps are as follows.

Ahn Myung-chul³⁵⁶, who worked as a guard at the camp at Hweryong, North Hamkyung Province before he defected to the South in October 1994, said that under the control of Bureau No. 7 of the SSA alone, there were ten political prison camps. Later, five of them, including two in Onsung, North Hamkyung Province near the Chinese border and ones near Pyongyang, were closed or moved to prevent discovery by the outside world.³⁵⁷ With reference to the remaining camps he mentioned 'Kwanliso' No. 14 at Kaechun, South Pyongan Province; No. 15 at Yodok, South Hamkyung Province; No. 16 at Hwasung, North Hamkyung Province; No. 22 at Hweryong, North Hamkyung Province; and No. 25 at Chungjin, North Hamkyung Province. He said at these camps the total number of prisoners stands at around 200,000. New settler Jin XX

³⁵⁵ Testimony of new settlers Kim XX and Bae XX during interviews at KINU on Jan. 18, 2005 and Jan. 20, 2005, respectively.

³⁵⁶ Testimony of new settler Ahn Myong-chol during an interview at KINU on Jul. 9, 1996.

³⁵⁷ New settler Kim XX testified that the Onsung No. 12 Management Center was abolished in 1987, and a tobacco barn was built there on Apr. 25 the same year. Testimony of new settler Kim XX during an interview at KINU on Nov. 30, 2002.

recalled that when he was serving in the military he gave a ride to a sister of his senior officer's wife to Yoduk 'Kwanliso' when she came to see a safety guard at one of the prison camps.³⁵⁸ New settler Shim XX testified that he had visited the Yoduck Center located in Inhwa-ri, Yoduck County, to see a fellow safety official while he was transporting supplies for the Safety Ministry.³⁵⁹ According to new settler Um XX, there were two political concentration camps, one in Hweryong, North Hamkyong Province and another in Danchon, South Hamkyong Province. New settler Shim XX testified that the No. 18 Center located in Deukjang-ri, Bukchang County, South Pyongan Province was exclusively for convicted party officials.³⁶⁰ It is unconfirmed whether this facility was moved to another location, or the prisoners were scattered among similar facilities elsewhere after the facility was closed down.³⁶¹ On February 25, 1998, New settlers Kang Chul-hwan and Lee Soon-ok testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently some 200,000 political prisoners are detained in detention camps in North Korea. In its Human Rights Country Report 2001, released in February 2002, the US State Department reported that some

³⁵⁸ Testimony of new settler Chin XX during an interview at KINU on Sept. 7, 2002.

³⁵⁹ Testimony of new settler Shim XX during an interview at KINU on Jan 12, 2005. David Hawk in his *Hidden Gulag* said No. 18 Management Center is under the control of a Guard Unit belonging to the People's Safety Agency rather than Bureau 7 of the National Security Agency, and is holding the families of the criminals detained in No. 14 Management Center.

³⁶⁰ Testimony of new settler Uhm XX during an interview at KINU on Jun. 29, 2002. Also, testimony of new settler Shim XX during an interview at KINU on Feb. 15, 2005.

³⁶¹ For example, the No. 77 Correctional Center located in Daeheung-ri, Danchon County, South Hamkyong Province was moved to Shinuiju in 1982-1983 and its name changed to "management center." There were eyewitnesses who saw the family of Hwang Jang-yop, who had fled to South Korea, being transported aboard a train. Testimony of new settler Shim XX during an interview at KINU on Feb. 15, 2005.

150,000~200,000 political criminals are detained in various political detention camps in North Korea. Since the size and location of these political prison camps would change frequently depending on the circumstances, it is difficult to know their realities accurately.³⁶² If we were to strictly define “political criminals” and “conscientious objectors” their number would be far fewer than the large number of people detained in various camps.

New settler Ahn Myung-chul said that North Korea established most political concentration camps in remote areas or coalmines. And, like the case of “Seung-ri concentration camp” (abolished in Jan. 1991), some of them were built underground to avoid the exposure and revelation of secrets. He also revealed that the “No. 25 Management Camp” near Chonjin, North Hamkyong Province, was a top-level political concentration camp, where only political criminals were detained. Ahn Myung-chul further testified that there was a political concentration camp under the control of Bureau No. 3 of the State Security Agency, where human rights abuses at a scale beyond imagination were being committed.

Meanwhile, as international opinion has risen against North Korean human rights abuses, Lee Chang-ha, chief secretary of the DPRK Human Rights Institute, invited a fact-finding team from Amnesty International to visit from April 26 through May 3, 1995. The North allowed the team to tour a ‘Kyohwaso’ at Sariwon.

Detention camps are divided into complete-control districts and the Revolutionary districts. The complete control districts are exclusively for those given life terms. They slave in mines and at logging yards under horrible working conditions. There is no need for them to be ideologically

³⁶² New settler Kim XX testified that since the international community began using satellite photos to focus on Yoduck Concentration Camp, North Korea has begun to move the detainees at Yoduck to Dukchon Concentration Camp in South Hamkyong Province. Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2005.

educated because they will never return to society alive.

The revolutionized districts on the other hand are divided into family and bachelor sections; prisoners held here might be freed depending on the outcome of reviews made after a specified period from one to ten years. Upon release prisoners must sign an oath not to discuss anything about their experience, and violating the oath means returning to the camp.

As members of the hostile class, prisoners released from the revolutionized districts lead a poor existence. They are the primary targets of surveillance by the SSA so they suffer various restrictions in employment, travel, etc.³⁶³ If an ex-political prisoner commits an ordinary crime, ten years imprisonment is added to the term he or she would normally serve.

According to the testimony of Ahn Myung-chul, among all the political detention camps in North Korea, only the No. 15 Control Center at Yoduk, South Hamkyung province, has two separate sections: the Revolutionary zone and Complete or Full Control zone. All others have only full control zones.³⁶⁴ This means that except for extremely rare cases, the only detention camp that would permit any detainee any hope of returning to society alive would be the Revolution zone in No. 15 Control Center. The revolution zone simply means a boot camp, which dictates extremely harsh conditions and an unbearable subsistence life until individuals are exhausted or have expired.

In the Daesuk-ri No. 8 camp where Lee Young-guk was detained,

³⁶³ According to new settler Kim XX (alias), Koh XX was an interpreter at the Foreign Wire Service Section of the Ministry of People's Armed Forces. Koh was arrested on spy charges during the process of an ideological background check on his years of study in Russia. He was detained in Yoduck Camp from May 1989 to Feb. 1994, and forced to work at Chongjin Steel Mill. Testimony of new settler Kim XX during an interview at KINU on Jan. 19, 2002.

³⁶⁴ In his "Hidden Gulag," David Hawk at US Committee for Human Rights in North Korea said there was a scaled-down "revolution sector" in the No. 18 Center located in Bukchang-ri, South Pyong-an Province.

about 900 inmates were detained as of January 1999, and about 80 female inmates were mixed among them. The Citizens Alliance for North Korean Human Rights presented a video entitled *The Seven Defectors and their Aftermath* during the Third Conference on North Korean Human Rights and Refugees on February 9, 2002 in Tokyo. In the video, it was stated the seven defectors crossed the border in January 1999 from China into Russia. They were caught by the border guards and deported to North Korea via China. One of the seven, Kim Eun-chol, it said, was detained in Yoduk Detention Camp.³⁶⁵

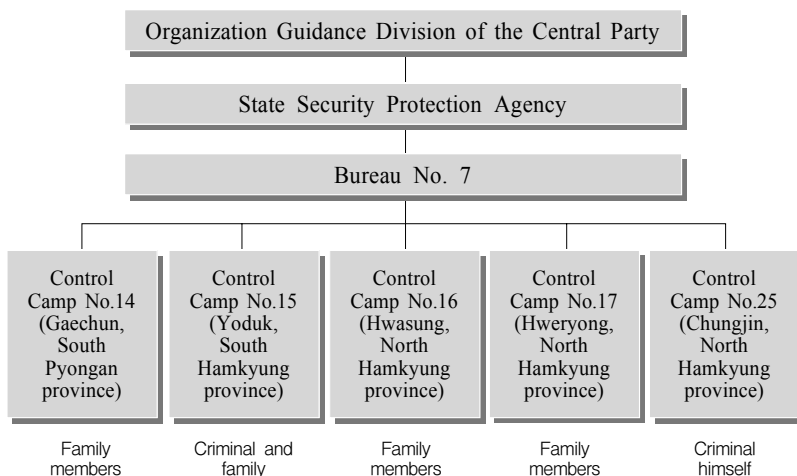
In the case of returnees from Japan (and their families), who have had close personal connections with North Korean elite and/or senior officials of the Pro-Pyongyang Korean Residents Association in Japan (Jochong-ryon), would be detained in the “revolutionary district” within the political concentration camp. Inmates of the revolutionized zone consist mostly of Pyongyang’s ex-elites, repatriates from Japan who have personal connections with senior officials of the pro-Pyongyang association of Korean residents in Japan, Chochong-ryon, and their families. The policy is to have them endure torture and thus make them more obedient to the Kim Il-sung and Kim Jong-il system before they return to society. Most other political prisoners are been held for life at the lifetime full control zones. New settlers have stated that a very small number of life-term prisoners, exceptional cases, are transferred from full or complete-control zones to the revolution zone. Lee Young-guk testified that the levels of punishment, such as the length of detention and the possibility of release, would vary depending on the detainee’s personal background.³⁶⁶ In very exceptional cases, the inmates mentioned during Kim Jong-il’s “on-site guidance” would be released directly from the political prison camps to the society.³⁶⁷ However, this would be an

³⁶⁵ See *NK Chosun Ilbo*, Feb. 10, 2002.

³⁶⁶ Testimony of new settler Lee Yong-kuk during an interview at KINU on Oct. 27, 2001.

extremely exceptional case. In most cases, no one will ever return to the society once they are detained in a “full control sector.”

<Graphic IV-1> Status of Special Dictatorship Zones



<Table IV-1> The Dissolved Camps

No.	Location	Date closed	Reasons for closing
No. 11	Foot of Gwanmo peak, Gyungsung, North Hamkyung province	Oct. 1989	To build Kim Il-sung’s villa
No. 12	Changpyong Workers’ District, Onsung, North Hamkyung province	May 1987	Camouflage exposed; too close to the border
No. 13	Chongsung Workers’ District, Eunsung, North Hamkyung province	Dec. 1990	Camouflage exposed; too close to the border
No. 26	Hwachun-dong, Seungho District, Pyongyang	Jan. 1991	Camouflage exposed; too close to the border
No. 27	Chunma, North Pyongan province	Nov. 1990	Reasons unknown

* This table is based on the testimony of new settler Ahn Myung-chul.

³⁶⁷ “A Workshop for the New Settlers,” sponsored by KINU, Jan. 20, 2006.

C. The Organization and Size of Concentration Camps

North Korean detention camps are said to have an area of about 50 to 250 square kilometers holding between 5,000 to 50,000 inmates each. Prisoners sent to the camps are selected and managed in practice by the SSPA under the supervision of the Guidance Department of the Secretariat of the Central Committee. Each of the camps under the control of Bureau No. 7 of the SSPA consist a political section, security section, management section, security guards section and supply service section.³⁶⁸

The duty of the political section is to watch the ideological behavior of people in the security guards section and punish those who commit any irregularities. The security section watches the inmates and seeks out, for execution or assignment to harsher labor, any malignant elements such as those who attempt escape, murderers and malingerers. The management section is organized to maximize the workload and attain the production norms allotted to the camps. The responsibility of the security guards section is to guard the outer perimeter of the camp and suppress by force of arms any revolt or other uprising inside a camp. In addition, there are supply service sections responsible for supplying food for security and guards' section personnel, the materials section for supplying materials for various construction projects inside the camps, and a chemical section for supplying dynamite to the mines. Other sections include finance, transportation and communications. Most dreaded by the prisoners are the security and guard sections, as both hold the right to determine prisoners' fates.

³⁶⁸ It is reported that No. 18 Center (located in Deukjang-ri, Bukchang County, South Pyongan Province) is under a garrison assigned to the People's Safety Agency.

D. Selection of Prisoners and Procedures

The SSPA is responsible for catching anti-revolutionaries. Local SSPA officials select offenders and the central ministry without a trial makes the final decision concerning guilt. The Maram Secret Guest House in the Yongsung District of Pyongyang is notorious for ferreting out political prisoners. People subject to banishment are mainly those considered harmful to the Kim Il-sung and Kim Jong-il system, such as anti-party and sectarian elements and anti-revolutionaries, previous landowners and pro-Japanese, the religiously active, anyone opposed to Kim Jong-il's succession to power, attempted escapees and their families, and seditious people among those repatriated from Japan. Following the collapse of Eastern Europe, those who returned from overseas duties or studies and spread knowledge of what they had seen and heard abroad were also targeted.

In North Korea, one would be regarded as a political prisoner and detained in the camps if one is heard complaining, "This world is so hard to live in," or "If you don't have a bar of soap or a jar of toothpaste to sell, how could this place be called a store?" But since the severe food shortages in the mid-1990s, the cases of arrests due to inadvertent utterances has decreased as the levels and incidents of complaints rapidly rose.³⁶⁹ Recently, North Korea has tended to arrest and classify as political criminals those who have been involved in human trafficking and those who have had contacts with Christians or South Koreans while traveling in China in search of food.³⁷⁰ For one associated with a crime of political ideology, for whatever reason, all properties are confiscated and the entire family transferred to the detention camps at night. In many

³⁶⁹ These cases are often called "verbal reactionaries."

³⁷⁰ Testimony of new settler Kim XX during an interview at KINU on Aug. 30, 2001. Also, testimony of new settler Kim XX during an interview at KINU on Feb. 15, 2005.

cases, families or neighbors do not know the transported's whereabouts because they are taken away without advance notice or trial procedures.³⁷¹ For fear of harm, even someone who has knowledge dares not protest to the authorities or inquire after the fate of missing people. Neighbors and relatives can only presume that the missing has been arrested. This reign of terror is to render people subservient to the system of Kim Il-sung and Kim Jong-il.

E. Dwellings and Camp Life

Once the condemned person enters a detention camp, medical service is suspended and regular food rationing no longer applies. Prisoners are barred from marrying or having children.³⁷² They are completely insulated from the outside and no visits or letters are allowed from their relatives.

Normally, the inmates wake up before dawn, eat breakfast and get ready for work. The security agent and work supervisor conducts a roll call. Work is assigned to each unit of five workers. To prevent conversation or conspiracy, work is conducted continuously until dusk. Lunch hours are about two hours at noon, and the inmates eat steamed corn rolls they bring with them. Before the day is over, the security agent or supervisor confirms the progress of work, and if the work is behind schedule they decides whether to extend work-hours.

An ordinary North Korean worker previously received grain rations (rice/grain mix) of 600 grams per day, more or less depending on the difficulty factor of his work. Political prisoners in the camps would be required to work harder for lesser amounts of grain rations. In the case

³⁷¹ New settler Kim XX said her husband was detained in a management center as a political prisoner in 1970, but she was not notified of his whereabouts. Testimony of new settler Kim XX during an interview at KINU on Jan. 18, 2005.

³⁷² New settlers have testified that permissions are given in some exceptional cases.

of a household, each adult would receive 550 grams of corn per day as a main meal, and for side dishes a little bit of salt and a spoonful of soybean paste (made of acorns) would be rationed out once a week.

According to testimonies of Kang Chul-hwan and Ahn Hyuk, past political prisoners lost weight dramatically near the end of their term in political detention camps due to malnutrition. In the case of Lee Young-guk, he weighed 74 kilograms before detention. After four years of a prison term in the camp, he weighed only 54 kilograms.

In these detention camps, single people or those without their spouses lead collective lives in barracks while families live in huts they build themselves with wood, mud and straw mats. Because floors and walls are made of earth, the rooms are very dusty. Roofs are made in most cases with wooden boards and are covered with straw mats. Rain leaks in and it is extremely cold in the winter. Floors may be covered with mats made of bark. Therefore, conditions are similar to those in the dwellings of primitive humans.

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases mainly due to malnutrition and heavy labor. Still, everyone, without exception, is forced to continue working. Many suffer from ailments such as frostbite or hemorrhoids, but they are likely to be beaten if they walk or work slowly due to the pain. When one's sickness becomes so bad that a foreman decides the prisoner can no longer work, the patient is sent to a sanatorium and essentially abandoned, as there are no proper medicines or doctors. According to new settler Park XX, he testified that he witnessed products produced by the political prisoners at 'Kwanliso' No. 22 in Hweryong, North Hamkyung Province, being transported by railroad.³⁷³ The products out of No. 22 Center are manufactured by the hard labor of inmates. The quality of these products is known to be far

³⁷³ Testimony of new settler Park XX during an interview at KINU on Oct. 20, 1999.

superior to the products produced at civilian factories.³⁷⁴ He estimates that because normally, the prisoners of each work team were transported to the camp, a large number of political prisoners are probably detained there.³⁷⁵

F. The Realities of Public Execution inside the Detention Camps

The human rights realities inside the political prison camps are extremely appalling. Those who were unable to endure the harsh conditions and ultimately caught while attempting to flee from the camp³⁷⁶ or physically resisted or assaulted security officers were hanged or shot to death in front of the other prisoners. Kang Chul-hwan, An Hyuk and An Myung-chul testified that those who are executed or die from accidents amounted to several hundreds in each camp every year.

Lee Young-kuk testified that the prisoners in the camp should be described as animals rather than as humans. The prisoners stated beatings would take place depending on the mood of “teachers.”³⁷⁷

New settler An Myung-chul testified that at camps under the control of Bureau No. 3, condemned prisoners have been used as objects

³⁷⁴ Testimony of new settler Choi XX during an interview at KINU on Jan. 21, 2005.

³⁷⁵ Testimony of new settler Park XX during an interview at KINU on Oct. 20, 1999.

³⁷⁶ Two prisoners who were caught while attempting to flee from the Yoduck Camp in Surimchon-ri, were public-executed on Aug. 26, 2001 and Mar. 5, 2003, respectively. They were Choi Kwang-ho (42, Materials Guide at a Chemistry Factory in Jinburyong County) and Kim Ho-suk (37, from Yonsa County). Testimony of new settler Chung XX during an interview at KINU on Jan. 20, 2006.

³⁷⁷ Lee Young-kuk had been eye-witness to about 50 executions by firing squad, or, one every 15~30 days during his four years in the prison. Testimony of new settler Lee Young-kuk during an interview at KINU on Oct. 27, 2001. New settler Bae XX testified that two prisoners (who were brought in from Hweryong) were caught while trying to flee from the Yoduck Concentration Camp and were executed in 1995 by firing squad. Testimony of new settler Bae XX during an interview at KINU on Jan. 20, 2005.

of live medical experiments conducted by camp doctors—just like those conducted by the notorious Japanese Army 731 Unit or by Nazi doctors during World War II. All these reports from new settlers could not be confirmed.

But Lee Young-kuk stated that he believed the authorities were conducting biological experiments on younger and healthy male inmates because they are usually removed to another location within six months of detention.³⁷⁸ At present, it is known that there is a military unit performing biological experiments on human bodies in Omok-ri, near Nampo City, South Pyongan province. The BBC reported a North Korean defector's testimony, stating that a new gas chamber for testing of chemical weapons was built at No. 22 prison camp in Hweryong, Hamkyung North Province, but that fact has not been confirmed.³⁷⁹

G. Internment of Repatriates in Detention Camps

There is little solid information on the present situation of the detained repatriates in detention camps. We do have testimony from defectors who themselves were in the camps. However, a recently published report by Amnesty International listed the names of some repatriates found in the Sungho-ri camp.

According to testimony from Kang Chul-hwan and An Hyuk, who were imprisoned at Yodok, about 600 people of the 100 families who were first detained in early 1974 are still held at the camp. They also stated that from 1974, 100 to 200 more families were added every year, totaling as of 1987 about 5,000 repatriated political prisoners from 800 families and 300 criminals.

³⁷⁸ Testimony of new settler Lee Young-kuk during an interview at KINU on Oct. 27, 2001.

³⁷⁹ Testimony of new settler Kwon XX during an interview by the Chosun Ilbo daily on Feb. 1, 2004.

Meanwhile, according to the testimonies of Kang Chul-hwan and Ahn Hyuk, former staffers of the pro-Pyongyang association of Korean Residents in Japan, Chochongryon and some industrialists were separated from their families and were presumably detained in different camps. Kang Chul-hwan still does not know the whereabouts of his grandfather, Kang Tae-whew (who was the Tokyo chapter Chamber of Commerce Chairman of Chochong-ryon). He was reported missing in 1977.

When individuals disappear during the night in North Korea, people assume they have been whisked away to prison. Repatriates deported to the camps are usually charged with espionage or provoking social agitation because they uttered information about Japan and South Korea. But the repatriates concerned say they have no idea why they are being punished. Defectors say the members of the SSA who supervise the camps call these repatriated prisoners “semi-Japanese” and treat them worse than they do other prisoners. The death rate among the repatriated prisoners is high because they are treated more severely than others and because they cannot easily adapt to the severe circumstances. New settler Shin XX testified that she was sent for a year to the Revolutionary Section in the Yoduk Detention Camp for having contacted her elder sister, who was living in Japan, while Shin was in Yenji, China, in 1999. However, they did not beat her because she was old and a former expatriate who returned home.³⁸⁰

³⁸⁰ Testimony of new settler Shin XX during an interview at KINU on Nov. 30, 2002.

2. The Abducted

Since the Korean Armistice in 1953, a total of 3,790 people have been abducted and taken to North Korea. They have been forcibly detained in North Korea contrary to their wishes, partly because North Korea may have found their knowledge and manpower useful.³⁸¹ Of them, only 485 people (see appendix I) are known to still be detained. Among those kidnapped were five high school students who were reportedly brought to North Korea by a North Korean espionage agent in the late 1970s. This fact was revealed in the process of examining the Choi XX and Kang XX espionage case of 1997.

Beginning with the first kidnapping of 10 fishermen aboard the Daesung-ho on May 28, 1955, North Korea has abducted a total of 3,692 fishermen since the Korean Armistice in 1953. They subsequently returned 3,256 and are presently still holding 434 fishermen.³⁸² As recently as May 30, 1995, North Koreans kidnapped eight fishermen aboard the No. 86 Woosung-ho. Three of the eight were killed as they struggled with their kidnapers. They were returned through Panmunjom on December 26, 1995.

In some cases, the crew insisted that their captain voluntarily went north under the guise of abduction, which automatically put them in the “voluntary” category rather than “abduction” category when they returned to South Korea later. A North Korean patrol boat, while engaged in fishing, sank the Suwon No. 32 boat in 1974. The whereabouts of the

³⁸¹ Lee Jae-geun 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.

³⁸² A total of four abducted persons have defected and returned to South Korea. But, some of them were not included in the list of abducted persons.

crew remain unknown, and their names are still on the list of the abducted. In the case of kidnapped fishermen, some of them worked on boats without reporting or recording their names. For that reason their names are not included in the list of kidnapped or abducted persons.

In addition, North Korea has forcibly detained a South Korean Navy I-2 boat and her 20-man crew since their abduction on June 5, 1970, as well as a civilian Korean Airlines plane and the 12 people aboard, including crew and passengers, hijacked on December 11, 1969. North Korea has also been detaining a South Korean schoolteacher, Ko Sang-mun, since his abduction in April 1979 in Norway and Full Gospel Church Reverend Ahn Seung-wun since his abduction in July 1995 at Yenji, China. In January 2000, South Korean Reverend Kim Dong-shik was kidnapped in Yenji, China by a special kidnap unit of eight to ten agents, including four or five agents from the state security detachment in North Hamkyong Province, and Chinese Korean agent Ryoo XX and three others. Reverend Kim was handed over to the Chief of the Security Agency named Ji XX at Goksan (cigarette) factory in Hweryong City, North Hamkyong Province. According to the Citizen's Coalition for Human Rights of Abductees and North Korean Refugees (hereafter CHNK), Reverend Kim was detained in Mankyungdae Visitor Center in Pyongyang in November 2000. In the process of interrogation, the captors asked him to defect to North Korea and cooperate with them. When he refused conversion, he was tortured. Suffering from malnutrition and claustrophobia, as well as dehydration, he is reported to have died in February 2001.³⁸³ Secretary general Doh Hee-yoon of the CHNK announced, "We have learned through foreign information sources that Reverend Kim was buried in the garrison district of No. 91 military training base located in Sangwon-ri near Pyongyang."

The five persons who were abducted were newly identified in 1977,

³⁸³ *Yonhap News*, Jan. 6, 2005.

Kim Young-Nam, Hong Keon-pyo, Lee Myung-woo, Lee Min-kyo, and Choi Seung-min, had previously been regarded as missing people. Kim Young-Nam (being in Kunsan Technical High School at that time) was reported missing from Kunsan Seonyudo Beach on August 5, 1978. Hong Keon-pyo (a student at the Cheonnam Commercial High School at the time) and Lee Myung-woo (a student at the Cheonnam Agricultural High School at the time) were found to be missing from Hongdo Beach in Cheonnam Province on August 10, 1978. Lee Min-kyo and Choi Seung-min (students of the Pyeongtaek Taekwang High School at the time) were also found to be missing from Hongdo Beach in August 1977. A North Korean espionage agent on his way back to the North kidnapped these five high school students, who were enjoying themselves at the beach during their vacation.

“The Association of Families of Abducted South Koreans” has been releasing additional names of kidnapped persons based on testimonies of defectors who had earlier been kidnapped (See Appendix 1). On February 1, 2005, the group also released a picture, taken in 1974, of 36 kidnapped persons (abducted in 1971 and 1972) during a group tour of Myohyang Mountain north of Pyongyang. Former abducted fisherman, Kim Byung-doh, who defected in 2003, testified that he had met Chung Hyung-rae (of the fishing boat Odaeyang No. 62), Kim Ok-ryul, Park Young-jong, and Park Yang-soo (of Odaeyang No. 61) during a 3-month re-orientation in Wonsan City in 1981.³⁸⁴

³⁸⁴ *The Joong-Ang Ilbo*, Feb. 3, 2005.

<Graphic IV-2> Photograph of Abducted South Koreans



Source: The Association of Families of Abducted South Koreans, Feb. 1, 2005.

When the AI list drew international attention, both Ko Sang-mun and Yoo Sung-keun, whose names were included on the list, were made to confess their voluntary entry into North Korea on August 10~11, 1994. The new settler Ahn XX(admitted to South Korea in 1993), who came to South Korea in 1993, testified that the South Koreans, who had been kidnapped by North Korean espionage agents, were engaged in spy training.

Some of the abducted South Koreans are being used in broadcasts to South Korea or in espionage training. The Korean Airliner stewardesses Sung Kyung-Hee and Chung Kyung-sook have been used in broadcasts to South Korea. Other detainees are used as instructors for North Korean espionage agents sent to the South. According to the testimonies of Ahn Myung-jin, about 20 unidentified detainees from South Korea are working as spy instructors at the center for Revolutionizing South Korea

located in the Yongsung district of Pyongyang. This center is a replica of South Korea designed to teach and train graduates of the Kim Il-sung Political Military College (renamed as such in 1992) how to adjust to life in South Korea. The center is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South. According to the testimonies of former kidnapped fisherman Lee XX, who defected from North Korea in June of 2000, some of his colleagues were engaged in “South Korea projects” after undergoing a period of special training. Lee said he himself also received some espionage training.³⁸⁵

The rest of the abducted, whom North Korea presumably did not find useful, are in all probability detained in various concentration camps. Some abducted individuals from South Korea are detained in the detention camps and can be identified from the AI report above. In a special report entitled *New Information on Political Prisoners in North Korea*, published in 1994 by AI, the abducted individuals, who were most probably detained in the now defunct Seunghori concentration camp, were included in the report. South Korea’s National Security Planning Agency also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, were detained in a political prisoner detention camp.

Meanwhile, North Korea, in a Red Cross statement on September 24, 1996, insisted that the Reverend Ahn Seung-wun, who was abducted in July 1995, was not forcibly kidnapped but instead voluntarily entered North Korea. On the contrary, however, the Chinese government on September 13, 1996, sentenced Lee Kyung-choon, who was found to have been one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year imprisonment for illegal detention and unlawful border-crossing and banished him from China. By its action the Chinese government effectively confirmed that the Reverend Ahn incident was a

³⁸⁵ Testimony during an interview at KINU, Jan. 7, 2004.

kidnapping perpetrated by North Korea. Accordingly, the South Korean government requested the Chinese government to restore the case status quo ante, and demanded that North Korea immediately return Reverend Ahn. However, North Korea is still refusing to return Reverend Ahn to South Korea.

North Korea has not changed its previous practice of not confirming the existence of abducted and detained people from South Korea. For example, during the second batch of South-North Separated Family Reunion (Nov. 30 ~ Dec. 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been abducted by the North in January 1987, met with his mother from South Korea in Pyongyang. But he was told to identify himself as having voluntarily entered North Korea. A stewardess of the Korean Airlines, Sung Kyung-hee was also forced to tell her South Korean mother who came to Pyongyang to meet her that she came to North Korea voluntarily. In early 2001, North Korea informed the South of the whereabouts of 200 family members in North Korea in preparation for a reunion with families from the South. North Korea informed that among them, Lee Jae-hwan, who was abducted in 1987, was dead. His family and organizations in South Korea wanted to know the date and cause of Lee's death and requested the return of his remains to the South. But North Korea refused both requests. During the 5th separated family reunion (Sept. 13 ~ 18, 2002) the captain of Changyoung-ho (abducted north on Apr. 17, 1968), Chung Jang-baik, met with his mother from South Korea. In 2003, during the 6th family reunion (Feb. 20 ~ 25), 7th reunion (Jun. 27 ~ Jul. 2) and 8th reunion (Sept. 20 ~ 25), the crew of Odaeyang No. 61 (abducted in Dec. 1972), Kim Tae-jun, the crew of Changsung-ho (abducted May 23, 1967), Yoon Kyung-gu, the crew of Dongjin-ho (abducted Jan. 15, 1987), and Kim Sang-sup, met their mothers from the South.³⁸⁶ During the 9th

³⁸⁶ See Youn Mi ryang, "The Process and Results of Negotiations concerning the

family reunion in 2004 (Mar. 29 ~ Apr. 3), kidnapped person Yoo Sung-keun met with his elder brother Yoo Hyung-keun. The younger Yoo is known to have been working as a researcher at a 'unification research center' for the past 20 years. Three more kidnapped persons were known to have met their Southern families during the 10th family reunion (Jul. 11 ~ 16). During the 12th "family reunion" meeting (Nov. 5 ~ 10, 2005), the abducted South Korean, Chung Il-nam, was able to meet with his South Korean family. Through this series of "family reunion" meetings, it was confirmed that 11 South Korean abductees were still alive in the North and 10 others have passed away. All of the South Korean abductees who came to the meetings have re-married and had children in the North. In all, 58 members from 13 families have participated in the reunion meeting.

North Korea has been refusing South Korea's demand to discuss the abduction issue, saying that there were no abductees in the North. The South Koreans they were holding in the North were those South Koreans who had crossed over into North Korea "voluntarily" and by their personal choice. This "abduction" issue is an urgent problem that needs early resolution not only because South Korea is under obligation to protect its own citizens but also because it is a case of flagrant violation of human rights for the abductees and their families. Another serious humanitarian issue is the problem of South Korean POWs in the North. Based on the testimony of former POWs who have recently returned to the South, the South Korean Government was able to confirm that there are a total of 1,651 POWs in the North (546 living, 845 dead, 260 missing) as of the end of November, 2005. In an effort to resolve this humanitarian issue, South Korea has been calling on the North for cooperation on both the "separated family" and "Korean War POW" issues through Red

Abducted," *in the Human Rights of the Abducted and Possible Solutions* (Seoul: National Human Rights Commission, Dec. 19, 2003).

Cross talks and other forums. As a result, consultations on these issues have begun between the two sides. Because North Korea continuously denied the existence of either “abductees” or “former POWs,” a new concept of “missing persons during the war time” was introduced during the bilateral discussions. During the Fourth South-North Red Cross Talks in September 2002, the two sides agreed at North Korea’s suggestion to consult and resolve the problem of confirming the status and addresses of those who lost contact during the period of the Korean War. Subsequently, the two sides have agreed “to consult humanitarian issues including the current status of the ‘missing persons’ during the war time” at the 15th inter- Korean Ministerial Meeting (Jun. 21-24, 2005). At the 6th Red Cross talks (Aug. 23 ~25, 2005) and the 16th inter-Korean Ministerial Meeting (Sept. 13 ~16, 2005), South Korea repeated its call for an early resolution of the two issues, including a pilot project on the status and whereabouts of the missing persons. In response, North Korea proposed that the project be limited to the confirmation of status of “missing persons during the war time” without civil-military distinctions and to have the overall results included in the “family reunion framework.” In short, North Korea is still refusing to admit any cases of abduction of South Korean civilians in the postwar years. Nevertheless, the status of 100 persons (49 former POWs and 51 abductees) has been confirmed and 23 families (12 POW families and 11 families of the abducted) have met their loved ones through the “family reunion” meetings. At the 7th Red Cross talks (Feb. 21-23, 2006), the two sides officially agreed to consult and resolve the issue by including the status confirmation of “those missing during and after the war” within the framework of “family reunion” meetings, thus allowing discussion of the abduction issue.

In addition, the Korean War Abductees’ Family Union (hereafter KWAFU)³⁸⁷ has been demanding to know the status of persons kidnapped during the war and the return of the remains of the dead. The

association has compiled a list of kidnapped persons during the Korean War based on the records contained at various sources, including The List of Victims compiled by the Seoul City Government (4,616 persons),³⁸⁸ the List of Kidnapped Persons compiled by the KWAFU (2,316 persons),³⁸⁹ The Korean Statistical Yearbook published by the government in October of 1952 (82,595), the List of Korean War Kidnapped Persons (82,595),³⁹⁰ the 1953 Statistic Yearbook (84,532), the 1954 List of Kidnapped Persons compiled by the National Police Headquarters (17,940),³⁹¹ the List of Kidnapped Persons compiled by the Korean Red Cross (7,034),³⁹² and the Korean War Kidnapped Persons List compiled by the Statistics Bureau of the Ministry of Public Information (2,438). The association has also published the “Korean War Kidnapped Persons

³⁸⁷ See <<http://www.625.in>>.

³⁸⁸ This list classifies the kidnapped persons into three categories of “killed,” “kidnapped” and “missing.” It also contains personal information such as name, sex, age, occupation/position, date, types and places of kidnapping, personal history and last known address.

³⁸⁹ The Family Union (KWAFU) compiled this list during the Korean War in 1951. It contains information such as name, age, address, occupation and the date of kidnapping. Most of the victims in this list were residents of Seoul.

³⁹⁰ This list consisting of five volumes by regions contains personal information, including name, sex, age, occupation/position, date and place of kidnapping, and last known address.

³⁹¹ This list compiled by the National Police Headquarters consisting of two volumes contains personal information, including name, age, occupation, date and place of kidnapping, the circumstances of kidnapping, and the last known address. The Korean War Kidnapped Persons Family Association believes that the reason the number of kidnapped persons are fewer in number on this list is because the names of young men who had been forcibly taken to the frontline as “volunteers” are not included. The association also points out that names that did not appear in the 1951 list have been added to the 1952 list. This means that the number of abducted persons would far exceed the 82,959 appearing in the 1952 list.

³⁹² This list is a very important source material because unlike other lists this one includes eyewitness accounts of the actual circumstances of kidnapping during the war.

List” in March of 2002, containing the names of 94,700 kidnapped persons. Their personal information is classified under eight categories including name, sex, age, occupation, occupation/position, date and place of kidnapping and last known address. In June of 2005, the association updated the list and put it on a web site operated by its subsidiary organization “Korean War Abductees’ Data Center.” It plans to continue to collect eyewitness accounts of kidnapping and update its database.³⁹³

3. Human Rights Violations on North Korean Defectors

A. The Life and Status of Defectors Abroad

The International Covenant on Civil and Political Rights stipulates in its Article 12 paragraph 2, “Everyone shall be free to leave any country, including his own.” Since 1990, many North Koreans have fled the country, and a large number of North Korean escapees are believed to be staying illegally in China, Russia and other countries. The collection of accurate data on their exact number and individual situations is realistically impossible, since most of them have an unstable legal status and are unable to openly ask for help. The Tuman River region is normally used as the defection route for many North Koreans because it is easier to cross than other geographical points. Others flee from their officially assigned jobs abroad, such as from the timber mills in the Russian Far East.³⁹⁴ In estimating the total number of North Korean escapees, most observers have focused their attention on the number of

³⁹³ See <<http://www.kwari.org>>.

³⁹⁴ At the time, the number of North Korean defectors in Russia was estimated to be about 200 ~ 300. See *The White Paper on North Korean Human Rights* (Seoul: KINU, 1999), p. 138.

escapees in China. And many humanitarian workers and civilian activists, as well as researchers, estimated the number of North Korean escapees in China to be between 100,000 and 400,000.

As the North Korean food shortage was alleviated thanks to the assistance of the international community, the number of defections declined. As China tightened its surveillance activities, the number of defectors decreased further. Many observers' estimate the number of North Korean escapees in China to be between 30,000 and 100,000.³⁹⁵ For example, Secretary General Yang Cheng-ming of the Chinese Human Rights Research Association said the number was about 30,000.³⁹⁶ Wang Yi-sheng of the Chinese Military Science Institute said the number should be below 50,000, probably between 30,000 and 40,000, because many of those counted were repeat offenders.³⁹⁷

In February, 2005, the US State Department announced that the number of North Korean defectors had reached its peak between 1998 and 1999, and said that as of 2000 the number was somewhere between 75,000 and 125,000.³⁹⁸ Based on its on-site surveys conducted in China in Jun. ~Jul. of 2005, the Good Friends Foundation (in Seoul) said the

³⁹⁵ Park Sang-bong, "North Korean Defectors in China: Status, Policy and Prospects," *The North Korean Defector Issue at a New Dimension: Approaches and Solutions* (Seoul: Korea Maritime Strategy Research Institute, 2003), p. 46. Based on its on-site surveys in China, the Refugee International has estimated the number of defectors to be between 60,000 and 100,000. See Joel Charny, "North Korean Refugees in China: the Current Situation and Strategies for Protection," *Testimony to the Senate Committee on Foreign Relations*, Nov. 4, 2003.

³⁹⁶ Yang Cheng-ming, "The Problem of North Korean Defectors in China and its Solution," *An International Symposium on North Korean Human Rights* sponsored by the National Human Rights Commission, Seoul, Dec. 1, 2004, p.77.

³⁹⁷ Wang Yisheng, "Perspectives on 'North Korean Escapees' in China," *Human Security in Northeast Asia: focusing on North Korean Migration into and through China*, A Conference Program, Jan. 6, 2004.

³⁹⁸ US State Department, *The Status of North Korean Asylum Seekers and the US Government Policy toward them*, Feb. 16, 2005.

number was between 30,000 and 50,000, generally confirming the State Department estimates.³⁹⁹ In the latter part of the 1990s most North Korean defectors were living in the ethnic Korean communities scattered around China's three Northeastern Provinces (Jilin, Liaoning and Heilongjiang). As the Chinese tightened surveillance activities and as the defectors' language skills improved, they began to relocate to the Chinese communities and urban areas. There are many reasons for the declining number of North Korean defectors in China. For example, the tighter Chinese surveillance, the beefed-up border patrol, the improving food situation in North Korea, increases in defection expenses, increases in lawful travel as more passports are issued for visits to China, and increases in short visits for trading purposes.⁴⁰⁰

In addition to China, the defectors appear to be attempting to move to all regions wherever Korean communities flourish, including Russia and other CIS countries, Mongolia and Southeast Asia. Assisted by civilian organizations, volunteers and activists, they were seeking asylums and safe havens around the world, including in Southeast Asian Countries, Australia and the United States. These countries, except for China and Russia, are basically transit points for final destinations, including South Korea, rather than choice of residence. Many Southeast Asian countries and Mongolia have been used as a transit point for the trip to South Korea.⁴⁰¹

B. The Escapees' Life in China

Because defections have been taking place for over a decade, the

³⁹⁹ *Yonhap News*, Aug. 21, 2005.

⁴⁰⁰ Same place.

⁴⁰¹ Yoon Yo-sang, "Local Management of North Korean Defectors Abroad and Education Programs for them: with emphasis on those in Southeast Asia" (Mar. 2002, An unpublished manuscript). See <<http://www.iloveminority.com>>.

lives of border-crossing North Koreans in China also have undergone a series of changes during that period. Many North Koreans who have relatives in China cross the border to get help from them. In 1996 and 1997, most North Koreans who had crossed the border in search of assistance from their relatives in China returned once they obtained what they needed, as the relatives had done their best to help them out. As the food shortage continued on over a longer period, even the relatives, who were not economically well off either, began to feel it burdensome to help their North Korean brethren. Consequently, with the help of their relatives, the visiting North Koreans now look for jobs in China.

In addition, many North Koreans who did not have relatives in China also began to cross the border in search of food and jobs. Once in China, these people obtain food and clothing from the sympathetic ethnic Koreans in China. There, they stay with any sympathetic family, doing some household chores or paying a small fee for a longer stay.

According to a survey of Good Friends Association, the ratio of women among the defectors in 1998 and 1999 was very high at 75.5 percent. And, a majority of them (51.9 percent) were either living with Chinese men or unmarried “live-in” cases. As the food shortage continued, many North Korean women wanted to marry Chinese men. The number of North Korean women settling in China began to increase. Even married women who had a husband and children in North Korea sometimes chose to “live in” with Chinese men simply to survive. These extreme cases would often come about through a third party introduction or the women would be involuntarily “sold off” to the Chinese. When these women were forced to live with Chinese many would run away, unable to endure the inhuman treatment or family violence. Others would try to endure for the simply reason that they could at least avoid starvation. In reality, the North Korean women who had crossed the border into China had no other recourse but to “live in” with Chinese men, because they were illegal and spoke little Chinese. Consequently,

many North Korean defectors came to accept “live in” as a way of life, given their dire situations.

Many North Koreans who crossed the border even though they did not have relatives in China had to move around, looking for jobs and ways of feeding themselves. As their stay in China was prolonged, however, their lifestyles had to change. Unlike during the early phase, now more North Koreans began to live in Chinese homes rather than in the homes of ethnic Koreans. As rapidly as their language skills improved and as they became familiar with the Chinese environment, many defectors would rent a room of their own. Some would take jobs at an office or in the homes of South Korean businessmen in China. In exceptional cases, some women would “live in” with South Korean businessmen in China and subsequently come to South Korea.

C. Types of Human-trafficking

Human trafficking is absolutely prohibited under international law and the municipal laws of most countries. Many human rights groups are actively watching out for human trafficking activities around the world, while promoting international campaigns against such activities. According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor

or services, slavery or practices similar to slavery, servitude or the removal of organs···”

The concept of “exploitation” is critically important here, and it includes “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs···” The major difference between human trafficking and human smuggling is that under the human trafficking scheme “exploitation” of the person will continue even after the arrangement for illegal border crossing is over.⁴⁰²

Over the years, the international community has repeatedly raised the issue of human trafficking of North Korean women defectors. Many international reports have pointed out serious human trafficking cases of forced marriages and prostitution involving North Korean women defectors. The US State Department, in particular, listed North Korea as a source of human trafficking for purposes of forced labor and sex exploitation, and classified North Korea under Category 3 along with Myanmar, Cambodia, Cuba and Venezuela. It also pointed out that North Korea did not treat human trafficking as a serious issue and has not taken any measures to improve the situation.⁴⁰³

The human trafficking phenomenon involving North Korean escapees has gone through several stages over the years. Thus, it is necessary to examine the changing patterns at each stage and the punitive measures the North Korean authorities have taken. The first type involves professional river-crossing guides engaged in human trafficking schemes. These “guides” will approach young and good-looking young women in the marketplaces or in the railroad stations, and try to entice

⁴⁰² Anti-slavery, “An Absence of Choice: The Sexual Exploitation of North Korean Women in China,” p. 3.

⁴⁰³ US Department of State, Trafficking in Persons Report, Jun. 2005. See <<http://www.usinfo.state.gov/gi/Archive/2005/Sep/26-687070.html>> (Noted on Nov. 2, 2005)

them, saying “If you decide to get married in China, you can eat and live well and even your family can get financial support.”⁴⁰⁴ In the 1997-98 period, when the food crisis was most serious, it was very important to reduce the number of mouths to feed by even one and the idea that you could help the family was a very strong incentive. Given the widespread food crisis in all of North Korea, it would be very difficult to distinguish “brokering” from simple guiding. In the latter case, they simply helped the people searching for food to illegally cross the border, perhaps for a fee. Whether this practice amounted to “human trafficking” is difficult to say. In many cases, North Koreans themselves, or their families, have asked the guides or brokers to help them illegally cross the border into China. In later stages, the brokers would introduce the North Korean(s) to their ethnic Korean contacts in China for a fee. These “human traffickers” inside North Korea would operate in close contact with ethnic Koreans in China. They have been involved in the border crossing of many North Koreans⁴⁰⁵

In some instances, North Koreans would ask for border crossing

⁴⁰⁴ New settler Chang XX testified that he had been an eye-witness to a case in which a guide lured a woman who was waiting in the rail station plaza at Daeheungdan County, Yangkangdo Province, telling her that he would provide a job and a place to stay in China. Subsequently, he turned her over to an ethnic Korean.

⁴⁰⁵ New settler Kim XX (who came to South Korea in 2002) said he helped send about 20 North Korean women to China. At the request of ethnic Koreans in China, “I have sent them to China at a cost of about 4,000 Yuan per person (6,000 Yuan for 21 year old, 3,000 ~ 4,000 Yuan for women over 30 years old). And there were many women who wanted to go to China and marry. We would turn them over for about 4,000 Yuan. The ethnic Koreans would then turn them over to others for 10,000 Yuan.” New settler Lee XX (who entered South Korea in 2002) testified that in 1998 his mother had sent six women (living in Hogok, Sambong Work District, Musan County, North Hamkyong Province) to an ethnic Korean from China. His mother did not intend to get involved in any “human trafficking,” she simply responded to a request to introduce some women. Nonetheless, it amounted to human trafficking since she received money. He said there had been many similar cases at the time.

information from professional river-crossing guides or from their neighbors who had defected earlier. Many others would accompany their neighbors or relatives when illegally crossing the border.⁴⁰⁶ In an exceptional case, a North Korean woman crossed the border with the help of an ethnic Korean man who was visiting her town. Later she would “live in” with the man in China.

In the early stages of border crossing, many North Koreans crossed the river without the help of professional guides. For example, some North Koreans would cross the river on their own. Since there was no one around he/she would wait until someone spotted them and approached. If the spotter showed any sympathy, the illegal North Koreans would be inclined to trust the helping person.

Taking advantage of this situation, ethnic Koreans would turn river-crossers over to other ethnic Koreans, and so on. They would provide food and clothing for the North Korean who had crossed the border. They would provide him or her with a ride, if necessary. They would suggest that since the border region was risky, he or she would be better advised to move inland. The illegal North Korean would agree to follow the helping person.

As the number of border crossing North Koreans rapidly increased, organized rings of human traffickers began to appear to make a profit by turning the border crossers over to others. There appeared many incidents in which these ring members would try to capture targeted North Koreans found in rail stations or marketplaces for sale elsewhere. This type of human trafficking would usually go through several stages

⁴⁰⁶ New settler Chang XX (who came to South Korea in 2003) previously lived in North Hamkyong Province. She said that a 50-year old woman suggested to her that she could provide an opportunity to do business in China. So, Chang XX crossed the border. Later on, however, she was sold to an ethnic Korean in China. New settler Sok XX (who came to South Korea in 2003) previously lived in Danchon, North Hamkyong Province. She testified that her uncle sent her over to China along with other women, and she was later sold to an ethnic Korean man.

and pass through many hands. There are people who would lure women across the river and there are people who would receive them on the Chinese side. There are brokers involved in the deals, and the “cost” of transaction increase at every stage.⁴⁰⁷ The organized human traffickers even employ violent means to kidnap North Korean women, regardless of their married status, and turn them over for profit. As these organized traffickers have become involved, the practice of “selling” North Korean defectors has spread to inner areas of China’s three Northeastern Provinces. In most cases, transactions were completed for North Korean women, but North Korean men are also traded to remote areas of China where manpower was in dire need.

As more human trafficking incidents and cases of human rights violations have been reported, the Chinese authorities have launched a massive roundup campaign against human trafficking rings. Subsequently, organized human trafficking rings have mostly disappeared.⁴⁰⁸ As North Koreans’ stay in China has become prolonged, however, the illegal North Koreans themselves become involved in the human trafficking of fellow North Koreans. For example, a North Korean woman “living-in” with an ethnic Korean or a Chinese would introduce or turn over another North Korean woman to a Chinese or an entertainment establishment for a fee.

As China was industrialized, women on the farms began to relocate to urban areas, to South Korea, or to other foreign lands, to earn more money. As a result, there began to appear a general shortage of women in China. In turn, the demand for marriage partners and employees in the entertainment industry increased. As the demand for women increased in China, the border crossing North Korean women became the targets of

⁴⁰⁷ New settler Kim XX testified that Kang Hak-keum, (an ethnic Korean woman about 40 years old) living in Hweryong City, Jilin Province, China, has systematically human-trafficked about 10 North Korean women.

⁴⁰⁸ “A Workshop for NGOs and Specialists on North Korean Defectors,” sponsored by KINU on Jun. 27, 2005.

transaction for “live-in” partners for the Chinese men. Some North Korean women knew this before being sold, but most of them would not know where she was being taken, in most cases to a Chinese man, until the end of the deal.

In the mid-1990s when defections first began, relatives or ethnic Koreans living in the border region would introduce North Korean women to over-aged ethnic Korean men as bridal candidates. In these cases, the ethnic Korean family would offer some kind of gift to the introducing person as a token of thanks. And the process of introduction was never violent or forcible. The people around the woman would usually persuade her in terms of mutual convenience and benefit, given the economic hardship in North Korea. In some cases, not only unmarried women but married women would volunteer to “be introduced” to help solve the economic hardship situation in her family. In these cases, the introducing persons or “go-betweens” would not feel guilty because they were simply helping those in dire situations. Regardless, human trafficking is illegal in China, and if detected those involved would be heavily fined. And since the ‘go-betweens’ would usually receive money for their services, people around them would begin to keep their distance as soon as they learned the fact.

In some cases, when a North Korean woman is forcibly married to a Chinese man, the marriage still could last for a long period. But, if the marriage encountered trouble due to sexual abuses, violence, gambling or drinking on the part of the husband, the woman would try to run away or be forcibly deported to North Korea, and the relationship would terminate. Many sexually abused North Korean women suffering from gynecological diseases have not been able to get proper treatments.⁴⁰⁹ When a North Korean woman becomes pregnant after ‘living in’ with a Chinese man for

⁴⁰⁹ Regarding the life of North Korean women defectors, see Paik Young-ok, “The Life of North Korean Women in China and Ways of Helping,” *The Journal of North Korea Research Association*, Vol. 6, No. 1 (2002).

a long time, the Chinese man decides whether or not to have the fetus aborted. If the man wants to continue on with the relationship, he will in most cases want the baby born and will provide legal status (family registry) for the woman. However, this requires that he invest a significant amount of money to secure the legal status for the woman. In some cases, if the man wants to continue with the “live in” relationship, he will even provide economic assistance for the woman’s family, such as expenses for their river crossing.

Even though many North Korean women will ‘voluntarily’ choose to get married to Chinese men after illegally border crossing the border, their marriages are not much different from ‘forced marriages.’ They do not speak Chinese and their status is illegal, so they cannot get work at restaurants or other public establishments. They soon learn that there is no alternative but to enter into a ‘live in’ relationship with a Chinese man. For them, “live-in” is a relatively safe and secure way of living in China.

As their stay in China is prolonged, their language skills improve and they become familiar with the new environment, which in turn reduces the number of ‘forced marriage’ cases. In other words, they learn how to escape from personal difficulties like ‘unwanted’ marriages. As their life becomes more independent, they have the opportunity to make a choice when they are given a ‘live-in’ proposition from a local man, and are able to start a new ‘live in’ on a voluntary basis. It has been reported that many North Korean women have re-started ‘live-in’ relationships with friendly ethnic Koreans or South Korean men they befriended while working at places of work like restaurants. In some cases, they actively ask their partners for economic compensation, including remittances to their families back in North Korea, or expenses for their border crossing. In cases like these, the North Korean woman would likely defect again if she were forcibly deported to North Korea. She then looks for the man she previously lived with, especially if the couple had a baby born to them.

D. Punishment for Human Trafficking in North Korea

As the international community has expressed its concerns over human trafficking of North Korean women, North Korea has launched a strong campaign to apprehend those engaged in such practices. Individuals who sold North Korean women in China were have been publicly executed, and stern warnings have been issued against any and all human trafficking activity.

<Table IV-2> Punishment for Human Trafficking

Punishment date	Type of punishment	Place	Name, age, etc.	Names of Witnesses
Fall 1996	Public execution	Musan mine, N. Hamkyong Prov.	---	Chang XX
Aug. 1997	Public execution	Sambong Dist. Onsung, N. Hamkyong Prov.	1 Woman (age 61)	Cho XX
1998	Correctional labor	Gaechon Correctional Ct	---	Kim XX
1998	Correctional labor	--	Kim Chol-ho (Kang-an, Onsung county)	Kim XX
spring 1998	Public execution	Sambong Dist. Onsung, N. Hamkyong prov.	2 women (age about 50 & 60)	A woman admitted in South Korea in Nov. 2004.
1998	Public execution	Yuson mine, Hweryong, N. Hamkyong Prov.	Husband and wife	Lee XX
1999	Public execution	Same as above	1 woman, two men	Lee XX
Jun. 1999	Public execution	Heysan City, Yangkang Prov.	1 woman (age 45)	Kim XX
Aug. 1999	Public execution	Market in Musan, N. Hamkyong Prov.	---	Cho XX
Aug. 1999	Public execution	Chongjin, N. Hamkyong Prov.	Ahn Bong-kil (age 34)	Huh XX
2000	Public execution	Chongjin, N. Hamkyong Prov.	7 men	Lee XX
Jun 1, 2000	Public execution	Market, Musan, N. Hamkyong Prov.	Uhm Hee-sook (age 53) and Lee Young-hee (age 37)	Park XX
Jan. 2000	Public execution	Market, Hweryong, N. Hamkyong Prov.	1 woman (age about 20)	Kim XX
2001	15-year correctional labor	Onsung, N. Hamkyong prov.	Husband of Lee Yong-hee	Lee XX
May 2002	Public execution	Hweryong, N. Hamkyong Prov.	2 women	Lee XX

As the above Table shows, North Korea has imposed extremely harsh punishment, like public execution, on human traffickers. But it has not imposed harsh penalties on simple river crossing guides. Public executions have been carried out only in cases of human trafficking, dealing in narcotics, or antique smuggling along the border regions. Public executions have been carried out most in the areas of frequent border traffic, such as those near the cities of Musan, Hweryong, Chongjin and Onsung. Clearly, North Korean authorities, like the Chinese, have taken stern measures against human trafficking in response to the concerns of the international community. North Korea has raised the level of punishment for human trafficking from 1998. The fact that North Korea has publicly executed all human traffickers indicates that it has seriously attempted to root out the sources of human trafficking, just as the Chinese have done.

E. Punishment Levels on North Korean Defectors

In Article 86 of the 1992 constitution, North Korea defined the most serious crime as treason against the fatherland and the people, and anyone found committing treason would be strictly punished under the law. However, this provision was deleted in the revised 1998 constitution, thereby reducing the levels of punishment for defectors. Article 47 of the 1987 penal code stipulated that anyone caught fleeing the country would be deemed as committing treason against the fatherland and be punished with a seven-year or heavier correctional labor punishment. But the revised 1999 penal code distinguished the act of border crossing into two categories. Simple acts of crossing or “those crossing the border illegally” would be punished with correctional labor for up to three years (Art. 17). Crossing the border “to flee from the country to another country or with the aim of toppling the Republic” would be sentenced to correctional labor for five to ten years. In more

serious cases, correctional labor punishment for over 10 years or death sentences would be handed down, along with confiscation of all properties. Also, Article 233 of the revised 2004 penal code defines “border crossing” broadly as “those going and coming across the border” instead of “simple crossing” in the old penal code. Furthermore, the level of the mandatory sentence for the crime of “illegal going and coming cross the border” was reduced from three years to two years of “labor training” punishment. Since two years of “labor training” is equivalent to one year of “correctional labor,”⁴¹⁰ the level of punishment was reduced from three years to one year of “correctional labor.” Article 62 of the 2004 penal code stipulates a mandatory sentence of correctional labor in excess of five years in cases of crimes involving treason against the fatherland. For example, “death sentence, or life correctional labor in addition to confiscation of all properties,” is mandatory in serious acts of treason against the state. Correctional labor punishment of five years or more for other acts of treason would be imposed on crimes such as the transfer of confidential information, or surrender, conversion, or defection to another country in acts of treason. “Article 4 of the penal code, revised in 2004 stipulates,” Even if a person had committed acts of treason against the fatherland and the people, the state would not prosecute the crime if he/she were to demonstrate active efforts for the unification of fatherland. Addressing this, North Korea in a letter from the frontline of fatherland took the position that South Korea’s admission of a large group of North Korean defectors in Vietnam in July of 2004 was a case of kidnapping and inducement, and encouraged them to return home.⁴¹¹ Art. 118 of the 1999 penal code, which stipulated two to seven

⁴¹⁰ Han In-sup, “The Contents and Meaning of Revision of North Korean Penal Code, 2004: Is it a Progress toward the Principle of No Criminality without Prescribed Laws?”

⁴¹¹ North Korea accused that South Korea and other human rights organizations had systematically organized, induced and kidnapped the North Korean escapees

years of correctional labor for border patrol guards who illegally aided border-crossings, was revised and relaxed in Art. 234 of 2004 penal code, which only imposes up to two years of correctional labor. This relaxation was perhaps inevitable given the increasing number of people crossing the border and the frequent involvement of border guards in providing “systematic” assistance to them.⁴¹² North Korean defectors could also face additional charges such as the crime of dealing with foreign currencies (Art. 104), or of interfering with foreign currency management (Art. 106), or of illegal transactions of goods and facilities in foreign currency (Art. 107) or the crime of smuggling historical assets (Art. 198). The DPRK immigration law (enacted in 1996, revised in 1999) also stipulates that “people visiting and returning without ‘border travel permits’ ” would be levied penalties, and charged with heavier punishments in serious cases.” (Art. 45) Since North Korea has drastically reduced the level of political punishment for escapees, it is becoming more difficult for the escapees to obtain “refugee” status.

After transfer from border military units where they are received, the North Koreans deported from China go through an identification process and a basic investigation at the National Security Agency in the border region. Subsequently, they are transferred to the individual’s hometown. Depending on the case, deportees are sent to local agencies via the border region ‘labor training’ camps or to Provincial Collection Centers. Sometimes, they are directly sent to their hometown agency (Social Safety Agency or local ‘labor training’ camp). Once in the hands

under the direction of the United States, and demanded their repatriation. These demands came through its front organizations like the Fatherland Unification Committee, the National Reconciliation Council and the North Korean Human Rights Research Association.

⁴¹²The Good Friends reported that unlike earlier periods, safe border crossing would now be possible only if advance arrangements were made between the North Korean and Chinese border guards. See Good Friends North Korea Research Institute, “News from North Korea Today,” Oct. 6, 2004.

of the local agency, they will be sent to labor training camps, or immediately released, or sent home on condition that they make daily reports (self-criticism) to the local Safety Agency. The punishment procedures vary from one detention facility to another. If the initial detention facilities are in the detainee's hometown, or near it, the level of punishment is determined more quickly, and chances are that the detainee's family can exercise some influence or offer some bribes to obtain a reduced sentence. If, however, the detainee's hometown is far away, the period of detention gets much longer, because the detainee's hometown Social Safety agent has to travel to the border area detention center in person to sign off on the defector. The agent also makes travel arrangements, sets up precautionary measures against unexpected flight, notifies the immediate family, and so on.

Since 2000, few deportee appears to have been sent to a "political prison camp." In most cases, deportees are sent for a 1~6 months of "labor training." Today, it is rare to find any deportee spending more than a year in any detention facility from the time of deportation to final release.

The results of personal interviews with new settlers in South Korea reveal that the cities of Onsung, Hweryong and Musan show the highest rates of border crossing, and other areas (including the cities of Heisan and Seibyol in Yangkang Province and movements by boat) show very low rates. Deportations from China usually come over the Tumen River bridges, in most cases to the Onsung, Hweryong and Musan areas. Deportees from the inner Chinese areas come through Dandong (China) to Shinuiju City.

The deportees are investigated "first-level" detention facility. The National Security Agency maintains detention centers in the border cities of Onsung, Musan, Hweryong, and Shinuiju. The detainees go through a "naked search," examination of personal effects, and a medical exam (including testing for AIDS). There are separate facilities for men and

women, but when the number of detainees is large, both are often combined in the same facility. Many new settlers have testified that the returning North Koreans use a variety of tricks to hide from the inspectors the money earned in China. The inspectors, however, employ numerous methods to find hidden money or valuables of the returnees. The inspectors thoroughly examine the detainees, including their private parts. They order naked sit-ups, and examine human waste.⁴¹³ In the early years of this practice, the inspectors confiscated the items brought in from China, but in recent years, the detention centers return all personal items and possessions to the detainees when they are released.

The National Security Agency branch in the border area interrogates the deportees regarding such information such as personal identification, address, time and place of border crossing, frequency of visits to, and activities in, China (concerning contacts they may have had with South Koreans or Christians; the detainee planned to move to South Korea; whether they were involved in human trafficking, or watched porno videos or South Korean videos of any kind). After these interrogations, the deportee will be sent either to the ‘Agency detention center’ or to the ‘Provincial Collection Center.’

Under the North Korean Criminal Procedure Law, the “preliminary examination” is the stage where prosecutors establish the facts of any crime and indict or exonerate the suspect.⁴¹⁴ The purpose of a

⁴¹³ New settler Oh XX was detained in a labor training camp in Eorang County in late March of 2001. He testified that he saw camp guards burning a woman’s bosom with lit cigarettes. They took her to the OB/GYN clinic and touched and looked at her body. These sexual harassment behaviors were reported to the authorities, and all three guards (the director, his secretary, and a supply chief) were banished after an investigation on Mar. 30, 2001. After this incident, similar sex harassment has disappeared. Testimony of new settler Oh XX during an interview at KINU on Feb. 15, 2003.

⁴¹⁴ The North Korea Study Association, ed., *Compendium of North Korean Laws under Kim Jong-il* (Seoul: North Korea Study Association, 2005), p.180.

preliminary examination is to discover evidence, scientifically examine any proof of the commission of a crime, and charge the suspect for the criminal responsibility. In illegal border crossing cases, the testimony of the suspect and other witnesses, along with the personal effects in possession of the suspect serve as the sources of criminal evidence. According to Article 14 of North Korea's Criminal Procedure Law, in the process of investigating or searching for criminal evidence "two independent witnesses must be present, and a female witness must be present in the case of female suspects." Investigators try to determine every detail concerning the suspect's activities in China, and try to obtain relevant information from other witnesses. During this phase, investigators will use blackmail, beating and kicking, as well as abusive language. They will also persuade other deportees to report on the suspect's activities in China. The duration of a preliminary examination is two months, but can be extended two additional months for a total of four months. A new category of punishment called 'labor training' was introduced in the revised Penal Code of 2004. The preliminary examination for the crimes subject to 'labor training' punishment must be completed within 10 days. If the case is too complicated to finish investigation in 10 days, the detention period can be extended up to a month. The preliminary examination for crimes subject to 'labor training' punishments can only be completed if there is sufficient evidence for the crime.

Pregnant suspects should not be detained for three months before and seven months after childbirth (Art. 106 of the 1999 and 2004 Criminal Procedure Law). However, many new settlers testified that National Security Agency branch officers in the border region did conduct investigations of women within 10 months of childbirth, and sometimes the guards forced these women to undergo abortions.

<Table IV-3> Human Rights Violations on Pregnant Woman
Deportees

Date	Place	Details	Date of testimony
1998	Security agency in Shinuiju	A forced abortion by injection was administered on a pregnant woman nearing childbirth.	Kim XX on Jan. 15, 2005
Apr.6, 2001	Labor training camp, Onsung County	A woman (about 20 years old) from Chongjin gave birth to a Chinese baby. A nurse at a military hospital killed the baby with an injection.	Jan. 14, 2005
2002	Onsung training camp	Kicking the stomach of a pregnant woman is quite common.	Choi XX on Apr. 26, 2004
Oct. 2002	Chongjin Provincial Collection Ctr.	A newborn baby was left to die because he was of Chinese descent	Joo XX on Jan. 17, 2005
Jan. 6, 2004	Same place as above	A woman (late 20s) gave birth to a stillborn child due to malnutrition.	Jan. 17, 2005
Mar. 2004	Onsung security agency	Forced abortion.	Lee XX on Jan. 17, 2005
Feb. 2004	Onsung training camp	Forced abortion administered on Choi Jung-sook from Namyang city, Onsung District	Kim XX on Jan. 17, 2005
Jul. 7, 2004	Hweryong training camp	Forced abortion administered on a 32-year old pregnant woman.	Lee XX on Jan. 15, 2005

A review of sentencing records shows that since 1999 most deportees received 'labor training' sentences. This 'labor training' punishment was not on the books in 1999, but was introduced in the revised 2004 Penal Code. The labor training punishment before 2004 apparently was based on the Sentencing Guidelines and the Prosecution Supervision Law, which contains regulations concerning 'labor training' and 'unpaid labor.' Under this provision, to carry out 'labor training' and 'unpaid training' sentences the authorizing agency (courts) must to dispatch a copy of the sentence and a confirmation notice to the implementing agency. (Article 43, Sentencing Guidelines)

If the sentence is set at the “first-level” investigation, the convict serves out the term of “labor training” punishment in his or her local labor training camp. Because the camp is an implementing agency and not an investigative, facility the intensity of labor is very heavy and daily routines are very strict. Under the law the term of service is calculated from the date of detention. But most deportees have testified that the term was usually calculated from the date of sentence. Many of them do not know exactly for what he was being punished nor when the sentence would finish. One of the reasons the court will order the suspension of service is “if the inmate sentenced to correctional labor, labor training or non-paid labor fell gravely ill, or a female inmate is between three months before and seven months after childbirth” (Art. 18, section 3 of the Decision and Judgement Law). But many ‘new settlers’ testified that the inmates who were dying of serious illness (tuberculosis, dehydration, malnutrition) would have their terms suspended and handed over to hometown safety agents. The law also prescribes when cases are suspended or terminated. Article 18 Section 3 of the Sentencing Guidelines stipulates, “If an inmate serving the labor training or unpaid labor terms fell gravely ill or a woman was three months before or seven months after the childbirth, the sentence shall be suspended or terminated.” New settlers have testified that if when an inmate was death (from tuberculosis, dehydration, or malnutrition), the sentence was terminated local safety. However, in most cases, a pregnant women (before or after 10 months of childbirth) does not get her term suspended. Quite the contrary, the camp guards assigned the detainee hard labor or they would beat her to induce abortion. In some cases, the detainee would be given an injection or drugs to force an abortion. The guards would also allow the newborn to die by separating it from the mother or they would ask other inmates to look after the baby, saying that the mother had been released from the camp on a suspended or terminated sentence.

If a different crime subject to a longer sentence is uncovered while

a detainee is serving a labor training term, the inmate will be transferred to the Provincial Collection Center. The detainee goes through another investigation and is transferred to the Security Agency or Safety Agency in the area for additional punishment. Depending on the time and place, different sentences have been handed down for border-crossing crimes. In some cases the perpetrators have been detained in their respective local labor training camps or Social Safety Agency detention centers.

F. Changing Levels of Defector Punishment over the Years

As international concern about the human rights of deported North Koreans has increased, North Korea, through its overseas missions, has intensified its search and arrest activities while simultaneously relaxing the punishment levels for them at home.⁴¹⁵

(1) Punishment Before 1995

In the past, North Korea treated the deported defectors as political prisoners and forcibly transferred them, along with their families, to “special control areas.” Since 1993, North Korea has beefed up border surveillance activities by deploying military manpower along the border regions in addition to the Social Safety (police) patrol personnel. When the defectors were deported, North Korea would often carry out public executions in an attempt to dissuade others attempting to flee from the country. All defectors, along with their families, were charged with the crime of opposing the Kim Il-sung and Kim Jong-il ideology and imprisoned in political prison camps.

In this connection, several new settlers gave the following account

⁴¹⁵ Network for North Korean Democracy and Human Rights, “The Process of Defection and the Fate of Defectors after Deportation,” No. 25 (Jun. 2002).

of their experience during personal interviews: Lee XX lived in Bujon County, South Hamkyong Province. When he came to South Korea, North Korea imprisoned his brother in one of the ‘management centers.’ In 1993 Chun XX worked as an accounting manager at Shinpo Shipyard. When his brother fled from lumberjack duty in the Russian Far East and came to South Korea, Chun XX’s family members, except for a sister who was married to another man, were forcibly relocated to a remote area. New settler Bae XX crossed the border in 1993. He was arrested in China on November 21, 1993 and deported from the Dandong detention center to the Shinuiju Security Agency on November 26, 1993. After spending six months in the agency’s detention center, he was transferred and locked up in the “revolutionary district” of Yoduck Detention Camp in April of 1994.

Until 1995, North Korea treated border crossing itself as a “political crime” and punished not only the defector but the defector’s family as well.

(2) Punishment from 1995-1998

As the food shortage became serious, the number of people crossing the border began to increase. After September 27, 1997, in the face of the mounting number of violators, the North Korean authorities began to ease the level of punishment. In most cases, the defectors were detained for a period of time in the “9.27 relief centers” and released, except for serious cases, which were handled by the Security Agency or Social Safety Agency. North Korea tried to prevent defections by intensifying the Security Agency’s surveillance and arrest activities, while also increasing the level of education for the inhabitants in the border regions.⁴¹⁶ Furthermore, the authorities began to bring charges of

⁴¹⁶ Since 1995, North Korea has been showing a video entitled “Realities of Traitors against the Fatherland” to the inhabitants along the border regions to prevent

treason against the defector, but they longer bothered the defector's family members.

North Korea, however, would banish the families of those defectors who fled to South Korea for fear of their adverse impact on other citizens. In any case, the neighbors sharply condemned the defector's family as a "traitor's family," causing unbearable mental anguish. They also shunned any contact with the family, often creating additional false charges against them.

North Koreans who had crossed the border illegally would usually be transferred from the Chinese customs area to the North Korean Security Agency in the border region. The agency's 'anti-espionage section' would conduct investigations and after a physical shakedown, all valuables and cash would be confiscated. The deportee was then required to sign a sworn statement, pledging not to make false statements and that any false statement would be grounds for a "correctional labor" sentence of 2-3 years under the DPRK Penal Code. The convicted would be required to submit a written account of his or her activities, including name, date of birth, relatives, personal history, purpose of defection, process of defection, life in China, and other details. Most of them underwent another round of investigations at the Social Safety Agency's detention facility. As the number of defectors and deportees increased, the authorities began to line them up and require them to squat motionless for hours with heads down. Children, and mothers with children at home would be released early, and defectors with minor offenses would be transferred to their respective hometown "labor training camps" (known as 'gangland'). Safety agents from their hometowns would come and transport them back to their hometown detention centers.⁴¹⁷ There, the

defection. The video informs its viewers that all defectors (to South Korea) will be shot on sight, and those captured alive will be executed or otherwise murdered after extracting necessary information from them through seduction and other means.

detainee would submit another set of statements, if, the detainee was charged with a simple river-crossing, the detainee would be sent to the local 'labor training camp.' If, however, the detainee had had contacts with Christians or had attempted to enter South Korea, the detainee would be sent to a 'correctional center.'

In 1995, the Choi XX brothers approximately 40-year-old workers at the Rajin Mine, had died of starvation while detained at the "correctional center" in the Market Street in Hweryong. In 1997, a woman from Hyang-amri, Hweryong City, was shot to death by Chinese border guards in the Samhap region while trying to defect. Her body was handed over to North Korea.⁴¹⁸ In June of 1997, new settler Chun XX of Hamhung City was arrested while attempting to defect. The agents kicked and beat him at the "9.27 office" in Heisan City, Yangkangdo Province. Park XX a shoe factory worker at Sakju had taken nude photos were circulated in the detention center, a prostitution charge was lodged against her and she was executed.⁴¹⁹

(3) Punishment since 1998

Since 1998 the number of North Koreans crossing the border has increased rapidly. In the face of rapidly deteriorating law and order during the economic hardship, North Korea began to relax the levels of punishment for the border-crossing violators. In addition, as the North Korean human rights violations were widely reported in the international community, North Korea began to take quick and discreet punitive measures against the escapees. Regardless of their hometowns, North Korea began to detain and interrogate border- crossers at the

⁴¹⁷ Quality of life for a deportee would deteriorate if the turnover to by his hometown Safety agent is delayed.

⁴¹⁸ Testimony of new settler Chung X during an interview at KINU on Sept. 1, 2002.

⁴¹⁹ Testimony of new settler Ryu XX during an interview at KINU on Jun. 28, 2003.

Security Agency. The Safety Agency handled smugglers and simple river-crossing violators and put them through ‘forced labor’ at the Provincial Collection Centers. But those detainees who had had contacts with South Koreans, Christians, or other foreigners were charged with political crimes and sent to ‘political detention camps’ or ‘correctional centers.’

Under the special directive announced on February 13, 1998, the authorities began to classify the deportees into two broad categories. If the inhabitants living in the border region had crossed the border to secure food, they would be given light sentences, but those from the inner regions of North Korea, such as southwestern Hwang-hae Province, would be treated as political prisoners and charged with treason. However, the government significantly lowered the levels of punishment for the violators’ families.

Even though the levels of punishment imposed on the border violators have been reduced, many inmates have died in the ‘labor training camps’ due to malnutrition, disease, and hunger.

In an effort to cope with the rapidly increasing cases of defection, North Korea has relaxed the levels of punishment for border violators, for example, by deleting Article 86 (“treason against the fatherland and the people”) from its old Constitution. But the levels of punishment vary depending on the violator’s hometown, personal and family background, age, and duration and places of stay in China.⁴²⁰

In March of 2000, the Chinese authorities launched a three-month special search and arrest campaign against North Korean escapees, forcibly deporting everyone they arrested picked up. But the levels of

⁴²⁰ Border crossing charges are more lenient for those living in the border region. They would be released after serving time in the county Safety Agency detention center. But if people from inner North Korea were captured while fleeing the country, they would be treated as “real defectors” and charged with heavy penalties. They were sent off to serve time in the “labor education centers” or “correctional centers.”

punishment in North Korea itself were not as harsh as before.⁴²¹ Since June of 2000 China has relaxed its campaign. Perhaps this relaxation was in consideration of the lenient policy North Korea implemented on the occasion of the inter-Korean summit meeting held in Pyongyang in mid-June 2000. During the second summit meeting at Baekhwawon Guest House, at about 3 pm of June 14, 2000, Kim Jong-il expressed his sympathies for the escapees, saying, “The escapees were dropping tears...” New settler Kim XX said that in July 2000 he was detained in the Onsung County detention center after being transferred from the Hweryong Security Agency on “river-crossing” charges. But he was immediately released when Kim Jong-il issued personal instructions commanding “a lenient treatment of defectors.” This policy of lenient treatment did not last long, however.⁴²² There was another case featuring temporary relaxation orders from the central authority. New settler Kim XX was transferred from the Tomen border guard unit to Onsung Security Agency on June 12, 2001. General instructions for a lenient treatment of deportees came from the central authority, and she was released on June 23, 2001. Another new settler Kim XX was transferred from Tomen border unit to the Onsung Security Agency on December 1, 2001. On December 30, however, she was released in the middle of ‘hard labor’ at the Provincial Collection Center, in response to “Kim Jong-il’s Order of General Amnesty.”

In July 2004, the South Korean Government admitted a large group of North Korean defectors into the country. Subsequently, North Korea voiced a strong protest and demanded the group’s immediate return to North Korea, accusing the South Korean authorities, along with the United States and bogus human rights organizations, of having

⁴²¹ The US Committee on Refugees reported that a total of 1,500 North Koreans were deported in Jun. 2000. At least 6,000 individuals were sent back to North Korea during the year.

⁴²² Testimony of new settler Kim XX during an interview at KINU on Nov. 30, 2002.

systematically lured and kidnapped the escapees. Joining this protest were North Korea's 'the Committee for a Peaceful Unification of the Fatherland,' its 'Committee for National Reconciliation of the People,' and 'the Chosun (North Korean) Human Rights Research Association.' It was unusual for North Korea to lodge such a strong protest over the admission of ordinary defectors into South Korea, because previously only the defection of high-ranking officials had brought a protest. This protest appears to have been an expression of warning against mass defections and South Korea's potential accommodation of the defectors. Evidently, North Korea was extremely worried about mass defections and about the US legislating of the 'North Korean Human Rights Act of 2004.' In fact, from October 2004 through February 8, 2005, on the occasion of the US legislation, North Korea launched a massive campaign against defection. It also raised the level of punishment on the defectors' families remaining in the North.⁴²³

Apparently, North Korea would not bring "political crime" charges on simple border-crossing violators. However, if the authorities determined that the violator has attempted to go to South Korea, the violator would be treated as a political criminal. New settler Kim XX testified that he and his family were deported to North Korea after they were arrested in Mongolia in 1998. However, the entire family was released when father, Kim Young-nam, 54, a worker at Onsung County Irrigation Management Office took full responsibility and was imprisoned in the Yoduck Detention Camp. New settler Park XX and her family of 11 were arrested by the Pingshang public security agents while traveling in Vietnam, Laos, and Myanmar looking for an opportunity to go to South Korea. They were transferred to the Tomen border unit. During interrogation, Park XX had persistently denied any plans to go to South Korea. But, her sister-in-law confessed the truth about their plan, and the

⁴²³ Testimony of new settler Shim XX during an interview at KINU on Jan. 19, 2005.

sister-in-law was released, but Park XX, her sister, and her brother were sent off to the Yoduck Detention Camp to serve time in the camp's "revolutionary district." The authorities sent her children to a "relief center."

G. New Settlers (Defecting North Korean Residents in South Korea)

As of the end of 2005, a total of 7,691 new settlers had entered South Korea.⁴²⁴ The number of new settlers in South Korea has drastically increased since 1994. In 2000, a total of 312 came to South Korea; the number was 583 in 2001; 1,139 in 2002; 1,281 in 2003; and 1,894 in 2004. A total of 1,387 North Korean defectors came to South Korea in 2005, which is a lower number when compared to 2004. There are two apparent reasons for this lower number. One is the increased security surveillance in places like China where the defectors live. The other is that the activities of individuals and organizations that used to actively assist border crossings have become less active due to tight control by the Chinese authorities. Many individuals came to South Korea accompanied by their families in 2005. Some who were staying in China or North Korea came into South Korea with the help of their South Korean family or members who have safely made it to South Korea. This type of entry is increasing. The so-called "planned entry" cases formerly utilized diplomatic missions in the country where the defectors were staying. However, "planned entry" cases decreased in the first half of 2005 compared to 2004, although there were several cases. Seven individuals came to South Korea after entering the Thai embassy in Vietnam on June 7. Three more came via a Korean school in Tsingtao on June 28, and five by entering a Japanese school in Tianjin on July 27. Seven defectors entered a Korean International School in Yentai on Aug.

⁴²⁴ Ministry of Unification, Feb. 28, 2006.

29. And eight and 13 individuals, respectively, entered the Korean International School in Tsingtao on Oct. 11 and 27, 2005. Unfortunately, the four who entered the Japanese school in Tianjin and the seven who entered the Korean school in Yentai were unsuccessful and have reportedly been deported to North Korea. The decision to deport them to North Korea was surprising in view of previous Chinese practice. Historically, once defectors have successfully entered diplomatic missions or foreign schools, Chinese authorities have been cooperative in removing them to South Korea via a third country, in compliance with international law and humanitarian principles. But exceptions were made in the cases of Tianjin and Yentai. The international community has repeatedly called on the Chinese government to improve its treatment of North Korean defectors in China and stop its deporting practice. These calls continued throughout 2005.

As their number increased, so did the size of groups. and their motives, types, ages, and occupations became diverse. An analysis of North Koreans who came to South Korea in 2005 shows that individual women entered South Korea without any family member at a higher rate than men or groups. This is a recent trend.

In the past, most were inevitable last resort cases under circumstances of extreme background discrimination and/or human rights violations. As can be seen in the case of an entire family fleeing aboard a boat, recent cases involve more individual motivations stemming from the severe food shortages and economic hardship.

The reasons for increases in family-unit defections include (a) the increasing risks due to the tightened Chinese surveillance activities, (b) increases in information about the South Korean society, (c) economic assistance from the defectors who settled in South Korea, and (d) increasing activities of professional intermediaries and business-type agencies.

As family unit defections increased, the age groups of defectors also began to show an even distribution. There were also cases in which

earlier defectors planned and assisted the defection of their families from the North. New settlers' occupations also show a wide variety. They range from high officials, such as Hwang Jang-yop, diplomats and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants. Between 1994, when the former POW, Cho Chang-ho, defected to South Korea, and 2005, a total of 59 former POWs have successfully returned to South Korea, including Chang Moo-hwan, Kim Bok-gi, Park Dong-il, Sohn Jae-sool, Huh Pan-young, Park Hong-gil, and Chun Yong-il. In addition, three people, Lee Jae-geun, Kim Byung-do and Jin Jung-pal, Go Myong-sup who were forcibly abducted to North Korea have also defected and returned to the South.

H. Protecting the Escapees

The predominant view in the past has been that North Korean defectors should be given "refugee status" because political persecution and heavy penalties under Article 62 of the North Korean Penal Code were waiting for them upon deportation.⁴²⁵ However, some realistic limitations seem to exist in demanding "mandatory refugee" status for all North Korean defectors, given the definition of the term under the refugee convention and its protocols, and particularly in view of North Korea's history since 1996 of relaxing punishment levels and improving the manner of handling of deportees during the deportation process.⁴²⁶

⁴²⁵ Article 62 of North Korea's 2004 Penal Code stipulates, "A person who betrays the fatherland and flees to another country, surrenders, changes allegiance or turns over confidential information (to the enemy), shall be sentenced to a 'correctional labor' sentence of five years or longer. In particularly serious cases, he/she will be sentenced to death or an unlimited term with confiscation of all of his/her property."

⁴²⁶ Article 233 of the revised 2004 North Korean Penal Code stipulates, "Illegal border crossing shall be punished with a 'labor training' sentence of two years or

Since North Korea is no longer automatically bringing charges of political crimes on all deportees, there is less possibility of political persecution for most deportees. There is still social and structural discrimination against the deportees and there still exists the possibility of excessive penalties and mistreatment during investigations. These people should not be treated like ordinary illegal migrants.⁴²⁷ Because of their need to search for food under dire conditions, they were compelled to cross the border into China. Strictly, they may not qualify as “mandate refugees” under the terms of the Refugee Convention, but they do qualify as people who need international protection and support.⁴²⁸

UN special rapporteur, Vitit Muntarbhorn, said the border crossing North Koreans were, in fact, “Refugees sur place” and the international community and the concerned nations should extend necessary protections for them. In other words, even though they did not cross the border with political motives, they are constantly at risk of being arrested. And they are certain to face heavy penalties if deported. For these reasons, they should be defined as the “Refugees sur place” or someone who has become a refugee while in the country. Offering refugee status is a discretionary decision of the host country. The UNHCR can take action only in cases when the host country requests assistance or when offering the status is essential for the refugees’ survival. To be sure, defining the border crossing North Koreans as “refugees” and extending them protection and free choice of settlement

less. In serious cases, three years of ‘correctional labor’ sentence shall be given.”

⁴²⁷ Joel Charny, “Acts of Betrayal: The Challenge of Protecting North Koreans in China,” *Refugee International*, Apr. 2005. Also see Hazel Smith, “The Plight of the North Koreans: North Koreans in China,” (CEAS, Monterey Institute of International Studies, May 2005).

⁴²⁸ The Human Rights Watch in its Nov. 2002 report has defined the North Korean defectors in China as “Refugees sur place,” or people who became refugees while in the host country, in view of the impending penalties they would face upon forcible deportation.

would entail an unusually heavy political burden on the host country (in this case China).

North Koreans' border crossings are occurring in so many different forms that it is very difficult to generalize them in a uniform pattern. For example, the levels of punishment assessed after deportation will vary depending on the individual's social status, family background, hometown, and the duration of stay abroad. And, their individual situations in the host country also are so diverse as to preclude a general category. Furthermore, some individuals upon deportation would still be charged as political criminals, which would certainly endanger their lives.⁴²⁹

If protection for North Koreans as "refugees" is needed, the Republic of Korea is prepared to offer necessary protection. For this reason, the urgent need to offer "refugee" status is often overlooked. But, if North Koreans attempted to get South Korea's protection, they would be branded as "political traitors." Furthermore, if they were officially accorded "refugee status," this decision would probably trigger a massive defection from North Korea. There are realistic constraints in trying to define their status as "political refugees." Given the circumstances, however, it is urgently needed that various ways to offer realistic protections are devised. According to the International Organization for Migration (IOM), even illegal migrants are entitled to fundamental human rights, including the right to life, freedom from slavery and forced labor, freedom from torture, freedom from inhuman treatment, right of privacy, freedom of movement, freedom of religion and ideology, and freedom of expression. Consequently, every conceivable measure should be taken to protect them against human rights violations, especially since

⁴²⁹ AI has reported that unlike ordinary citizens Government and Party personnel would be given heavy sentences if they were caught fleeing the country. See Amnesty International, "Starved of Rights: Human Rights and the Food Crisis in DPRK." See <<http://www.reliefweb.int/w/rwb.nsf/vID/6F7C02087E4E3D5C49256E240017E506?Open Document>>.

their border crossings were an inevitable result of the desire for survival.

Chinese authorities maintain that most defections are not politically motivated but to secure food and necessary daily commodities. Consequently, it would be more realistic and effective to ask them to extend a “minimum protection,” instead of asking them to grant ‘refugee’ status to border crossing North Koreans. The assumption here is that border crossers will not be penalized upon returning to North Korea when the country’s grain shortage is over. Once they are provided with temporary protection, their requests to relocate to South Korea would presumably diminish; a situation that North Korea would also welcome. If China were to extend minimum protection and treat them as ordinary illegal aliens, not subject to immediate deportation, China would be able to minimize its burden and contribute to the protection of border crossers’ human rights at the same time. This would be a realistic alternative.


It is also necessary to develop some protective measures for North Korean women who are ‘living in’ with their unmarried Chinese ‘domestic partners’ for extended periods of time. China is known to offer a legal status for the children born of Chinese and foreigners. But these North Korean women are unable to complete the necessary legal procedures due to their illegal status and the fear of deportation.⁴³⁰ It would be highly desirable to take a survey of these women and their children, and to offer them legal status. Since the children born of Chinese and North Korean parents will have to obtain legal status before their school age, more effective and detailed measures should be developed through dialogue and consultation.⁴³¹

In order to improve the human rights situation of illegal North

⁴³⁰ Kwak Dae-jung, *Minutes of the KINU Consultants Meeting*, Jun. 24, 2005.

⁴³¹ Hazel Smith, “The Plight of the North Koreans: North Koreans in China (CEAS, Monterey Institute of International Studies, May 2005).

Koreans in China, the activities of various NGOs should be guaranteed so they could monitor human trafficking activities and provide relief measures for the victims. Openly guaranteeing the activities of all human rights watchdog NGOs would also contribute to the prevention and reduction of other human trafficking activities in China.



Appendix

I

List of Abductees and Detainees
in North Korea

KINU

1. ROK Abductees and Detainees in North Korea

	Total	Fishermen	Crew of KAL	Navy personnel	Others
Kidnapees	3,790	3,692	51	22	25
Detainees	485	434	12	22	17

*These statistics do not include unconfirmed reports on people kidnapped from third countries. They include the dead.

**The above total includes two coast guard crewmen, who had been abducted aboard Coast Guard Boat 863 on Jun. 28, 1974, and two more civilians, Chang Se-chol and Kim Dong-sik, the authorities have recently identified. Also included are the 30 fishermen abducted aboard the Chunwang-ho on Aug. 8, 1975 as identified by the "Association of Families of the Abducted South Koreans."

***Lee Jae-keun, who had been abducted in Apr. 1970 aboard the Bongsan 22, has been removed from the list of fishermen in the 1970 total. Lee has returned to South Korea in Jul. 2000 via a third country.

****Ko Myong-sup, who had been abducted in Aug. 1978 aboard the Chonwang-ho, has been removed from the list of fishermen in the 1975 total. Ko has returned to South Korea in Jul. 2005.

2. The Number of Abductees by Year

Year	Number of abductees	Cumulative total	Year	Number of abductees	Cumulative total
1955	10	10	1973	6	398
1957	2	12	1974	30	428
1958	23	35	1975	30	458
1964	16	51	1977	3	461
1965	22	73	1978	4	465
1966	2	75	1980	1	466
1967	42	117	1985	3	469
1968	131	248	1987	13	482
1969	21	269	1995	1	483
1970	37	306	1999	1	484
1971	20	326	2000	1	485
1972	66	392			

3. List of People Abducted and Detained in North Korea

1) Fishermen

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Kim Soongui	47	Ongjin, Kyunggi Prov	May 28, '55	Fisherman aboard The Daesungho
Kim Janghyon	44	"	"	"
Park Pyoman	41	Haeju, Hwanghae Prov	"	"
Yoo Uitaek	42	"	"	"
Yoo Jangwha	49	Ongjin, Kyunggi	"	"
Yoon Sungwoo	41	Haeju, Hwanghae	"	"
Lee Saneum	41	"	"	"
Chung Taehyon	41	"	"	"
Cho Jongil	40	"	"	"
Hwang Deuksik	42	Ongjin, Kyunggi	"	"
Ma Seungsup	44	Kosung, Kangwon	Nov. 9, '57	Fisherman aboard The Dukgilho
Kim Sungioo	48	Tongyong, Kyungnam	"	Fisherman aboard The Haeryongho
Park Dongkeun	33	Namwon, Chunnam	Apr. 28, '58	Fisherman aboard The Myongkyuho
Hong Bokdong	20	Ongjin, Kyunggi	"	"
Kim Youngbok	20	Buchon, Kyunggi	Apr. 29, '58	Fisherman aboard the Pyongwhaho
Park Youngkeun	32	Kosung, Kangwon	"	"
Kim Myongsun	47	Yonbaek, Kyunggi	Apr. 30, '58	Fisherman aboard the Dabokho
Kim Changhyon	32	Cholsan, Pyongbuk	"	"
Han Jinyong	24	Buchon, Kyunggi	"	Fisherman aboard the Poongyongho
Park Sewoon	19	Kangwha, Kyunggi	"	Fisherman aboard Shinhungho
Chang Soonjong	18	Samchonpo, Kyungnam	May 14, '58	Fisherman aboard Sinbokho II
Song Sangin	49	S. Hamkyong prov.	Nov. 7, '58	Fisherman aboard Sinmyongho
Song Sungrak	52	Kosung, Kangwon	"	"
Shin Kwangpil	37	S. Hamkyong	"	"
Park Dongjun	49	"	"	Fisherman aboard Kumkuho
Lee Yongtaek	46	"	"	"
Huh Joon	45	"	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Kim Bomjoo	18	Kosung, Kangwon	Dec. 6, '58	Fisherman aboard The Uhsungho
Kim Yohoon	18	"	"	"
Kim Myung-eun	46	Ulleung, Kyungbuk	"	Fisherman aboard the Hayungho
Kim Yoontaek	34	Kosung, Kangwon	"	"
Uhm Kwangsop	46	Ulleung, Kyungbuk	"	"
Kim Kaerak	28	S. Hamkyung	"	Fisherman aboard the Kumneungho
Yoon Seungbom	42	Hongchon, Kangwon	"	"
Kim Wonro	53	Kosung, Kangwon	"	Fisherman aboard Kwangyoungho
Kwang Jonghyo	36	"	Mar. 1, '64	Fisherman aboard the Boseungho II
Kwak Hyungju	32	Kosung, Kangwon	Mar.1, '64	Fisherman aboard the Boseung-ho II
Kwon Odong	34	"	"	"
Park Taekil	31	"	"	"
Song Eunsuk	48	Unknown	"	"
Lee Jongyoon	34	Kosung, Kangwon	"	"
Lim Kwibok	47	"	"	"
Choi Dongkil	17	"	"	"
Choi Moonkil	23	"	"	"
Choi Sukyong	43	"	"	"
Choi Joonsoo	39	"	"	"
Park Kijung	26	Kangwha,Kyunggi	Jul. 19,'64	Fisherman aboard the Kangwha
Han Sangjoon	28	"	"	"
Moon Sungchun	38	Jangyon,Hwanghae	Jul.29,'64	Fisherman aboard the Buoyoung
Kim Kwangho	22	Milyang, Kyungnam	Oct.16,'64	Fisherman aboard the Shinsung-ho II
Yoo Hanbok	20	Pyongtaik, Kyunggi	"	"
Choi Dongki	41	Kyungbuk	May 8,'65	Fisherman aboard Kwangmyongho
Lee Jungwoong	22	Ongjin, Kyunggi	May 31,'65	Fisherman aboard the Daeyoungho
Ra Yongyol	28	Dongku, Inchon	Oct.29,'65	Fisherman aboard the Seungriho
Han Keunwha	33	Kangwon	"	"
Kim Boonim	61	Kangwha, Kyunggi	"	Fisherman aboard the Yongbokho
Moon Jungsook	25	"	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Chung Youngnam	38	"	"	Fisherman aboard the Yongmiho
Chung Changkyu	35	Tongyung, Kyungnam	Nov.15,'65	Fisherman aboard the Choonkokho
Chun Taewook	34	Youngduk, Kyongbuk	"	"
Kim Kyungsoo	18	Myungju, Kangwon	Nov.20,'65	Fisherman aboard the Myongdukho
Kim Sungman	32	Yangyang, Kangwon	"	"
Kim Jangwon	16	Sokcho, Kangwon	"	"
Kim Jungkoo	19	Youngduk, Kyungbuk	"	"
Lee Byungki	16	Kosung, Kangwon	"	"
Lee Changyoung	18	Myungju, Kangwon	"	"
Ju Inbok	46	Kosung, Kangwon	"	"
Choi Youngjoong	17	"	"	"
Han Dongsoon	26	Youngduk, Kyungbuk	"	"
Suh Bongrae	43	Kosung, Kangwon	"	Fisherman aboard the Duksamho
Kim Taeyoon	50	Unknown	Nov.26,'65	Fisherman aboard the Daeyangho 79
Kim Jongok	28	Yangyang, Kangwon	Nov.30,'65	Fisherman aboard the Hengyoungho
Suh Sukmin	18	Koje, Kyungnam	"	"
Hwang Changsop	54	Unknown	Jan.26,'66	Fisherman aboard the Youngnongho
Park Palman	17	Haenam, Chunnam	Jun.24,'66	Fisherman aboard the Daesungho
Kim Daekon	27	Kyungju, Kyungbuk	Apr.12,'67	Fisherman aboard the Chundaeho 11
Kim Sangsoo	30	Unknown	"	"
Kim Young-il	23	Samchonpo, Kyungnam	Apr. 12, '67	Fisherman aboard The Chundae 11
Kim Janghoon	31	Kyungju, Kyungbuk	"	"
Kim Hong-il	25	Sanchong, Kyungnam	"	"
Nam Bok-yi	36	Youngduk, Kyungbuk	"	"
Lee Jungsik	34	Unknown	"	"
Chang Kilyong	27	"	"	"
Chang Youngsik	33	"	"	"
Chung Hakmyong	37	"	"	"
Choi Myongwhan	34	Wando, Chonnam	"	"
Choi Jongdeung	25	Koje, Kyungnam	"	"
Choi Hyokil	29	Unknown	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Yoon Kyungkoo	18	Sosan, Chungnam	May 23, '67	Fisherman aboard the Changsunggho
Hong Seungkyoon	16	Tae-an, Chungnam	"	"
Lee Sung-il	17	Okku, Chunbuk	May 28, '67	Fisherman aboard the Seungyongho
Kim Okjoon	25	Sosan, Chungnam	May 29, '67	Fisherman aboard the Taeyounggho
Choi Chang-ui	19	Tae-an, Chungnam	"	"
Moon Kyungsik	16	Kunsan, Chunbuk	Jun 5, '67	Fisherman aboard the Poongbokho
Choi Wonmo	57	"	"	"
Kim Bongsoo	27	Yongsan, Seoul	Jun 15, '67	Fisherman aboard the Busunggho 3
Lee Kichool	18	Chilgok, Kyungbuk	Jul 22, '67	Fisherman aboard the Jungjinho
Oh Wonsup	41	Kosung, Kangwon	Nov. 3, '67	Fisherman aboard the Uhsonggho
Lee Jinyoung	25	"	"	Fisherman aboard the Kuhsunggho
Kim Jajoon	37	"	"	Fisherman aboard the Keumyoonho
Park Kyuchae	36	Namhae, Kyungnam	"	"
Park Raksun	28	Kosung, Kangwon	"	"
Lee Changsik	29	"	"	"
Lee Taesoo	32	Myongju, Kangwon	"	"
Chang Jaechun	26	Kosung, Kangwon	"	"
Kim Sangjoon	23	"	"	Fisherman aboard the Haeyanggho
Kim Sungjae	39	Samchok, Kangwon	"	"
Ma Kiduk	26	Changwon, Kyungnam	"	"
Park Neungchool	37	Koje, Kyungnam	"	"
Hong Soonkwon	19	Myongju, Kangwon	"	"
Kim Namhyon	27	Kosung, Kangwon	Dec. 20, '67	Fisherman aboard the Chongjinho
Kim Sungho	29	"	"	"
Ki Yangduk	29	"	"	"
Oh Myongbok	29	Myongju, Kangwon	"	"
Lee Junghae	48	Sokcho, Kangwon	"	"
Lee Choonsik	30	Kosung, Kangwon	"	"
Han Haejin	40	"	Dec.25, '67	Fisherman aboard the Kwangmyong

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Kim Joochol	29	Donghae, Kangwon	Jan. 6, '68	Fisherman aboard the Kyungho
Yang Sang-eul	41	Myungju, Kangwon	Jan. 6, '68	Fisherman aboard the Hong-ikho
Park Boktaek	21	Chungmu, Kyungnam	Jan 11, '68	Fisherman aboard The Hengdukho
Suh Soojung	27	Sokcho, Kangwon	Mar. 10, '68	Fisherman aboard the Kisungho
Kang Myongbo	18	Tongyung, Kyungnam	Apr. 17, '68	Fisherman aboard the Changyoungho
Kim Hakrae	26	Yangyang, Kangwon	"	"
Kim Heungrok	16	Kosung, Kangwon	"	"
Lee Youngsuk	18	Namhae, Kyungnam	"	"
Lee Okjin	43	Yosu, Chunnam	"	"
Lee Taeyong	49	Yangyang, Kangwon	"	"
Chung Jangbek	19	Kosung, Kangwon	"	"
Kim Yongbong	17	Kosung, Kangwon	Apr. 27, '68	Fisherman aboard the Jongjinho
Yoon Muchool	38	Kosung, Kangwon	"	"
Lim Kyuchol	25	Kangnung, Kangwon	"	"
Chung Yontae	27	Samchok, Kangwon	"	"
Kim Joung-il	32	Myungju, Kangwon	May 9, '68	Fisherman aboard the Shinjinho
Oh Sungjae	37	Sungdong, Seoul	"	"
Kim Hongkyun	24	Myungju, Kangwon	May 23, '68	Fisherman aboard the Daesungho
Lim Byunghyuk	40	Yangyang, Kangwon	"	"
Han Kidol	14	Myungju, Kangwon	"	"
Kim Jaeku	21	Mokpo, Chunnam	May 29, '68	Fisherman aboard the Chundukho III
Kim Myunghak	47	Uljin, Kyungbuk	"	Fisherman aboard the Sungwoonho
Kim Sookun	32	Young-il, Kyungbuk	"	"
Park Manbok	43	Myungju, Kangwon	"	"
Lee Sangwon	42	"	"	"
Jhang Changsoo	35	Kangnung, Kangwon	"	"
Kong Moonik	37	Kangwha, Kyunggi	Jun 1, '68	Fisherman aboard the Soondukho
Kim Kyungdoo	34	Yochun, Chunnam	Jun 6, '68	Fisherman aboard the Bookilho
Kim Kil-oh	32	Wando, Chunnam	"	"
Kim Il-oh	26	Yochun, Chunnam	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Park Myung-ok	16	"	"	"
Ko Jubong	30	Young-am, Chunnam	"	Fisherman aboard the Youngsinho
Kim Yibae	31	Jindo, Chunnam	"	"
Oh Panchol	32	Jangsoo, Chumbuk	"	"
Choi Dongjin	20	Boryong, Chungnam	"	"
Koh Jonghyon	21	Buchon, Kyunggi	"	Fisherman aboard the Duksanho
Kim Yongkil	18	Haenam, Chunnam	"	"
Suh Jongsool	37	Buchon, Kyunggi	"	"
Lee Sunjoo	26	Dangjin, Chungnam	"	"
Lee Innam	27	Buchon, Kyunggi	"	"
Koh Joonsoo	25	Kosung, Kangwon	Jun 8, '68	Fisherman aboard the Poongnyonho
Kim Byungho	17	Kimhae, Kyungnam	"	"
Kim Youngwook	13	Kosung, Kangwon	Jun 8, '68	Fisherman aboard the Poongnyonho
Kim Yongki	19	Yechun, Kyungbuk	"	"
Shin Sungwook	26	Samchok, Kangwon	"	"
Park Hyungjoong	15	Kohung, Chunnam	"	"
Lee Woonkil	13	Kosung, Kangwon	"	"
Jun Inman	15	"	"	"
Cho Moonho	33	"	"	"
Joo Jaekun	25	"	"	"
Choi Dong-il	26	Wando, Chunnam	"	"
Kim Dokyung	23	Mokpo, Chunnam	Jun 12, '68	Fisherman aboard the Youngsinho
Suh Yongsik	27	Youngkwang, Chunnam	"	"
Kim Kwangwoon	36	Buchon, Kyunggi	Jun 16, '68	Fisherman aboard the Haeyangho
Kim Kwangkun	24	Ongjin, Kyunggi	Jun 17, '68	Fisherman aboard the Chiyoungho
Sohn Eunjoo	22	Buchon, Kyunggi	"	"
Sohn Cholsoon	19	Ongjin, Kyunggi	"	"
Kim Youngku	21	Kangwha, Kyunggi	"	Fisherman aboard the Boksungho-6
Yoo Byungchoon	31	Dongku, Incheon	"	"
Hong Sangpyo	20	Kangwha, Kyunggi	"	"
Kim Changhyon	45	Jungku, Incheon	Jun 21, '68	Fisherman aboard the Sungbuk 2-ho
Shim Kwangsik	28	Kunsan, Chumbuk	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Kim Jinkyung	37	Ongjin, Kyunggi	Jun 23, '68	Fisherman aboard the Kyunghungho
Oh Nammoon	30	Seoul	"	"
Lee Kijoon	27	Ongjin, Kyunggi	"	"
Lee Ilhwan	41	Jungku, Inchon	"	"
Kim Taeman	25	Kwangju, Chunnam	Jun 29, '68	Fisherman aboard the Kyungbukho
Lee Sang-eun	21	Kanghwa, Kyunggi	"	"
Cha Jongsuk	22	Sinan, Chunnam	"	"
Koh Jongwhan	16	Bukjeju, Woodo	Jul 2, '68	Fisherman aboard the Kumyoongho
Kim Namho	18	Yangyang, Kangwon	"	"
Kim Myunghoe	13	Gapyong, Kyunggi	"	"
Kim Yongsoo	15	Kosung, Kangwon	"	"
Yoon Nungsan	17	Bukjeju, Woodo	"	"
Yoon Dochan	39	Wanju, Chunbuk	"	"
Lee Eunkwon	42	Ullsan, Kyungnam	"	"
Ju Youngsam	17	Sokcho, Kangwon	"	"
Ham Taechun	29	Kosung, Kangwon	"	"
Kwak Dosang	13	Youngdong, Chungbuk	"	Fisherman aboard the Sinyangho
Kim Eungkwon	19	Tongyung, Kyungnam	"	"
Park Sungmoon	25	Kosung, Kangwon	"	"
Chang Myon	14	"	"	"
Hwang Dooho	18	Namwon, Chunbuk	"	"
Kim Cholkyu	14	Kosung, Kangwon	Jul 2, '68	Fisherman aboard the Changmyongho
Sun Woosuk	52	Sungdong, Seoul	"	"
Lee Jongbum	47	Kosung, Kangwon	"	"
Lee Choonman	31	Sungdong, Seoul	"	"
Chung Kanyol	32	Kosung, Kangwon	"	"
Cho Kyuyoung	13	"	"	"
Yoon Kwinam	21	Jindo, Chunnam	Jul 4, '68	Fisherman aboard the Baiku 17-ho
Lee Youngchol	27	Sin-an, Chunnam	"	"
Kim Jinyoung	48	Uljoo, Kyungnam	Jul 10, '68	Fisherman aboard The Taeyangho
Cho Sukwon	15	Kimje, Chunbuk	"	"
Kang Boongwoon	64	Kosung, Kangwon	"	Fisherman aboard the Manbokho
Park Hungsik	17	Yungduk, Kyungbuk	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Chang Jinkoo	13	Kosung, Kangwon	"	"
Choi Seungbok	13	"	"	"
Choi Wonsoo	16	Young-il, Kyungbuk	"	"
Kim Sangyoon	35	Boeun, Chungbuk	"	Fisherman aboard the Kadukho
Park Jong-up	55	Kosung, Kangwon	"	"
Lee Haejun	34	Buyo, Chungnam	"	"
Jun Sukkoo	24	Inje, Kangwon	"	"
Kim Namkook	20	Jindo, Chunnam	Jul 12, '68	Fisherman aboard the Duksungho
Kim Choonsik	26	Sin-an, Chunnam	"	"
Yo In-uk	46	Jungku, Inchon	"	"
Lee Yangjin	23	Sin-an, Chunnam	"	"
Kim Jaewook	47	Kosung, Kangwon	Aug 6, '68	Fisherman aboard the Daebok 1-ho
Han Taeksun	35	"	"	"
Hwang Myungsam	25	Ulleung, Kyungbuk	"	"
Kang Myungwha	25	Namhae, Kyungnam	Aug 7, '68	Fisherman aboard the Duksoo 2-ho
Kim Kwangsoo	25	"	"	"
Kim Inchol	17	Chungmu, Kyungnam	"	"
Uhm Kiman	12	Sokcho, Kangwon	"	"
Jang Eulsun	49	Chungju, Chungbuk	"	"
Chung Hansoo	37	Jinyang, Kyungnam	"	"
Ham Kinam	20	Kosung, Kangwon	Oct 30, 68	Fisherman aboard the Yongmyungho
Kim Jongwoo	27	Wolsung, Kyungbuk	"	Fisherman aboard the Haejinho
Kim Yideuk	22	Young-il, Kyungbuk	"	Fisherman aboard the Youngchangho
Lim Jaedong	29	Koje, Kyungnam	"	"
Jin Kibong	22	Kangnung, Kangwon	"	"
Jun Mansoo	27	Kosung, Kangwon	"	Fisherman aboard the Ojaeho
Koh Soonchol	29	Myungju, Kangwon	Nov 7, '68	Fisherman aboard the Yangjinho
Lee Youngki	22	"	"	"
Lee Taewoon	25	Yungduk, Kyungbuk	"	Fisherman aboard the Dong-ilho
Kim Dongju	22	Myongju, Kangwon	Nov 7, '68	Fisherman aboard the Haeseungho

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Moon Wonpyo	46	"	"	Fisherman aboard the Joonho
Lee Kisuk	26	"	"	Fisherman aboard the Wonilho
Ahn Soosun	21	Youngduk, Kyungbuk	Nov 8, '68	Fisherman aboard the Youngdukho
Jun Domin	17	Yangyang, Kangwon	"	Fisherman aboard the Soojinho
Chung Yonbae	42	Jinju, Kyungnam	"	"
Kim Jongsoon	42	Kosung, Kangwon	"	Fisherman aboard the :Poongsungho
Han Jongnam	19	Jindo, Chunnam	May 1, '69	Fisherman aboard the Sinhung 2-ho
Lee Kwangwon	18	Sin-an, Chunnam	May 5, '69	Fisherman aboard the Heungdukho
Lee Dongwoo	27	Hongsung, Chungnam	Jun 10, '69	Fisherman aboard the Soonho
Lim Pankil	31	Okku, Chunbuk	"	"
Jung Honghae	28	Boryong, Chungnam	"	"
Lee Dukpyo	37	Suchun, Chungnam	"	Fisherman aboard the Sinsungho
Jung Osuk	30	Okku, Chunbuk	"	"
Chun Munsuk	38	Booan, Chunbuk	"	"
Choi Doosoo	35	Namhae, Kyungnam	"	"
Kang Byung-il	29	Dangjin, Chungnam	Apr 29, '70	Fisherman aboard the Bongsan 21-ho
Kim Taerang	27	Wando, Chunnam	"	"
Uhm Seungyoung	34	Uljoo, Kyungnam	"	"
Jung Youngchol	15	Jindo, Chunnam	"	"
Choi Jongyool	19	Kangjin, Chunnam	"	"
Park Hwiman	22	Pohang, Kyungbuk	"	Fisherman aboard the Bongsan 22-ho
Hwang Sukkyun	30	Tae-an, Chungnam	"	"
Kwon Hyukkeun	33	Sokcho, Kangwon	Jun 22, '70	Fisherman aboard the Kumkangsanho
Kim Heungdong	14	Jungsun, Kangwon	"	"
Oh Kwansoo	28	Kwangsang, Kwangju	"	"
Lee soonbong	28	Uljin, Kyungbuk	"	"
Kim Il-young	36	Masan, Kyungnam	Jun 30, '70	Fisherman aboard the Namil 7-ho
Sa Myungnam	33	Ongjin, Kyunggi	Jul 8, '70	Fisherman aboard the Manbok 1-ho

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Choi Sang-il	36	"	"	Fisherman aboard the Manbok 2-ho
Min Kyungsin	33	"	"	Fisherman aboard the Mujinho
Byun Hosin	33	"	"	"
Jang Choonbin	47	"	"	"
Kim Sangdae	28	Koje, Kyungnam	Jan 6, '71	Fisherman aboard the Hwiyoung 37-ho
Kim Inchun	27	Ongjin, Kyunggi	"	"
Kim Changduk	19	Koje, Kyungnam	"	"
Park Kilyoon	23	Namhae, Kyungnam	"	"
Park Dongsoon	38	"	"	"
Park Jungkoo	34	Kunsan, Chubuk	"	"
Park Chunhyang	42	Namhae, Kyungnam	"	"
Song Okchun	29	"	"	"
Jung Moksari	28	Namhae, Kyungnam	Jan 6, '71	Fisherman aboard The Hwiyoung37 ho
Jung Seyool	48	Koje, Kyungnam	"	"
Jung Wansang	19	"	"	"
Hwang Youngsik	50	"	"	"
Kim Jaesoo	26	Yangyang, Kangwon	May 14, '71	Fisherman aboard Changdong 1-ho
Kang Hungki	39	Yochon, Chunnam	Dec 25, '71	Fisherman aboard the Haeheng 1-ho
Kim Bongsik	32	Tongyong, Kyungnam	"	"
Hwang Youngchun	26	Gapyong, Kyunggi	"	"
Kim Jung-ok	26	Yochun, Chunnam	Jan 10, '72	Fisherman aboard the Dongjinho
Kim KyeHung	57	Wando, Chunnam	Feb 4, '72	Fisherman aboard the Anyung 35-ho
Kim Dalyoung	36	"	"	"
Kim Sowoong	28	Youngdo, Busan	"	"
Kim Cholju	39	Namhae, Kyungnam	"	"
Park Dalomo	23	"	"	"
Park Janghyon	20	Yochun, Chunnam	"	"
Shin Taeyong	27	Bosung, Chunnam	"	"
Ui Choonhan	35	Wando, Chunnam	"	"
Lee Sangrok	19	Yongpung, Kyungbuk	"	"
Lee Pyong-il	44	Yochun, Chunnam	"	"
Jun Seungchol	22	Sudaesin, Busan	"	"
Jung Dongbae	18	Jongro, Seoul	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Jung Bonggap	33	Namhae, Kyungnam	"	"
Choi Buyoung	19	"	"	"
Kong Soonkyong	41	"	"	Fisherman aboard Anyung 36-ho
Kim Dongsik	36	Chilgok, Kyungbuk	"	"
Kim Doosun	33	Namhae, Kyungnam	"	"
Kim Sukman	25	Bosung, Chunnam	"	"
Kim Ilbong	21	Namhae, Kyungnam	"	"
Kim Imkwon	31	"	"	"
Kim Hwinam	23	Wando, Chunnam	"	"
Dong Byungsoon	18	Namhae, Kyungnam	"	"
Bae Hanho	29	"	"	"
Park Bokman	40	Tongyung, Kyungnam	"	"
Park Sangkuk	26	"	"	"
Lee Hongsup	32	Namhae, Kyungnam	"	"
Kang Yojin	16	Ongjin, Kyunggi	May 4, '72	Fisherman aboard Keumhyae 11-ho
Kim Soonsik	48	Kimhae, Kyungnam	May 12, '72	Fisherman aboard the Haeyung 2-ho
Kim Jungkil	30	Myungju, Kangwon	Jun 9, '72	Fisherman aboard the Yupoongho
Nam Moosu	32	Pyongchang, Kangwon	"	"
Nam Jungvol	39	Sokcho, Kangwon	"	"
Bang Seungdo	37	Changwon, Kyungnam	"	"
Bae Minhø	48	Jinhae, Kyungnam	Jun 9, '72	Fisherman aboard the Yoopoongho
Lee Soosuk	30	Sokcho, Kangwon	"	"
Lee Wonjae	32	Haenam, Chunnam	"	"
Lim Changkyu	19	Myungju, Kangwon	"	"
Choi Sunghyon	44	Kyungju, Kyungbuk	"	"
Kim Youngsik	21	Namhae, Kyungnam	Aug 14, '72	Fisherman aboard Kumsung 3-ho
Song Raekyu	35	Young-il, Kyungbuk	"	"
Kim Daebong	31	"	Aug 21, '72	Fisherman aboard Iljin 6-ho
Lee Sukryong	38	Koje, Kyungnam	"	"
Kim Okryool	17	"	Dec 28, '72	Fisherman aboard Odaeyang 61-ho
Kim Yongchol	45	Suwon, Kyunggi	"	"
Kim Uijoon	25	Koje, Kyungnam	"	"
Kim Ilman	17	"	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Kim Jongwon	47	"	"	"
Kim Chonkoo	39	"	"	"
Kim Taejun	17	"	"	"
Park Doonam	38	"	"	"
Park Yangsoo	14	"	"	"
Park Youngsuk	34	"	"	"
Park Youngjong	22	"	"	"
Park Yongkap	32	Namhae, Kyungnam	"	"
Suh Sukki	32	Koje, Kyungnam	"	"
Lee Konghee	20	Yongdongpo, Seoul	"	"
Lee Jaemyong	34	Koje, Kyungnam	"	"
Choi Youngkeun	49	"	"	"
Kang Sodong	29	"	"	Fisherman aboard Odaeyang 62-ho
Park Dohun	35	"	"	"
Suh Youngku	38	Youngdo, Busan	"	"
Ahn Sooyoung	37	Jonju, Chunbuk	"	"
Yoo Kyungchoon	45	Koje, Kyungnam	"	"
Jung Kunmok	20	Namhae, Kyungnam	"	"
Jung Dopyong	26	Koje, Kyungnam	"	"
Jung Hyungrae	20	"	"	"
Kim Soon-nam	25	Ongjin, Kyunggi	Jul 27, '73	Fisherman aboard Shinjin 1-ho
Kim Younghee	47	Unknown	"	"
Ra Kiyong	52	Ongjin, Kyunggi	"	"
Suh Deuksoo	37	Sangju, Kyungbuk	"	"
Cho Soonrae	32	Ongjin, Kyunggi	"	"
Cho Inwoo	18	"	"	"
Kim Keunsik	19	Jindo, Chunnam	Feb 15, '74	Fisherman aboard Suwon 32-ho
Kim Sengrim	49	"	"	"
Kim Wolkeun	26	Kwangju, Chunnam	Feb 15, '74	Fisherman aboard the Suwon 32-ho
Kim Yongki	34	Jindo, Chunnam	"	"
Kim Yongkil	18	Wando, Chunnam	"	"
Kim Jongkwan	23	Haedo, Chunnam	"	"
Park Kyungwon	31	Jindo, Chunnam	"	"
Song Minkyung	53	Namhae, Kyungnam	"	"
Ahn Byungjin	28	Sangju, Kyungbuk	"	"
Yoo Yongsuk	22	Wanju, Chunbuk	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Lee Daehong	20	Namhae, Kyungbuk	"	"
Lee Sungyong	28	Youngam, Chunnam	"	"
Lee Chunsuk	28	Youngduk, Kyungbuk	"	"
Jung Yoosuk	30	Kohung, Chunnam	"	"
Koh Kwanghee	34	Buksung, Incheon	"	"
Ki Nosuk	18	Muan, Chunnam	"	"
Kim Yongkun	27	Kunwi, Kyungbuk	"	"
Kim Jaebong	21	Jindo, Chunnam	"	"
Kim Joongsik	27	"	"	"
Kim Hyunnam	24	"	"	"
Park Namjoo	36	"	"	"
Park Jongjoo	45	Namku, Incheon	"	"
Paik Hongsun	27	Janghung, Chunnam	"	"
Lim Taehwan	44	Youngdo, Busan	"	"
Jang Younghwan	27	Kunpo, Kyunggi	"	"
Jang Jongyoon	35	Jindo, Chunnam	"	"
Choi Bokyol	33	"	"	"
Choi Youngchol	18	Chungyang, Chungnam	"	"
Kim Dooik	45	Wonju, Kangwon	Aug 8, '75	Fisherman aboard the Chunwangho
Ko Namsoo	29	"	"	"
Kwon Yongman	41	Soosung, Daegu	"	"
Kwon Jongduk	62	Uiryong, Kyungnam	"	"
Kim Kooyoung	49	Kangnung, Kangwon	"	"
Kim Chanwoo	46	"	"	"
Min Kishik	65	Donghae, Kangwon	"	"
Park Sangwon	38	Kangnung, Kangwon	"	"
Choi Jongduk	26	"	"	"
Huh Jungsoo	23	Kimje, Chunnam	"	"
Park Sidong	33	Kangnung, Kangwon	"	"
Park Jongsun	58	Wonju, Kangwon	"	"
Park Jungchool	39	Kangnung, Kangwon	"	"
Park Haeyoung	52	Choongmu, Kyungnam	"	"
Woo Jaesun	31	Kangnung, Kangwon	Aug. 8, '75	Fisherman aboard the Chunwangho
Woo Jaehak	38	"	"	"
Yoo Jiyong	58	Soonchang, Chunnam	"	"
Yoon Jungsoon	63	Youngduk, Kyungbuk	"	"
Yoon Jongsoo	34	Sochun, Chungnam	"	"

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Hwang Kyu-oh	38	Ansung, Kyunggi	"	"
Lee Kusok	51	Youngduk, Kyungbuk	"	"
Lee Kiha	52	Kangnung, Kangwon	"	"
Lee Bokwoo	25	Youngchun, Kyungbuk	"	"
Lee Sangwoon	28	Kangnung, Kangwon	"	"
Lee Hansok	28	Sungbuk, Seoul	"	"
Lee Haewoon	21	Kangnung, Kangwon	"	"
Lim Changwong	52	"	"	"
Jun Kukpyo	54	Uljin, Kyungbuk	"	"
Choi Wookil	36	Kangnung, Kangwon	"	"
Huh Yongho	27	Kimje, Chunbuk	"	"
Choi Jangkeun	35	Chungmu, Kyungnam	May 10,'77	Fisherman aboard the Tongyongho
Kim Hwanyong	22	Wando, Chunnam	Jan 26, '80	Fisherman aboard Haewang 7-ho
Kang Heekeun	35	Kanghwa, Kyunggi	Jan.15,'87	Fisherman aboard Dongjin 27-ho
Kim Soonkeun	44	Yosu, Chunnam	"	"
Kim Sangsup	35	Kohung, Chunnam	"	"
Kim Younghyon	22	Jinku, Busan	"	"
Noh Sungho	25	Chungwon, Chungbuk	"	"
Park Kwanghyon	38	Hamyang, Kyungnam	"	"
Yang Yongsik	27	Damyang, Chungbuk	"	"
Lim Kukjae	32	Andong, Kyungbuk	"	"
Jung Ilnam	30	Kohung, Chunnam	"	"
Jin Youngho	26	Hapchon, Kyungnam	"	"
Choi Jongsuk	40	Saha, Busan	"	"
Choo Youngsoo	55	Dongku, Inchon	"	"

2) The Names of ROK Navy Vessel I-2 Crew Kidnapped and Detained in North Korea

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Kwon Dukchan	22	Kwangju, Chunnam	Jun 5, '70	Sailor (Navy I-2)
Kim Kigang	28	Wonju, Kangwon	"	"
Kim Taejong	23	Pyongtaik, Kyunggi	"	"
Do Jongmu	22	Chungdo, Kyungbuk	"	"
Maeng Kilsoo	24	Haenam, Chunnam	"	"
Moon Sukyoung	23	Jeju	"	"
Park Jaesoo	23	Milyang, Kyungnam	"	"
Suh Keumsung	22	Dongku, Incheon	"	"
Shin Younghoon	24	Jungku, Seoul	"	"
Lee Dukjoo	29	Jinyang, Kyungnam	"	"
Lee Jaeyoung	23	Jung-eup, Chunbuk	"	"
Lim Sungwoo	37	Uisong, Kyungbuk	"	"
Jun Haeyol	21	Chungdo, Kyungbuk	"	"
Jung Kwangmo	23	Jungku, Seoul	"	"
Jung Soo-il	41	"	"	"
Jung Wonsuk	24	Seoku, Busan	"	"
Cho Jin-oh	23	Haewoondae, Busan	"	"
Cho Taebong	34	Yonbaik, Kyunggi	"	"
Choi Eung-ho	25	Jungku, Incheon	"	"
Ham Youngjoo	24	Jungku, Seoul	"	"

3) Coast Guard Vessel 863

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Jin Jongyoung	30		Jun 28, '74	Police officer
Shin Byungsun	21		"	Riot police

4) The Abducted Korean Airlines Crew and Passengers

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Yoo Byung-ha	37	Yongsan, Seoul	Dec. 11, '69	KAL(Captain)
Choi Sukman	37	Yondongpo, Seoul	"	" (Co-pilot)
Jung Kyungsook	23	Jungku, Seoul	"	" (Flight attendant)
Sung Kyung-hee	23	Jongroku, Seoul	"	"
Kim Bongju	28	Asan, Chungnam	"	Passenger(MBC Camera crew)
Lee Dongki	48	Kangnung, Kangwon	"	" (Self-employed)
Lim Cholsoo	50	Yangku, Kangwon	"	" (Office-worker)
Chang Kiyoung	43	Jongroku, Seoul	"	"
Chae Hunduck	38	Sungbukku, Seoul	"	" (Physician)
Cho Chang-hee	42	Pyongtaik, Kyunggi	"	" (Unemployed)
Choi Jungwoong	31	Wonju, Kangwon	"	" (Office-worker)
Hwang Won	32	Dongku, Incheon	"	" (Unconfirmed)

5) Others

Name	Age at the time	Place of birth	Date of abduction	Occupation at the time
Yoo Sungkeun	38	Yonki, Chungnam	Apr. 5, '71	Embassy Labor Attache (W. Germany)
Jung Soonsop	36	"	"	Unemployed (")
Yoo Kyunghee	7	"	"	"
Yoo Jinhee	1	"	"	"
Lee Minkyoo	18	Inchon	Aug. 12, '77	Highschool student (Hongdo, Chunnam)
Choi Seungmin	16	Pyongtaik, Kyunggi	"	"
Ko Sangmun	30	Sungdong, Seoul	Apr. 13, '78	Teacher (Norway)
Kim Youngnam	17	Kunsan, Chunbuk	Aug. 5, '78	Highschool student (Sonnyudo, Kunsan)
Lee Myungwoo	17	Chonan, Chungnam	Aug.10, '78	Highschool student (Hongdo, Chunnam)
Hong Jinpyo	17	Ansung, Kyunggi	"	"
Shin Sookja	43	Uisong, Kyungbuk	Dec. '85	Unemployed (W. Germany)
Oh Heywon	21	"	"	"
Oh Kyuwon	18	"	"	"
Lee Jaewhan	25	Masan, Kyungnam	Jul.20, '87	Student (Austria)
Ahn Seungwoon	50	Andong, Kyungbuk	Jul.24, '95	Reverend (China)
Jung Sechol	51	Soonchon,Chunnam	Sept.17, '99	Businessman (Dandong, China)
Kim Dongsik	53	Jinhae, Kyungnam	Jan.16, '01	Reverend (Yianbian, China)

6) List of persons suspected to have been kidnapped by the North (provided by “Association of Families of the Abducted South Korean”)

Name	Age at the time	Place of birth	Occupation at the time
Park Sung-man	50	Youngdo, Busan	Skipper of the boat (Gil yong-ho)
Lee Duck-hwan	56	"	First officer (")
Kim Kwang-sup	49	Jungku, Busan	Engineer (")
Lee Seng-ki	53	"	Fisherman (")
Lee Ko-tae	22	Youngdong, Busan	"
Yang Hyo-geun	48	Tongyoung, Kyungnam Prov	"
Kim Du-suck	36	Youngdo, Busan	"
Nam Jung-shik	33	"	"
Suh Al-yong	29	Saha, Busan	Cable-operator aboard the boat (Gilyong-ho)
Chung Bok-shik	40	"	Fisherman aboard (")
Suh Tae-bong			"
Kim Bun-nam			Fisherman aboard the boat (Heeyoung-ho)
Lee Min-woo			Skipper of the boat (Daeyoung-ho)
Kim Yang-hoon	53		Fisherman (")
Kim Young-doo	51		"
Cho Min-chul	54		"
Kim Dong-ho	50		"
*Kim Chang-bae			
*Tak Jae-yong			
*Chun Geuk-pyo			

* Based on the testimony of former kidnapped person Kim Young-do of the boat Daeyoung-ho.

Appendix



II

Chronology of Major North Korean Human Rights Events in 2005

KINU

- Jan. 13 Human Rights Watch releases its “Annual Human Rights Report 2005” on 60 countries.
- Jan. 19 Radio Free Asia (USA) reports that two North Koreans attempted to enter the US Embassy in Laos. One succeeded and the other arrested by the Laotian police.
- Jan. 24 Eight North Koreans entered a Japanese school in Beijing asking to go to South Korea.
- Jan. 26 The Chinese Government officially informs South Korea that it has deported a Korean War POW, Han Man-taik (72), to North Korea. He was arrested at Yenji, Jilin Province in late 2004.
- Jan. 27 South Korean Foreign Ministry announces that former POW Han Man-taik was deported to North Korea.
- Jan. 27 UN Special Rapporteur on North Korean Human Rights, Vitit Muntarbhorn, releases his annual report to the UNCHR.
- Jan. 28 North Korea’s “Rodong Shinmun” denounces as “an infringement of self-reliance rights” the US legislation of “North Korean Human Rights Act of 2004” and the appointment of a special envoy on North Korean human rights.
- Feb. 1 A South Korean “Association of Families of Abductees” releases a group picture of 12 fishermen who had been abducted off South Korea’s West Sea in 1971-72 while engaged in fishing. The association said it obtained the picture from China.
- Feb. 4 Fifteen North Korean defectors living in South Korea traveled to Mexico. The US authorities arrested them while they were trying to enter the US illegally from Mexico.
- Feb. 11 People’s Solidarity for Participatory Democracy a South Korean citizen watchdog group, submits its “Suggestions for the Improvement of North Korean Human Rights”

- to UNCHR.
- Feb. 14 ~16 The 6th International Conference on North Korean Human Rights and Refugees held in Seoul. Jointly sponsoring the conference were Citizens' Coalition for North Korean Human Rights, International Human Rights Law Association, Yonsei Univ., Handong Univ., Sogang Univ., Ewha Womans Univ., Korea Univ. and Sookmyung Women's Univ..
- Feb. 25 Japan's Democratic Party submits to the Diet for legislation a "North Korean Human Rights Violations Relief Act."
- Feb. 28 US State Department releases its "annual human rights report 2004."
- Mar. 3 US Senate and House of Representatives begins deliberation on "the promotion of democracy act of 2005."
- Mar. 9 Eight North Korean men and women (apparent defectors) enter a Japanese school in Chaoyang District of Beijing, asking for asylum.
- Mar. 11 The Human Rights Committee of the Christian Council of Korea announces its decision to establish a campaign headquarters for the return of Rev. Kim Dong-sik, who were kidnapped by North Korea in 2000.
- Mar. 14 The UNCHR opens its 61st annual meeting.
- Mar. 16 Japan's N-TV broadcasts a film of actual North Korean scenes of public execution by firing squad.
- Mar. 22 Korea Institute for National Unification publishes the "White Paper on Human Rights in North Korea 2005."
- Mar. 28 Thailand and Laos agree to tighten border controls to prevent illegal entry of North Korean defectors.
- Mar. 28 The Acting US Assistant Secretary of State for Democracy and Human Rights, Michael Kojak, releases

- an “annual report on support activities for human rights and democracy.”
- Mar. 31 The Christian Societies of the World (CSW) submits to the UNCHR a list of 600 North Koreans who have been missing since taken to the North Korean political prison camps.
- Apr.14 The 61st UNCHR meeting adopts a resolution on North Korean human rights (the vote was 30 to 9 with 4 abstentions).
- Apr. 14 Christian Council of Korea convenes its first “policy consultative meeting on North Korean human rights.”
- Apr. 27 Korean Bar Association announces its plan to publish a “white paper on North Korean human rights.”
- May 12 Korea’s major opposition party, Han-nara Party, sponsors a legislative debate on “North Korean Human Rights Act.”
- May 21 Freedom House appoints Ku Jae-hoe (Jae Ku, a Korean-American) as a North Korea desk officer.
- May 25 Amnesty International (AI) releases its annual report.
- May 26 Congressman Henry Hyde (Rep.) submits to the US House of Representatives a resolution calling for the immediate return of all Korean War POWs and Korean and Japanese abductees in North Korea.
- Jun. 4 US State Department releases its Trafficking in Persons Report.
- Jun. 13 A new settler, Kang Chol-hwan, meets with President Bush at the White House.
- Jun. 14 UN Special Rapporteur Vitit Muntarbhorn calls on China to stop deportation of North Korean defectors and to offer refugee status for them.
- Jun. 19 A former POW and his family of six flee from North Korea. The Chinese army had captured him during the

- Korean War.
- Jun. 21 Britain's Anti-slavery International releases its report on human trafficking of North Korean women in China.
- Jun. 28 Three (North Korean) women enter the Korean International School in Tsingtao, China.
- Jun. 30 US House adopts a resolution denouncing North Korea's abduction and detention of Korean and Japanese citizens.
- Jul. 19 Freedom House sponsors an international conference on North Korean human rights in Washington, DC.
- Jul. 27 The spokesman for the Beijing office of World Food Programme, Jerald Burke, says North Korea's food shortage situation is deteriorating.
- Aug. 1 An international league of congressmen on North Korean refugees and human rights opens its annual meeting in Tokyo, Japan. The league consists of congressmen from Korea, Japan, the United States and Mongolia.
- Aug. 1 US Congress will promote a legislation granting special entry visas for persons and their family who provide important information on North Korea's weapons of mass destruction.
- Aug. 8 The North Korea Research Center of Dongkuk University in Seoul releases a "report on North Korean human rights."
- Aug. 15 South and North Korea successfully test a "video family reunion."
- Aug. 19 Former White House staff for domestic policy, Jay Lefkowitz, appointed as a special envoy for North Korean human rights.
- Aug. 19 A South Korean Buddhist High Priest, Bobryun, says according to his survey there are 30,000-50,000 North

- Korean defectors in China.
- Aug. 20 Some 60 members of US and South Korean human rights groups stage a protest rally in front of the Chinese Embassy in Washington, DC, denouncing China's forcible deportation of North Korean defectors.
- Aug. 23 ~27 The sixth inter-Korean Red Cross talks held.
- Aug. 26 ~31 The 11th Family Reunion held.
- Aug. 28 The Presidium of China's National People's Assembly approves a civil and criminal justice (extradition) treaty with North Korea.
- Sept. 8 Mexico grants refugee status to a North Korean defector.
- Sept. 8 US Committee on North Korean Human Rights releases a report on "Hunger and Human Rights: The Politics of Famine in North Korea."
- Sept. 8 A new settler Kang Chol-hwan, starts a "Cross-continent Speech Tour on North Korean Human Rights" in the United States.
- Sept. 19 South Korea's Unification Foreign Affairs and Committee, The National Assembly of the Republic of Korea announces that 21 South Koreans are detained in China on charges of helping North Korean defectors.
- Sept. 23 Amnesty International calls on North Korea to return the former defector Kang Kon (36, defected in 2000) and release details of his case.
- Sept. 23 The Seoul Bar Association and Citizens' Alliance for North Korean Human Rights jointly sponsor a symposium on "We Must Raise the North Korean Human Rights Issue Now."
- Sept. 27 Ku Jae-hoe (Jae Ku), the North Korean Human Rights desk officer at Freedom House visits South Korea.
- Oct. 3 UN Special Rapporteur Vitit Muntarbhorn submits his report on the North Korean Human Rights situation to

- the 60th UN General Assembly.
- Oct. 3 The Thai Foreign Minister calls on North Korea to improve its human rights situation.
 - Oct. 3 UN Special Rapporteur Vitit Muntarbhorn submits a report on the North Korean human rights situation to the Third Committee (human rights and social affairs) of the UN General Assembly.
 - Oct. 10 The deputy delegate at the Pyongyang office of UNICEF, Topik Mutaba, releases the results of a survey on the nutrition levels of North Korean children.
 - Oct. 11 The “China Committee,” a watchdog on the human rights situation in China, consisting of leaders in the US Government and Congress releases the North Korea section of its annual report, calling on the Chinese Government to grant refugee status to the North Korean defectors in China.
 - Oct. 11 Eight North Korean defectors enter a Korean International School in Tsingtao, China, asking to go to South Korea.
 - Oct. 27 US House Committee on International Relations holds a hearing on the status of implementation of the “North Korean Human Rights.”
 - Nov. 2 European Union (EU) submits a resolution on the North Korean Human Rights Situation to the UN General Assembly.
 - Nov. 2 Families of Abductees and Citizen Groups in South Korea holds a rally asking for a special legislation concerning the abductees.
 - Nov. 3 South Korea’s National Human Rights Commission sponsors an international conference on North Korean human rights.
 - Nov. 5 ~ 10 The 12th (inter-Korean) Family Reunion held.

- Nov. 9 US State Department releases Annual Report on International Religious Freedom.
- Nov. 13 CNN (US) broadcast the scenes of execution-by-burning of a person, who was accused of helping some one to defect from North Korea.
- Nov. 15 US Committee on International Freedom of Religion releases a special report on its survey of the North Korean people's freedom of religion, thought and conscience.
- Nov. 16 ~18 A UN delegation of lawyers attends a seminar on refugees and the law of treaty held at the People's Culture Palace in Pyongyang.
- Nov. 17 The UN General Assembly adopts a resolution on North Korean human rights. (Vote was 84-22, with 62 abstentions.)
- Nov. 17 North Korea demands all NGO personnel from Europe to leave the country by the end of the year.
- Nov. 21 The special investigator at UNCHR, Manfred Novak, visits China to investigate the human rights situation there.
- Nov. 30 Japan's "simulation team on North Korean economic sanctions" decides to set up four separate committees for four laws, including the "North Korean Human Rights Act of 2004."
- Dec. 1 The National Council of Churches in Korea sponsors a "Conference on North Korean Human Rights and the Structure of Peace on the Korean Peninsula."
- Dec. 8 The Democracy Network against North Korea Gulag releases the names of 121 political prisoners (85 alive, 26 dead, 7 unknown) who are detained in the Yoduck (Political Concentration) Camp located in the Sorimchon district of Yoduck.
- Dec. 8 ~12 Freedom House sponsors an international conference on

- North Korean human rights in Seoul.
- Dec. 12 The Christian Council of Korea and the Christians for Social Responsibility sponsor an international Christian conference on North Korean human rights and freedom of religion.
- Dec. 16 UN General Assembly adopts a resolution on the human rights situation in North Korea (Vote was 88-21, with 60 abstentions).
- Dec. 21 Seoul Bar Association launches a downtown campaign, calling for the return of abducted South Korean citizens.