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White Paper on Human Rights in North Korea

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Address Korea Institute for National Unification, Insu-dong,
Gangbuk-gu, Seoul, Korea
(zip code 142-728)

Telephone (82-2) 900-4300; (82-2) 901-2528

Fax (82-2) 901-2546

Homepage <http://www.kinu.or.kr>

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Park Young-ho (Senior Research Fellow)

Kim Su-am (Research Fellow)

Lee Keum-soon (Senior Research Fellow)

Hong Woo-taek (Research Fellow)

Foreword


The North Korean authorities continue to force systematic and wide-ranging human rights abuses on North Korean citizens. The North Korean people face dire situations in which even their most minimal livelihoods are seriously jeopardized everyday. And yet, their government is attempting to develop nuclear devices under the slogan of “military-first politics,” and is driving the people away from the marketplaces where they are trying to make a living. Furthermore, the regime is routinely violating the human rights of its citizens and oppressing their freedoms, as we see in the cases of public executions and political concentration camps. They are perpetrating these crimes simply to protect and maintain their “absolute *suryong* ruling system,” or one-man rule. The regime nevertheless insists that the human rights issue itself does not exist in North Korea, and dismisses the international community’s concerns over its flagrant human rights violations as attempts to interfere in its domestic affairs.

While North Korean authorities fail to show any willingness to improve the human rights situation, it is all the more disheartening to realize that there is little chance that the North Korean citizens themselves will take the lead in improving their situation. Living under the boot of a totalitarian dictatorship, they are completely cut off from outside

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world and have absolutely no idea about what is meant by human rights. Mobilizing such apparatuses of oppression as the People's Security Agency and the National Safety Protection Agency, the regime is enforcing absolute control and surveillance over its citizens so that no one can or will ever claim individual rights. For these reasons, it seems inevitable that the international community will have to step in for the situation to have any chance of improvement. In the past, the international community has explored a variety of avenues to induce changes in North Korea's perception and policies. For example, the United Nations General Assembly and the UN Human Rights Council have repeatedly adopted resolutions criticizing the deteriorating situation and calling on North Korea to improve its human rights situation.

In order to exercise more effective international pressure on North Korea to improve its situation, we need more objective research and investigations into the realities on the ground. In an effort to observe the situation firsthand, the international community has repeatedly asked North Korean authorities to grant concerned observers direct access to North Korea. And yet, the regime has not only refused to grant entry to the UN special rapporteur on North Korean human rights but has also denied access to all international human rights organizations and



Foreword

NGOs. Consequently, independent monitoring of human rights abuses is impossible and direct access to inside information is extremely limited. Despite these limitations, however, our efforts to find out facts on the ground and to improve the human rights situation in North Korea must continue, and more reports and analyses based on a variety of sources should be published. In the long run, a systematic accumulation and management of human rights data and source materials will be very useful in the process of removing the remnants of dictatorship upon the unification of Korea.

In December 1994, the Korea Institute for National Unification (KINU) established the North Korean Human Rights Center within the institute to systematically manage data and source materials on North Korean human rights conditions and violations. Furthermore, the center has periodically conducted systematic and professional in-depth interviews with North Korean defectors in South Korea as part of our efforts to obtain accurate information about human rights realities on the ground. Based on these interviews and survey data, we have been building a resource database. In addition, we have published a “White Paper” on North Korean human rights, both in Korean and in English, every year since 1996. In order that we may describe the situation more realistically, we have included in this “White Paper 2010” the results of in-

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depth interviews with North Korean defectors who came to South Korea recently. We have also carefully consulted other human rights reports and studies published at home and abroad.

Even though this White Paper, like other works on North Korea, suffers from various realistic and unavoidable limitations, it is hoped that this volume will contribute to increasing domestic and international concern about human rights in North Korea and serve as a useful catalyst for activities and discussions devoted to the improvement of this situation.


Finally, I would like to express our deep gratitude to Prof. Jung-ha Lee at the Graduate School of International Studies, Korea University, for the translation and copy-editing of this and other volumes over the years.

Suh, Jae Jean, Ph. D

President,

Korea Institute for National Unification

November, 2010





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Executive Summary

I. Human Rights and the Characteristics of the North Korean System


The horrific human rights situation in North Korea is closely related to the unique nature of its regime. North Korea's totalitarian dictatorship or "one-man rule" is built upon the untold sacrifices of its people. North Korea has already been labeled by scholars as a "failed state," but the Kim Jong-il regime is being maintained through physical oppression and a reign of terror over its population. In Article 8 of the revised Constitution (April 2009), the regime inserted a new phrase, "respect for human rights," among the government's responsibilities. But this is nothing more than window-dressing. It has also added "military-first politics" as part of its ruling ideology and institutionalized the position of "Chairman of the National Defense Commission," thereby placing the human rights of its citizens in a political framework of harsh repression.

North Korea's totalitarian dictatorship relies on such repulsive ideas as "one-party dictatorship," personality cult, unitary ideology, physical oppression, and control through the military/security apparatus. Relentless and persistent maintenance of this type of regime has produced a perverted and deep-rooted culture of routine human rights abuses.

North Korea's centralized power structure and planned economy led to an economic depression of the first order due to the contradictions inherent in its political and economic structure and their cumulative effect over time. North Korea's economy had to contract sharply in the wake of the sudden collapse of the socialist bloc economies in the early

1990s, which virtually paralyzed its production plans and distribution systems. As a result, countless citizens were forced to endure chronic food shortages and economic hardship. In their efforts to survive, many North Koreans took to the streets as vendors and peddlers, or ventured across the borders illegally in search of food. The authorities, however, began to enforce a far more stringent set of penalties, to thwart illegal behaviors on the one hand, and to maintain “law and order” in society on the other. One of these measures has been the practice of so-called “public executions.” In the face of a sharp international outcry, the North Korean authorities began to reduce the cases of public execution. However, many defectors have testified that public executions began to increase again from 2008.

Due to the economic difficulties, the North Korean government has had to allow “farmers’ markets” and limited numbers of off-street marketplaces. But in 2009 the government tightened controls over these markets. Consequently, the livelihoods of ordinary citizens who depended on day-to-day vending or peddling activities in these markets began to deteriorate rapidly. In an attempt to streamline its planned economy, expand revenues, and tighten central control, North Korea launched a ‘currency reform’ on Nov. 30, 2009, but this reform adversely affected the economic situation by triggering hyper-inflation in the short run. When the citizens strongly objected to and complained about the runaway inflation, the government again allowed the resumption of market activities on a limited basis, and tried to stabilize the situation with the public execution by firing squad of the former Minister of Finance and Planning, Park Nam-ki.



North Korea insists, “Under ‘our-style socialist system,’ all citizens enjoy true rights and freedoms,” and furthermore, “In North Korea the issue of human rights itself does not and cannot exist.” For these reasons, North Korea rejects the tenets of human rights as universal values even though it is a member of the United Nations. It would rather uphold the so-called “our-style human rights” which are subordinate to “*surjong* absolutism.”

Claiming that “Human rights are part of our ‘national right,’ and our national right is our people’s lifeline,” North Korea insists that the international community’s criticisms over North Korean human rights are tantamount to “intervention in internal affairs” and political interference. It further argues that the international community is using human rights as a tool in its attempt to overturn the North Korean regime. It even displays a negative attitude toward humanitarian assistance. These negative policies and attitudes of the North Korean regime present a major stumbling block to their citizens’ basic understanding of the true meaning of human rights.

Due to these unique characteristics of the North Korean regime, the human rights of North Korean citizens have been forced into a deplorable state, and the chances of their improvement appear remote. Human rights abuses by the authorities have now become a matter of daily routine in North Korea.

II. The Reality of Civil and Political Rights

1. The Right to Life

From a human rights perspective, North Korea has taken a step back in the area of capital punishment. North Korea added a new appendix to its Penal Code in 2007. In addition to the existing 5

categories of crimes subject to capital punishment, North Korea added a series of ordinary crimes. This clearly was intended to safeguard its regime and tighten control over its citizens, but from a human rights perspective the measure was clearly a step back and a change for the worse. It could also be construed as an attempt to legally justify the public executions of perpetrators of ordinary crimes. The heinous practice of public executions, which flagrantly violates North Korean citizens' fundamental rights, appears to persist even to this day. North Korea has been tightening control over its citizens through "inspections" by the National Defense Commission and "Anti-Socialist Behavior Group (groups)." In the process, public executions are routinely carried out for demonstration purposes. First of all, executions are increasingly enforced on those engaged in human trafficking or the narcotics trade. Second, executions are also carried out on those engaged in missionary activities. Third, some deported defectors are executed for having had contacts with South Koreans while in China. And fourth, executions are imposed on those who contacted South Koreans in an attempt to arrange "family reunion" meetings between South Koreans and "separated family members" in North Korea. Even in "correctional centers," both public executions and "secret executions" are carried out. Around 2005, the frequency of public executions seemed to be decreasing, but the decrease was apparently due to increases in "secret executions." During the UNHRC "Universal Periodic Review" session held on Dec. 7, 2009, a North Korean representative acknowledged the practice of public executions in North Korea. It was quite unusual for a North Korean representative to officially admit to the practice of public execution at an international forum discussing North Korean human rights.



2. Individual Liberty

Even though North Korea has been revising and updating its penal code, anti-human rights elements remain, and due to its politically dominated social characteristics, incidents of physical abuse and harassment jeopardizing the individual right to liberty and security of person seem to persist in the implementation of legal provisions. Inhuman and degrading treatments such as torture and beatings are widely practiced in correctional centers, labor-training camps, collection points, and detention centers. Even those working in the Kaesong Industrial Complex would be sent off to the Sariwon (City) Correctional Center for rule violations committed inside the complex. The Penal Code calls for a trial before transfer to a labor-training camp, but most inmates serving in various camps were detained without trial, except for a few cases. Also, most inmates in the centers and camps suffer from acute malnutrition due to poor meals, hard labor, and lack of medical care. Some will eventually meet their deaths due to these horrific conditions. Even while many inmates are being deprived of their ultimate human right, the right to life, labor camp staff members have absolutely no concept of human rights, and no staff member would ever be held responsible for the inhuman treatment or death of an inmate. North Korean defectors have testified that forced abortions were routinely carried out in various detention facilities. Some 150,000-200,000 political prisoners are currently serving terms in six North Korean concentration camps, experiencing inhuman and degrading treatment. As a tool of political control over its citizens, North Korea still enforces the so-called “crime-by-association” and “guilt-by-association” rules. An interesting recent development is that bribery is becoming widespread in North Korea as a means to avoid criminal penalties. The practice of bribery is rapidly spreading in connection with penalties


for cell phone use and video watching, and also permits for divorce proceedings and travel. These corrupt practices also adversely affect the human rights of ordinary citizens who are unable to afford bribes.

3. The Right to Due Process of the Law

North Korea made major revisions to its Penal Code and Criminal Procedure Law in 2004, as well as a partial revision in 2005 to improve its trial procedures. But unfair trials still persist. Most North Korean defectors who have experienced trials or have heard about them testify that the trial procedures were very pro forma. Although a judge, people's jurors, a prosecutor, and a defense attorney do participate in the trials, defense arguments are not heard. Meanwhile, "on-site public trials," allegedly designed to issue warnings to ordinary citizens, are on the increase. So ordinary citizens are unable to get legal assistance from defense attorneys while enduring human rights-violating procedures such as on-site public trials. As unruly and depraved social crimes have increased amid worsening economic conditions, public trials have also increased, according to North Korean defectors. In 2004 North Korea announced the so-called "Administrative Penalties Law," under which various agencies other than courts can hand down administrative penalties such as unpaid labor, demotion, firing, and reprimand, thereby increasing the chances of human rights abuses still further.

4. The Right to Equality

North Korea's Socialist Constitution stipulates the "right to equality," but discriminations based on family background persist. A defector testified that his friend had seen a document in the possession of a party "cell" secretary at his office which indicated that a certain worker was the "son of a former (South Korean) POW." This friend



confided to him that “That guy will never be able to get a promotion.” This episode demonstrates the fact that all family members of former POWs and defectors to South Korea are seriously discriminated against. Likewise, the regime discriminates against ethnic Koreans who have returned to North Korea from Japan. However, due to the deteriorating economic situation, discrimination based on family background appears to be decreasing in some sectors of North Korean society. People with flawed family backgrounds in principle cannot enter Kim Il-sung University or join the elite class, but at least they can now be admitted to other colleges.


The North Korean system is particularly discriminatory against handicapped people. The regime has a strong prejudice against such people, according to defectors. The regime lacks even the most basic understanding of handicapped peoples’ human rights. Ordinary citizens are not aware of the fact that there exist some organizations for the handicapped in Pyongyang. In this context, during interviews the issue of people suffering from dwarfism was raised. There have been reports of the forced sterilization of male dwarfs and their segregation, including their exclusion from Pyongyang. During interviews conducted in 2009, some defectors testified that they saw dwarfs being segregated. Another defector, however, testified that he saw a dwarf living in his hometown.

5. The Freedom of Movement

There is basically no change in the policies restricting the freedoms of movement and domicile, or the practice of forced banishment (or relocation). Travel permits are still required for all citizens to move from one place to another, and the right of travel of citizens is sharply restricted in North Korea. When economic hardship gripped the country and the need for movement increased, most North

Koreans learned to avoid regular travel permit application procedures, which can be complicated and take a long time. It is easier to obtain permits through unofficial sources by bribing the relevant officials with such items as cigarettes or cash; this trend is widespread today. People need special permits to visit Pyongyang or the border regions, which tends to restrict their freedom of movement. As soon as a person arrives at his or her destination he or she must register with the local security agency, allowing the authorities to enforce control over travelers. This control mechanism is still in place and is strictly enforced. Ordinary citizens who do not have relatives in China are largely deprived of the freedom of travel, as it would be prohibitively difficult for them to obtain passports or permits for domestic or foreign travel. Even if one received a letter of invitation from a relative in China, it would take a long time and require substantial bribes to obtain a permit.

North Korea systematically does not allow its citizens the freedom to choose one's domicile or to move one's home. Since the onset of economic hardship, however, many houses have come on the market unofficially, and as this trend has spread widely the restrictions appear to be loosening. But the practice of forced banishment persists. As unruly incidents increased in the wake of economic crisis, the official excuses for forced banishment also increased in a variety of ways, including illegal defection, CD sales, cell phone use, smuggling, and human trafficking. Nevertheless, more and more North Koreans are discreetly trying to watch foreign videos, and the trend is spreading. Eventually, North Korean authorities organized the so-called "109 squads" to monitor people and detect illicit South Korean video watching, as well as to interdict foreign videos and information flowing into North Korea. They are also enforcing strict controls over the use of cell phones in the border regions, especially calls to and from South Korea. Because of the constant surveillance and inspections, North



Koreans face an increasing risk of being subjected to criminal penalties. However, in cases of video watching and cell phone use, most people are able to avoid criminal charges by bribing the responsible officials. Defector XXX testified that the authorities even censor ordinary letters in some cases. Other defectors testified that surveillance and control over citizens is being tightened through the “people’s units” to which every citizen must belong.

6. Freedom of Religion

In order to safeguard its “one-man dictatorship by the *Suryong*,” North Korean authorities enforce appalling policies against religion. Even though its Socialist Constitution stipulates the “freedom of religion” and the government has built nominal religious buildings in Pyongyang, the regime persecutes religious services and bans missionary activities. Most North Koreans are unaware of any religious facilities in Pyongyang, and even those who have heard about such facilities believe that they were built for political purposes. As for Buddhist temples, none of the defectors thought they were religious sites. Contrary to the government’s claims, most defectors have testified that North Koreans are not aware of the existence of any “family churches” (or small, private places of worship) in North Korea. They said they knew what the Bible was, although they had not seen one firsthand; but they did not know there were such things as Buddhist scriptures. North Korea has strictly banned the introduction of Christianity into North Korea by way of defectors or other visitors. Particularly heavy penalties are meted out against those caught carrying Bibles. During interviews conducted in 2009, some defectors testified that they had discreetly practiced Christianity at their homes, which would seem to support the rumor that “underground religions” exist in North Korea. In addition,

superstition is reportedly widespread in North Korea, and fortunetellers, if detected by the authorities, are sent off to labor-training camps.


Continuity and Change: An Assessment

The civil and political rights of North Koreans continue to face serious challenges. In all areas of North Korean life, citizens are deprived of their civil and political rights by the authorities without any prospect of improvement, due to such factors as the flawed but immutable nature of North Korean system, the absence of a law-abiding government, and North Korea's negative attitude toward the international demand for improvement in human rights. However, the changing social climate stemming from economic hardship appears to have brought about small but positive changes in civil and political rights.

First, public executions appear to persist in North Korea. Although there are some testimonies indicating that the frequency of executions has decreased, this phenomenon is related to the increase in "secret-executions" and North Korea's attempt to hide such practices from international attention. The categories of crimes subject to public execution have also increased to include dealing in narcotics, human trafficking, and others. Trying to arrange a "family reunion" or contacting South Koreans are also crimes subject to capital punishment by public execution.

Second, incidents of torture and beatings continue unabated in correctional centers, detention centers, collection points, and labor-training camps. Particularly inhuman and degrading are the forced abortions performed on pregnant women deported back to North Korea from China.

Third, as socially immoral incidents and "anti-socialist" behaviors have increased, the authorities have begun to enforce strict control measures on citizens. As a result, citizens' human rights are constantly



abused and incidents of human rights violations have increased. So-called “public trials,” designed to issue a strong warning to on-lookers, are on the increase, and a variety of excuses are applied to forcibly relocate (or banish) rule-violators and people with “bad” family background. Worried that the “socialist ideology front” might collapse and foreign news and information might flow into North Korea, the authorities are enforcing strict bans against listening to or watching radio or TV programs, using mobile phones along the border regions, and circulating or watching South Korean videos. These human rights violations have been increasing recently, and the oppression of freedom of information has been more strictly enforced in recent years.

Fourth, despite changes in the social climate, the official apparatus of control over citizens’ rights is firmly maintained, and more and more citizens are trying to get around official controls by exploring unofficial channels. The “travel permit system” is still maintained in North Korea, and strict rules are applied for permits to visit Pyongyang and border regions. But citizens will routinely bribe their way to obtaining travel permits. In fact, applications for travel permits through official channels have sharply decreased. Due to the worsening economic situation, “unofficial” housing sales (or “discreet sale by owner”) are on the increase, and in this respect there appears to be an “unofficial relaxation” of restrictions on freedom of movement (domicile).

Fifth, as controls over depraved behavior are tightened, the rule-violators increasingly try to avoid penalties through bribery. As a result, more often than not officials fail to apply fair standards for punishment, and the rule of law is routinely undermined, which in turn frustrates other citizens who cannot afford bribery.

Sixth, controls over religion are constantly being tightened, but some defectors have testified on the existence of “underground religions.”


III. The Reality of Economic, Social, and Cultural Rights

1. The Right to Food

The “food crisis” in North Korea that began in the 1990s has not seen any significant improvement. Due to massive natural disasters in the mid-1990s, North Korea had poor grain output for several years, and starvation was widespread among the North Korean population for some time. Thanks to favorable weather and humanitarian assistance from South Korea and the international community, this dire situation has been improving slowly since 2000. Nevertheless, North Korea’s grain output has been recording a shortfall of at least 2 million tons every year. Furthermore, due to the failure of the currency reform carried out towards the end of 2009, the prices of rice and other grains have shot up, driving citizens into another round of grain shortages.

The fundamental problems with North Korea’s food situation are inherent in its economic structure and inefficient system of collective farming. Several factors have adversely impacted North Korea’s agricultural output and overall industrial activity; for example, coal production fell due to natural disasters, and energy supplies which used to come from sources in China, Russia, and Eastern Europe were rather suddenly reduced or discontinued.

North Koreans formerly received all their daily necessities, including grains, from the state through the nationwide ration system. However, the government began cutting rations from 1996, completely discontinuing them in some regions. As the official ration network failed to function, most citizens had to look for other ways of securing their own food, indeed their own survival. In the wake of the currency reform at the end of 2009, the government further tightened controls on marketplaces. As citizens’ complaints mounted, the government began to partially relax the market controls in February 2010.



In spite of the severity of the grain shortage, large portions of grain assistance from external sources (South Korea, WFP, etc.) are not distributed to ordinary citizens. A North Korean defector testified that citizens would line up to get beef from UN agencies. But as soon as the UN staff photographed the lines and left the scene, the citizens had to return the beef rations to the distribution center (official store). Most defectors testified that “foreign aid rice” would never be distributed to ordinary citizens but instead would be given to military units, and some of that would unofficially flow back out to the marketplaces.

2. Social Security Rights

Article 72 of the North Korean Constitution stipulates, “Citizens are entitled to free medical care, and all persons who are no longer able to work because of old age or illness, or children without support, are entitled to material assistance. This right is ensured by free medical care, an expanding network of insurance, and other social security systems.” Referring to this provision, North Korea has insisted that it is ahead of more advanced nations in the area of social security. But North Korea’s social security policies are fraught with large gaps between policy and reality. Due to inadequate funding, its social security system has not been functioning properly. No social security benefits are offered to “persons who are no longer able to work because of old age or illness, or children without support.” Moreover, the grain ration system, which is the most fundamental means of survival, is not functioning properly outside of Pyongyang and a few other areas. Also, pensions for retired people are guaranteed under the law, but under the ongoing economic difficulties no one can or should expect to receive a pension.


A large portion of the social security system has been abolished in the wake of the so-called “July 1st Economic Management Improve-

ment Measures” (hereinafter “July 1 Measures” or simply “measures”) of July 1, 2002, and the gap between law and reality has widened as a result. Although the previous systems are officially still in place, the nature of welfare payments and the operating principles of the welfare system have completely changed in the wake of the July 1 Measures. In short, under the July 1 Measures all government supplies of food, clothing, and shelter have been suspended and have in fact disappeared. Also, despite the many welfare payment entitlements stipulated in the National Social Insurance and National Social Security Systems, the responsibility for social welfare has been shifted from the state to the individual. In short, the roles and functions of the social safety net which North Korea aspired to build under its National Social Welfare System have shrunk significantly.

3. The Right to Work

Article 70 of North Korean Constitution stipulates, “Citizens have the right to work. All able-bodied citizens choose occupations in accordance with their wishes and skills and are provided with stable jobs. Citizens work according to their abilities and are paid in accordance with the quantity and quality of their work.” However, the right to work is in reality closer to a “labor mobilization” than a “right.”

In fact, “work” for North Koreans is not a “right” but a “duty” (Chapter Two of the Socialist Labor Law says, “Work is the sacred duty of citizens.”). And yet, a majority of North Korea’s industrial workers are in a state of unemployment. Due to the economic difficulties, the “factory operating ratio” remains about 20-30 percent, so workers are unable to find places to work. Even if they report to work, the factory cannot run, so they then take leave to pursue vending activities. Chairman Kim Jong-il has instructed his people to “Eliminate the phenomenon



of individual workers working for themselves, and call them up to do collective work at factories and enterprises.” And yet, the phenomenon of individual workers trying to maintain their livelihoods through vending and peddling goes on unabated.

4. The Freedom to Choose a Job

One’s choice of job in North Korea depends on the Party’s manpower supply and demand, rather than on individual wishes. Citizens’ job assignments are determined by the Party’s central economic plan, and jobs are assigned according to the demand in each sector. Thus, individual wishes, skills, and capabilities are secondary. The yardstick for job assignments at the Party level consists of such factors as loyalty to the Party and personal/family background. Students with unfavorable or bad background may be assigned to jobs in collective farms, coal mines or other hard labor jobs, especially if one of their relatives violated the “one-man rule” principles, fled south during the Korean War, participated in anti-North Korean activities (such as working for the South Korean police), or came from a landlord family. Students with favorable or good background, such as the children of ranking Party and government officials, are assigned to “good” jobs regardless of their capabilities.

Trying to get transferred to another job after initial assignment is also very difficult, and the Party decides based on individual background rather than ability, and irrespective of the individual’s wishes.

The most obvious and frequent human rights violations concerning the freedom to choose jobs are the so-called “group assignments.” A “group assignment” occurs when the Party assigns a group of workers to a workplace or project that needs additional

workers, such as a factory, coal mine, or construction site. In recent years, citizens will try to avoid hard work. In the face of this new trend, the authorities have begun to send out “hand-written letters” from Kim Jong-il to discharged soldiers and high school graduates and to host “loyalty rallies” before “group-assigning” them to coal mines and construction sites. They also offer medals and citations to new workers and host large send-off rallies for them. But North Korean defectors have testified that these rallies are in fact “forced assignments decided unilaterally by the authorities, irrespective of individual wishes.”

Even these group-assignments are no guarantee of proper grain rations under the ongoing grain shortages, due in part to widespread corruption. For example, in the past, hundreds of discharged soldiers were group-assigned to mines and coal mines. Since they frequently would run away from the mines, they are now assigned to jobs near their homes or hometowns. Job assignments can also be influenced by bribery for better jobs or job transfers. For example, workers prefer to be assigned to “trade organizations” where they can engage in foreign currency-earning jobs. To get assigned to these jobs, workers rely on personal relations or bribery regardless of their specialty or skills. An increasing number of North Koreans are reportedly blaming these corrupt practices on the deteriorating economy.

IV. The Reality of Minority Rights

1. The Rights of Women

The social status and roles of North Korean women are entirely different from what North Korean law stipulates and what the government reports.

The perceptions about women’s roles that were formed during



the feudal era and under the patriarchal family structure (or the “male-dominant tradition”) persist in North Korea even today.

In most North Korean families the “male-dominant structure” is still maintained. But since the food crisis many women have begun to take charge of family affairs, including assuming the bread-winner role. As a result, most North Korean women endure heavy workloads, and the burden of their family workload has tremendously increased in recent years due to the food shortage. On top of the economic and food crises, a serious issue for them is the health problems connected with pregnancy and childbirth.

In North Korea, where the ideas of male dominance and patriarchal family order are still prevalent, sexual violence against women is almost routine, and most women seem to lack any sense of the seriousness of the issue. Sexual violence and sexual abuse against women worsened during the food crisis, and cases of female trafficking and sex trade have sharply increased. In addition to these abuses, most North Korean families experience “family violence” problems as, for example, unemployed husbands wield their muscle against wives who come home from a long day of peddling. In cases of “family violence,” even the local “women’s league” does not get involved in mediation. As the number of women engaged in vending increases and as family feuds multiply, an increasing number of wives want to get divorced. But divorce in North Korea is very difficult, so many housewives continue to remain in the family and suffer from human rights abuses.

2. The Rights of the Child

North Korea submitted a combined “3rd and 4th” period report on its implementation of the Rights of the Child Convention in December of 2007. However, the UN Committee on the Rights of the Child, in its


“concluding observations” of the review of the North Korean report in January 2009, expressed serious concerns over the harsh mistreatment of children detained in state detention facilities as well as child beggars who have defected. It also expressed particular concern over the health and well-being of North Korean children - their education and protection from sexual exploitation and child labor.

North Korean children are entitled to priority treatment in terms of their rights to food and health. And yet their living conditions are not at all different from the dire conditions of adult North Koreans. North Korean children are not guaranteed their rights to food, and their lives are in serious jeopardy due to chronic malnutrition and hunger. As the economic hardships have worsened, various facilities responsible for children’s education and protection, such as nurseries, kindergartens, and schools, are unable to fulfill their functions. In most provinces outside of Pyongyang and a few large cities, many children skip school and follow their parents as they travel around peddling. Other children go out to hillside lots to grow something to eat. Grade schools are supposed to be free and compulsory in North Korea, but since 2000 some 70% of school expenses are paid for by the parents, and the situation has not improved at all. Because of the financial burden, many parents give up sending their children to school.

V. Human Rights in Major Issue Areas

1. South Koreans Abducted and Detained in North Korea

The exact number of South Korean citizens abducted to North Korea during the Korean War is not known at this time. There are considerable differences among the numbers given by various published documents and statistics. For example, the Statistics Bureau of South



Korea's Ministry of Public Information listed the number of abducted "Seoul citizens" to be 2,438. The Family Association for Korean War Abducted Persons published a list in 1951 containing the names of 2,316 abductees. In 1952 the South Korean government published a list of names of 82,959 persons abducted during the war, but the 1953 Statistical Almanac listed 84,532 names. The Police Headquarters of the Ministry of Internal Affairs in 1954 published a list of 17,940 abductees, and the Korean Red Cross listed 7,034 names in its 1956 report. Also, in 1963 the Ministry of National Defense compiled a list of missing civilians containing 11,700 names. These are, of course, partial lists, and often the same names are repeated in other documents, thus making it very difficult to come up with an accurate number for people abducted during the war. The Institute of Korean War Abduction Cases and Materials published two volumes of related materials, the first in September 2006 and the second in September 2009. The National Assembly enacted the "Fact-Finding on Victims of Abduction during the Korean War and Restoration of their Honor" law on March 2, 2010. This law will go into effect in six months, in September 2010. In accordance with the law, a secretariat and a working committee will also be formed.


The number of South Korean citizens abducted to North Korea since the Korean War cease-fire has reached a total of 3,824. Of these abducted South Koreans, most have returned home to the South except for those whom the North Korean authorities thought useful on the basis of their educational level, health, etc. They have been detained in the North without regard for their individual wishes. Some 3,310 (86.5%) of abductees have returned home after a detention period of 6 months to one year. Recently, eight abductees defected from North Korea and returned home. So a total of 506 South Koreans are still detained in North Korea. In 1974, 14 crew members aboard the *Suwon*

No. 32 fishing boat went missing after a North Korean patrol boat attacked their boat, which was engaged in fishing. After an intensive investigation by the Abduction Victims Support Committee, it has been confirmed that North Korea rescued all 14 crew members and detained them in the North.

The Committee for the Compensation of Abduction Victims, which was launched in November 2007, has additionally identified the following people as victims of abduction: 14 crew members aboard the Kilyong-ho (Jan. 22, 1966); 6 crew members aboard the Nampoong-ho (Dec. 21, 1967); two soldiers missing in Vietnam; 3 crew members aboard a rowboat (Aug. 5, 1967); and one crew member each aboard the Anhung-ho (Jun. 4, 1967), the Junbok-ho (Aug. 27, 1992), and the Duksung-ho (July 12, 1968). In 2009, as Red Cross talks on the Chusok (Thanksgiving) Family Reunion meeting resumed, the South Korean Government re-emphasized the need for inter-Korean talks on humanitarian issues, including the abductions issue. Based on the “Law to Assist Post-War Abduction Victims,” the Committee for the Compensation of Abduction Victims formally opened operations on Nov. 30, 2007, and has held 25 regular meetings as of February 2010, disbursing compensation and consolation grants for abduction victims and their families.

2. Human Rights Abuses on Korean War POWs

The number of South Korean POWs and MIAs believed detained in North Korea is 41,971 persons. Of the total, 22,562 persons are believed to have died or been killed in action based on the reports of their families and other records. The remaining 19,409 persons are believed to have been detained in North Korea. The POWs at issue are those who were unable to return to South Korea during the POW



exchange at the end of the war. At the time of the cease-fire, the UN Command estimated the number of POWs to total 82,000, but only 8,343 soldiers returned to the South, leading to the assumption that a large number of POWs were detained in North Korea.

According to the testimonies of defectors and returning former POWs, as of the end of 2009 there were at least 510 former POWs still alive in North Korea. South Korea's "military personnel regulations" stipulate that MIAs shall be re-classified as "killed-in-action" after a period of time so that the government may disburse compensation to their families. Accordingly, all MIAs have been re-classified as "killed-in-action." However, many former POWs have returned to South Korea in recent years, including Lt. Cho Chang-ho in 1994. As of December 2009, a total of 79 former POWs together with 197 family members have returned to South Korea.


South Korea's Defense Ministry has contracted out a research project on the issue of "the transfer of South Korean POWs to the Soviet Union" during the Korean War. In an effort to find accurate facts, researchers of the Military History Research Center visited the "Magadan region" of Russia where a Soviet concentration camp was located and reviewed the "US-Russia Joint Research Report" on US POWs and MIAs. The Korean researchers collected some testimonies concerning the transfer of South Korean POWs to the Soviet region, but failed to uncover conclusive evidence about this unconfirmed report.

Some families of former POWs have entered South Korea accompanied by the POWs, but more often they arrive without the POWs, who have already passed away in North Korea. Mr. Han Min-taek, a former POW, was arrested by the Chinese police while attempting to defect to South Korea and forcibly deported to North Korea. Again in August 2009 a similar incident took place. A former POW was arrested by the Chinese police and was detained in a people's hospital in Yanji

City. At a “POW Policy Committee” meeting in September 2009, the Defense Ministry decided to re-classify two MIA soldiers missing in Vietnam, Ahn XX and Park XX, as POWs.

3. Human Rights Abuses on Defectors

In 2009 the number of new defectors considerably decreased. Most new defectors have a desire to come to South Korea. North Korea’s National Safety Protection Agency tightened its anti-defection activities in 2009. Its agents stepped up surveillance and control over defector families and their relatives, increased the number of “ideology education” classes, conducted frequent “bed-checks” and “travel permit checks” along the border regions, and increased “spot inspections” on border guard units. According to the Good Friends Foundation, documents have been sent out to provincial courts instructing them to treat children above the age of 14 as adults if arrested while attempting to defect. In order to prevent defection, checkpoints have been set up at 9 pm all along the highways and railroads leading to the border regions. In addition, civilians with “good backgrounds” are organized into patrol units in the border villages to seek out defectors. As defections by sea have increased, a special cooperative meeting was held in North Hamkyung Province, attended by all working level units from fishing agencies and special agencies (the military and the Party). The instructions for this meeting reportedly came from the National Defense Commission. It was pointed out during the meeting that boats belonging to the military and the Party were moving in and out of ports without inspections at coast guard checkpoints, and small boats were sailing out of docks not designated by the central authority. As anti-defection measures have been tightened, the fees for river-crossing guides, who in turn pay the border guards, have



also increased. In Hweryong City, North Hamkyung Province, where defections are frequent, it is reported that even if guards take money from the river-crossing guides, they are not penalized as long as they report it afterwards. As the danger of getting arrested during defection has increased, the number of people who leave simply to make money in China has significantly decreased. North Korean defectors have filed applications for exile with the governments of Thailand, Japan, Canada, Australia, the United States, the EU, and other countries. Mongolia and the Southeast Asian countries have served as transit points for entry into South Korea. In 2009, South Korea revised its law concerning North Korean defectors and their settlement support. Under the revised law, defectors applying for exile in a third country who hide the fact that they have already obtained South Korean nationality are to be penalized with a reduction in their settlement payment and/or administrative sanctions.

In 2009, North Korea forcibly banished a defector family, accusing them of “human trafficking” crimes. North Korea began to impose heavier penalties on defection, and in the border regions families have frequently been banished. A new phenomenon appearing in 2009 is that more and more North Korean defectors who have settled in South Korea work as private “agents for entry” into South Korea.

As family-unit defections have increased, defectors in South Korea have come to include all age groups, from young babies to senior citizens. But the highest proportion is in the 20-30 age group. Also, the early defectors would often try to help other members of their family remaining in the North to defect. In particular, female defectors in the South would try to help their children and/or parents to defect. The job categories of defectors have also become more diverse. Many defectors who have settled in South Korea again apply for visas (exile) to a third

country like the United States or Great Britain. This trend was on the increase in 2009.

In order to prevent human rights abuses on “illegal” defectors, it is absolutely vital to secure freedom of action for the NGOs that work to stop human traffickers taking advantage of the illegal status of female defectors. It is imperative that immediate protective steps are taken to identify these potential victims and protect them. Such measures would help to produce more effective ideas for encouraging the Chinese authorities to tackle this humanitarian issue, together with other human trafficking crimes in China. In addition, it is necessary to obtain accurate facts concerning sex crimes committed on defectors by “entry agents.” Penalties for such crimes should also be stipulated in detail. Also, we need to develop various means of assistance for the victims of these crimes.

White Paper on Human Rights in North Korea 2010



I

Human Rights and the Characteristics of the North Korean System

1. Human Rights and the Characteristics of the North Korean System
2. North Korea's Concept of Human Rights
3. International Human Rights Regime and North Korean Human Rights Policies



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Human Rights and the Characteristics of the North Korean System

A. Human Rights Violations by the Totalitarian Dictatorship

The deplorable human rights situation in North Korea is closely related to the unique characteristics of its political system. In the process of building a socialist system, North Korea has solidified its “one-man rule” and borrowed various attributes from totalitarianism by combining Marxism-Leninism with elements of Confucian culture and tradition, such as authoritarianism and the patriarch-centered family structure.

To achieve its goal of “Socialist Revolution” North Korea has prescribed a “dictatorship of the proletariat” in its laws and assigned all legitimate authority to a small group of power elite. This elite group will enforce any type of physical sanctions and mobilize any amount of manpower for the maintenance of its regime. The Kim Il-sung/Kim Jong-il ruling system has a number of unique characteristics, such as a one-man dictatorship, a personality cult, centralized power, unitary ideology, feudalistic

hereditary power transfers, and regimentation of the populace.

In the early 1990s, the entire Socialist bloc suddenly collapsed; the former Soviet Union and East European socialist states have since been working to reform or transform their systems. Due to internal contradictions which have accumulated over time, however, North Korea's economy has undergone a period of sharp decline, particularly since the collapse of Socialist bloc economies. Due to North Korea's excessive political mobilizations and economic development strategies heavily dependent on sheer physical force, its system has lost its competitive edge, and ultimately North Korea has become a "failed state."¹

However, the incumbent Kim Jong Il regime is still relying on oppressive state security agencies to maintain his power and control over society. In an effort to maintain law and order in the face of rising public discontent and social deviance, North Korea is enforcing a type of "martial law" called "military-first politics" (or *sungun* politics). North Korea continues to perpetrate cruel human rights abuses, including political purges against anti-Kim Jong Il factions, often executing or detaining in political concentration camps these perceived threats to the system.

At the first session of 12th Supreme People's Assembly held in April 2009, North Korea did insert the new phrase "respect human rights" into Article 8 of its revised Constitution. Nevertheless, there is absolutely no sign of improvement in its human rights situation. As part of the constitutional revision, North Korea added "military-first ideology" as a ruling ideology along with *Juche* Ideology. In addition, the amended Constitution devoted an independent paragraph to the position of "Chairman of the National Defense

¹ North Korea is a unique "failed state" since it still has a complete monopoly over the means to control its territory; Robert I. Rotberg, "Failed State in a World of Terror," *Foreign Affairs*, Vol. 81, No. 4 (Jul./Aug. 2002).

Commission” and listed it among the major state organizations, thus constitutionally stipulating it as the supreme position of state power.² These steps seem to indicate that the North Korean authorities needed stronger means and more forceful tools in order to exercise more effective control over the general population. This would suggest that North Korean people are facing a far more oppressive environment in terms of human rights.

There are many stumbling blocks on the way to realizing human rights as universal values. The most critical impediment is the totalitarian dictatorship which relies on such repugnant elements as one-Party rule, Kim Jong-il’s personality cult, the military-based unitary ideology, and the abuse of physical force through manipulation of the military and security apparatuses.

B. Human Rights Abuses Due to Economic Hardship

North Korea’s planned economy has been gradually deteriorating due to internal contradictions that have accumulated over a long period of time. With the collapse of the Socialist economic bloc on which North Korea had depended, the North Korean economy began to collapse and stagnate from the early 1990s onward. The production plans and distribution systems based on centrally directed economic plans were for most purposes paralyzed, and North Koreans began to experience extreme food shortage and economic hardship. In addition, natural disasters struck North Korea in the summer of 1995, creating a major humanitarian crisis. Shortly after, North Korea requested relief aid

² The Constitution stipulates Chairman of the National Defense Commission as “the Supreme Leader” and “Supreme Commander-in-Chief,” who will also provide ‘overall’ guidance for all national projects.”

from the international community. In fact, food rations normally provided by the government had to be suspended in parts of North Korea starting in the early 1990s, and people had begun looking for food on their own. As a result, many individuals began to engage in a variety of buying and selling activities in the streets and markets. However, private business activities were illegal at the time, and many had to face penalties and punishment or run from the law. As economic hardships worsened and the grain rationing system failed to function properly, the peoples' unruly social behaviors began to increase rapidly. To maintain law and order, the authorities initiated heavier penalties and punishments to address the situation. This vicious cycle contributed to a further degradation of citizens' fundamental human rights.

In 2002, North Korea decided to implement the July 1st Measures. Under these measures, the authorities partially allowed economic market functions, raised wages levels, adjusted prices of major daily commodities--including agricultural products--to the black market prices, and officially permitted markets to operate legally. The measures were part of an effort to improve the efficiency of the Socialist planned economic system and eliminate its shortcomings. The July 1 Measures were also a limited step to bring the people's economic market activities into the official national economic system. However, the measures have had a negative impact on the people's daily lives. For example, the authorities raised the wage levels for workers, but the enterprises, which could not operate at full capacity due to a lack of energy and raw materials, were unable to pay wages as expected. Furthermore, living conditions of those with poor purchasing power rapidly deteriorated as the costs of various services and prices of essential commodities, went up quickly. Corruption and illicit practices were

rampant throughout the society, and the gap between rich and poor was widening even more. It was reported that since the July 1 Measures, new types of jobs that had not existed in the past began to appear in North Korea, for example, temporary jobs offered by private individuals.³

North Korea's central distribution system (ration or public distribution system) was closely related to the government policy of controlling the people's movement and economic activity. The collapse of its central ration system, therefore, meant the loss of government control over the people. North Korean authorities have repeatedly announced to its people that the government would resume the food (grain) ration system. In fact, the ration system had returned in parts of North Korea for a few months in late 2005, but that was all. Inconsistent government policies have disappointed the people and betrayed the people's trust. Nevertheless, the authorities have tried to resume the ration system to prevent further weakening of its control and to buttress Kim Jong Il's leadership.

Despite economic difficulties, North Korea is trying to transform its market structure into a series of "farmers' markets" for fear of free circulation of information and the spread of capitalist attitudes through the marketplace. The expanding inter-Korean economic cooperation, like the Kaesong Industrial Complex, is contributing to a transformation of the North Korean economic system, though this is limited in scope. Some of the new regulations include the Law for the Kaesong Industrial District, as well as development, labor, insurance, residence, and entry-

3. Testimony of defector XXX (Defecting North Korean Residents in South Korea) during an interview in Seoul on Jan. 20, 2006. In this White Paper, we have chosen not to disclose personal identities of our interviewees to protect their personal safety.

exit regulations. Discussions on the detailed implementation of these rules continue, and systems compatible with international standards will soon be introduced. Effective December 1, 2008, for political reasons North Korea has placed tight restrictions on “entry/exit and stay” in the Kaesung Industrial Complex, which is supposed to be a showcase of its openness. North Korea further jeopardized North Koreans’ right to life by taking additional steps in 2009, such as a second suspension of traffic to and from the Complex (March 13th) and the declaration of the nullification of all existing laws and contracts concerning the Complex (May 15th). Yet the Kaesung Industrial Complex continues to operate despite North Korea’s various restrictive measures. In 2009 North Korea enacted various market control measures in an effort to absorb or integrate market resources into the official sector. Because of these measures the quality of life of North Koreans who used to depend on market activities has worsened. North Korea launched a currency reform on Nov. 30, 2009 in order to strengthen central control, increase revenues, and streamline its planned economy. But the currency reform had the effect of further exacerbating the economic situation, resulting in hyperinflation, at least in the short term. Concurrent with the currency reform, North Korea attempted to stifle private market functions. Faced with strong public opposition and widespread complaints, however, the authorities had to partially allow market operations to resume.

In addition, in 2009 North Korea once again applied the so-called “speed war” method, which it has used in the past to maximize the mobilization of domestic resources. In mid-April 2009 it launched a “150-day struggle” (April 20th-Sept. 16th), and then another “100-day struggle” (Sept. 23rd-Dec. 31st). Obviously, the North Korean people have suffered from such repeated mass

mobilizations.

North Korea is known to have dispatched a large number of workers abroad, including to Russia's far eastern provinces, Mongolia, Eastern Europe, and the Middle East. The dollar earnings of these workers will also contribute to North Korea's foreign exchange reserves. North Korea has also attempted to garner some economic support from China. North Korea and China expanded exchanges and cooperation through visits by high-ranking officials on the occasion of the 60th anniversary of diplomatic relations. Due to North Korea's second nuclear test and China's support for UN Resolution #1874, the relationship turned shaky for a while, even as economic exchanges and cooperation continued to expand. The net result is that North Korea's dependence on China has deepened. And most of the commodities sold in the marketplaces today are made in China.



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North Korea's Concept of Human Rights

A. Cultural Relativism and North Korea's "Our-style" Human Rights

Cultural relativism is a human rights theory that emphasizes pluralism in human rights based on cultural diversity and independent value systems. In terms of theory, North Korea interprets human rights along the lines of "cultural relativism." And yet, North Korea's concept of human rights is heavily influenced by "collectivism." Since the late 1980s, North Korea has been promoting so-called "our-style socialism" under the slogan "Let us live in our own way!" which allegedly reflects the tenets of Juche Ideology.⁴ North Korea asserts that "our-style Socialism" is based on collectivism, and so socialist society, which upholds the unity of the masses, can never stand together with pluralist societies that uphold liberal ideologies, political multi-party systems, and diversities of ownership.⁵

4_ KINU, "North Korea in Brief, 2009," (Seoul: KINU, 2009), p.34.

5_ Kim Jong Il, "Historical Lessons of Socialist Construction and the Total Line of Our Party," *Selections from Kim Il Sung*, Vol. 12 (Pyongyang: Korean Workers' Party Press,

This belief system is expressed in the form of a peculiar theory called “our-style human rights.” When the international atmosphere detrimental to its regime-security was emerging in the wake of the collapse of Socialist bloc countries, North Korea began to develop a unique human rights theory based on cultural relativism called “our-style human rights.” This “our-style human rights” stands in sharp contrast to the Western concept of human rights. North Korea asserts that North Koreans are enjoying genuine rights and freedoms under the “our-style” Socialist system, which is tightly united around the Suryong (leader), the Party, and the masses. Under the “our-style” Socialist system, in which the entire society is said to be united as one big harmonious family, the human rights issue itself has no place. North Korea’s collectivism approaches human rights by a unique logic, defining the entire society as a “big family” in which the traditional “patriarch-dominated” family hierarchy is an inherent value. North Korea argues that from the perspectives of cultural relativism the “standards for human rights” and the “forms of guaranteeing them” will have to vary from nation to nation.

“All nations on earth have different traditions and national characters, as well as different cultures and histories of social development. Therefore, the human rights standards and their guarantees will have to vary depending on the concrete realities of each nation.”⁶

Consequently, North Korea’s basic attitude is that since human rights are fully guaranteed in accordance with “our-style human rights standards,” it will guarantee human rights according to “our-

1997), p. 283.

6. *The Rodong Shinmun*, Mar. 2, 2001.

style human rights standards,” and will absolutely reject “Western-style human rights.”⁷ This decision is no doubt influenced by the regime’s anxieties over its security, and this dichotomy shows a strong bias toward cultural relativism. The “our-style” human rights theory is also utilized for the purpose of domestic consolidation and regime-security. In other words, North Korean authorities insist that the people who have voluntarily chosen “our-style” Socialist system must absolutely support and safeguard their system. North Korea argues that even if external forces were to undermine the North Korean Socialist System in the name of human rights, the masses of people, who have formed one body around the Suryong, the Party, must safeguard “to their death” “our-style” Socialism. This appears to be an attempt to discourage the spread of human rights as a universal value within North Korean society itself. The so-called “our-style human rights” principle denies universal human rights and is absolutely subservient to the Suryong leadership.

B. North Korea’s Perception of Human Rights and National Sovereignty

North Korea is using national sovereignty as a basis of argument for rejecting international standards of human rights. North Korea is also trying to justify its human rights policies on that basis. For example, North Korea insists, “Human rights are unthinkable apart from the self-reliance of our nation and people.” And, “Human rights can never be guaranteed for a people whose country is under a foreign rule.”⁸ It argues, “Human rights are a

7. *The Rodong Shinmun*, Jun. 24, 1995.

8. Kim Jong-il, “Socialism is Science,” (Nov. 2, 1994), “The Selected Speeches of Kim

national right, and the national right is the lifeline of its people.” Therefore, it claims, people cannot enjoy human rights in the absence of national sovereignty or self-reliance.⁹

This definition of human rights as a matter of domestic jurisdiction based on the principle of sovereignty is apparently designed to attack the United States for allegedly utilizing human rights as a political weapon. North Korea is relying on a specific logic drawn from neo-colonialist perspectives to refute the attempts to utilize human rights as a political tool. North Korea argues that in the post-Cold War world the imperialist powers are utilizing human rights as “ideological sleeping pills” so that they can attempt to manage international order in neo-colonialist fashion to wield their political and economic power. In short, North Korea contends that Western powers are raising human rights issues to “Westernize” North Korean institutions through the propagation of liberal democracy and the Western political system, and that the “imperialists” are forcing the same on other countries, saying “imperialist” reactionary political systems are “superior.” Furthermore, they are trying to interfere in the domestic affairs of other nations under the pretext of human rights.¹⁰ With respect to foreign intervention in the human rights issues of other countries, North Korea refutes these, claiming that these are not sincere efforts to impart lofty universal values, but sinister political designs to overturn the systems of these countries through pressure and sanctions.¹¹

Furthermore, from a regime-security perspective, North Korea firmly believes that foreign powers are exploiting human

Jong-il,” Vol. 13, (Pyongyang: Korean Workers’ Party Publisher, 1980), p.453.

9_ The Chosun Central News, “Responses of DPRK Foreign Ministry,” Nov. 20, 2009.

10_ Kim Jong-il, “Socialism is Science,” p.453.

11_ *The Rodong Shinmun*, Jun. 24, 1995.

rights issues as a tool to overthrow the North Korean regime. Firmly upholding the argument that human rights are a matter of domestic jurisdiction, North Korea totally denies such arguments as “human rights are universal values transcending national boundaries” or “intervention in human rights issues is not an intervention in domestic affairs of another country.” The North refutes these arguments, calling them “robber’s logic” or “preposterous logic.”¹² North Korea insists that the arguments for transborder intervention in human rights issues are part of a sinister political design to dominate small and weak states under the pretext of “protection of human rights” and therefore the sovereignty principle should be strengthened, because the Western argument for foreign intervention in human rights situations will always be politically motivated. Clearly, then, North Korea is convinced that sovereignty is the lifeline of a state and its people, and any nation that loses its “self-reliance right (independence)” will never be able to enjoy any human rights, hence the North’s claim that “human rights are sovereign rights.”¹³ In short, the universal human rights principles of the United Nations and other international human rights organizations are absolutely rejected as “political tools of imperialism.”

North Korea is taking a negative posture toward humanitarian intervention because the international pressure to improve human rights appears to them as transgressions of North Korea’s sovereign rights and as threatening to the regime’s security. Consequently, North Korea argues, “Humanitarian Interventions” in violation of sovereign principles and international law will only

¹² *The Rodong Shinmun*, Jun. 24, 1995 and Jan. 12, 2000.

¹³ Statement by the Delegation of The Democratic People’s Republic of Korea to the Fifty-Sixth Session of the Commission on Human Rights, Mar. 29, 2000; *The Rodong Shinmun*, Jun. 24, 1995.

result in more human rights violations, such as murder of innocent citizens, instead of protecting and promoting human rights of citizens.¹⁴

¹⁴ North Korea News Agency, Sept. 18, 2000.



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International Human Rights Regime and North Korean Human Rights Policies

A. Increasing Pressure on North Korea

Despite North Korea's "national sovereignty" argument, the UN human rights regime has been exerting pressure on North Korea since 2000 under the leadership of the UN High Commissioner for Human Rights and the UN Human Rights Council, which replaced the UNCHR in March 2006. The European Union in particular has been leading the campaign. For three years (2003-2005), the UNCHR adopted the "Resolution on Human Rights Situation in North Korea." In addition, the 60th UNCHR meeting in 2004 stepped up the pressure by appointing a "Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (hereinafter, UN Special Rapporteur)" who is responsible for reporting about the situation to the UN General Assembly and the UNCHR. Dr. Vitit Muntarbhorn was appointed as the UN special rapporteur on North Korean human rights, and his term has been renewed every year.

The UN Human Rights Council (UNHRC), launched in

2006, has adopted resolutions on “North Korean Human Rights” every year. In the Resolution on North Korean Human Rights adopted at its 13th session in March 2010, the UNHRC sharply condemned the widespread human rights violations in North Korea and stipulated that all grain assistance must be directly distributed to needy civilians. The UNHRC has further agreed to extend for one more year the office of UN special rapporteur, which was due to expire in June of 2010.

North Korean authorities have reacted sensitively to the international community’s calls for the improvement of human rights, because North Korea believed that these calls were intended to undermine the regime’s stability. Roh Moo Hyun Government (2003-2008) had repeatedly failed to participate in, and abstained from, the process of adopting the North Korean human rights resolutions particularly at UN and UNCHR meetings. Thus the government became the target of sharp domestic and international criticisms.

The Lee Myung-bak government in South Korea took a proactive posture for the improvement of human rights in North Korea when it decided to “help resolve inter-Korean humanitarian problems,” including the North Korean human rights issue, as one of its 100 top priority policies. In addition, the Lee Myung-bak government has adopted the strengthening of human rights diplomacy and cultural diplomacy as part of its overall goals. The Lee Myung-bak administration respects and upholds human rights as universal values and on this basis will continue to urge North Korea to improve its human rights situation.¹⁵ In this way, the Lee Myung-bak administration has directly expressed its position on

¹⁵ Cheongwadae (Office of the President), “Security and Foreign Policy Visions and Strategies of the Lee Myung-bak Government: A Mature Global State,” (March 2009), p. 16.

the North Korean human rights issue, while making diplomatic efforts in concert with the international community for the improvement of North Korea's human rights situation. In a keynote address delivered in March of 2008, the chief Korean delegate to the 7th UN Human Rights Council (UNHRC) meeting urged North Korea "to take appropriate actions in response to the concerns the international community has expressed over the human rights situation in North Korea."

In addition, the Lee Myung-bak government has been actively promoting its human rights diplomacy on the international stage, co-sponsoring the UN General Assembly resolutions on North Korean human rights (in 2008 and 2009) and the UNHRC resolutions on North Korean human rights in March of 2009 and 2010, respectively. Korea-US cooperation to improve North Korean human rights is also being strengthened. During the Korea-US Summit Meeting held in Seoul (Aug. 6, 2008), the two leaders publicly expressed their desire to improve the human rights situation in North Korea, saying in part, "The two Presidents reaffirmed their commitment to improving the human rights situation in North Korea and shared the view that in the process of normalizing relations, meaningful progress should be made on improving North Korea's human rights record."

In an effort to increase pressure on North Korea and to urge North Korea to carry out the terms of UNHRC resolutions on North Korean human rights, the UN General Assembly, led by the EU member states, has been adopting relevant resolutions since 2005. South Korea has participated in the General Assembly resolutions on North Korean human rights since November of 2008 (the 63rd UNGA), along with 51 other UN members, including Japan and the EU member states. In this connection,

South Korea's Foreign Ministry in a press release (Nov. 4, 2008) stated, "Human rights are universal values, and as such this issue should be handled on its own merits and independently of other issues."

Since his appointment in 2004, Dr. Vitit Muntarbhorn, the UN special rapporteur on North Korean human rights, has submitted a report to the UNGA and UNHRC every year. In his 2009 report to UNGA, he observed, "Overall, the human rights situation in North Korea is still very inferior," pointing out that the grain shortage there has further deteriorated since the second nuclear test prompted sharp reductions in assistance from the international community. He also called upon the international community to redouble pressure on North Korea to guarantee basic and fundamental human rights to all its inhabitants by adopting a "people-first" instead of a "military-first" policy. In his final report of March 2010 to the UNHRC, he remarked that during his six years of service he made an unmistakable discovery: namely, that the level of the North Korean authorities' human rights abuses on their own people was so enormous that the situation had become a permanent feature of the society.¹⁶

Meanwhile, the UNHRC held its "Universal Periodic Review" meeting for 11 days, Nov. 30th-December 11, 2009, in Geneva.¹⁷ During the sixth session of its working group meeting (on December 7th) the group¹⁸ reviewed the human rights situation

¹⁶_ OHCHR, "Human Rights Council considers Human Rights situations in Democratic People's Republic of Korea and Myanmar," 2010.3.16.

¹⁷_ Every four years from April 2008, the UNHRC through its UPR review system has been reviewing human rights situations in 192 UN member states. During the 6th UPR working-level group session held from Nov. 30- Dec. 11, 2009, the group reviewed human rights situations in 15 countries, including North Korea, Cambodia, the Democratic Republic of the Congo, and Norway.

¹⁸_ The Universal Period Review (UPR) "working-level group" is composed of 47 UNHRC member states presided over by the Chair of UNHRC. All UNHRC members and

in North Korea, and a working group report was adopted on December 9th. North Korea was the first to face such a review since the UPR system was put in place, and the international community conducted public discussions on North Korea's human rights situation. During this meeting, delegates from a total of 52 member states, including South Korea, participated in the discussion, and North Korean delegates tried to come up with answers.

The South Korean delegation pointed out various problems and recommended a number of improvement measures concerning such issues as North Korea's restrictions on the political freedoms of its citizens, the gap between the law and reality in the area of freedom of the press, failure to observe the International Bill of Human Rights to which North Korea is a party, promotion of cooperation with members of the international community, and an early resolution of the inter-Korean "separated families" issue.

Delegations from the United States, the United Kingdom, France, Japan, Brazil, Belgium, and the Netherlands mainly raised their concerns over and made recommendations on the issue of North Korea's human rights violations in the area of civil and political rights. They further urged North Korea to closely cooperate with the international human rights mechanism. In addition, they expressed deep concerns and extended strong recommendations on a number of important human rights issues such as public executions, political concentration camps, on-the-spot executions, unusually cruel punishments of defector-deportees, freedom of movement across borders, the freedoms of religion, assembly, and association, the crime-by-association system, and the lack

"observers" can participate in discussions. In addition to the government delegates, other observers such as members of parliament and of national human rights commissions are also permitted to attend the sessions, but without taking part in the proceedings.

of an independent judiciary. Other recommendations included such items as guaranteeing citizens' access to food (grains), allowing visits by the UN special rapporteur to North Korea, accommodating technical cooperation proposals from the Office of the High Commissioner for Human Rights (OHCHR), allowing access by international humanitarian organizations and other NGOs, signing the International Convention against Torture, and creating an independent National Human Rights Commission.

Delegates from Germany, Switzerland, and India raised questions and made recommendations on the inter-Korean "separated families" issue, and South Korea, Japan and Brazil raised serious concerns over North Korea's forcible abduction of foreign nationals.

The "working-group report" adopted at the end of the "Universal Periodic Review" conference contained a total of 167 recommendations.¹⁹ Of the total, North Korean authorities have agreed to examine 117 items, and North Korea's responses to them have been included in the final report adopted by the 13th UNHRC meeting held in March of 2010. Included among the 117 issues North Korea agreed to reexamine were such items as ratification of major human rights covenants, improved cooperation with the international human rights mechanism, paying more respect to the rights to freedom of expression, assembly and association, guaranteeing fair trials for detainees, creation of a National Human Rights Commission, confirmation of the status of "separated family" members, and guarantees for family reunion meetings.

¹⁹ As for further details, see Korean National Human Rights Commission, ed., "A Collection of Materials concerning the Report of the DPRK National Human Rights Commission to the UNHRC UPR Conference and the Reports of South Korean delegation and other NGOs and INGOs," (Seoul: National Human Rights Commission, March 2009), pp. 129-157 (in Korean), and pp. 297-328 (in English).

However, North Korea refused to accept some 50 demands and charges, such as visits by the UN Special Rapporteur to North Korea and his mission, arbitrary detentions, crimes-by-association, public executions, torture, military training for under-aged children, unusual punishments for defector-deportees, forced (hard) labor, and arbitrary breaches of the independence of the judiciary. It also refused to accept items regarding the practice of forcible abduction and kidnapping, a moratorium on death sentences, and the release of political prisoners.

The level of criticism on this issue is also rising in many forums and countries, including the United Nations, the United States, the EU, and Japan. In the United States the North Korean human rights issue has been the subject of annual reports of many organizations, including the State Department's Country Reports on Human Rights Practices, the Supporting Human Rights and Democracy Report, the annual Trafficking in Persons Report, and the annual International Religious Freedom Report. The US State Department published its annual "Country Report on Human Rights 2009" in February 2009 and March 2010. In these reports, the State Department maintained its assessment of North Korea as a "dictatorial state under the absolute rule of Kim Jong-il" and said the North Korean regime continued to perpetrate a great number of "serious human rights abuses." As for the North Korean government's human rights record, the report has downgraded its assessment from "poor" to "deplorable." In its annual report on the "trafficking of human persons" released in June of 2009, the State Department gave the lowest possible grade of "third tier" to North Korea, which meant North Korea failed to meet even the lowest standard required under the TVPA (Trafficking Victims Protection Act of 2000). Since 2003, when the report was first published,

North Korea has consistently been classified in the lowest and worst ranking. In the 2009 Report on Religious Freedom released in October 2009, North Korea was given the status of “Country of Particular Concern,” which means that North Korea is oppressing the freedoms of religion and thought as defined in the International Religious Freedom Act. North Korea has remained at the lowest level for 9 years, since 2001.

International non-governmental organizations continue to monitor and urge the improvement of the human rights situation in North Korea. In its Annual Report 2008, Amnesty International (AI) pointed out that organized human rights abuses continue in North Korea, including executions of political prisoners or economic criminals by hanging or firing squad. It also reported that individuals engaged in religious activities could be detained, tortured, or sometimes executed for their actions. In its Annual Report 2009, AI reported that a total of 15 North Koreans were “publicly executed” in what were intended as warnings to other citizens about the danger of practicing religion in North Korea.

In recent years, the international community has strengthened mutual cooperation over the human rights situation in North Korea. The international community is deeply worried about the North Korean authorities’ widespread and systematic human rights abuses, which continue to rage in spite of the deteriorating living conditions of the North Korean citizens. The international community is well aware that the human rights situation in North Korea is absolutely horrible. Accordingly, the level of cooperation between international organizations and related international human rights NGOs is rapidly expanding. It has also been pointed out that UN Member States should not stop at simply adopting North Korean human rights resolutions or raising critical voices.

Indeed, they should go beyond these steps and take concrete improvement measures. In short, the perception is growing that unless concrete measures are taken quickly to improve the worsening human rights situation, it will never be possible to provide the necessary protective measures to the North Korean people.

B. North Korea's Reaction

Basically, North Korea's human rights policy is not geared toward improving the unspeakable human rights situation there, but rather it is aimed at reacting to and deflecting international criticism and defending its own position. For this reason, North Korea refuses to acknowledge the repeated international assessments that North Korea's human rights situation is worst in the world, arguing that such observations are part of a "political conspiracy" to interfere in its domestic affairs.

On the other hand, North Korea is trying, in a limited way, to respond to the various human rights concerns raised by the international community, due mainly to the realistic need to promote economic recovery and to avoid complete isolation. So, North Korea will adjust its human rights policies based on how its leadership perceives two fundamental imperatives at any given juncture: regime security and pragmatic needs.

Regarding international calls for the improvement of human rights, North Korea is maintaining a firm position of total denial, treating such calls as "human rights attacks." First, North Korea is rejecting out of hand all North Korean human rights resolutions adopted by the UN General Assembly, UNHRC, and UN subcommittee on human rights, arguing that they have been

politically motivated to bring undue pressures on the North Korean regime. North Korea also refutes such actions as the UNHRC resolutions on North Korea and the appointment of a UN Special Rapporteur as evidence of a Western strategy to utilize human rights as a means of exerting undue political pressures on another member state, which it says is detrimental to the overall fairness of the UN organization. North Korea, for regime security reasons, has been rejecting all North Korean human rights resolutions adopted by the UNHRC and UN General Assembly.

In addition, North Korea denounced as “the enemy forces’ typical and annual political conspiracy” the three Resolutions on North Korean Human Rights adopted by the UNHRC for three consecutive years between 2003 and 2005, as well as the Resolutions on North Korean Human Rights adopted every year since 2005 by the UNHRC and the UN General Assembly. Pointing out South Korea’s co-sponsorship of the resolution on North Korean human rights in 2008 and the omission of any references (in the resolutions) to the “Inter-Korean Joint Summit Statement” of October 4, 2007, North Korea argued that they represented South Korea’s genuine policy positions and declared that South Korea would end up paying “a high price” for them. In addition, North Korea denounced them as a “direct challenge to the dignity of the North Korean system.” When South Korea participated in the resolution as a co-sponsor in 2009, North Korea, through a Rodong Shinmun commentary (Nov. 23, 2009), insisted that the “resolution was another unforgivable challenge” and a “stumbling block designed to hamper improved relations and to raise tensions in inter-Korean relations,” adding, “Human rights issues can never be raised in North Korea as a matter of principle.”

Furthermore, North Korea continues to refuse recognition of

the UN special rapporteur who was appointed in accordance with the North Korean Human Rights Resolution adopted in 2004 at the UNCHR, and it repeatedly denies the special rapporteur's requests to visit North Korea. This is a typical item North Korea has refused to accept from among the list of recommendations contained in the UNHRC Universal Periodic Review (UPR) of December of 2009 on North Korean human rights. Furthermore, North Korea even refuses any dialogue or "technical cooperation" with the UN high commissioner for human rights simply because the "UPR" report is contained in the UNHRC resolutions. North Korea criticized the Office of the UN High Commissioner for Human Rights, which was maintained until 2005, as having been "politicized," and claimed that it had lost "objectivity" because the Western member states used it "selectively" and applied "double standards" based on their national interests.

North Korea has leveled the same sort of denouncement against the UNHRC, which replaced the Office of the UN High Commissioner for Human Rights in 2006. North Korea insists that since human rights resolutions on individual member states and the special rapporteur system contain hidden political motives, the Council should operate strictly based on the principle of "fairness," rejecting the application of "double standards" and the "politicization" of human rights, if the UNHRC were to carry out its roles and functions as an international human rights organization.²⁰ In the process of developing standard operating procedures for the new UNHRC, North Korea has strenuously insisted that the system of adopting resolutions regarding individual member states and the special rapporteur system should be abolished. As for the annual reports the UN Special Rapporteur on North Korean Human

20. *The Rodong Shinmun*, "The Failed Human Rights Diplomacy," May 24, 2006.

Rights submitted to the UN General Assembly and UNHRC, North Korea insisted that those reports were “full of distortions and falsehoods.” In addition, North Korea has never responded to the special rapporteur’s repeated requests to visit North Korea for the purpose of observing firsthand various aspects of freedom of expression (2002), freedom of religion and thought (1999; 2002), the right to food (2003), and other issues.²¹

Secondly, North Korea rejected out of hand the Bush Administration’s “North Korean Human Rights Act” and other human rights issues and denounced them as part of US attempts to overturn its regime. Despite North Korea’s complaints, the United States is maintaining the “North Korean Human Rights Act” under the Obama administration. In fact, the new US administration has upgraded the position of special envoy on North Korean human rights to a permanent position. North Korea has reacted strongly to these steps, arguing that they are “part of the imperialists’ design for global domination” and “a guileful tactic to justify intervention and aggression.” As a result, there has been absolutely no cooperation between North Korea and the United States in the field of human rights.

North Korea has begun to seek improved relations with the European Union. In the process, North Korea has accommodated the EU’s demands and engaged in a human rights dialogue with the EU. The reason North Korea was able to go along with the human rights dialogue with the EU was because such dialog would have little impact on its regime security, while it satisfied North Korea’s practical need of improving diplomatic relations. On Oct. 12, 2009, Sweden, in its capacity as the chair of the EU, was able to

²¹ Amnesty International, “Democratic People’s Republic of Korea Submission to the UN Universal Periodic Review,” April 2009.

conduct an “assistant secretary level” dialogue with North Korea. In addition, it was reported that in November of 2009 North Korea accepted a French proposal to exchange ideas on human rights during a meeting with Jack Lang, a member of the French National Assembly, who visited Pyongyang as a special envoy of French President Nicolas Sarkozy. However, when the EU took the lead in passing the North Korean human rights resolutions at the UNHRC and the Office of the UN High Commissioner for Human Rights, North Korea refused human rights dialogue with the EU citing concern for its own regime security. Thus, North Korea’s human rights dialogue with the EU has followed an irregular on-again, off-again pattern.

Third, North Korea has been pursuing various policies that were helpful in removing the wall of international isolation so long as they did not have practical impact on its regime security. For example, North Korea has been duly filing national progress reports in accordance with the terms of International Human Rights Covenants, to which it is a party. It appears that North Korea has found it useful to utilize the occasion of filing the reports as opportunities to promote North Korea’s human rights guarantees and to alleviate the human rights pressures of the international community. In January of 2009, North Korea participated in the deliberations of the UN Committee on the Rights of the Child, following its participation in the same conference in May of 1998 and June of 2004. North Korea also responded actively by dispatching a delegation to the 6th Regular Conference (Dec. 7, 2009) of the Working Group Meeting of the UNHRC Universal Periodic Review on Human Rights in which North Korean issues were discussed.

Fourth, North Korea has been streamlining its laws so

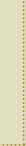
long as the changes did not bear directly on its regime security. As the level of its dependence on international economic assistance increased, North Korea was in no position to persist in its negative attitude toward the demands for human rights improvement under the international human rights regime. When it amended its Constitution in 1998 North Korea decided to guarantee the “freedom to reside in and travel to any place” as well as recognize private property rights. In the April 2009 Constitutional Amendment, North Korea included human rights as part of the state’s responsibilities. North Korea also revised its Criminal Procedure Law in 2004 and 2005; it removed a clause on “presumptive interpretation” and tightened the “elements constituting criminality.” It also partially adopted the principle of *nullem crimen sine lege* and tightened regulations concerning arrest, detention, torture and other inhumane treatment. In 2003, North Korea newly enacted the “Disabled Persons Protection Law.” Recently, North Korea is in the process of revising its laws on narcotics control and illegal monetary transactions (i.e., the law prohibiting money-laundering and the narcotics control law) and joining the three international anti-narcotics conventions.²² The decisions to revise these laws were made presumably because such revisions would have little or no impact on regime security, while they could significantly contribute to North Korea’s improved international image.

In formal terms, the judicial system has seen some improve-

22_ In addition to the visit of June 2002, North Korea again allowed the visit of members of International Narcotics Control Board in June 2006. During the annual report conference held in Bangkok in March of 2006, the INCB made positive observations on North Korea’s narcotics control effort, pointing out, “North Korea enacted a narcotics control law in February 2005. Thus, the INCB fully expects North Korea to faithfully observe the terms of international narcotics conventions”; *Yonhap News*, Jun. 27, 2006

ment 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.

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II

The Reality of Civil and Political Rights

1. The Right to Life
2. Individual Liberty
3. The Right to Due Process of the Law
4. The Right to Equality
5. Civil Liberties
6. Freedom of Religion
7. The Right of Political Participation



1

⋮

The Right to Life

A. North Korean Laws on the Death Penalty

The protection of the 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 ICCPR--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.”

Under the Penal Code as revised April 29, 2004, North Korea kept the five death penalty crimes included in the 1999 revision.

North Korea's 2004 Penal Code mandates that courts hand down capital punishment for anti-state and anti-people crimes, such as "conspiracy to overturn the state", "terrorism", "treason against the fatherland", "treason against the people", and "premeditated murder." But the revised Penal Code of 2004 has somewhat more precise definitions of what constitutes these crimes. Specific stipulations for the death penalty are shown in Table II-1 below.

〈Table II-1〉 Mandatory Death Penalty under the 2004 Revised 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 there of, 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 their imprecise uses of terminology and the possibility of arbitrary interpretation. Nevertheless, it would appear that efforts were made in the 2004 revised Constitution to clarify various elements that would constitute crimes punishable by death.¹

¹ 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〉 Changes in the Penal Code: The 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. . . (Art. 44)	Participating in a coup d'etat, armed rebellion, civil disturbance, or attack, with the aim of overturning the state, or conspiracy thereof. . . (Art. 59)	More specific by illustrating patterns of criminal act
Who engaged in terrorist acts. . . (Art. 45)	Terrorist acts inflicting injuries on, or murdering and kidnapping. . . (Art. 60)	More specific by illustrating patterns of criminal act

The phrase “particularly serious cases” could be seen as an improvement since it would mean that the death penalty is to be delivered only in “exceptional” and “grave” cases. However, the phrase still leaves room for arbitrary interpretation. 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.

In spite of the Penal Code provisions, capital punishment is still stipulated in many of North Korea’s instructions, proclamations, and other official documents. For example, on January 5, 2008, the Organization Bureau of the KWP Central Party Headquarters issued instructions on “making this year free of human trafficking” and disseminated them all across the border regions. This document makes mandatory the punishment with heavy penalties of those caught trafficking humans. For example, it proclaims that if anyone is found to have participated in human-trafficking, they shall be put to death without exception.²

2. Good Friends, “North Korea Today,” No. 107 (Jan. 30, 2008).

B. Public Executions

The most widely known and serious violation of the right to life in North Korea is “public execution.” Amnesty International (AI) was the first to inform the international community about the practice of public execution in North Korea. In a special report on North Korea published in October 1993 Amnesty International criticized North Korean authorities for their practice of “public execution.”

Article 32 of the Court Sentence and Decision Implementation Law stipulates that death sentences shall be carried out by firing squad. Death sentences are usually carried out by firing squad, with nine shots normally fired, but hanging is also known to be used.

Regarding the procedures of public execution, the “defectors” have testified as follows: The Republic’s flag is draped in the background, and people from the Central Prosecutors’ Office will come down to the site. Also participating will be the director of Provincial Safety, the director of the Provincial Security Agency, a court official, and others. The trial is conducted openly. A court official will read out criminal charges and then hand down the sentence. A defector testified that a court official would read out criminal charges and then pronounce that he was handing down the death sentence in accordance with such and such articles of the Penal Code of DPRK.³

Clearly, public execution violates most fundamental of all human rights and poses a direct threat to North Koreans’ right to life. Furthermore, it is a flagrant violation of North Korea’s domestic laws.

First, North Korea has been perpetrating “public executions”

³ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

in violation of its own Penal Code. Many victims of public execution face a firing squad even though their crimes do not rise to the level pursuant to the death sentence stipulations in the penal code. Many North Korean defectors (the 'defectors' in South Korea) have testified that the right to life of ordinary North Korean citizens, not to mention political prisoners, is seriously jeopardized because North Korean authorities will impose the death sentence not only for crimes stipulated in the Penal Code but also for minor social misdemeanors stemming from economic hardship. But North Korea appears to be applying certain measures to its "capital punishment" system that would appear retrogressive from a human rights perspective. In 2007 North Korea added new revisions to its Penal Code allowing capital punishment for many ordinary criminal offenses in addition to the previous five major categories in the Penal Code. A total of 23 articles stipulating new criminal categories have been added to the Appendix of the Penal Code. For example, 16 articles involving such crimes as smuggling and sale of narcotics will now be subject to capital punishment. The upshot here is that this allows the regime to tighten public controls and protect itself, but it is clearly a major step back in terms of human rights. Furthermore, since the revision expanded capital punishment to the area of ordinary crimes, it could also be viewed as an attempt to legally back up North Korea's public execution practices.

Second, North Korean authorities are violating various provisions of Criminal Procedure Law in the process of carrying out public executions. 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 the 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). Article 24 of Court Sentence and Decision Implementation Law, revised in 1998, stipulates that the agency in receipt of the death sentence execution order is responsible for the execution of the death sentence. Public executions are therefore clearly in violation of this provision.

Regarding the international criticism of public executions, North Korea strongly denies them, arguing that such criticisms were total fabrications concocted by forces hostile to the North Korean regime. However, North Korea has admitted one such case, for which evidence was presented during the second periodic report review process. North Korea said it had publicly executed a violent criminal, Ju Soo-man, in Hamhung in October, 1992, for having brutally murdered his grand parents, Ju Jong-eun (84) and Choi Yon-ok (72). Even though admitting this case of public execution, North Korea maintained the position that the authorities had done it to comply with the demands of the masses in the area. Based on this logic, the North Korean delegation openly admitted to the practice of public execution during the Universal Periodic Review Session of the UNHRC on Dec. 7th, 2009. During the session, a North Korean delegate said, “Capital punishments in principle are carried out behind the scenes. In exceptional cases, particularly in the case of an extremely heinous crime, public executions are carried out occasionally in compliance with the demands of victims’ families who demand confirmation. North Korea has officially admitted to the practice of public execution at an open international forum discussing human rights issues.

In spite of North Korean assertions, there is clear evidence of breaches of the right to life. Graphic II-1 below depicts an ‘official proclamation’ posted by North Korea’s Social Safety Agency on

August 5, 1997. In the proclamation, North Korean authorities threaten to publicly execute by firing squad anyone caught stealing grains from collective farms. This is a flagrant violation of both the Penal Code and Criminal Procedure Law.

〈Graphic II-1〉 A Proclamation by the Social Safety Agency

포 고

**남알을 훔치고 팔며 허살하는자들을
엄격히 처벌함에 대하여**

만국은 인민들의 생계가는 생활수단이며 나라의 가장 중요한 전략물자이다
물리에 우리 나라에서는 당의 혁명적 명도밑에 전국 전민이 총동원되어 영농전투를 합동해 벌임으로써
진장한 식량문제를 풀고 <크난의 행군>을 승리적으로 결속할수 있는 전망을 열어놓았다
그러나 일부 주민들은 극단한 개인이익주의에 사로잡혀 개인공리만 확고히 굳힌다. 군민이 파멸로써 지어놓은 귀
중한 남알을 훔치거나 허살하여 반부를 가지고 상적행위를 감행하고있다.
이것은 나라의 살계를 위협하는 반국가적범죄행위이며 우리 식 사보주의를 고립압살하려는 적들을 도와주는
역적행위로서 중대한 정범을 범한다. 전대, 남알을 훔치거나 팔며 허살하는 행위들은 천지의 법칙이 위하여 마
음과 같이 포고한다.

1. 남알을 훔치는 행위를 절대로 하지 말라!
남알을 포장과 무지, 띠곡창, 창고(정자)에서 훔치자는 법적으로 엄격히 처벌하
며 전량을 병상시킨다.
특히 엄중한자는 총살한다.
포전과 남알무지, 띠곡창, 창고(정자)들에 대한 자체 경비조직과 경비근무수행을 무
책임하게 하여 량곡을 침해당하게 한자들도 법적으로 처벌하며 량곡을 경비원이 훔
치거나 경비원과 공모하여 훔치자는 더 엄중히 처벌한다.
량곡을 훔치다가 피해당한자는 상소할수 없다.

2. 량곡을 가지고 장사하는 행위를 절대로 하지 말라!
부정축재를 목적으로 많은 량곡을 가지고 장사행위를 한자는 총살에 이르기까지
법적으로 엄중히 처벌한다.
국영 및 협동 농장들과 부업지들에서 량곡을 훔쳐다 농민시장과 공공장소 뒤골목에서
팔고사거나 물건과 바꾼자는 법적으로 처벌하며 거래된 남알과 돈 물건은 회수한다.
량곡을 가지고 고리대행위를 한자도 법적으로 엄격히 처벌하며 고리대로 주고
받은 량곡과 물자 돈은 전량 몰수한다.

3. 량곡을 함오라취, 허살하는 행위를 절대로 하지 말라!
량곡을 생산량에서 루리시킨자와 《시업》, 《자원》, 《순남협대》, 《물물교환》 등 여러
가지 명목으로 비밀처리하도록 조직한자와 집행한자, 직권을 악용하여 떠먹은지 공모
결탁하여 함오라취한자들은 총살에 이르기까지 법적으로 엄중히 처벌하며 루리시켰거
나 함오라취한 량곡전량은 몰수 또는 병상시킨다.
협동농장, 직업반, 분조, 농장원들과 카민, 기업소, 사회협동단체와 주민들 사이에 서
로 비호, 농약, 농기계, 기름, 부속품, 집집승 등을 량곡과 비공집하는자는 법적으로
엄격히 처벌하고 거래된 량곡과 물자는 전량 몰수하며 가을에 량곡을 받기로 한것은
절대 무효로 한다.
가을경이와 띠곡, 보관관리를 무책임하게 하여 량곡을 루실 부패, 병상시킨 책임
있는자도 법적으로 처벌한다.

4. 모든 공민들은 숭고한 애국, 애족의 정신을 높여 발휘하여 량곡을 훔치거나
량곡장사를 허가 함오라취, 허살하는자들을 예리하게 살피고 제때에 신고하라.

5. 이 포고를 어긴자는 직위, 공로, 소속에 관계없이 현행법으로 단속제외하여
법에 따라 처벌한다.

조선민주주의인민공화국 사회안전부
1997년 8월 5일

Note: see Graphic II-2 for translation.

Proclamation

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

Grain is the primary means of people's 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>

With regard to this practice of public execution, which is a clear case of inhuman and violent breach of a person's right to life, and a violation of North Korea's own laws, the UN Human Rights Committee, in its concluding observations in 2001 urged North Korea to revise its laws on capital punishment along the lines of the provisions of international covenants and to review its law provisions with a view to prohibiting all forms of public execution. In their testimonies, defectors gave the following details of public executions.

Public Execution for Anti-regime Activities

<Resistance Activities against the Regime>

North Korea will execute those charged with anti-regime activity or treason against the fatherland. It will even execute those who try to organize a following for someone (other than Kim Jong Il), for such activity would indicate loyalty to someone other than Kim Jong Il.

- Defector XXX testified that the members of an organized crime syndicate in Musan, North Hamkyung Province, shouted in loud voices “Sungdo!” which was the name of their boss. They were charged with the political crime of idolizing their boss. Their boss was summarily executed as well.⁴
- A North Korean defector testified that five people were publicly executed. XXX, a female voice actress at the Nampo City Mobile Performance Propaganda Unit, was executed on charges of prostitution; the deputy engineer for technical development at the Nampo Steel Refinery was executed on charges of espionage for South Korea; and the Deputy Chairman of the Nampo City Administrative Committee, the Deputy Director of Trade Supervisory Bureau, and the Director of Nampo City Flour Mill were all executed on charges of corruption.⁵
- A defector testified that the entire family of his neighbor XXX of Sanghwa-ri, Onsung County, North Hamkyung Province, was publicly executed by firing squad in 2002 for anti-state crimes.⁶
- XXX, who had studied the Bible together with this defector in China, was publicly executed on February 11, 2003 under a railroad bridge in Onsung County. His only crime was having practiced Christianity in Yanji, China.⁷
- On October 5, 2007, a 75-year old man, a manager at a

4_ Testimony of defector XXX during an interview in Seoul on Aug. 17, 2002. During interviews in 2007, three additional defectors have testified to the same incident. Clearly, this public execution incident must have been widely known in Musan City.

5_ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

6_ Testimony of defector XXX during an interview in Seoul on Oct. 19, 2004.

7_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

stone masonry in Soonchon City, was publicly-executed amid a crowd of 150 thousand assembled in the Soonchon Stadium. He was singled out earlier during an inspection conducted by the Security Command's Defense Committee. His crime was that he pretended to be a patriot even though his father had served as a South Korean police chief during the Korean War. Another of his crimes was that there were 13 telephone lines installed in the basement of a stone masonry and he secretly converted three of them into international phone lines and placed numerous overseas calls for a lengthy period of time.⁸

- In 2007 a man and a woman living in Yonsa County had sold off some legally protected trees to China through an intermediary under the tacit consent of military, party, and security agency officials. North Korea had been protecting these trees by law as “relics of revolutionary history.” When this incident was uncovered during an inspection, the two perpetrators were publicly executed in Soonam Marketplace.⁹
- Public execution is also taking place in the military. Defector XXX said he did not personally witness any public executions but saw ‘educational’ videotapes showing scenes of public execution. In 2003, three soldiers were publicly executed on charges of defection and contacting South Korea's National Intelligence Service. The defector said he had watched the video of their public execution

8. Good Friends, “North Korea Today,” No. 94 (Oct. 17, 2007).

9. NKHR2008000007 2008-07-30; NKHR2008000013 2008-08-19; NKHR2008000027 2008-12-02; It is believed that this incident at the time stirred up considerable social anxiety. There was a similar testimony in 2009. NKHR2009000011 2009-03-03.

- while he was in the military compound.¹⁰
- From October 2004 to April 15, 2005 the “Anti-Socialist Life Inspection Group” conducted a joint inspection in Hweryong and publicly executed two persons at the Hweryong Marketplace. A 23-year old man was executed on the charge of acting as an American agent by smuggling in a Bible; his father was detained in a political concentration camp.¹¹
 - In 1999 a 23-year old woman was executed near the airport in Yonbong-dong, Hwesan City, Yangkang-do Province for having illegally crossed the river and engaged in religious activities in China. The father of the chief propaganda agent at the Provincial Security Agency reported her to the authorities.¹²
 - In January 2004 a woman and two men were publicly executed in Youngkwang County, South Hamkyung Province on charges of acting as stringers for the South Korean Intelligence Agency after they met with South Koreans in China.¹³
 - In 2003 there was an inspection by the National Defense Commission. Eight persons were publicly executed for trying to arrange “family reunion” meetings. Among them was a 30-year-old man nicknamed “Hopei”.¹⁴
 - In July 2007, XXX, the owner (president) of the Namkang Company, a 41-year-old man, was publicly executed at Shinpoong Stadium in Wonsan City on charges of having

¹⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 26, 2007.

¹¹_ NKHR2009000015 2009-03-17.

¹²_ NKHR2009000032 2009-05-19.

¹³_ NKHR2009000046 2009-07-28.

¹⁴_ NKHR2009000056 2009-09-22.

- received money from South Korea's National Intelligence Agency. He was arrested during the Central Party inspections.¹⁵
- In April 2004, XXX was executed by a firing squad near the Rahongchon Export Clothing Company for fist-fighting with a Safety Agent while drunk.¹⁶

As these testimonies indicate, North Korean authorities are tightening control over unruly social behavior through various inspections by the National Defense Commission or the “Anti-Socialist Life Inspection Group.” In the process, public executions are being carried out for the purpose of making open and public warnings to the public. Public executions are also carried out for crimes involving religious activities. If anyone has had contacts with South Koreans while visiting China, he/she may also be executed, according to North Korean defectors. If anyone has tried to arrange unauthorized meetings with “separated families” in South Korea, he/she too may be executed.

<Dissemination of Information about the Outside World>

Since 2000, North Korea has been cracking down on people involved in the dissemination of information about the outside world, including the distribution of South Korean leaflets and the selling of South Korean videos, and using cellular phones. One can be brought up on criminal charges, and executed, for being involved in such activities.

In particular, North Korea regards the use of cellular phones as an anti-state activity. It has prohibited the use of cell phones along the border regions. Anyone caught using a cell phone can receive

¹⁵_ NKHR2009000070 2009-11-18.

¹⁶_ NKHR2009000045 2009-07-14.

either a \$100 fine or expulsion, along with confiscation of the cell phone. In most cases, people try to avoid expulsion by paying the fine and having their cell phone confiscated. However, as more and more detailed information about events inside North Korea has trickled out of the country and found its way into South Korean and international reports; and as more and more information about the outside world has crept in and been circulated, authorities in the North have begun to tighten internal controls.

In the 'anti-espionage' public education materials published in 2005, it is clearly stated that all unlawful use of 'mobile phones' is a criminal act that will assist the enemy's "anti-Republic attempts." According to this material, even the use of cell phones for legitimate business purposes, such as for activities involving trade with China, is regarded as a type of espionage activity. North Korea argues that the Chinese, in collusion with South Koreans, will intentionally give cell phones to North Koreans for the purpose of extracting internal information. North Korea asserts, "The enemies will bribe impure elements or employ foreign merchants and smugglers, and encourage them to hand out cell phones to their North Korean counterparts so that they could extract confidential information from the Party, state, and the Military through frequent cell phone communications. They are also engaged in the smuggling of strategic materials and guiding illegal border crossings." North Korean authorities have asked citizens to understand the purpose of the policy and continue to encourage citizens to turn in their cell phones and report anyone using one.¹⁷

The following are cases where public executions have been carried out for such crime:

- In January 2005, a defector heard from a North Korean

¹⁷ Good Friends, "North Korea Today," No. 15 (Apr. 7, 2006).

defection broker in Hoeryong that 11 people had been publicly executed at a location in Hoeryong City for having used Chinese cell phones.¹⁸

- Defector XXX testified that people would not be publicly executed simply because they used mobile phones, and that no one would be put to death for a cell phone call to South Korea. However, if anyone were found to have engaged in anti-state espionage activities or discussed matters concerning the repatriation of Korean War POWs, then the person would be publicly executed.¹⁹
- According to defector XXX, if a person had communication with South Korea using a cell phone, he or she would not be able to bribe his way out of the crime but would be given a correctional penalty. However, he would not be punished as a political criminal. There is an exception to this rule, however. If a North Korean talked to a South Korean and made such comments as, say, “Well, an American clergy asked me about the reality over here,” the person could be put to death by firing squad.²⁰
- Defector XXX who fled North Korea in February 2008 testified that people in North Korea today would not be publicly executed simply for mobile phone use. In the past, any cell phone call to South Korea was heavily punished. However, punishment has been greatly relaxed in recent years. Usually, the cell phone would be confiscated and the person would be penalized but not heavily punished if he were to offer some bribes.²¹

¹⁸_ Testimony of XXX during an interview in Seoul on Feb. 28, 2007.

¹⁹_ NKHR2008000012 2008-08-14.

²⁰_ NKHR2008000027 2008-12-02.

²¹_ NKHR2008000016 2008-09-02.

- Defector XXX was caught while using his cell phone. His cell phone was taken away but he was not penalized as he paid two million won in bribes to officials. He said he had to bribe the officials because he was facing labor-training punishment otherwise.²²

Sometimes individuals are publicly executed for the crime of circulating information about the outside world through leaflets and/or video materials.

- In 2007, the prevailing trend was to tighten the level of punishment for circulating videotapes containing foreign information. There was a public trial during a ‘harmonious session’ held on the grounds of Onsung Mechanical College on December 26, 2007. Two persons were publicly executed there. Mr. XXX (59) of Kosung Farm, Onsung County, was publicly executed for having sold illegal sex videotapes that he brought over from Chinese ‘river-crossing’ dealers. Also, a social workguide from Onsung County was also tried and publicly executed for having made 80 copies of a South Korean movie DVD and with the help of a high school teacher circulated them.²³
- A person was publicly executed when he was caught selling videos. He had imported some 3 thousand copies from China in 2004.²⁴
- XXX was a member of the Hoeryong City Soccer Club. He was publicly executed in November 2004 on charges of selling and circulating South Korean videos and anti-

²²_ NKHR2008000019 2008-09-16.

²³_ Good Friends, “North Korea Today,” No. 107 (Jan. 16, 2008).

²⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

Communist movies.²⁵

- In January 2005, a 32-year-old male was publicly executed in a lot in front of Ranam Market in Ranam District of Chongjin City on charges of listening to South Korean radio programs and singing South Korean songs. The defector testified that he heard a police vehicle near the Ranam Market (Chongjin City) announcing that a public execution was scheduled to take place and that citizens were encouraged to come.²⁶
- On May 17, 2006, two peddlers who sold CDs and narcotics called ‘ice’ were publicly executed along the banks of Suseong Creek near the Sunam Market, Chongjin City, in accordance with the official ‘Proclamation.’²⁷
- Defector XXX defected in February of 2008. He testified that he heard from his sister that a person was publicly executed by firing squad at Onsung County for passing out copies of a pornographic video imported from China.²⁸

Public Execution of Economic Criminals

<Public Executions for Stealing/Selling Copper/IC Lines and Embezzlement>

Most defectors testified that stealing or taking state-owned property such as electric wires or communication lines would be punishable, by public execution.

- Another defector testified that a young ex-soldier was publicly executed on the banks of Suseong Creek near

²⁵_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²⁶_ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

²⁷_ Good Friends, “North Korea Today,” No. 26 (Jun. 21, 2006).

²⁸_ NKHR2008000027 2008-12-02.

Sunam Market on May 19, 2006, for stealing about 150 meters of electric wire.²⁹

- A company president (about 45, nickname “Smarty”) of the Chungsong Company was publicly executed along a creek in Chonjin City in August of 2005. He was charged with the crime of selling copper lines.³⁰

It is believed that there have been executions for similar crimes even in Pyongyang.

- In July 2003, a 40-year-old man was executed by a firing squad at an open space on Tong-il Street, Pyongyang, for smuggling and selling copper products and jewelry in China. A defector testified that the victim was charged with the crime of “treason against the state.”³¹
- A defector testified that a husband and wife were executed by firing squad for stealing communication cables. The wife was pregnant, but the baby was aborted before the trial, and they were executed after a public trial.³²
- A defector testified that a 50-year-old woman was executed by firing squad for stealing copper cables at a marketplace in Musan County.³³
- A defector testified that two farm worker brothers (a 29-year-old and a 32-year-old) in South Pyongan Province were publicly executed for stealing copper cables.³⁴

²⁹_ Good Friends, “North Korea Today,” No. 26 (Jun. 21, 2006).

³⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

³¹_ NKHR2009000013 2009-03-11.

³²_ NKHR2009000032 2009-05-19.

³³_ NKHR2009000043 2009-06-20.

³⁴_ NKHR2009000073 2009-12-02.

- A defector testified that three people were executed by firing squad at a streetcar terminal for stealing cows and communication cables.³⁵

Public executions are reported to be increasing on charges of smuggling, as smuggling activities were on the rise along the Korean-Chinese border regions. As evident from the revision of Penal Code appendices, investigations on narcotics smuggling are being redoubled and public executions are carried out frequently.

- Two smugglers were publicly executed and two others were executed secretly in Hamhung City on December 22, 2007 on smuggling charges.³⁶
- In Hweryong City, a narcotics dealer was publicly executed by a firing squad.³⁷
- On July 25, 2007, some 10 thousand people crowded in a downtown stadium. Also joining the crowd were Central Government officials, provincial and county officials, special units, and ‘foreign currency workers.’ Two persons were tried and publicly executed on charges of gambling, narcotics dealing, selling sex magazines and videotapes, as well as embezzlement of state funds amounting to 60-70 thousand US dollars. One was the chief of a sales center (a woman) and the other was the chief of a service center (a man).³⁸
- A lumber smuggler was publicly executed by a firing squad in Hyesan, Yangkangdo Province in early September (2007).

35_ NKHR2009000071 2009-12-09.

36_ Good Friends, “North Korea Today,” No. 107 (Jan. 16, 2008).

37_ Good Friends, “North Korea Today,” No. 89 (Sept. 12, 2007).

38_ Good Friends, “North Korea Today,” No. 83 (Aug. 2, 2007).

- His crime was revealed during an inspection.³⁹
- Defector XXX testified that a chief inspector at the security agency in Hamhung City was publicly executed in November 2007 when it was uncovered that he was taking money in return for covering up the mixing of methamphetamine, or “ice.”⁴⁰
 - In December 2007, a man by the name of Kim Young-man was executed by firing squad in Hweryong on charges of black-marketing narcotic drugs (“ice”).⁴¹
 - In 2004 a person was publicly executed at Namsan Hill in Haeju for illegal sales of gold.⁴²
 - On Jan. 30, 2008, seven persons, including XXX, who used to be the chief foreign currency worker at the 91st Training Camp, were executed for manufacturing the narcotic “ice” (methamphetamine) and selling it in China. They were arrested during a Protective Agency inspection.⁴³
 - A defector testified that in September 2008 a 50-year-old man was publicly executed by firing squad in Hweryong for dealing in narcotics. He was arrested for narcotics smuggling, but he was also accused of many other charges such as getting 5 security agents fired from their jobs at law-enforcement agencies.⁴⁴
 - A defector testified that XXX, of Hweryong, was publicly executed at Hweryong Stadium for dealing in narcotics.⁴⁵
 - On Dec. 25, 2007, three men, including a 45-year-old

39. Good Friends, “North Korea Today,” No. 89 (Sept. 12, 2007).

40. NKHR2008000023 2008-11-11.

41. NKHR2008000027 2008-12-02.

42. NKHR2008000021 2008-09-23.

43. NKHR2009000016 2009-03-19.

44. NKHR2009000021 2009-04-13.

45. NKHR2009000051 2009-08-14.

- graduate of Hamhung Chemical Engineering College and a female narcotics dealer, were publicly executed.⁴⁶
- In July 2007 XXX was executed at Hweryong Stadium for selling 5 kilograms of the narcotic “ice.”⁴⁷

<Execution for Stealing Cattle and Goats>

There have been many testimonies recorded about public executions having taken place in North Korea on charges of stealing cattle and goats during the period of “the arduous march” (i.e. the mid to late 1990s). Since 2000, however, the number of similar testimonies has decreased.

- A defector testified that XXX, a resident of Musan, was publicly executed at the Migangbol Market in Musan County for butchering and consuming a cow.⁴⁸
- Defector XXX testified that a man was publicly executed in the Sunam District of Chongjin City in 1999 for butchering and consuming a cow.⁴⁹
- A man was publicly executed in 2005 at a marketplace in Haeju for illegal cow-butchery.⁵⁰
- A defector testified that in September 2004 a 19-year-old man was executed in the wetlands of the Migang River, Musan City, Musan County on charges of stealing a pig.⁵¹

Others further testified that certain larcenies were also subject to public execution. However, the number of testimonies

46_ NKHR2009000054 2009-09-17.

47_ NKHR2009000067 2009-11-12.

48_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

49_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

50_ NKHR2008000021 2008-09-23.

51_ NKHR2009000042 2009-06-25.

about public execution has significantly decreased during the interviews in 2000.

- A criminal who ran a prostitution ring and a person who had stolen 50 bicycles have been publicly executed.⁵²
- A defector said that an inmate at a labor-training camp was publicly executed in 2004 for stealing some corn.⁵³
- A defector testified that in 2007 seven people were publicly executed, including the Grain Section chief and the Uniforms Section chief, at the Army Rear-Area Corps Command where they used to serve. They were charged with stealing and selling rice and gasoline.⁵⁴

Public Execution for Social Misdemeanors

In the past, there were many testimonies concerning cannibalism having taken place during the period of “the arduous march,” but such testimonies have not been heard since 2000. Testimonies depicting public executions for the crimes of theft and larceny. While no such testimonies have been heard since 2000, reports of public execution having taken place on charges of murder and human trafficking continue to mount.

<Human Trafficking>

The international community has lodged strong protests against human trafficking since the year 2000. North Korea apparently continues to uphold its policy of public execution for this crime.

⁵²_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

⁵³_ Testimony of defector XXX during an interview in Seoul on Nov. 20, 2008.

⁵⁴_ NKHR2009000017 2009-03-24.

- In 2004, a woman was publicly executed at the Sunam Market in Chongjin City on charges of human trafficking. The witness was a merchant at the Sunam Market. On the day of the execution, the defector was not allowed to open for business. Instead, everyone was forced to watch the execution by firing squad.⁵⁵
- Two women were publicly executed on human trafficking charges in the dry riverbed in front of a market in Yusungku, Hweryong City in March of 2004.⁵⁶
- In November 2004, XXX, a teacher at Inkei Middle School, was publicly executed for having trafficked 13 of the school’s graduates to China through a broker.⁵⁷
- In November 2005, a woman was publicly executed in the Pohang District of Chongjin City on charges of human trafficking.⁵⁸
- On June 15, 2007, the Hweryong City authorities held open trials on human traffickers and the families of defectors at the city stadium. Two women, who had been sentenced to public execution on human trafficking charges in June, were publicly executed on this day.⁵⁹
- A defector testified that he saw a person publicly executed in 2007 on charges of human trafficking along the banks of the Hweryong-chon River near his apartment.⁶⁰
- The leader of a security platoon at the Yuson Security Guard Battalion, XXX, had permitted many individuals

55_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

56_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

57_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

58_ *Ibid.*

59_ Good Friends, “North Korea Today,” No. 76 (Jun. 13, 2007).

60_ NKHR2008000018 2008-09-11.

to flee to China. Some 20 defectors upon deportation to North Korea confessed that XXX allowed them to go to China. Subsequently, XXX was publicly executed in April 2005 under the Blue Bridge in Yuson.⁶¹

- A defector testified that in May 2008 XXX, a 26-year-old neighbor was publicly executed by firing squad on charges of human trafficking.⁶²
- A defector testified that in 2004 a man and two women were executed in a large marketplace in Musan County on charges of human trafficking.⁶³
- A defector testified that in 2006 a 26-year-old man living in Dongmyung-dong was publicly executed in the marketplace of Hweryong on charges of human trafficking and collecting gold.⁶⁴
- A defector testified that three men were executed at Soosungchun in Chongjin City on charges of human trafficking.⁶⁵
- A defector testified that a 21-year-old man was executed in Hyesan on charges of human trafficking.⁶⁶
- A defector testified that in March 2008 three women were executed in Hwanghae Province on charges of human trafficking.⁶⁷

As the above testimonies show, the frequency of public executions on human trafficking charges appears to be increasing.

61_ NKHR2008000027 2008-12-02.

62_ NKHR2009000023 2009-04-16.

63_ NKHR2009000036 2009-06-03.

64_ NKHR2009000058 2009-09-24.

65_ NKHR2009000063 2009-11-03; NKHR2009000064 2009-11-04.

66_ NKHR2009000066 2009-11-11.

67_ NKHR2009000075 2009-12-04.

<Punishment for the Crime of Murder>

Despite the policy of rigorous enforcement and strict penal provisions against the use of violence, the incidents of violent crime continue to increase every year. As economic hardship persists, the number of violent crimes increases. Under North Korea's penal code, the death penalty may be handed down in cases of premeditated murder. Many defectors have testified that public executions are still carried out for the crime of murder. Furthermore, even after 2000, there have been incredible testimonies about people who tried to sell cooked human meat in the market during the peak of the food crisis.

- In 2004, a young man was publicly executed along the Susongchon River in Chongjin. He was charged with the murder of a friend's grandmother, as he had robbed 20,000 won from her to use in a game of billiards.⁶⁸
- A defector testified that in April 2005 a college student majoring in chemistry was publicly executed in Hamhung City for murdering family members of a pharmacist.⁶⁹
- A defector testified that his mother, XXX, was publicly executed in the Sunam Market, Chongjin City, on charges of murder.⁷⁰
- Defector XXX testified that he saw a person publicly executed in Chongjin in January 2008. The person was charged with the murder of a four-year old child his new wife brought in with her because the child was fussing too much.⁷¹

68_ NKHR2008000001 2008-07-01.

69_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

70_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

71_ NKHR2008000023 2008-11-11.

- A defector testified that his son’s classmate XXX was sent to a correctional center for butchering and consuming a cow on a farm. He was released early from the correctional center for reasons of illness. Subsequently, however, he was publicly executed at Susong-chon, Buryong County in January 2003 for having struck and killed his grandmother while he was drunk.⁷²
- A defector testified that in September 2007 an army sergeant was publicly executed by firing squad on a hill behind the Fifth Corps for axe-killing a civilian in the process of stealing some corn from a farmhouse. Unlike the civilian cases, the authorities instructed the on-lookers to watch the execution close-up and to spit on the man’s corpse after the execution, because he had violated Kim Jong-il’s “military-first” policy.⁷³
- A defector testified that in 2004 an army cadet XXX was drinking with his friends when his friends accidentally killed a man. His friends ran away, but he was arrested and publicly executed in front of fellow soldiers.⁷⁴
- A defector testified that in July 2007 a married college student was publicly executed at Shinpoong Stadium on charges of murdering his “girl friend.” She was pregnant and demanded to get married, for which he decided to kill her.⁷⁵

⁷²_ NKHR2008000005 2008-07-22.

⁷³_ NKHR2009000020 2009-04-07.

⁷⁴_ NKHR2009000048 2009-07-30.

⁷⁵_ NKHR2009000070 2009-11-18.

<Other Illicit Behaviors>

- In August 2007, a 50-year-old man, nicknamed Mak-kong, was arrested on gambling charges during an inspection in Wonsan. The inspector was so strict on him that he could not bribe the official, and his case was brought before the court. He was ultimately publicly executed at Sinhung Stadium in Wonsan.⁷⁶
- Defector XXX testified that he heard there had been a public execution along the Mujin River at Mujin-dong, Pyongyang City in 2006.⁷⁷
- Defector XXX who defected in April 2008 testified that there was a public execution along the Susong River in the summer of 2007.⁷⁸

Public and Secret Executions inside Correctional Centers

It has been reported that public and secret executions are being carried out inside the correctional centers. Defector XXX testified that even though it may appear that there have been no public executions in recent years, they are in fact being secretly carried out - for example, at the Seventh Correctional Center located behind the Sariwon City Cigarette Factory.⁷⁹ Executions are commonly imposed on those charged with attempted flight. Defector XXX testified that in 2003 XXX, his 51-year-old co-worker at the Rahung Railroad Factory, was executed by a firing squad for attempted flight while serving in the Daehung Correctional Center

⁷⁶_ NKHR2008000025 2008-11-20.

⁷⁷_ NKHR2008000023 2008-11-11.

⁷⁸_ NKHR2008000024 2008-11-18.

⁷⁹_ NKHR2009000012 2009-03-05.

in South Hamkyung Province on charges of economic crimes.⁸⁰ Defector XXX testified that in April 2007 a man was shot in the leg while attempting to flee from the Jongori Correctional Center. The center's deputy director ordered, "From now on I will shoot to kill anyone trying to flee from this center, so deal with him quickly so that I can publicly execute him within 2-3 days." But the man died from excessive bleeding before the execution.⁸¹

Public and Secret Executions in Political Concentration Camps

Defector XXX, 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.⁸² Those subject to public executions are usually people who are arrested during an escape attempt. Defector XXX, a former security officer at a concentration camp between May 1983 and June 1986 before he defected in December 1994, stated that at Control Center No. 11 in Kyung-sung, North Hamkyung Province, an entire family, including a grandmother, her son and grandchildren, were publicly executed after being caught attempting a three-day escape. Security officials armed with machine guns gathered together all the political prisoners at the camp 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.⁸³

80_ NKHR2009000045 2009-07-14.

81_ NKHR2009000059 2009-09-29.

82_ Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

83_ Testimony of defector XXX during an interview in Seoul on Jul. 8, 1996.

A defector said he had heard that a couple (both about 60 years old), who previously worked at a Security Station in Buyoon District of Chongjin City, were executed in 1999 at the No. 16 Concentration Camp for having attempted to flee from North Korea with the assistance of their son, who had defected to South Korea. This story was related to the defector by two workers (a major and a captain) from the center in October, 1999, when the defector was still living and working as a chief of a carpentry shop in Chongjin City. The workers had come to place an order meant as a special gift for Kim Jong Il.⁸⁴

According to the testimony of defector Shin Dong-hyuk, who has escaped from No. 14 Concentration Camp, he was required to witness the public executions of his mother and brother, who had failed in their escape attempts, at the public execution site in the rear of a pigsty of No. 7 ‘work unit’ on Nov. 29, 1996 (Since 2000, public executions have been carried out at a town’s open space along the Daedong River). When the man conducting the public execution finally declared, “Go ahead and execute the people’s traitors Jang Hye-kyung (mother) and Shin Hee-keun (brother),” a firing squad appeared and publicly executed them right in front of his and his father’s eyes. He testified that two or three public executions took place every year at the same site.⁸⁵

The Changing Style of Public Execution

First, many defectors have testified that public executions are still being carried out across North Korea, even in the years after 2005. They say the only difference is that since 2000 the

⁸⁴_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁸⁵_ Shin Dong-hyuk, *Coming Out to the World* (Seoul: North Korean Human Rights Protection Center, 2007), pp. 188-191.

frequency of public executions appears to be decreasing compared to the “Arduous March” period. In interviews conducted with defectors who fled from North Korea between 2006 and 2008, most responded that compared to the “Arduous March” period of the 1990s, the frequency of public executions appears to be on the decline. However, other defectors testified that the reason the frequency appears to be decreasing was that the number of non-public executions was increasing. From interviews conducted in 2009 it was possible to conclude that public executions were again on the rise.

- Many defectors testified that they were truly petrified in the 1990s as people were publicly executed by firing squad every month. Since 2000, however, public executions have taken place only once every three months on average.⁸⁶
- Defector XXX testified that there had not been many public executions for several years until he defected from the Hamhung region in 2007.⁸⁷
- Defector XXX testified that there had been frequent public executions in the Chongjin area around 1997. He said public executions still existed, but they were rare in recent years.⁸⁸
- The defector who defected in January 2008 also testified that there have not been many executions by firing squad in the Chongjin area since 2000.⁸⁹
- Defector XXX who defected in February 2008 testified that there was almost no public execution in the Yuson

⁸⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

⁸⁷_ NKHR2008000006 2008-07-24.

⁸⁸_ NKHR2008000007 2008-07-30.

⁸⁹_ NKHR2008000008 2008-08-01.

and Hweryong region in recent years.⁹⁰

- Defector XXX who defected in January 2008 testified that there was no public execution since 2000.
- Since the Central Party inspections in March of 2005, the Hweryong City Government reported, “There were no crimes in the city, as all citizens were fully educated.” Indeed, the city tried very hard from 2006 to avoid extreme punishments like executions by firing squad.⁹¹
- Defector XXX who defected in February 2008 testified that he had heard that public executions by firing squad have completely disappeared in Kimchaek City in recent years.⁹²
- Defector XXX who defected in February 2008 testified that public executions by firing squad have decreased since 2001.⁹³
- Defector XXX who defected in April 2008 testified that the frequency of public executions has significantly decreased in recent years compared to the 1990s.⁹⁴
- Defector XXX who defected in February 2008 testified that he had never seen public executions since 2002.⁹⁵
- Defector XXX testified that new instructions were issued in 2007 to conduct executions in secret rather than in public.
- The same defector testified that he had heard while held in the Security Agency in Musan County in February

⁹⁰_ NKHR2008000010 2008-08-08.

⁹¹_ NKHR2008000012 2008-08-14.

⁹²_ NKHR2008000015 2008-08-27.

⁹³_ NKHR2008000018 2008-09-11.

⁹⁴_ NKHR2008000024 2008-11-18.

⁹⁵_ NKHR2008000027 2008-12-02.

2007 that a secret execution was conducted on a 40-year-old man from Musan on charges of 24 accounts of human-trafficking. He had been sentenced to death at an on-site public trial held at the Miners' Hall in Musan County, but he was not publicly executed.⁹⁶

- A defector testified that he had not heard any rumors of public executions in Pyongyang since 2003.⁹⁷
- A defector testified that he/she had not seen any public executions in the Rajin-Sunbong region since 2000.⁹⁸
- A defector testified that since 2000 there had been no public executions in his hometown.⁹⁹
- A defector testified that he thought the public abhorred public executions. He said there were no public executions in Onsong in recent years.¹⁰⁰
- A defector testified that public executions have been decreasing in recent years. Before 2004 there were many public executions and cases of banishment, but that trend has been decreasing recently. Orders came down from on high, and now people hardly see any public executions.¹⁰¹

Meanwhile, some defectors insisted that public executions were increasing as new instructions encouraging public execution were issued.

- Defector XXX who defected from Wonsan in January 2008 testified that public executions have increased in

⁹⁶_ NKHR2008000022 2008-11-05.

⁹⁷_ NKHR2009000013 2009-03-11.

⁹⁸_ NKHR2009000025 2009-03-30.

⁹⁹_ NKHR2009000030 2009-05-07.

¹⁰⁰_ NKHR2009000069 2009-11-17.

¹⁰¹_ NKHR2009000010 2009-02-26.

Wonsan, but was able only to testify on one case.¹⁰²

- Defector XXX who defected in January 2008 testified that executions by firing squad had been decreasing in 2007, but that there had been one in November 2007. The defector said the convicts involved in serious crimes prohibited by the state, such as dealing in narcotics or “colored-metal” trade, and human trafficking, would be subject to execution. The defector said that in September 2007 a special secret edict from Kim Jong-il was sent to the People’s Army pointing out that gun shots needed to ring out loud because social disorder was increasing. Accordingly, from October 2007, intensive guidance inspections throughout the North Hamkyung Province were conducted, and four executions by firing squad were conducted in Hamhung City, South Hamkyung Province. The defector testified that he had witnessed a man by the name of XXX executed by firing squad in 2007.¹⁰³
- Public executions by firing squad had been decreasing for a while, but they began to increase again in 2007. A defector testified that the increasing trend began in Yonsa County in North Hamkyung Province, where they started shooting 90 rounds at a time.¹⁰⁴

Many defectors have testified that public executions were decreasing as a result of sustained pressures of the international community including the United Nations.

- Defector XXX who defected in April 2007 testified that

¹⁰²_ NKHR2008000026 2008-11-25.

¹⁰³_ NKHR2008000017 2008-09-04.

¹⁰⁴_ NKHR2009000021 2009-04-13.

there were almost no public executions since the year 2000 owing to the pressures of the international community including the United Nations.¹⁰⁵

- Defector XXX who defected in February 2008 testified that in the Yuson region, too, there was no execution by firing squad since 2004, and this was largely the result of rising criticisms of the international community including the United Nations.¹⁰⁶

On the other hand, some North Korean defectors testified that “secret executions” have replaced public executions.

- A defector testified that the authorities will now secretly execute those condemned to die instead of doing so publicly, because Kim Jong-il ordered that gunshot sounds must not be heard in public anymore.¹⁰⁷
- A defector testified that executions are carried out secretly inside prisons rather than publicly because of the international outcry.¹⁰⁸
- A defector testified that he had heard from an agent of the National Safety Protection Agency that in the border areas of North Hamkyung Province the policy had changed from public executions to “inside executions.”¹⁰⁹

Also, the frequency of public executions varies from region to region, and it is difficult to obtain accurate numbers for each region. Defector XXX testified that he had not seen or heard about

¹⁰⁵_ NKHR2008000011 2008-08-12.

¹⁰⁶_ NKHR2008000016 2008-09-02.

¹⁰⁷_ NKHR2009000035 2009-06-02.

¹⁰⁸_ NKHR2009000037 2009-06-09.

¹⁰⁹_ NKHR2009000040 2009-06-18.

public executions having taken place in the Kaesong area since 2000.¹¹⁰ Defector XXX, who used to live in Wonsan and Shinuiju, asserted that public executions have clearly diminished in recent years. It also appears that there are far fewer public executions in non-border areas.¹¹¹

Some reductions seem to be occurring in the categories of crimes subject to public execution. But public execution is still carried out for such crimes as murder, human trafficking, circulation of ('harmful') information, and smuggling. In particular, executions are carried out on those charged with the crime of attempting to arrange inter-Korean "family reunions" or any other inter-Korean contacts.

It is reported that public executions of those who were found guilty of illegal or unlawful acts are being carried out in front of large crowds.

Lastly, North Korean authorities have used intimidation tactics such as public executions to try to prevent people from breaking the law. On the contrary, however, most inhabitants seem to ignore such tactics.

– Defector XXX testified that when he was young he had heard the adults attending public executions shout, "The man killed another man, so he should be executed." They repeatedly shouted, "Kill him!" Today, people would be loath to attend public executions, but the authorities would even close down markets and factories to force the people to witness public executions.¹¹²

¹¹⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

¹¹¹_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

¹¹²_ NKHR2008000007 2008-07-30.



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Individual Liberty

A. Liberty Rights and Detention Facilities under the North Korean Penal System

Liberty Rights under the Penal System

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.

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. Furthermore, in Article 20 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 and Programme of Action 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.

Theoretically, the freedom of habeas corpus in North Korea 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 “preliminary examination” had been combined into one chapter (Ch. 4), but the 2004 revision has again separated them into two separate chapters, “investigation (Ch. 6)” and “preliminary examination (Ch. 7),” indicating an attempt to provide stricter and more independent procedures. Also, the revision covers the mission and duration of preliminary examination (Sec. 1), interrogation of suspects (Sec. 3), and arrest and detention (Sec. 4). In short, more legally precise procedures have been provided for suspects during their arrest and their period of detention in the process of investigations and preliminary examinations.

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 needs to detain a suspect, the agent must apply for and receive pre-approval from a prosecutor. In the past, there was also 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 that “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. 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 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 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 that “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 revised Penal Code of 2004 contains many provisions designed to punish those who employ illegal methods of interrogation, stipulating that “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 would 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 suspects, and searching or seizing property. 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.

B. Detention and Correctional Facilities

Detention Based on the Type of Crime: Political, Economic, and Violent Crimes

North Korea operates two types of penitentiaries: the prisons designed to detain political criminals and the detention facilities for non-political, ordinary criminals. In the 1970s, Kim Il Sung attempted to separate the responsibilities of what was to become the State Security Agency (or SSA, then located within the Ministry of Public Security and called the Political Security Department) from the Ministry of People's Security (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 SSA 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, unlimited term of correctional labor, 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 of 2004. 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 (Kyohwaso)” 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 Ministry of People’s Security. In addition to the official correctional facilities, North Korea has been criticized for operating political concentration camps, collection centers, 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 MPS, 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 MPS 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 People’s Security	State Security Agency (Bureau No. 7)
Confinement facilities	Correctional Centers (Kyohwaso) Labor Training Camps (Rodong Danryeondae)Collection Centers (Gypkyeolso)	Concentration Camps (Kwanliso)

Correctional Centers (Kyohwaso)

North Korea's "correctional centers" are a type of prison facility that is similar to South Korean prisons. The People's Security Agency operates these centers and they house the convicts who have committed serious crimes. Those sentenced to death or "correctional labor" penalties by the court are detained here, and there is at least one correctional center in each Province.¹¹³

During the "Pyongyang Festival" period in April of 1995, North Korean authorities told the visiting members of Amnesty International (AI) that there were three correctional centers in North Korea including the "Sariwon Correctional Center," and about 800 to 1,000 inmates were detained in them, and that about 240 anti-state (political) criminals were held in the "Hyungjaesan Correctional Center."¹¹⁴ During the review process of North Korea's second periodic report on the International Covenant on Civil and Political Rights (ICCPR), a North Korean delegate argued that it was difficult to grant firsthand visits to the members of international human rights organizations because even after North Korea had twice granted such visits to the members of AI, the forces hostile to the Republic were trying to take advantage of North Korea's human rights situation, irritating the sensitivities of responsible North Korean agencies.

The revised Penal Code of 2004 defines crimes and types of

¹¹³. According to the defectors, there are two correctional centers in Hamhung City, South Hamkyung Province: a "correctional center for women" in Sapo District and a "correctional center for men" in Hwasan District. In addition, well-known correctional centers in North Korea include Kaechon Correctional Center, Jonkori Correctional Center, and Susong Correctional Center. (Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008).

¹¹⁴. There is a 'correctional center' for political prisoners near the Brothers Mountain district of Pyongyang. Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

detention as outlined in Table II-4.

〈Table II-4〉 Types of Crimes and Corresponding Place of Detention

Category	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 disruptive to national defense systems (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; Creation or dissemination of false information (29 types)
Crimes harmful to socialist collective life (20 types)	—	Acts of hoodlumism or racketeering (15 types)	Acts of hoodlumism or racketeering (18 types)
Crimes injuring life or damaging property of citizens (26 types)	Willful murder or kidnapping (3 types)	Willful murder (25 types)	Excessive self-defense (13 types)

In its second periodic 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 thousand
1998	1,153	5.2
1999	3,047	14
2000	1,426	6.5
Average duration in the past three years	3 years	

Source: North Korea's Second Report on ICCPR.

It is reported that North Korea is operating at least one correctional center in each province. In Hwanghae Province there are two correctional centers: one in Sariwon and the No. 11 Correctional Center in Jeung-san. In 2004 there were reportedly about 1,000 female inmates at the Gaechon No. 1 Correctional Center.¹¹⁵ In addition, there is a correctional center in Yongdam, Kangwon Province.¹¹⁶ Other defectors have testified that some North Korean workers in the Kaesong Industrial Complex were detained at a correctional center for criminal violations. In the Sariwon No. 7 Correctional Center there were former Kaesong Industrial Complex workers who had committed criminal violations. A former Kaesong Industrial Complex female worker, who was known for her good looks, was serving a 10-year term at this center for “befriending” a South Korean company president there.¹¹⁷ A large number of North Korean defectors were serving terms at the Jongori Correctional Center. The following testimonies are about the Jongori Center:

The Jongori Correctional Center consists of a main facility and an annex. The main facility has two sections known as No. 1 and No. 3. The No. 1 section houses carpenters and auto-repair men.

¹¹⁵_ NKHR2009000046 2009-07-28.

¹¹⁶_ NKHR2009000054 2009-09-17.

¹¹⁷_ NKHR2009000012 2009-03-05.

The No. 3 section is a farm which also does animal husbandry. The No. 2 and No. 5 sections are located about one-hour walking distance away. These are copper mines. The No. 4 section, a potato farm, is another two-hours walking distance. Our witness served out his term at the No. 4 section, where about 400 inmates were serving terms. From the end of 2007, female inmates began arriving to serve terms at the Jongori Center.¹¹⁸ When our witness began serving there in 2003, the center's capacity was about 800 inmates, but by the time he left in 2005 there were over 1,600 inmates. An exclusive female correctional center was completed in about July 2006.¹¹⁹ In short, the Jongori Correctional Center was formerly an all-male center, but it has now been transformed into a co-ed center. According to defector XXX, visitation rules at Jongori Correctional Center allowed for one visit per inmate every 6 months.¹²⁰ When our witness was serving there in 2004, there was a "3-man open-watch rule" whereby he was responsible for watching three other inmates. These inmates in turn would be responsible for watching three other inmates each, etc. In short, it was a system of mutual watchdog missions. If any member of the 60 inmate team were to attempt flight, all the others would be subjected to punishment.¹²¹ All inmates are required to memorize 10 basic rules, and each rule had sub-rules, so there were at least 30 rules to remember. Also, there were 6 basic rules regarding security agents, which expanded into about 20 rules altogether. All inmates were required to memorize all these rules without fail.¹²²

¹¹⁸_ NKHR2009000021 2009-04-13.

¹¹⁹_ NKHR2009000059 2009-09-26.

¹²⁰_ NKHR2009000059 2009-09-26.

¹²¹_ NKHR2009000067 2009-11-12.

¹²²_ NKHR2009000067 2009-11-12.

Labor Training Camps (Rodong Danryeondae)

According to defectors, in addition to the correctional centers, North Korea has been imposing various punishments and operating other detention facilities.

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 camps 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 (i.e. a camp).” Labor-training camps usually house thieves and those who have run away from collective farms or other collective facilities. These camps usually are capable of housing 500-2,500 inmates, and there is at least one camp in each city and county across North Korea. The labor units were initially run as ad hoc organizations called ‘rehabilitation units,’ but later each was changed into ‘a labor-training camp.’ Each labor-training camp is staffed with members from various organizations. They include one person each from the military, MPS, and Inspector General’s office, one from the three-revolutions unit of the Party-in-the-military, one instructor from the county youth league, one troop leader, one rearguard, and a commander.

In some North Korean laws, “labor-training” is listed as one of the “punishment” categories, even though the Penal Code does not contain such stipulations. Article 18 of North Korea’s Sentences and Decisions Enforcement Law (as amended on Nov. 9, 1998 by Government Order No. 160 issued by the SPA Presidium) specifies Reason No. 1 for the suspension of sentence as follows: “Any gravely ill person serving correctional labor, labor-training, or unpaid labor

punishment and a pregnant woman three months before, and within seven months after, the delivery of a baby may be released early on a suspended sentence.” As defectors have testified, various types of punishment not listed in the Penal Code would often be imposed and carried out in reality.

Under the revised Penal Code of 2004, North Korea has installed “labor training” as a new type of punishment. 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 correctional centers.” Article 31 of North Korea’s Penal Code revised in 2004 stipulates, “The citizen’s fundamental rights are guaranteed throughout the period an inmate is serving the labor-training punishment.” This provision is fully congruous with the testimonies of North Korean defectors who had served in the labor-training camps or “collection centers.” The “specified facility” mentioned in the Penal Code appears to mean the “labor-training camp.” As defector XXX testified, two types of inmates are detained in the labor-training camps: the ordinary criminals arrested for anti-Socialist behaviors and those sentenced to serve the labor-training punishment. In the case of the latter category inmates, they would get workloads that were different from ordinary inmates. In other words, the camp would separately manage those with a pre-determined service period. From these testimonies, it is clear that the Penal Code provision stipulating that those sentenced to serve labor-training penalty would be detained in a “specified facility” clearly means the “labor-training camp.” In short, two different types of inmates are detained in the labor-training camps, but those with prescribed service period fall under a separate management inside the camp. This

appears to be the result of adding “labor-training” as a new category of penalty in the Penal Code revision of 2004.¹²³

When North Korea amended its Penal Code in 2004, it introduced a new type of penalty called “labor training.” Many North Korean defectors have testified that North Korean courts were rendering sentences of labor training based on the revised code. Since this is a significant new development, it would be worth describing an appropriate case in detail.

Mr. XXX was arrested in Yanji (Yeongil) City, China, on April 2, 2005. He had to undergo investigation and interrogation at Onsung Security Agency from April 13 to May 11. He was detained in the provincial collection center at Nongpo-dong, Ranam District, Chongjin City from May 11 to July 14. From July 15 to September 20, he was held in the Musan County People’s Security Agency detention center. He was tried on September 8 at the Musan County Court, which sentenced him to one year of labor training. He was then imprisoned in Section 3 of Jeungsan Correctional Center from September 22 to November 2, at which point he was released as his “labor training” term was over. Although the term was for one year, for the local resident of Musan County, the calculation of the term was as follows: Each day at the correctional center was counted as the equivalent of two days of his labor training term, and counting of the term was said to start from the date of deportation. Consequently, he was released from the Jeungsan Correctional Center after serving only about 40 days at the center. The judge at Musan Court at the end of his trial said, “Serving in a correctional center is hard and painful. If anyone were to serve long term, he would almost certainly die or would be unable to support his family afterwards. So, the idea was that we had better release the inmates

¹²³ NKHR2008000022 2008-11-05.

as soon as possible so that they could contribute to the welfare of the Musan County residents in general.” Participating in the trial process were one judge, one defense attorney, four mature men who participated in the sentencing phase (of which one person testified he was from a committee), two indicted persons (of which one of them was waiting for his turn), one guarantor, and two guards (one security agent and one sergeant). The judge and 3 of the 4 mature men left the courtroom for 2-3 minutes, and when they returned, the judge said, “The indicted person, Kim XX, is hereby sentenced to serve one year of labor training.” Following this, the judge said he would count one day served in the correctional facility as two days of service in an effort to help out local residents of Musan. Defector XXX testified that he had to go through a pretrial in 2005 and received a formal trial before he was locked up in a “labor-training camp.”¹²⁴ However, most inmates are routinely detained, as before, without any trial. Defector XXX testified that inmates do not usually get trials since they serve in labor training camps to re-obtain their (confiscated) citizen cards. As in the case of XXX living at 000 Unit of XX District, who served several months in the camp, personal records would normally be preserved in the Citizen Register at the Safety Agency, but this information is not usually revealed in other documents used in the community.¹²⁵ On a related note, defector XXX testified that people who are sent to labor-training camps do not go through a trial process. That is why they are sent off to labor-training camps without trial.¹²⁶

As the above testimony shows, there seems to be an attempt to follow formal trial procedures prescribed in the Penal Code

¹²⁴_ NKHR2009000018 2009-03-26.

¹²⁵_ NKHR2009000058 2009-09-24.

¹²⁶_ NKHR2009000065 2009-11-10.

even for cases subject to penalties of labor training. Sometimes one day of service at a correctional center is counted as two days of labor training. In this case, the judge's method of calculation was somewhat unusual and his explanations in favor of local residents somewhat extra-legal. Nevertheless, the fact that the revised Penal Code procedures are faithfully followed at lower levels is an encouraging development.

One hundred sixty-five of the 245 articles contained in North Korea's Penal Code mention punishment by labor training. Those convicted of harsher penalties are 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. However, more than half of the crimes involving national defense will result in labor training penalties. Labor training is the preferred sentence in almost all crimes involving economic and land management, environmental protection, labor administration and socialist culture. "Labor-training camps" began to appear in the year 2001. This decision was perhaps made in response to international criticism that there were too many "correctional labor centers" in North Korea. In any event, violators of the law are now being sentenced to "labor-training" penalties and sent to "labor-training camps," instead of the "correctional labor camps."¹²⁷ Most crimes involving disturbance of social order are also punishable by labor training, and such penalties are rendered for newly declared crimes. In fact, the 39 articles in the code relating to new crimes mandate punishments exclusively in terms of labor training. According to the defectors in South Korea, the names of detention centers and charges for detention in them appeared to vary from region to region. Most of the crimes subject to labor training are similar in

¹²⁷ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

nature to crimes testified to by the defectors.

- Defector XXX was arrested in China on defection charges and deported to North Korea via the Shinuiju Security Agency and a collection center. On July 7-8, 2002, the Jeungpyong Security Agency, without holding a trial and based solely on documentary evidence, sentenced him to a one-year term at the No. 55 Labor Training Camp. Housed in the camp were all kinds of criminals, including thieves, swindlers, prostitutes, state property embezzlers, drug addicts, fortunetellers, palm readers, and so on, although almost 70 percent of the inmates were defectors (or, those brought in for unlawful border-crossing).¹²⁸
- The elder brother of a defector, XXX, was detained in the Onsung County Labor Training Camp in February 2001 on charges of illegal border crossing. He was tried at an elementary school in Sansung District, Onsung County, North Hamkyung Province. He was sentenced to a 15-month prison term. After serving two months, however, he got an early release from the camp due to illness (paratyphoid infection).¹²⁹
- Defector XXX testified that he was sent to a labor training camp because the “anti-Socialist inspection grouper” had found his work performance to be unsatisfactory.¹³⁰
- According to the defectors, the Security Office is supervising the daily “punch cards.” Anyone failing to report to work for about a month, will be sent off to the “labor training camp” for a month.¹³¹ The absentees (or

¹²⁸ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹²⁹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹³⁰ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

¹³¹ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

- jobless persons) would be sent off to the labor training camps (the “ganglands”).¹³²
- Defector XXX testified that his close friend who was unemployed for three months had been detained in the labor-training camp in the Sinam District of Chongjin.¹³³
 - The brother of defector XXX was arrested while helping activate someone’s cell phone. He was detained for a month in the provincial collection center and subsequently detained for six months in a labor-training camp.¹³⁴
 - Defector XXX testified that while they were detained in the Hweryong Training Camp in October 2005, they had seen many inmates brought in on charges like watching South Korean videos and CDs, stealing corn and unprocessed rice from farms, or picking a fight with others.¹³⁵
 - Defector XXX testified that at the end of 2007 a friend of her daughter was arrested while watching a South Korean video tape. She had to spend six months at the Wonsan Labor-Training Camp.¹³⁶
 - Defector XXX testified that he and three of his friends had to serve six months in a labor-training camp for using drugs (“ice”) in December 2007.¹³⁷

The following are partial descriptions of a labor-training camp. No. 55 Labor-Training Camp at Hamhung City used to be No. 22 Camp; the number changed in 2000. This camp was

¹³²_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

¹³³_ NKHR2008000030 2008-12-23.

¹³⁴_ NKHR2008000004 2008-07-17.

¹³⁵_ NKHR2008000010 2008-08-08.

¹³⁶_ NKHR2008000025 2008-11-20.

¹³⁷_ NKHR2008000029 2008-12-16.

divided into No. 1, 2, and 3 Sections. No. 1 Section was the main office and No. 2 Section dealt with agricultural work. No. 3 Section dealt with mining.¹³⁸ In each camp, there is usually one security agent from the Security Agency, one training chief, one employee from the Labor Section of local People's Committee, and one female employee in charge of grain statistics.¹³⁹ Labor-training camps also operate "Educational Training Units for Boys." Defector XXX testified that in July 2003 a student named XXX was detained at the Nampo Educational Training Unit for Boys for watching a South Korean CD.¹⁴⁰ It is also reported that the military is operating its own labor-training camps. Defector XXX testified that there were military labor-training camps in Danchon (South Hamkyung Province) and Haechang, South Pyongan Province.¹⁴¹

Collection Centers (GypKyeolso)

"Collection centers" are similar to "correctional centers." Staff at collection centers investigate and detain between six months to a year--without trial revocation of citizenship--various defectors, people transgressing a designated area or overstaying travel permits, those on "wanted lists," and ordinary "loafers." It is reported that at various provincial collection centers, brutal acts are being perpetrated on suspects to obtain admissions of guilt.¹⁴² If a person is caught traveling without a permit, he is sent to a "collection centers."¹⁴³ The cases handled by "collection centers" include those whose crimes are not serious enough for "correctional

¹³⁸_ NKHR2009000011 2009-03-03.

¹³⁹_ NKHR2009000030 2009-05-07.

¹⁴⁰_ NKHR2009000036 2009-06-03.

¹⁴¹_ NKHR2009000017 2009-03-24.

¹⁴²_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

¹⁴³_ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

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.¹⁴⁴ Each provincial government runs a “central collection center.” Anyone at these central collection centers caught trying to escape are put to death.

Arbitrary Detention and Torture

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’s instructions, even the basic human rights of the suspect are routinely violated. This is done to demonstrate to the people just how severe punishment can be for such transgressions.

There is a standing organization called the “Anti-socialist inspection group (or “grouper”)” 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 most. If they detain anyone (for anti-socialist behavior), it is very difficult to get released (without money to bribe or power to influence), and people are usually charged with crimes subject to “correctional labor,” which is a very serious punishment.¹⁴⁵

Many defectors have testified that corruption and human rights violations are widespread in North Korean society, including the prosecutor’s office. For example, inspectors from the Central

¹⁴⁴ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

¹⁴⁵ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

Prosecutors' Office are empowered to make detention decisions upon the approval of their office. While investigating the agencies or enterprises dealing with foreign currencies, it has been said that inspectors would routinely confiscate foreign-made used cars for their own personal use.¹⁴⁶

Labor training centers and collection centers are not official detention facilities. The possibility that human rights violations occur at these places is still high. This in itself is a fundamental problem. MPS is solely charged with preliminary decisions to detain people either in the correctional facilities or labor training centers. In the case of the latter, people are detained without formal trials, even though the convening of trials is stipulated in North Korea's laws. However, some defectors testified that since the Penal Code revision in 2004, people would be detained in the labor-training camps only after being sentenced by the court to serve the labor-training penalty.

Defector XXX who defected in 2007 testified that since 2007 the law was revised to allow people to serve up to two years in the labor-training camps.¹⁴⁷

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. North Korea argues that torture and cruel treatment are prohibited under these provisions and it is strictly enforcing the laws. However, North Korea partly admitted to certain cases, saying

¹⁴⁶ *Ibid.*

¹⁴⁷ NKHR2008000004 2008-17-17.

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 submitted statistical evidence showing that there were three cases of petition against torture or ill treatment in 1998, one case in 1999, and two cases in 2000, and all the agents were given administrative punishments.

There has been an unending series of testimonies about forced abortions on pregnant women at various detention facilities. If the detainee was pregnant with the baby of a North Korean man, the woman would be allowed to give birth to the baby, and she would then be detained again.¹⁴⁸ On the other hand, if a deported woman was pregnant with a baby of Chinese origin, the woman would not only be detained upon arrival, but her baby would be forcibly aborted. For example, defector XXX testified that a 23-year-old woman from Chongjin was put through a forced abortion in 2008 at a hospital simply because it was a Chinese baby.¹⁴⁹

C. Human Rights Violations Inside Correctional Centers

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. Despite this claim, the fact is that the human rights violations inside the detention facilities are absolutely cruel and inhuman. This is confirmed through

¹⁴⁸_ NKHR2009000036 2009-06-03.

¹⁴⁹_ NKHR2009000048 2009-07-30.

the testimony of defector Lee XX, who came to South Korea after having been detained in the Kaechun ‘Kyohwaso.’ Originally a female ‘Kyohwaso’ under the SSA, located in South Sinuiju, the Kaechun ‘Kyohwaso’ became a management facility under the MPS when it was moved to Kaechun in March 1982. The Kaechun ‘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 thousand prisoners, 2 thousand of whom are female inmates. A single cell (eight by six meters) usually holds 80 people. Most are economic criminals guilty of such offenses as dealing in the black market or theft. Some are burglars or murderers.

DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day. According to the testimony of a defector who was detained in the Jeungsan Correctional Center, all inmates work 10 hours a day and this work schedule is strictly observed. They wake up at 5:00 a.m., eat breakfast at 5:30, take roll call at 6:30, and begin work at 7:00 a.m. The afternoon work runs from 1 to 6 p.m. (until 9 p.m. during the farming season). Every 15th day the inmates take a day off, but during the peak farming seasons in the spring and fall, there are no off days. Another defector, who spent time in the Jeungsan Correctional Center from March 15, 2005 to May 24, 2006, testified that he used to wake up at 5:00 a.m. and go to bed at 10:00 p.m. Morning work ran from 8:00 to 12:00 and afternoon work from 1:30 to 7:30. When the workload mounted, he had to work overtime.¹⁵⁰

Human rights violations, such as beatings, were pervasive in all correctional centers. Correctional officers (or, ‘guides’) would sometimes hit inmates, but more often the inmates would beat up

¹⁵⁰ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

other inmates upon instruction from the officers.

- Defector XXX was detained in Section 3 of No. 9 Correctional Center in Hamhung, South Hamkyung Province. On April 25, 2004, he was supervising drinking water for the correctional officers. However, Choi XX, who was a staff member of Section 3, beat him up for two hours, insisting that inmates drank the water reserved for officers.¹⁵¹
- A defector testified that in December 2007 he was serving in the Jongori Correctional Center. As his group was marching toward a lumber yard, he was ordered to kneel down and the agent kicked and beat him so severely with his rifle butt that the man hurt his back and could not stand up again; this was done simply because he had gotten slightly out of line while marching.¹⁵²

Human rights abuses, including deaths, are rampant inside correctional centers, because the agents have no concept of human rights. Defector XXX testified that after Kim Jong-il said in 2007 that the laws were too soft, the security agents at the correctional center he was serving in publicly screamed, “Die, you guys. I don’t care. I don’t care if ten of you die. I couldn’t care less if 20 of you were to die!”¹⁵³ In fact, it has been widely reported that human rights abuses, including deaths, have taken place inside the correctional centers. Defector XXX testified that in May of 2008 he was bed-ridden with “a high temperature” for 40 days at the Jongori Correctional Center’s dispensary, known as “Sick Bay.”

¹⁵¹ *Ibid.*

¹⁵² NKHR2009000059 2009-09-29.

¹⁵³ NKHR2009000059 2009-09-29.

There he saw 14 deaths a week on average.¹⁵⁴ Defector XXX also testified that on the first day he was detained in 2004 he carried a stretcher with three corpses on it. The defector rhetorically asked, “Why would you bother to conduct an autopsy on a criminal? If an inmate dies at Jongori Center, where do they put him? There is a place called the ‘Mountain of Passing Fire.’ That name comes from a saying that those who die here have passed through fire. That’s why.”¹⁵⁵

Some defectors have testified that women’s human rights are routinely violated in the correctional centers. Because of inferior conditions in the correctional centers, the inmates are suffering from poor quality of food, sanitation, medicine, etc., and in many cases the infirm inmates end up dying. One defector testified that each meal consisted of 300 grams (the regulation was 700 grams) of corn meal with a cup of salted cabbage soup. If the assigned workload was left unfinished, only 240 grams would be given, and if the work performance was unsatisfactory three times in a row, the ration would be reduced to 180 grams. If one were sent to the isolation chamber or pretrial room for punishment, the amount would be further reduced to 90 grams. Defector XXX said he was given three meals a day, each meal consisting of steamed corn mixed with beans. Officially, each meal should amount to 599 grams, but he remembered getting only about 300 grams each time.¹⁵⁶ Defector XXX testified that he was detained in the Jeungsan Correctional Center in 2003. He said he was given one loaf of steamed grains and a cup of cabbage soup. He would mix them in the soup, but each meal amounted to no more than 5-6

¹⁵⁴_ NKHR2009000059 2009-09-29.

¹⁵⁵_ NKHR2009000067 2009-11-12.

¹⁵⁶_ *Ibid.*

spoonfuls.¹⁵⁷

- A defector testified that in April, 2005 Kim XX died from malnutrition and physical exhaustion due to the heavy workload during the farming season. Each meal consisted of only 150 grams of steamed grains along with some grass. Many inmates would try to pick edible grasses off the field or catch frogs and consume them. This would then cause diarrhea, which in turn would cause dehydration and death.¹⁵⁸
- A defector testified that while he was detained in a correctional center in May 2004, Oh XX, an orphan from Kaesong, died from malnutrition.¹⁵⁹
- The Jonggori Correctional Center has been housing an excessively large number of detainees since the end of 2006 causing a severe lack of food for the inmates. As a result, more and more inmates died from starvation.¹⁶⁰

According to Good Friends, since the mid-2000s unruly social behaviors have been on the increase in North Korea, contributing to a rapid rise in the number of criminals, which in turn tends to overcrowd many correctional centers. In the early months of 2007, numerous criminals were apprehended along the Chinese-Korean border regions. Felons would be sent to the correctional centers, concentration camps, or labor training camps in or around Gaechon, South Pyongan Province. The number of these felons was reported to be about 7 thousand. Recently, the Gaechon

¹⁵⁷. Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

¹⁵⁸. Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

¹⁵⁹. Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

¹⁶⁰. Good Friends, “North Korea Today,” No. 61 (Feb. 28, 2007); Good Friends, “North Korea Today,” No. 63 (Mar. 14, 2007).

Correctional Center has completed its expansion work. As part of the so-called “society clean-up campaign” launched in October of 2006, a great number of law-breakers have been rounded up and the correctional centers were overflowing with inmates as a result. In response, the Organization Guidance Bureau of the Central Party decided to expand the Gaechon Correctional Center. Soldiers were mobilized in the expansion work and it was completed in about two months, the report said.¹⁶¹

D. Human Rights Violations Inside Labor Training Camps

Despite the existence of labor training camps, North Korea reported in its second periodic 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 impose any labor punishment 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. However, according to defectors’ testimonies, torture and beatings are routine in the detention points. Furthermore, all defectors testified that all labor-training camps enforced forced labor. Although inmates were allowed to maintain their Party membership and citizen ID, the workload and level of education was so heavy and intensive over a short period of time that serving at a labor-training camp was

¹⁶¹ Good Friends, “North Korea Today,” No. 65 (Mar. 28, 2007).

more physically demanding than at a correctional center. Most defectors testified that the intensity of labor at the training camp is much higher than at the correctional center, though the service term in the former is shorter. Defector XXX testified that “it would be better to serve a few years at a correctional center; because long-term inmates serve there, they do not put you through harsh training. But labor-training centers and collection points are very hard because the terms there are much shorter, so they put you through harsh treatment. There’s no mercy, and they treat people like dogs.”¹⁶²

The following is a collection of testimonies describing the types of forced labor inside various labor-training camps.

- Defector XXX testified that she was mobilized for rice-planting work while detained in the labor-training camp in April 2007.¹⁶³
- Defector XXX testified that her sister was deported from China in 2006 and detained in the camp for six months. She said male inmates would cut the timber, trim the branches and load them on trucks, and female detainees were mobilized for hard labor such as hauling the timber downhill for loading.¹⁶⁴
- A defector testified that when she was detained in Hweryong Labor-Training Camp in October 2004 a group of seven female inmates had to haul cement blocks, shovel, load sand on trucks, and do other hard manual labor. If they failed to finish the workload within the assigned time, more workload would be added, and if anyone tried to take an

¹⁶²_ NKHR2009000015 2009-03-17.

¹⁶³_ NKHR2008000001 2008-07-17.

¹⁶⁴_ NKHR2008000009 2008-08-07.

unauthorized break, the supervising inmate would kick her up.¹⁶⁵

- There is no pre-assigned work. The inmates are mobilized for various work assignments as requested by the city or county authorities, particularly the dirty work and hard labor. For example, the inmates would be put into earth-moving work at apartment building construction sites, rice-planting work, tree-cutting, and so on.¹⁶⁶
- A defector testified that she had heard from her co-worker's sister in 2007 that some labor-training camp inmates had to work on a potato farm in Buyoon, Chongjin City. The inmates had to work 16 hours a day on a ration of 300 grams of corn. In addition, they were constantly beaten.¹⁶⁷
- Another person testified that a labor-training camp was headquartered in Hweryong, and so the inmates were mobilized for all hard work requested by the Hweryong City. The inmates had to move around from work-site to work-site, sleeping in temporary quarters and working long and hard hours.¹⁶⁸
- At a labor-training camp in Chongjin City, the security agent in charge put the inmates in a unit assigned to earn foreign currency. The unit had to pay bribes to the agent. If the unit were short-handed it would ask the training-camp for additional manpower, for which the unit had to pay the camp for the support -- all illegal.¹⁶⁹

¹⁶⁵_ NKHR2008000010 2008-08-08.

¹⁶⁶_ NKHR2008000012 2008-08-14; NKHR2008000012 2008-08-13.

¹⁶⁷_ NKHR2008000017 2008-09-04..

¹⁶⁸_ NKHR2008000010 2008-08-08.

¹⁶⁹_ NKHR2008000024 2008-11-18.

From these examples, it is clear that some security agents would provide manpower to the units engaged in foreign currency earning and illegally make money in collusion with the units.

- If a workplace needed more workers for a construction project, they would put in a request to the People’s Security Agency, and the agency would dispatch inmates detained at collection points; the company would in turn pay money to the agency.¹⁷⁰
- A defector testified that the labor at a labor-training camp mainly consists of temporary duties at various work places which are in need of workers. The Inspector’s Section would step in to pressure the camp to dispatch workers for hard labor. The inmates were also mobilized for the construction of a “Bean Milk Facility” funded by international assistance groups to help improve children’s nutrition.¹⁷¹
- A defector testified that he was detained in a labor-training camp in April 2003. He was mobilized for agricultural work and tree-cutting. The camp officials were known to earn money through this process.¹⁷²

In connection with the Ranam Labor Training Camp, defector XXX testified as follows: The Ranam Labor Training Camp is located in Ranam District, Chongjin City, North Hamkyung Province. About 50 inmates were housed there, including some violent criminals, those charged with illegal border crossing, and those who were absent from work without leave. About 30 were male and 20 female. Those absent from work without leave had

¹⁷⁰_ NKHR2009000024 2009-04-20.

¹⁷¹_ NKHR2009000031 2009-05-12.

¹⁷²_ NKHR2009000009 2009-02-19.

to serve a term equal to the duration of their absence from work (i.e., one month of service for one month's absence from work, etc.). Meals in the camp consisted of about 450 grams a day, or 150 grams per meal. The regulation amount was 100 grams per meal, but the accounting officer ("guide") provided a little extra in view of the heavy daily workload. The inmates were mobilized as laborers for various projects such as pipeline repair work, building construction, and housing projects. About 20 out of 50 inmates would bribe the officials for an early release or for lighter assignments like mess hall duties.¹⁷³ Defector XXX who had served at No. 55 Labor Training Camp testified that about 500 grams of food would be served in three meals, each meal consisting of corn and cabbage soup. Inmates would wake up at 5:30 a.m., and working hours were from 8:00 to 12:00 in the morning and 2:00 to 5:30 in the afternoon. Except for peak farming seasons, daily work would be over by about 6:00 p.m.¹⁷⁴ At Onsung Training Camp, inmates would wake up at 6:00 a.m. and go to bed at 10:00 p.m. They worked eight hours a day, with meals served at 7, 12 and 6 o'clock. They were usually put to hard labor from 8:00 to 12:00 in the morning and 1:00 to 5:00 in the afternoon. In the evening hours, they would attend community living and self-criticism sessions. Meals consisted of about 570 grams of steamed corn and cabbage soups divided into three meals. Defector XXX testified that in 2005 he was detained in a labor-training camp. He was given some corn and white beans there. Compared to the North Korean camp, the treatment at the Thai Immigration Bureau Detention Camp was extremely good. With this level of treatment, he thought at the time, he could live

¹⁷³_ Good Friends, "North Korea Today," No. 11 (Dec. 12, 2005).

¹⁷⁴_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

there for not 10 years but 100 years.¹⁷⁵

Labor training camps are said to provide meals, but many inmates die due to malnutrition and physical exhaustion from the heavy and intensive workload. Many defectors have testified that this phenomenon persisted until very recently.

- A defector testified that he personally saw a 22-year-old woman starve to death in November 2004 at Onsung Labor Training Camp.¹⁷⁶
- A defector testified that he personally saw a 25-year-old man, XXX, starve to death in 2005 at the labor-training camp in the Pohang District.¹⁷⁷
- A defector testified that in October 2005 when he was detained in a labor-training camp in Hweryong he saw a man in his late thirties getting released early for reasons of ill-health.¹⁷⁸

According to defector testimonies, numerous deaths have occurred as a result of a combination of beatings and starvation.

- A defector testified that when he was detained in the No. 55 Hamhung Labor-Training Camp he saw workers carry in dozens of corpses that had died from starvation. They buried them all in the same place.¹⁷⁹
- A defector testified that at a labor-training camp where he was detained in 2005 two children died from malnutrition and illness. Even though they were ill, the guards did not send them to the hospital but just abandoned them to die

¹⁷⁵_ NKHR2009000028 2009-04-28.

¹⁷⁶_ *Ibid.*

¹⁷⁷_ *Ibid.*

¹⁷⁸_ NKHR2008000010 2008-08-08.

¹⁷⁹_ NKHR2009000011 2009-03-03.

because they had been caught twice attempting to flee. No one was held responsible for these deaths.¹⁸⁰

- A defector testified that a woman died at a training-camp in 2005 due to malnutrition, and they discarded her body in a goat sty in the camp.¹⁸¹
- A defector testified that her sister’s husband, XXX, was killed by beating inside a labor-training camp in January 2008.¹⁸²

From these testimonies, it is quite clear that there are numerous victims of beatings and starvation, and deaths occur due to complications from both.

- A defector testified that Kwak XX, who was a co-inmate in Section 2 of No. 55 Training Camp, ran away from the camp in late August, 2002. She was brought back in late September and severely beaten by the security guards. Subsequently, she was unable to eat well, frequently moaning and groaning. She eventually died.¹⁸³
- A defector testified that while he was detained in Onsung Labor-Training Camp in 2004, his fellow inmate XXX lost his eyesight when he was beaten by fellow worker with a club.¹⁸⁴

Defector XXX 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

¹⁸⁰_ NKHR2009000028 2009-04-28.

¹⁸¹_ NKHR2009000041 2009-06-23.

¹⁸²_ NKHR2009000065 2009-11-10.

¹⁸³_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁸⁴_ NKHR2009000057 2009-09-22.

Il announced his special instructions. However, North Korean defectors have testified that “group beatings” and inhuman treatment continue to persist in all North Korean detention camps today, often producing false and forced confessions from detainees.¹⁸⁵

Human rights violations on female inmates in the labor-training camps appear to be very frequent, including sexual harassment, hard labor for the pregnant women, forced abortions, and the like.

- In the fall of 2006, there were many cases of sexual harassment on young female inmates in the Ranam District Labor-Training Camp. The situation was reported to the central authorities, and inspections were conducted on the camp. However, local authorities quickly took necessary corrective measures in advance and replaced the camp director, thus avoiding harsh reprimand from the central authorities.¹⁸⁶
- A woman forcibly repatriated from China was serving in the Buryong Labor-Training Camp. In 2004 she told him (a physician who later defected and was now testifying) that she got an abortion because the pregnancy was too hard to maintain. He also testified that he had seen several cases of late-term natural abortions (at about sixth months of pregnancy), because work assignments for the pregnant women had been too heavy and their nutritional level too poor. However, he testified that the training-camp had never asked him to perform forced abortions.¹⁸⁷

¹⁸⁵_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

¹⁸⁶_ NKHR2008000008 2008-08-01.

¹⁸⁷_ NKHR2008000005 2008-07-22.

- A defector testified that a 24-year-old woman named XXX was serving at a training-camp. One night at about 11 pm she was summoned outside; she came back at about 1 am crying in front of our witness. She said the guards raped her because she was good-looking.¹⁸⁸
- A defector testified that her elder sister was serving at the Wonsan Labor Training Camp in 2006, and a security agent struck her elder sister even though she was pregnant at the time. He even kicked her in the stomach.¹⁸⁹
- A defector testified that in 2001 at Rajin Training Camp for Women, a 28-year-old woman named XX was brought in. She was pregnant, and a guard shouted at her, “Bitch! Aren’t you pregnant with a Chinese baby?” The agent then forced on her the same level of hard labor as the other inmates.¹⁹⁰
- A defector testified that in 2005 and 2006 they used to force abortions on female inmates who came in pregnant. If a woman was pregnant with a ‘Korean baby’ or if the training camp physical exam showed she had tuberculosis, she would be sent home. If she was pregnant with a Chinese baby, they would force an abortion.¹⁹¹
- A defector testified that in September 2001 at a training camp where she was detained there were many pregnant inmates. The guards dragged them out and forced them to do hard work even though they were pregnant. Even inmates who were 6 or 7 months pregnant had to work

¹⁸⁸_ NKHR2009000025 2009-03-30.

¹⁸⁹_ NKHR2009000070 2009-11-18.

¹⁹⁰_ NKHR2009000025 2009-03-30.

¹⁹¹_ NKHR2009000032 2009-05-19.

and run just like other inmates.¹⁹²

E. Human Rights Violations Inside Collection Centers

Like the labor-training camps, collection centers are a type of detention facility not stipulated in the penal code. However, the level and frequency of human rights violations such as beatings in these centers is known to be very serious. Most defector testimonies singled out the situation in the provincial collection center in Chongjin City, North Hamkyung Province.

The provincial collection center in Chongjin City holds only those who were caught after crossing the border illegally. There are about 1,500 detainees in the center at any given time. These people are held until People's Security agents from their hometowns come to pick them up and escort them back to their respective hometowns. Those from Chongjin, Hoeryong, and cities within the province are released within six months; but those from Pyongan and Hwanghae provinces have to wait for up to a year or more. Very few people from these inner provinces attempt to cross the border. Due to poor means of transportation to and from these provinces, Social Safety agents often neglect to pick up their residents in collection centers even after being notified of their detention.¹⁹³

– A defector testified that a man from Hyesan was caught in October 2005 while attempting to flee from Chongjin Provincial Collection Center. The agents beat him up and he sustained injuries to his ribs (i.e., broken ribs).¹⁹⁴

¹⁹²_ NKHR2009000075 2009-12-04.

¹⁹³_ Good Friends, "North Korea Today," No. 11 (Dec. 12, 2005).

¹⁹⁴_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

- A defector testified that on October 10, 2005, four drunken detainees at the same center beat up another detainee who was from Kangwon Province. The man ultimately died from the beating.¹⁹⁵
- A defector testified that when she was detained in Chongjin “Collection Center” in November 2003 she saw an agent beat up a mother simply because her baby was crying aloud.¹⁹⁶
- A defector testified that when she was detained in Shinuiju “Collection Center” in 2005 she saw the agents force inmates to beat a woman who was caught while trying to flee. In the end, she died. The agents would force the inmates to walk in a single file on their way to the mess hall. The inmates were ordered to strike an inmate who had violated some internal rules. If an inmate failed to strike the guilty party, the agents would not provide meals for that inmate.¹⁹⁷
- Defector XXX testified that when he was detained in the Nongpo Collection Center in Chungjin in December 2006 an 18-year-old girl died. If an inmate died in the camp, the responsible party would be penalized. So they performed an autopsy on her body. The autopsy concluded that the girl had died of diarrhea.¹⁹⁸

Many defectors have testified on the reality of human rights abuses, including sexual harassment, forced abortions on pregnant women, and other cases of abuse.

- A defector reported that in mid-June 2002 she was detained

¹⁹⁵ *Ibid.*

¹⁹⁶ NKHR2008000025 2008-11-20.

¹⁹⁷ NKHR2008000011 2008-08-12.

¹⁹⁸ NKHR2008000019 2008-09-16.

in Shinuiju Collection Center. A People's Security agent conducted interrogation at his office. The agent demanded to know the reasons for her border crossing, whether she "lived" with a Chinese man while in China, why she gave birth to a child, and so forth. During the interrogation, he told her to kneel, and then he stepped on her feet and knees.¹⁹⁹

- On May 15, 2005, a defector was being detained at the provincial collection center in Chongjin City. It was reported that a female inmate died from malnutrition and physical abuse. In June 2005, a detainee who was being held there on charges of illegally crossing the border said that a security guard at the center had struck her head with the blade of a hoe.²⁰⁰
- A defector testified that when she was detained in the Provincial Collection Center in Chongjin in April 2007 there was a 22-year-old pregnant woman named XXX from Hwanghae Province. She said she had heard that they were taking her to the hospital for abortion.²⁰¹
- Defector XXX testified that when she was held in Nongpo Collection Center in Chongjin in 2005 she had heard from the inmates from Shinuiju that six pregnant women had been sent to the hospital for abortion. She further testified that one of those who looked after the inmates after abortion was currently living in South Korea.²⁰²
- Defector XXX testified that when she was in Chongjin Collection Center she saw the agents force several pregnant

¹⁹⁹ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

²⁰⁰ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²⁰¹ NKHR2008000004 2008-07-17.

²⁰² NKHR2008000019 2008-09-16.

women from Hweryong to carry cement blocks and run up to the top of a construction site. This was done to induce abortions. She said she was also pregnant but her baby was not aborted. If the agents took a pregnant woman to the hospital for abortion, the collection center would be responsible for the costs.²⁰³

- Defector XXX testified that the chief of Chongjin Collection Center was a close friend of his, so he used to see him frequently. He saw forced labor at cement factories and cement block factories, as well as collecting firewood from the hills. He also said he saw female inmates continue to work during their monthly periods.²⁰⁴
- A defector testified that she saw agents force pregnant women to run up a hill and haul timber downhill. A pregnant woman died as a result.²⁰⁵
- A defector testified that she was detained at the Nongpo Collection Point in 2009. Prior to this detention, she was three months pregnant, but the baby was aborted during the interrogation at Musan Security Agency.²⁰⁶

The detainees held at the collection centers suffer from chronic malnutrition and abuse, just like inmates held in other detention facilities. Some simply collapse and die due to physical exhaustion. A defector testified that one inmate was suffering from tuberculosis. The agents knew this well, but they did not care for the patient. When the inmate died, they took the corpse to

²⁰³ *Ibid.*

²⁰⁴ NKHR2008000007 2008-07-30.

²⁰⁵ NKHR2008000019 2009-09-16.

²⁰⁶ NKHR2009000075 2009-12-04.

the hospital and made it look like she had died there.²⁰⁷ Another defector testified that a 40- or 50-year-old man from Pyongyang, known to him as a person of rank, repeatedly protested at the Provincial Collection Point and died from constant beatings and excessive bleeding.²⁰⁸

People from the inner provinces like Pyongan, Hwanghae, and Kangwon have more difficulty trying to cross the border; and after being forcibly deported from China back to North Korea, they normally suffer more ordeal and a longer period of detention. Without doubt, the right to life of the detainees in these centers is seriously being breached.²⁰⁹

- In November 2004, while being detained at the Chongjin Provincial Collection Center, a defector personally saw another detainee (about 43 years of age) from Hyesan City, Yangkang Province, die of starvation.²¹⁰
- A defector testified that she frequently visited Chongjin Provincial Collection Center in July 2003 because her younger sister was detained there. She said she saw a female corpse covered with sheets.²¹¹
- Defector XXX testified that when she was detained in Chongjin Provincial Collection Point in April 2007, she had heard that three female inmates had died from contagious diseases.²¹²

²⁰⁷ NKHR2009000032 2009-05-19.

²⁰⁸ NKHR2009000047 2009-07-30.

²⁰⁹ Good Friends, “North Korea Today,” No. 11 (Dec. 12, 2005).

²¹⁰ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

²¹¹ NKHR2008000007 2008-07-30.

²¹² NKHR2008000004 2008-07-17.

F. Human Rights Violations Inside Detention Points

Another detention facility in North Korea is the “detention point,” where suspects are held during the investigation and pretrial process. These cells are temporary facilities designed to hold suspects during the interrogation phase and those awaiting transfer to correctional centers after the trial and final court decision.

- Defector XXX testified that he was held for ten days in early December 2002 at the detention point of Onsung County Security Agency. He had to wake up at 5 a.m. and went to bed at 10 p.m. Meal times were 7 a.m., 12 noon, and 6 p.m. Except during meal time, he had to sit up straight and motionless all day. If he moved a trifle, the guard would beat him. There was, however, no forced labor. For the 40 incarcerated, only three 500-liter bottles of drinking water were supplied per day. All suffered from extreme thirst. Meals were equally insufficient: each meal consisted of a cup of corn porridge or corn-starch noodles.²¹³

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.” Defector XXX testified that his brother was beaten and killed at a Yonsa County Security Agency detention center on May 18, 2005. He heard that a friend had carried his nearly dead brother on his back to a hospital. By the time they

²¹³ *Ibid.*

arrived the brother was dead.²¹⁴ A defector testified that his fellow worker XXX at Rahung Railroad Factory died from severe beating in 2005 during a pretrial at the Hamhung Railroad Security Agency Detention Center. He was being tried for the crime of stealing copper cables.²¹⁵

Even at the security agency jails, beatings and tortures appear to be routine means of punishment.

- A defector XXX testified that in January 2000 An XX died in the middle of harsh interrogations. He was being interrogated because of his possible contact with religious people while he was in China.²¹⁶
- A defector also testified that he had heard that in early 2006 XXX, who was undergoing interrogation at Musan County Security Agency on charges of crossing the border illegally, was violently beaten for no reason at all. His ribs were fractured and his back was badly hurt.²¹⁷
- Defector XXX testified that when he was detained in the security agency jail in Musan County in February 2007 the agent, named Kwon XX, struck his head and shoulder blades with a wooden two-by-four. He was also told to stick out his hands through the cell bars and the agent struck his hands with police batons. Furthermore, when the agent ordered the inmates to carefully guide a new inmate, 13 inmates jump on him and severely beat him up as part of an initiation rite. One night, the center's second agent in command ordered two female inmates to stand in the center of the center at 1 a.m. in the morning

²¹⁴_ NKHR2009000011 2009-03-03.

²¹⁵_ NKHR2009000045 2009-07-14.

²¹⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

²¹⁷_ *Ibid.*

and severely beat them up.²¹⁸

- A defector testified that as soon as he entered the Security Agency Detention Center, the agents intimidated him by ordering, “Kneel down, head down on the ground, your butt up high with both your hands behind your back!”²¹⁹

Even at security agency detention centers, forced abortions are carried out.

- A defector testified that at a military security agency detention center a pregnant woman was ordered to do 50 sit-ups with two 10-kg pails of water on both sides to induce an abortion because she was pregnant with a “Chinese baby.” She ultimately fainted, bleeding profusely. After the abortion she was given about 10 days of treatment at a military hospital. Then she was publicly tried in front of a military cultural center, and was sentenced to serve at a correctional center.²²⁰

Many defectors have testified that serious incidents of human rights violations have occurred inside the Onsung County Security Agency. It appears that strict and tight controls were enforced in the detention points of the Security Agencies along the border regions as the number of defectors had increased. Maintaining order was said to have become difficult but imperative.

The inmates’ human rights are being abused due to the appalling lack of medical service at various detention facilities. Defector XXX testified that he experienced diarrhea at a security

²¹⁸_ NKHR2008000022 2008-11-05.

²¹⁹_ NKHR2009000024 2009-04-20.

²²⁰_ NKHR2009000033 2009-05-26.

agency detention center in 2007. He had to suffer this situation for 23 days because they would not give him any medicine. On Dec. 7th he weighed 61 kg, but by the end of December his weight had dropped to only 37kg.²²¹ Furthermore, beatings and torture are widespread in North Korea.

- A defector testified that on December 9, 2002, Kim XX was beaten and tortured by a guard of the Onsung County Security Agency because he had practiced Christianity and made his daughter study the Bible.²²²
- He also testified that a security agency officer from Onsung County tied the hands of a man of about 30 years of age to the a cell’s iron bars and repeatedly struck his hands and rammed his head against the bars.²²³
- In May of 2003, a guard struck the defector’s head with a wooden two-by-four so hard that his head was almost split open. The reason given was that the defector had moved a trifle while sitting up straight in his cell.²²⁴
- Another defector said he was deported to Onsung County Security Agency in August 2003. He was not struck or beaten, but he saw many inmates severely beaten, including people who tried to go to South Korea. Some had dyed hair and wore blue jeans.²²⁵
- Another defector who was deported in August 2005 testified that a guard at the Onsung Security Agency struck him because he talked with the person next to him.²²⁶

²²¹_ NKHR2009000027 2009-04-27.

²²²_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

²²³_ *Ibid.*

²²⁴_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²²⁵_ *Ibid.*

²²⁶_ *Ibid.*

- Another defector said the agents frequently beat him up during the 15 days he was detained in Onsung Security Agency after his arrest and deportation in October 2003.²²⁷
- Another defector said he had been severely beaten with a club because he had tried to go to South Korea. He was detained in Onsung Security Agency from May 26 to June 14, 2006 after deportation from China.²²⁸
- XXX (33 at the time) was a younger sister of defector XXX. While she was held at the Onsung Security Agency in May 2003 she was severely beaten, resulting in two broken ribs and head injuries. Due to these injuries, she was unable to work after her release.²²⁹
- Defector XXX testified that she lost contact with her husband since he had left for China. She was taken to the Hweryong Security Agency for questioning about her missing husband. During the interviews she was struck in the head many times.²³⁰
- Defector XXX testified that she was deported from China to Shinuiju Security Agency in August 2005. At the detention center, she saw a little boy from Hweryong who was severely beaten and profusely bleeding. She had heard that he denied to the agent that he was attempting to go to South Korea. His head was bleeding and it was obvious that he had been kicked with boots.²³¹
- Another defector testified that he was arrested for going AWOL while serving at the General Bureau of the Protective

²²⁷ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

²²⁸ *Ibid.*

²²⁹ NKHR2008000007 2008-07-30.

²³⁰ NKHR2008000010 2008-08-08.

²³¹ NKHR2008000011 2008-08-12.

- Force. While undergoing preliminary examination for four months at the detention point of State Security Agency, he tried to flee again, but he was shot and struck by a bullet in his leg. He was caught and subsequently tortured.²³²
- A defector testified that in May 2005, while he was being interrogated at the Security Agency Detention Center, they deprived him of food and sleep for three days.²³³
 - A defector testified that a guard so severely beat up his father at the Provincial Security Agency detention center in Hyesan City that he lost many of his toes.²³⁴
 - A defector testified that agents beat him for about two and a half hours at the Security Agency Detention Center in 2007. They struck him with fists and kicked him.²³⁵
 - A defector testified that in October 2003 an agent at Onsung Security Agency Detention Center struck him with his palm and fist. He later had severe headaches and dizzy spells. During the same period, they also beat up a 21-year-old woman; she had black marks all over and appeared mentally deranged.²³⁶
 - A defector testified that on March 25, 2003, agents at the Onsung Security Agency forced him to kneel down, inserted 5-cm triangular rulers behind his knees, and told him to confess.²³⁷
 - A defector testified that he was tortured by electric shocks as he was being interrogated at Onsung Security Agency

²³²_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²³³_ NKHR2009000020 2009-04-07.

²³⁴_ NKHR2009000033 2009-05-26.

²³⁵_ NKHR2009000027 2009-04-27.

²³⁶_ NKHR2009000050 2009-08-11.

²³⁷_ NKHR2009000059 2009-09-29.

in Hweryong as to whether he had any contact with South Koreans. At the end of the interrogation, they pointed a gun barrel at him as he was transferred to the People's Security Agency.²³⁸

- A defector testified that agents undressed a female inmate at the Security Agency Detention Center and forced her to jump up and down to see if she was hiding any cash inside her body.²³⁹

Human rights, including the right to life, are routinely violated at various security agency detention centers, including Onsung Detention Center. A defector testified that in October 2003 a 30-year-old woman died at the Onsung Security Agency Detention Center of an intestinal infection without receiving any treatment.²⁴⁰ In March 2003, a 21-year-old young man at Onsung Detention Center was suffering from intestinal infections. He later died from starvation.²⁴¹

In addition to beatings and torture, sexual assaults on female inmates were also reported to have taken place at the detention points.

In addition, many defectors have testified that serious human rights abuses, for example forced abortions, have taken and do take place in the detention points.²⁴² Dr. Willy Porter, the representative of Doctors without Borders (MSF) in Brussels, reported that “Interviews were conducted with 35 defectors who had escaped from various detention facilities in the preceding 18-month period, and 31 of them testified to having witnessed

²³⁸_ NKHR2009000051 2009-08-14.

²³⁹_ NKHR2009000023 2009-04-16.

²⁴⁰_ NKHR2009000050 2009-08-11.

²⁴¹_ NKHR2009000059 2009-09-29.

²⁴²_ Testimony of defector XXX during an interview in Seoul on Nov. 9, 2004.

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. Most defectors have testified that they have never seen female inmates leaving detention facilities with any children.

- A woman called Hong Young-sim was a close friend of defector XXX. Hong was deported from China and was being held in a security agency detention center. She told her that a pregnant woman was released from the center in January 2007 as the delivery of a baby was near. She said detention of pregnant women in such centers was illegal in North Korea.²⁴³
- Defector XXX was detained in the Muan County Security Agency in February 2007. She said a 6-month pregnant woman was released from the center, and she returned to the center after the delivery.²⁴⁴
- A defector said she heard the following from XXX, who was the wife of his friend and a doctor at the People’s Hospital in Hweryong City: In January 2003 a total of 10 pregnant women came in to the Hweryong City Security Agency within a period of one month. The agents took all the women to the hospital and forcibly administered abortion shots to them.²⁴⁵
- On September 2002, a 24-year-old woman was forced to abort a child at the Musan County Security Agency Detention Center because she was pregnant with a Chinese

²⁴³_ NKHR2008000012 2008-08-14.

²⁴⁴_ NKHR2008000022 2008-11-05.

²⁴⁵_ NKHR2009000015 2009-03-17.

baby.²⁴⁶

- A defector testified that XXX, a 50-year-old woman living in Musan, was forced to abort a child at the hospital because she had a Chinese baby.²⁴⁷

However, there is conflicting testimony. A defector has testified that the Security Agency detention centers are mentally painful, but the treatment there is less harsh than at the People's Safety Agency detention centers. "The Security Agency detention centers are painful mentally. But they beat you up more severely at the People's Safety Agencies. They scream, 'You SOB, confess now, or else!' They kick you and force you to do all kinds of dirty jobs. On the other hand, at the Security Agencies they only force you to kneel on the hard floor of a small room and tell you to write confessions, etc."²⁴⁸

G. Human Rights and Corruption

Another type of human rights violation takes place during the pretrial process at Security Agency detention centers. As crimes increased along the border regions, the number of detainees also increased. If families of detainees wanted to get in touch with or provide some food and clothing for the detainees, they would, without exception, have to find some way to establish contact with guards, pretrial clerks, or someone at the Security Agency and provide them with gifts, money, or other forms of bribery. For example, a defector who fled North Korea in October 2008 testified

²⁴⁶_ NKHR2009000042 2009-06-25.

²⁴⁷_ NKHR2009000047 2009-07-30.

²⁴⁸_ NKHR2009000016 2009-03-19.

that the size of bribe needed to avoid being detained in a security agency detention center was increasing. This was because agents at every level of the security agency must have a share of the bribe money.²⁴⁹

Another issue closely related to corruption and human rights in North Korea is divorce. Cases of divorce have increased in North Korea in recent years. They stem from various reasons, including spousal violence, increases in women's peddling activities, family disputes, etc. But to get a trial for divorce one must supply hundreds of thousands of North Korean won in bribes. Even then, defectors testify that most women will not be granted trials for divorce.²⁵⁰

Some defectors have testified that people could bribe their way out and avoid serving at correctional centers even if they were caught dealing in illegal drugs, a felony punishable to detention at correctional centers. The defectors said that some people could even bribe their way out of crimes punishable by death.²⁵¹

The need for mobility in order to make a living is increasing despite the travel permit system. North Koreans routinely use bribes to obtain travel permits because the procedures are complicated and an extended period of time is required to get permits through official channels. Also, more and more houses are sold and bought unofficially ("sale by owner"). In the process, people bribe the officials responsible to gain approval.

If someone is caught using a mobile phone, he/she does not have to serve at a correctional center as long as it can be proven

²⁴⁹ NKHR2009000006 2009-02-05.

²⁵⁰ NKHR2009000060 2009-10-06; NKHR2009000062 2009-10-20; NKHR2009000063 2009-11-03; Most of the defectors interview during the latter half of 2009 testified to the same effect.

²⁵¹ NKHR2008000023 2008-11-11.

that there was no South Korean connection. Nevertheless, he/she may pay from 500,000 to one million won in bribes to avoid going to jail.²⁵² Video-watching has been spreading and official control over this trend is tightening, so many people try to avoid jail terms by bribing the officials if caught.

As the economy has worsened, “anti-Socialist behaviors” have spread. Also, as officials tighten social controls, the cases of people trying to avoid jail terms by bribery are also increasing. As a result, fair and uniform standards for punishment are not implemented. As officials bypass uniform implementations of the law, poorer North Koreans, who are unable to afford bribery, are bound to get unfairly discriminated against relative to other citizens.

H. Human Rights Violations Inside Political Concentration Camps (Kwanliso)

It is widely known that some of the most flagrant violations of human rights are perpetrated in North Korean political concentration camps. The fact that North Korea has been operating many of these camps was revealed to the outside world by 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. A defector who came to South Korea in 1982 who had previously worked as an intelligence agent at the (North Korean) State Security Agency was the first to testify of the existence of political prison camps in the North. Subsequently, several other defectors, former inmates,

²⁵² NKHR2009000064 2009-11-04.

have provided additional information about political prisons. They include Kang Chul-hwan and Ahn Hyuk (admitted in 1992), who defected after being released from Yoduk Concentration Camp; Ahn Myung-chul (admitted in 1994), who defected while working as a security guard at Hoeryong Concentration Camp; and Choi Dong-chul (admitted in 1995), who was formerly a security guard at the State Security Agency in the mid-1980s. Defector XXX, XXX, XXX, and XXX, who served a term at Daesuk-ri Unit No. 8 of Yoduk Detention Camp from 1995 to January 1999, recently disclosed their experiences while inside political prison camps. Among the camps, physical evidence of Unit No. 22 Political Prison Camp does appear to exist, as The Digital Globe zoomed in its satellite cameras on this camp in April 2002. Its pictures were released to the international and South Korean media on December 5, 2002.²⁵³ In addition to these, the U.S. Committee for Human Rights in North Korea published a report in October 2003 (based on defectors' testimonies and satellite photos) on the realities of political prison camps in North Korea.²⁵⁴

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.²⁵⁵ The Yoduk Concentration Camp in South

²⁵³ 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. <<http://www.msnbc.com/news/859191.asp?0sp=v3z2&0cb=114130475#BODY>>.

²⁵⁴ David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps: prisoner's testimonies and satellite photos* (U.S. Committee for Human Rights in North Korea, 2003).

²⁵⁵ XXX was caught in 1958 while attempting to flee to the South through the Demilitarized Zone (DMZ). He was punished as a political criminal, and served 12

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 U.S. State Department, North Korea has been operating collective camps since 1947, two years after Korea's 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 concentration camps were converted 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 defected to South Korea in 1997, 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 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

years from 1960 at Susong Correctional Center in Chongjin. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

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 confining those involved in the incident whom they did not execute, along with their families, in remote mountainous areas.

Yoduk No. 15 Kwanliso began housing political prisoners in 1969 after Kim Il Sung delivered his speech on “the Need to Revolutionize the Staff.”²⁵⁶ At the time, many well-known artists were detained in Yoduk 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 well-known dancer Choi Seung-hee.

In 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. From 1967 through 1970 the entire North Korean population was categorized into three classes (i.e., the core, wavering, and hostile classes) and fifty-one subclasses (see Table II-8 in this chapter). About 6 thousand people who were branded as sectarians or anti-revolutionaries were executed after being tried in what amounted to nothing more than show trials. The approximately 15 thousand who escaped execution, along with their family members who numbered about 70 thousand, were held in the remote mountains under Cabinet Decision No. 149. Confined separately were those who opposed the Korean Workers

²⁵⁶ Defector XXX had served about eight years between 1970 and Dec. 1978 at Yoduk Concentration Camp along with her family, except for her husband. Testimony of defector XXX during an interview at KINU on Jan. 19, 2005. At first, XXX 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.

Party or Kim Il Sung himself.²⁵⁷ 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 100 thousand people were sentenced to hard labor at eight camps, isolated from the rest of society for the rest of their lives. Following the fall of the Socialist bloc in Eastern Europe in the late 1980s, the number of camps grew, with the number of inmates reaching about 200 thousand as the regime tightened its internal control to keep the wave of reform in Europe from penetrating North Korea.

The Scope and Punishment of Politico-Ideological Criminals

In referring to politico-ideological prisoners, North Korea vaguely refers to them as anti-revolutionaries, or people with

²⁵⁷ Professor Ogawa insists that the current concentration camps have been formed in the process of establishing the Kim Il Sung-Kim Jong Il unitary 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 the Chosun Ilbo, The Civilian Coalition for the North Korean People's Lives and Human Rights, and Korea University on Dec. 2, 1999).

unsound ideology, or hostile elements. Once an authority 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, anti-revolutionary elements opposed to and who impede the thought and passion of the revolution, along with hostile elements who stage a compromising struggle against unsound thoughts, would have to be oppressed--especially those trying 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. A sentence of "conspiracy" is set down on those who participate in civil disturbance or in any conspiracy to overturn the Republic. People charged with being "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 the Penal Code). In order to impose heavy punishments on political and ideological criminals, North Korea enumerated 12 articles under its Penal Code (Art. 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 agitation to sever foreign relations; and hostile actions against foreigners (Art. 59-66). The revised Penal Code of 2004 appears to have made some improvements on the 1990 version by adding

greater specification to the description of crimes.²⁵⁸ For example, the crime of “conspiracy” is described as “those who conspired or participated in a coup d’etat, violent civil disturbance, or raid with anti-state aims (Art. 59),” while the crime of “espionage” 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 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. Defector XXX 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.²⁵⁹ People are sent to political prison camps secretly without their neighbors’ knowledge. Defector XXX testified that his mother and aunt were sent to Yodok Concentration Camp in 2003; his aunt died there, but his mother came out after serving three years. But he did not know that his mother had been sent to a “correctional center for political prisoners.” One night an agent took him to a place. While he was waiting there, his mother suddenly came out.²⁶⁰ The North Korean Government punishes not only the political criminals themselves but also punish their relatives. This is due to the so-called “crime-by-association” system. Defectors XXX and XXX testified that this system usually applies to one’s closest family members (next of kin). If a husband were convicted of political crimes, his wife would be automatically divorced and

²⁵⁸ Han In-sup, “The Contents and Meaning of North Korea’s Revised Penal Code of 2004.”

²⁵⁹ Testimony of defector XXX during an interview in Seoul on, Sept. 7, 2002.

²⁶⁰ NKHR2009000073 2009-12-02.

sent off to her original home; but if a wife were convicted, her husband would not be punished at all.²⁶¹ Defector XXX testified that in 1995 the husband of her friend was caught illegally crossing the river (border) and was charged with political crimes. The chief of the Protective Agency asked her, “Will you divorce him or will you and your entire family be sent off to prison with him?” She chose to divorce him. Her husband was sent off to a concentration camp, but she does not know which camp.²⁶²

Defector XXX testified that political concentration camps are where the authorities send those people who presumably said things or acted contrary to the monolithic political leadership system. There they are completely segregated from the outside world and forced to live in exile. Defector XXX 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 who had contact with South Koreans in another country (e.g., China). Most of these people are former diplomats. There are also other detainees who were caught while attending church services out of curiosity during visits with their families in China. Fourth are former high-ranking officials who have attempted to maintain lavish drinking

²⁶¹ Testimony of defectors XXX and XYZ during an interview in Seoul on Nov. 30, 2002.

²⁶² NKHR2009000065 2009-11-10.

fraternities with local leaders. Examples are 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 who were all implicated on such charges. No private associations such as fraternities or mutual loans among individuals are allowed. These behaviors are punished before they "can grow to form decadent organizations." A final behavior said to be punishable by detention in a political prison camp is the forming of anti-government cells (which were noted to be on the increase). 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.²⁶³

A defector testified that his friend was caught making fun of his "election (voter) card" and was later sent off to prison for 15 years.²⁶⁴ Another defector testified that 45 years ago her father-in-law made a comment while drinking with friends that certain equipment brought in from the Soviet Union was ill-fitted to their circumstances. He was later forced to serve four and a half years at Yodok Concentration Camp.²⁶⁵ In recent years, there are increasing cases of people charged with political crimes for attempting flight to South Korea and making contact with South Koreans. These people are charged with espionage and sent off to political concentration camps. Defector XXX testified that in 2005, while he was serving at Onsung Security Agency, he knew of an old woman, her son and his wife who were serving 9 months on charges of trying to engage in missionary work, having smuggled

²⁶³. Testimony of defectors XXX and XYZ during interviews in Seoul on Jan. 18, 2005 and Jan. 20, 2005.

²⁶⁴. NKHR2009000030 2009-05-07.

²⁶⁵. NKHR2009000065 2009-11-03.

Bibles in from China. Several defectors testified that detainees who have been locked up for a long time by the Security Agency are sent off to correctional centers or concentration camps without exception. They saw people who had attempted to flee to South Korea. These people had their hair cut very short and were said to be “graduating” from the detention center, which meant that they were headed for concentration camps.²⁶⁶ A defector testified that Oh Sung-il (42) of Hweryong was arrested for attempting to flee to South Korea in 2005. His youngest brother told him that Oh was sent off to Yodok Concentration Camp.²⁶⁷ Another defector testified that in 2005 his uncle on his mother’s side, from Musan, was detained in a political concentration camp on charges of running errands for South Korea’s Central Intelligence Agency.²⁶⁸ Defector XXX testified about a female coworker named XXX (a repatriated Korean from Japan) who was married in 1985. One month after her husband left home for a business trip, a car pulled up and took her and all her belongings. People thought she was banished from town. When our witness met her again 15 years later, she told her that she had been incarcerated at Yodok Concentration Camp where her husband, who was also a repatriated Korean, was also serving a term on espionage charges. They were released after 15 years when their charges were proven baseless.²⁶⁹ A defector testified that his brother-in-law was the chief security agent at the No. 22 Management Center. His friend XXX was arrested in 2005 by the Security Agency on charges of contacting South Korea’s Central Intelligence Agency and was sent to No. 22 Management

²⁶⁶_ NKHR2009000018 2009-03-26.

²⁶⁷_ NKHR2009000018 2009-03-26.

²⁶⁸_ NKHR2009000047 2009-07-30.

²⁶⁹_ NKHR2009000018 2009-03-26.

Center.²⁷⁰ Defector XXX testified that in January 2008 Kim XX (31), whom he had met in China, was arrested and sent to Yodok Concentration Camp for smuggling out some secret documents and selling them in China. He found out about this detail from a ranking person.²⁷¹ Defector XXX testified that his friend Lee XX went to China in 1998 and met with South Koreans there. Lee XX told him that he had been sent to a political concentration camp on charges of contacting South Koreans. He said that even in the political concentration camp, the prisoners would pick a former Party member or a ranking person and appoint him as the unit leader, and this friend had served as a unit leader while in the camp.²⁷²

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 thousand. 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 realities in the camps are as follows:

Defector XXX, who worked as a guard at the camp at Hoeryong, 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.²⁷³ Later, five

²⁷⁰_ NKHR2009000067 2009-11-12.

²⁷¹_ NKHR2009000010 2009-02-26.

²⁷²_ NKHR2009000077 2009-12-09.

²⁷³_ Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

of them, including two in Onsung,²⁷⁴ North Hamkyung Province near the Chinese border and ones near Pyongyang, were closed or moved to prevent discovery by the outside world. 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 Hoeryong, 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 thousand. Defector XXX testified that he had seen the area near No. 22 Management Center. This center was smaller than a county, but he heard that about 10% of agricultural output of entire North Hamkyung Province was produced there.²⁷⁵ The No. 22 Management Center in Hweryong was built in a way that a mountain blocked the view in the direction of Kungshim and Sechon. In consideration of their kinship, children would be housed with their mothers, but wives were told to divorce their husbands.²⁷⁶ Inmates in No. 22 Management Center also manufacture traditional Korean “bean paste,” and their product is known to be very good.²⁷⁷ Defector XXX testified that there was an elementary school inside the No. 22 Management Center, but children as young as 4th grade were forced to work in the fields. They would study in the morning, and in the afternoon each student would take a container and fill it with grass cut from the fields or rice-paddies.²⁷⁸ Defector XXX testified that

²⁷⁴ Defector XXX testified that the Onsung No. 12 Concentration Camp was abolished in 1987, and a tobacco barn was built there on Apr. 25 the same year. Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

²⁷⁵ NKHR2009000021 2009-04-13.

²⁷⁶ NKHR2009000024 2009-04-20.

²⁷⁷ NKHR2009000057 2009-09-22.

²⁷⁸ NKHR2009000067 2009-11-12.

the No. 18 Management Center is located in Bukchang.²⁷⁹

In Chongjin City, they call it “Sousung Correctional Center,” but the facility is in fact a “concentration camp,” where political criminals are detained. The MPS, rather than SSA is in charge of management and supervision of this center.²⁸⁰ The Susong Correctional Center is constructed not in a “village style” but in a fenced “penitentiary” style fit for “collective living.” Ordinary economic criminals are not sent to Susong Correctional Center; only political criminals are detained there. The inmates at Susong Center are engaged in the manufacture of bicycles using hand tools. No. 22 “Concentration Camp” produces agricultural products and No. 16 Center produces leather goods and agricultural products.²⁸¹

Defector Shin Dong-hyuk, who was born at the Gaecheon Concentration Camp and successfully escaped from the facility years later, testified on the reality and specific details inside the “No. 14 Concentration Camp.”²⁸²

Defector XXX recalled that when he was serving in the military he gave a ride to Yoduk Kwanliso to a sister of his senior officer’s wife when she came to see a safety guard at one of the prison camps.²⁸³ Defector XXX testified that he had visited the Yoduk Center located in Inhwa-ri, Yoduk County, to see a fellow safety official while he was transporting supplies for the Safety Agents.²⁸⁴ According to defector XXX, there were two political

279_ NKHR2009000065 2009-11-10.

280_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

281_ NKHR2008000012 2008-08-14.

282_ Shin Dong-hyuk, *Coming Out to the World*.

283_ Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

284_ Testimony of defector XXX during an interview in Seoul on Jan. 12, 2005. David Hawk in his *Hidden Gulag* said No. 18 Concentration Camp 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 Concentration Camp.

concentration camps, one in Hoeryong, North Hamkyong Province and another in Danchon, South Hamkyong Province. Defector XXX testified that the No. 18 Center located in Deukjang-ri, Bukchang County, South Pyongan Province was exclusively for convicted party officials.²⁸⁵ 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.²⁸⁶ On February 25, 1998, defectors XXX and XXX testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently some 200 thousand political prisoners are detained in detention camps in North Korea. In its Human Rights Country Report 2003 (released in Feb. 2004), the U.S. State Department reported that some 150-200 thousand 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.²⁸⁷ 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.

Defector Ahn Myung-chul said that North Korea established

²⁸⁵ Testimony of defector XXX during an interview in Seoul on Jun. 29, 2002; Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

²⁸⁶ 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 “concentration camp.” There were eyewitnesses who saw the family of Hwang Jang-yop, who had fled to South Korea, being transported there aboard a train. Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

²⁸⁷ A defector XXX testified that since the international community began using satellite photos to focus on Yoduk Concentration Camp, North Korea has begun to move the detainees at Yoduk to Dukchon Concentration Camp in South Hamkyong Province. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

most political concentration camps in remote areas or coal mines. And like the case of Seung-ri Concentration Camp (abolished in Jan. 1991), some of them were built underground to conceal their whereabouts. He also revealed that the No. 25 Concentration Camp near Chonjin, North Hamkyong Province, was a top-level political concentration camp, where only political criminals were detained. Ahn 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. North Korea also disclosed to AI officials that it was holding a total of 800-1,000 inmates held in three correctional facilities, and 240 of them were being held at the Hyonjaesan Correctional Center. North Korea insisted that the testimonies of 'defectors' in South Korea were not true.

Detention camps are divided into "complete control districts" and the "revolutionary districts." The former 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 educated because they will never return to society alive.

The latter, 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, and so forth.²⁸⁸ 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 district” and the “complete” or “full control zone” all others have only full control zones.²⁸⁹ 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 one at Yoduk.

In the Daesuk-ri No. 8 Camp where Lee Young-guk was detained, about 900 inmates were detained as of January 1999, and about 80 female inmates among them. The Citizens Alliance for North Korean Human Rights (a South Korean-based NGO) presented a video documentary entitled *The Seven Defectors and their Aftermath* during the Third Conference on North Korean Human Rights and Refugees, held on February 9, 2002 in Tokyo. In the video, it was stated that seven defectors crossed the China-

²⁸⁸ According to defector XXX, XYZ 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 of his years of study in Russia. He was detained in Yoduk Camp from May 1989 to February 1994, and forced to work at Chongjin Steel Mill. Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002 and Jan. 19, 2005.

²⁸⁹ In “Hidden Gulag,” David Hawk of the U.S. 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 Pyongan Province.

Russia border into Russia in January 2000. They were caught by the border guards and deported to North Korea via China. One of the seven, Kim Eun-chol, was said to be detained in the Yoduk Detention Camp.²⁹⁰

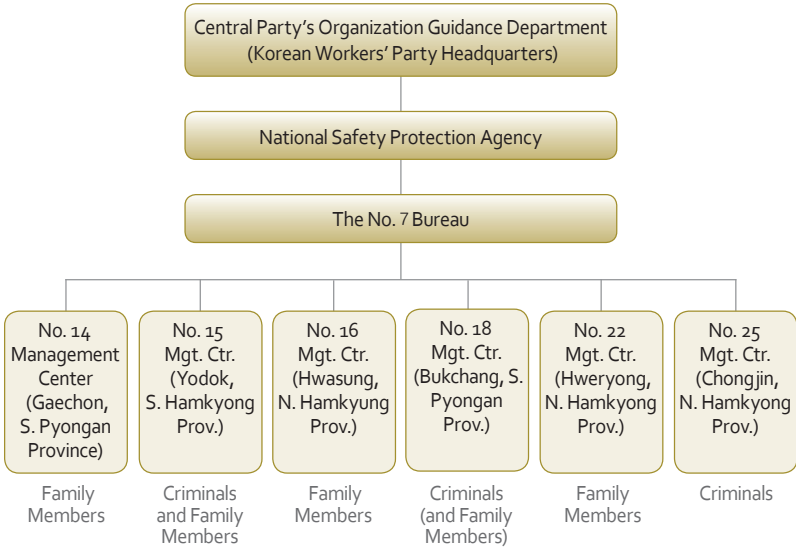
In the cases of returnees from Japan (and their families), who have had close personal connections with North Korean elite and/or senior officials of the pro-Pyongyang General Association of Korean Residents in Japan (or “Chongryon”), they are detained in the revolutionary district within the political concentration camp. 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 held for life at the full control zones. Defectors have stated that in exceptional cases, prisoners serving out life terms may be transferred from full or complete-control zones to the revolutionary district though this would be a very small number. Lee Young-guk testified that the levels of punishment, as well as the length of detention and the possibility of release, would vary depending on the detainee’s personal background.²⁹¹ In extremely exceptional cases, inmates mentioned during Kim Jong Il’s “on-the-spot inspection and guidance” would be immediately released from the camp and directly return to society.²⁹² In most cases, however, no one ever returns to society.

²⁹⁰ *Chosun Ilbo*, Feb. 10, 2002.

²⁹¹ Testimony of defector XXX during an interview in Seoul on Oct. 27, 2001.

²⁹² “A Workshop for Defectors,” sponsored by KINU, Jan. 20, 2006.

〈Graphic II-3〉 System of Special Control Districts



According to the “Report on the Current Status of North Korea’s Political Concentration Camps” submitted by the (South Korean) Foreign Ministry to the National Assembly Foreign Affairs, Trade, and Unification Committee, it is estimated that about 154,000 political prisoners are currently incarcerated in six different concentration camps. The report estimates that some 15,000 prisoners are detained in the No. 14 Gaecheon Management Center in South Pryong-an Province; about 50,000 at No. 15 center in Yodok, South Hamkyong Province; over 15,000 at No. 16 Hwasung Center in North Hamkyong Province; about 19,000 at No. 18 camp in Bukchang, S. Pyongan Province; about 50,000 at No. 22 Camp in Hweryong, North Hamkyong Province; and about 19,000 at No. 18 in Bukchang Camp in South Pyongan Province.²⁹³

²⁹³ *The Dong-A Ilbo*, Oct. 17, 2009, Seoul.

〈Graphic II-4〉 Political Concentration Camps



〈Table II-6〉 Status of Closed Camps

Name	Location	Date closed	Reason for closing
No. 11	Lower Kwanmo-bong, Kyungsung, North Hamkyung Province	Oct. 1989	To build a villa for Kim Il-sung
No. 12	Changpyong Labor Area, Onsung, N. Hamkyung Prov.	May 1987	Too exposed due to proximity to the border
No. 13	Jongsung Labor area, Onsung, N. Hamkyung Prov.	Dec. 1990	Too exposed due to proximity to the border
No. 20	Hwachun-dong, Seungho Dist, Pyongyang	Jan. 1991	Too exposed due to proximity to Pyongyang
No. 27	Chungma, N. Pyongan Prov.	Nov. 1990	Unknown

Based on the testimony of defector XXX

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 and 50,000 inmates each. Prisoners sent to the camps are selected and managed by the SSA 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 SSA is composed of political, security, management, security guards, and supply service sections.²⁹⁴

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 attempted escapees, 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 any revolt or other uprising inside the 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 power to determine a prisoner's fate.

The following excerpts are from Shin Dong-hyuk's firsthand account as reported in his book "Coming Out to the World,"

²⁹⁴ 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.

which describes facts and realities inside the No. 14 Gaecheon Concentration Camp.

The No. 14 Gaecheon Concentration Camp was opened in about 1965. The No. 14 Gaecheon Concentration Camp is located along the Daedong River separated by barbed wire fences. There are schools, factories, and villages. The villages are divided into the main village and five row-house villages numbered from 1 to 5. The inmates living in the No. 4 and No. 5 villages are forced to maintain individual living; no marriage or family life is allowed. So, any children born inside the concentration camps are those who were born in the main village or Villages No. 1, 2, or 3. The inmates living in No. 4 and 5 Villages are not permitted to come out or visit other villages, and inmates living in Villages No. 1, 2, or 3 are not allowed into Village 4 or 5.²⁹⁵

Shin Dong-hyuk himself was born at No. 8 Work Unit in Oedongri, where about 40 families were living together as a work unit. There were one-level “row-houses,” and each housing unit had four one-rooms with small kitchens attached to each room. Since each family was assigned one room/kitchen, four families were living under one roof (one unit). Since there were no protection or privileges for seniors in the concentration camp, those 65 years and older had to work at “senior units” where only old people were assigned.²⁹⁶

The housing units are built with cement, and so the living room floors and walls are all concrete finish. Since there is no flooring of any kind, people have to sleep on concrete floors. They burn coal for heating, and since the camp produces some coal on-site, people get their daily coal rations for cooking and heating

²⁹⁵ Shin Dong-hyuk, *Coming Out to the World*, p. 41.

²⁹⁶ *Ibid.*, p. 21, 35, 38, 39.

purposes.²⁹⁷

The “work units” at the Concentration Camp are the basic units for conducting daily routines. There are many kinds of factories and workplaces in the Center, such as coalmines, construction sites, administrative offices, food factory, cement factory, utensils factory, rubber factory, paper factory, clothing factory, and farmlands. Each factory contains several “work units” and there is one “guidance officer” from the Security Agency at each factory. In the No. 14 Gaechon Concentration Camp, there were about 100 housing units in the “ ‘Security Agents’ Village.” Since each unit housed two families, about 200 families were living in the center. One agent was assigned to supervise three work-units.²⁹⁸

At the clothing factory where Shin used to work, there were approximately 12-13 work units, which meant that there were about 2-3 thousand inmates in this factory alone. Each work-unit usually consisted of 4-5 sub-units with each sub-unit having about 20-30 inmates and each worksite having about 100-150 inmates assigned. Each unit has a leader, but there is also a “general leader.” The “guidance officer” for each sector hand picks the general leader. In fact, the instructions for daily production quotas would usually come not from the guidance officer but from the general leader who would take the order from the officer. Consequently, the general leader is very strict and malicious and most inmates fear the general leader more than the guidance officer. In fact, the general leader is more intimidating than the officer.²⁹⁹

There is a secret prison inside the Camp. Shin Dong-hyuk

²⁹⁷ *Ibid.*, p. 54.

²⁹⁸ *Ibid.*, p. 49.

²⁹⁹ *Ibid.*, p. 51.

himself was detained in one of these secret prisons in April, 1996 when his mother and his brother failed to escape from the camp. The cell had a concrete floor and had a simple toilet. The size of his cell was about five feet square (1.5 meters each side). At the time, he could barely lie down with legs stretched. There were fetters on the shelf inside the cell, and the agents would fix the fetters on Shin's ankles and pull the ropes from outside, which caused him to hang upside down. This was one method of torture, but there was a separate torture chamber, where he had to undergo "waterboarding" tortures.³⁰⁰

Selection of Prisoners and Procedures

The SSA is responsible for catching anti-revolutionaries. Local SSA officials select offenders and, without trial, the central ministry renders a 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.

– A defector testified that his father was imprisoned in 1995 for damaging the portrait of Kim Il Sung. Although the

³⁰⁰ *Ibid.*, p. 162-185.

- family was not detained with him, the entire family was banished to Suncheon, North Pyongan Province.³⁰¹
- Defector testified that his father was a returnee from Japan. His father was locked up in the political concentration camp because he wanted to go back to Japan.³⁰²
 - In another case, a defector testified that the father of his high school classmate, An XX, used to live in Juwonri, Onsung County. One day in 1978, the father was taken away to the Security Agency because he had allegedly burnt Kim Il Sung’s picture. However, no one knew where he was taken. The family was never charged with any crime, but all members of his family have since been discriminated against at work and in other ways, including marriage.³⁰³
 - Another defector testified that he had heard from his father that his grandfather was imprisoned in Susong Concentration Camp in Chongjin in 1970 because he had listened to foreign broadcasts and mistakenly said something about them. His family was not charged with any crime.³⁰⁴
 - In yet another case, a defector said his younger sister made some critical comments about the government because her elder brother was imprisoned. She was arrested on “verbal reactionary” charges and incarcerated in the Deukjangri Concentration Camp in Bukchang County, South Pyongan Province from 1984 to 1994. Subsequently, she fled from

³⁰¹ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³⁰² *Ibid.*

³⁰³ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³⁰⁴ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

North Korea.³⁰⁵

In North Korea, one would normally be regarded as a reactionary and detained in a political prison camp if one were overheard 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?” However, since the severe food shortages in the mid-1990s, the cases of arrests due to inadvertent utterances have decreased as the levels and incidents of complaints rapidly rose.³⁰⁶ 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.³⁰⁷ For anyone associated with a crime of political ideology, for whatever reason, all properties are confiscated and the entire family transferred to detention camps at night. In many cases, families or neighbors do not know the whereabouts of the incarcerated because they are taken away without advance notice or trial procedures.³⁰⁸ 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 have been arrested. Such actions and secrecy helps reinforce the atmosphere of fear in the society, which keeps people subservient to the regime and its system of monolithic leadership.

305. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

306. These cases are often called “verbal reactionaries.”

307. Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

308. Defector XXX said her husband was detained in a concentration camp as a political prisoner in 1970, but she was not notified of his whereabouts. Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

Dwellings and Camp Life

Once a condemned person enters a detention camp, the camp authorities will confiscate his citizen ID card, depriving him of his fundamental civic rights such as the right to vote or to run for public office.³⁰⁹ Furthermore, the detainee(s) will be prohibited from all verbal or written communication with his family/relatives and absolutely forbidden to have any contact with the outside world, including next of kin.

Normally, the inmates wake up before dawn, eat breakfast, and get ready for work. Security agents and a work supervisor conduct 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, a security agent or supervisor confirms the progress of work, and if the work is behind schedule they decide whether to extend the prisoners' hours of work.

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 with lesser amounts of grain ration. In the case 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.

However, due to the recent food shortage the amount of rations for political criminals has been reduced. According to the testimonies of Kang Chul-hwan and Ahn Hyuk, past political

³⁰⁹ Defectors have testified that permission is given in some exceptional cases.

prisoners near the end of their terms in political detention camps lost weight dramatically 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 live collectively 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. Floors may be covered with mats made of bark. Rain leaks in and it is extremely cold in the winter.

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases, mainly due to malnutrition and heavy labor. Many suffer from ailments such as frostbite or hemorrhoids, but everyone, without exception, is forced to work. When sickness becomes so bad that a foreman decides the prisoner can no longer work, the prisoner is sent to a sanatorium and essentially abandoned, as there are no proper medicines or doctors. According to defector XXX, products are produced by the political prisoners at Kwanliso No. 22 in Hoeryong, North Hamkyung Province, and transported out by railroad. These are manufactured by the inmates, and the quality of these products is known to be superior to the products produced at civilian factories.³¹⁰ He estimates that a large number of political prisoners are probably detained there because the prisoners of each work team were transported to the camp.

Defector XXX testified that he was imprisoned in Deukjang Concentration Camp in South Pyongan Province. He paid visits to the home of a relocated family even though he was told not to do

³¹⁰ Testimony of defector XXX during an interview in Seoul on Jan. 21, 2005.

so. For this reason, he was tortured and placed in an isolation cell in July, 1992.³¹¹

Following is a description of inmates' routines inside the Gaecheon Concentration Camp through the eyes of defector Shin Dong-hyuk. According to Shin, there are 10 basic rules at the Camp: 1. You must not escape. 2. Three or more inmates must not meet together. 3. You must not steal. 4. You must absolutely obey orders of Protection Agency guidance officers. 5. You must immediately report if you saw any outsider or suspicious persons. 6. All inmates must carefully watch over each other, and immediately report in the event of unusual behaviors. 7. You must "over-fulfill" all tasks assigned to you. 8. Unless job-related, no contact between male and female is allowed. 9. You must be truly remorseful with your own mistakes. 10. You will be immediately shot by a firing squad if you ever violate these "laws and regulations" of the Camp. There is no doubt that anyone violating any of these rules would certainly be put to death by a firing squad.³¹²

The inmates usually wake up at 4 a.m., eat breakfast, and go to work at 5 a.m. When they arrive at work, it will be about 6 a.m.³¹³ Weekends are never granted in the Camp, so everyone works through Saturdays and Sundays. There is a day off every month, however, usually at the beginning of each month. Annual holidays include New Year's Day and birthdays of Kim Il-sung and Kim Jong-il.³¹⁴

The daily rations at coalmines and farmlands amount to 900 grams of corn per person per day. Since the mid-1990s, the inmates have been given only 700 grams with 200 grams taken away in the

³¹¹ Testimony of defector XXX during in interview in Seoul on Mar. 17, 2007.

³¹² Shin Dong-hyuk, *Coming Out to the World*, pp. 60-62.

³¹³ *Ibid.*, p. 56.

³¹⁴ *Ibid.*, p. 45.

name of “grain savings.” For side-dish purposes, inmates receive three pieces of salted lettuce and a handful of salt. The work is hard and intensive but the quality of each meal is very poor, so all inmates suffer from extreme hunger all the time. The most popular event among inmates is to catch and cook wild mice. When the inmates are dispatched to help out on collective farms, they can easily catch mice. At one point, Shin had eaten mice everyday for a week. Elementary school children receive 300 grams of grain per day. Middle/high school first graders to fourth graders get 400 grams and fifth and sixth graders get 500 grams of grain rations.³¹⁵

Maintaining a married life in the Concentration Camp is something every inmate dreams of, and the guidance officer decides whether to permit a marriage. Thus, all inmates try to win his favors by working hard, volunteering for risky jobs, observing all rules and regulations, and even telling on other inmates. This is the only way to win the highest honor of so-called “Commendation Marriage.”³¹⁶

There is no kindergarten in the No. 14 Concentration Camp, but there is one elementary and one middle school. The elementary school (or, ‘people school’) teaches up to 5th grade. Each grade has 4-5 classes with each class consisting of 30-40 students. The middle-high school is a 6-year-course. When the students of both elementary and middle-high school are combined, there are over 1,000 students in the Center. One teacher is assigned to each elementary school classroom, but there is only one teacher for each grade (class) at the middle-high school. In the middle-high school, the students usually do not study but go to work places. That’s the reason there is only one teacher assigned for each grade. The

³¹⁵ *Ibid.*, pp. 46-48.

³¹⁶ *Ibid.*, pp. 63-65.

teacher's role is not to teach any particular subject, but to lead and supervise students on their way to and from fieldwork.

At the Camp 'people school (elementary),' the daily routine is almost the same as other elementary schools across North Korea, except for the labor details the children are mobilized for from time to time. However, there is a significant difference between the Camp school and other schools outside the Camp in terms of course subjects, contents of instruction, and the teacher-student relationship. At the Camp elementary school, they teach only three subjects: Korean language, math, and PE (physical education). No other subjects are taught here. Subjects like Kim Il-sung, the Party, Revolution, North Korean history, Geography, Science, Music or Fine Arts, are never taught in the Camp.³¹⁷

At the middle-high school, students spend most of their time at factories, farmlands, or coal mines, so most students do not have particular memories of their middle school days. At the Camp schools, therefore, students will not study in classrooms but be mobilized for work on farmlands or factories as soon as they graduate from the elementary school and matriculate to the middle school. In "high schools" there are no textbooks, only notes taken during the "harmonious sessions."³¹⁸

Political Concentration Camps for the Returning Korean Residents from Japan

There is no solid information on the present situation of the detained repatriates (from Japan) in Concentration Camps, except for the testimonies of defectors who themselves were in the camps,

³¹⁷ *Ibid.*, pp. 80-98.

³¹⁸ *Ibid.*, pp. 115-128.

and the published reports of Amnesty International. However, thanks to the efforts of the repatriates' families in Japan and human rights groups, the human rights of the repatriated Korean-Japanese in North Korea are rapidly becoming an international issue.

According to the testimonies of Kang Chul-hwan and An Hyuk, who had been imprisoned at Yodok, about 600 such persons (about 100 families) were first detained in the camp in early 1974. Later, 100 to 200 more families were added every year, and as of 1987 there were about 5 thousand repatriated persons (about 800 families) in addition to the 300 other political prisoners at the camp.

The two also testified that former staffers of the General Association of Korean Residents in Japan (Chongryon) and some industrialists were separated from their families and presumably detained in different camps. Kang himself still does not know the whereabouts of his grandfather, Kang Tae-whew, who was the Tokyo chapter Chamber of Commerce Chairman of Chongryon. He was reported missing in 1977.

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 involved 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 harsh conditions. Defector XXX testified that she was sent to the revolutionary section in the Yoduk Concentration Camp for a year for having contacted her elder sister, who was living in Japan,

while Shin was in Yanji, China in 1999. However, they did not beat her because she was old and a former expatriate who returned home.³¹⁹

³¹⁹ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.



3

The Right to Due Process of the Law

A. Human Rights and the North Korean Penal Code

Since North Korea enacted its first Penal Code on March 3, 1950, it has revised the code eight times, reflecting the changing realities in the North Korean society as well as the criticisms of the international community.³²⁰ In fact, the code has been remodeled so that it is more of a mechanism for crime control than an instrument of regime protection. For example, while Article 1 of the 1999 revised Penal Code declared a “struggle against crimes,” the same article of the 2004 revision stipulates that “The purpose of this revision is to properly establish our penal system and penal responsibilities against crime,” a modest but significant improvement. However, the Penal Code has not completely escaped its fundamental design as a system developed to reinforce a class-based society. Article 1 of the 2004 Penal Code remains unchanged

³²⁰ North Korea has reportedly revised its Penal Code again in Mar. 2008, but the contents of the revision have yet to be revealed to the world. The dates of the eight previous revisions are Dec. 19, 1974; Feb. 5, 1987; Dec. 15, 1990; Mar. 15, 1995; Aug. 11, 1999; Apr. 29, 2004; Apr. 19, 2005; and Jul. 26, 2005.

in the Penal Code revised on July 26, 2005 (hereinafter “the 2005 Penal Code”).

North Korea’s penal (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 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 the heaviest penalties.³²¹ 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 the “anti-state crimes” inserted in the Penal Code in 1987 was still retained in the 2005 Penal Code.

In dealing with criminal offenders, the Penal Code continues to uphold the “class struggle” posture. In connection with the courts’ missions and functions, Article 156, Section 2 of North Korea’s Constitution stipulates, “(To) ensure that all institutions, enterprises, organizations and citizens abide strictly by state laws and staunchly combat class enemies and all law-breakers.” With respect to the principle of handling criminals, Article 2 of the Penal Code stipulates, “In dealing with criminals the state should firmly maintain the working-class principles with emphasis on social

³²¹ Kim Geun-sik, *Criminology* (Pyongyang: Kim Il Sung University Press, 1986).

education in conjunction with legal sanctions.” So it is clear that the principles of “class struggle” continue to form the foundation of North Korea’s Penal Code. In line with this fundamental principles, Article 2 of the Criminal Procedure Law stipulates, “In its struggles against anti-state and anti-nation crimes the state should strictly distinguish friends from enemies and subdue the small minority of leaders and embrace the majority of followers. In its struggle against ordinary social crimes, the court should place emphasis on social education accompanied by legal sanctions as necessary.” 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.” In connection to this, the UN Human Rights Committee in Section 14 of its “final observations” on North Korea’s Second Periodic Report recommended North Korea to remove Article 10 from its Penal Code as it was incompatible with Article 15 of “ICCPR” which upholds the principle of *nullem crimen sine lege* (No crime unless

prescribed in the law). When North Korea subsequently revised its Penal Code in 2004, it decided to accommodate the nullen crimen sine lege principle by stipulating it in Article 6, “The state shall bring criminal charges only on those crimes prescribed in the Penal Code.” This has effectively eliminated the possibility of abuse or misuse of the controversial “analogical interpretations.” At the same time, the Penal Code has struck down expressions such as “likely to” which could contribute to subjective interpretations of law provisions and instead listed specific criminal acts to clarify the proper meaning of various provisions. 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 revisions contain 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.³²²

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 is stipulated that when an act is committed that is 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 code formerly stipulated that the legal provisions in effect at the time of

³²² North Korea revised its Penal Code twice in 2005, on Apr. 19th and Jul. 26th. However, only minor changes were made without reforming the basic structure of its 2004 Penal Code. As for the details of the 2005 revisions, see *North Korea's Criminal Law* (Seoul: Court Administration Agency, 2006), pp. 84-85.

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 would be subject to punishment until the day of their death.

Under the North Korean Penal Code, failed attempts and would-be criminals are all punishable along with the principal criminal, and the accomplices are also punished along with the principal. Article 19 Section 2 specifies, “The same criminal provisions shall be applied on preparations and attempts for the same crime.” Article 22, Section 1 stipulates, “Unlike the cases of organized crime, in a criminal case with accomplices, the associates and supporters of the crime shall be charged with the same provisions applied on the principal leader.” So regardless of whether one had participated in or perpetrated the crime, they are all punished along with their leader. However, Article 19 of the 2005 Penal Code tries to distinguish the levels of punishment depending on the nature of their role in a crime. So a person participating in the preparation of crime will get a lower level of punishment than someone involved in failed attempts at a crime, and the latter will get a lighter sentence than someone who actually carries out a crime, depending on the nature and level of commission of the crime.

In cases of anti-state crimes, crime-by-association is still 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.³²³ 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.³²⁴ 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 published a legal compendium for public use in 2004. 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 various abuse-prone human rights elements from its penal code. Yet there remain a great number of elements still woefully insufficient to guarantee the basic rights of ordinary citizens. 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 are just a few prime examples. 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 of blue jeans would be banned and those caught wearing them would be punished.³²⁵

³²³_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

³²⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

³²⁵_ *Ibid.*

Trial Procedures

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 defectors have testified that they are never observed in reality.³²⁶

Our survey results on criminal enforcement procedures in North Korea seem to indicate that the relevant laws were generally observed in handling ordinary criminal cases. Numerous problems, however, plague the trial procedures.

In light of the nature of socialism in North Korea, observers would 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 Korean Workers' Party 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 cases dealing with political crimes.

In response to these criticisms, North Korea decided to make major revisions and update the trial procedures in its Criminal Procedure Law in May of 2004. Furthermore, it made partial revisions again in July 2005.³²⁷ Specifically, the 2005 Criminal Procedure Law specifies in Article 8, "All criminal cases shall follow the principles, procedures and methods stipulated in

³²⁶ Kim Soo-am, *The North Korean Penal Code, Criminal Procedures, and Their Actual Applications* (Seoul: KINU, 2005).

³²⁷ *Ibid.*

the Criminal Procedure Law.” As well, Article 13 mandates, “All trials shall be conducted at appropriate levels of court, and the punishment levels shall be determined by court decisions.” North Korea enacted the “Court Composition Law” in January 1976, and the law was revised twice, on July 1, 1998 and November 19, 1998. The “Sentences and Decisions Enforcement Law” was enacted on January 23, 1994, and this law was also revised twice, on September 5, 1997 and November 19, 1998. The revised Court Composition Law did remove the clauses on the courts’ political missions and functions, but the basic structure of the court system has not changed at all. According to this law, North Korea has a Central Court, Provincial (and “direct-control city”) Courts, People’s Courts, Military Courts, and Railroad Courts (Art. 3). 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 fact, these regulations are reportedly well-observed during the process of court trials, at least outwardly. Defector XXX testified that during his trial at the People’s Court in the Haean District of Hamhung City, at least five officers of the court were present, including a prosecutor from the Hae-an District Prosecutors’ Office, a judge from the district court, one defense lawyer, and two people’s jurors.³²⁸

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,

³²⁸ NKHR2009000016 2009-03-19.

“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. Article 11 of the Prosecution Supervisory Law stipulates, “The prosecutor(s) shall supervise whether the trial or arbitration of a case is accurately deliberating and resolving the legal requirements and in a timely manner.” 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 the Constitutional Court in South Korea. In North Korea, then, the prosecutors are higher in hierarchy than the judges.³²⁹

North Korean judges, prosecutors and attorneys seem to lack professional legal knowledge as they are appointed by the government from among the graduates of law colleges.³³⁰ Based on this assessment, the UN Human Rights Committee in its “final observations” recommended North Korea to take all necessary steps to protect and guarantee the independence and fairness at all levels of the judiciary. North Korea’s revised 2005 Criminal Procedure Law stipulates, “The courts shall be independent in all trials and trials should be conducted in accordance with the law.” (Art. 272). 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

³²⁹ 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).

³³⁰ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

human rights violations. Article 2 of the law stipulates that “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 struggles against ordinary crimes, hand down legal sanctions based on our social conventions.” Furthermore, Article 3 mandates maintaining the “mass” principle, saying that “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 principle is essential for the fairness of trials. In fact, defectors testify that officials and staff are tried in closed courts or secret trials.³³¹ 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.

When North Korea revised its Criminal Procedure Law in 2004, it newly installed a provision requiring the court trials to be open to the public (Art. 271, Sec. 1). As the UN Human Rights Committee pointed out, however, the new revised law contains an exception, allowing certain trials to be conducted behind closed doors to protect state secrets or the privacy of individuals and if opening a trial to the public could have an adverse impact on the society at large (Art. 271, Sec. 2).

However, most of those who either experienced or heard

³³¹ Testimonies of defectors XXX and XXX during interviews in Seoul on Jan. 9, 2004 and Jan. 10, 2004; XXX is a graduate of Pyongyang Mechanical Engineering College and XXX 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.

about trials testified that the trial process leaned heavily on formality over substance. Even though court officers such as a judge, a prosecutor, a defense lawyer, and jurors do participate in the trial process, the trial itself is conducted according to a prescribed scenario, and even the defense lawyer has nothing to do with the job of defending his client.³³²

On-site Open Trial System

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 that “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 a lesson.”

The on-site open trial is a form of education about abiding by the law. 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 witness them.³³³

As Kim Jong-il’s instructions make it clear, the “on-site public trial system” is retained in the 2005 revised Criminal Procedure Law. Article 286 of the law stipulates, “In order to prevent crimes

³³² NKHR2009000064 2009-11-04.

³³³ Kim Jong Il, “On Improving and Strengthening the Work of Judicial Prosecutors,” *The Selections of Kim Jong Il* (Pyongyang: KWP Press, 1996), p. 316.

and awaken the masses on the issue at trial, the courts can organize trials and deliberations on-site (at any locality). In such instance, the representative of an agency, enterprise or organization may be asked to reveal the acts of the criminal and accuse him/her.” The changes here include (1) the representative of an “agency, enterprise, or organization” has replaced the “workers and peasants”; and (2) the provision was eliminated, which stipulated, “The person(s) responsible for the education of the criminal or those who allowed such crimes to take place shall be brought to trial to get his (their) lessons.” And yet, the provision on public accusations and revelations still remains unsatisfactory, because it contains anti-human rights elements. Typical outcome of an on-site public trial is public execution, and so there is a strong possibility of violating a person’s human rights as the trial procedures are not properly observed in the process. According to the interviews of defectors conducted in April 2006 by the Court Administration Agency (in Seoul), North Korea’s on-site public trials follow various formalities of a court trial, such as a judge, a prosecutor, and the people’s jurors. The crimes subject to this type of trial are not specified, and yet these trials are organized upon instructions of the Party if it felt it were necessary for social education or if there was need to warn the masses about specific crimes.³³⁴

Specific on-site public trial cases are presented below:

- A defector testified that in the early morning hours of a day in August 2005 he had experienced firsthand an on-site public trial at the Nammun Middle School in Hweryong City. Officials from the court, prosecutor’s office, and the security agency were present. They called

³³⁴ Court Administration Agency, “North Korea’s Criminal Law,” p. 30.

up a man's name and stated his crime.³³⁵

- A defector testified that her husband received public trial, not in court but at the local cultural center, and the trial was conducted openly. She could not recall if an attorney was present at the time.³³⁶
- On June 12, 2008, local inhabitants were assembled in a stadium in Heysan City, Yangkangdo Province, and public trials for 12 persons were conducted. Most of the 12 accused were charged with smuggling of drugs, copper, iron, lead, and other materials. Three of the 12 received life imprisonment and four of them were sentenced to over 10 years of correctional labor. On the 17th of the same month, another on-site public trial was conducted on narcotics dealers at the Sapo District Market in Hamhung City.³³⁷
- On February 20, 2008 two men and 13 women were reportedly publicly executed on a bridge in Juwon District, Onsung County, North Hamkyung Province. The authorities had notified all agencies, enterprises and people's units to attend this trial, warning that everyone had to attend. Those executed were the people who had crossed into China to solicit help from their relatives, or those who tried to help their neighbors to get across the river, or those who tried to introduce others to the river-crossing guides.³³⁸
- Defector XXX testified that there was a trial at the end of March 2007 at the Miners' Hall in Musan County.

³³⁵ NKHR2008000010 2008-08-08.

³³⁶ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

³³⁷ Good Friends, "North Korea Today," No. 157 (Jul. 1, 2008).

³³⁸ Good Friends, "North Korea Today," No. 114 (Mar. 5, 2008).

Attending the trial were the chief judge of the Musan County court, chief prosecutor, chairman of the local People's Committee (or, deputy chairman), and the political director of the security agency. The sentencing was announced like, "A' shall be put to death," "B', 'C', etc., shall get 15 years of imprisonment, others 10 years, still others 5 years, etc." His recollection was that the chief judge had read off the sentences.³³⁹

- Defector XXX testified that a total of 17 persons were sentenced at a trial held at 3 p.m. March 31, 2008 on the grounds of Onsung Mechanical College in Onsung County, North Hamkyung Province. Their charges included dealing in illegal drugs and videos, human trafficking, illegal border crossing, etc.³⁴⁰
- Defector XXX testified that in early 2008 about ten suspects were tried at a court in Yuson Miners' Center in Hweryong City, North Hamkyung Province on charges of illegal border crossing, human trafficking, etc.³⁴¹
- A defector testified that the security agency chief explained the charges as follows: "This man had betrayed the fatherland and fled to China illegally on such and such date, month, and year, and was detained within a few days and brought back here. In the name of our Party and People I put him under arrest!"³⁴²
- In 2005 there was an open (public) trial for one man and three women at Jeongbaek Middle School in Nakrang District. They were arrested for importing and selling CDs

³³⁹_ NKHR2008000022 2008-11-05.

³⁴⁰_ Good Friends, "North Korea Today," No. 121 (Apr. 23, 2008).

³⁴¹_ NKHR2008000010 2008-08-08.

³⁴²_ NKHR2009000011 2009-03-03.

of South Korean movies via China. A defector testified that someone from the court would come to the scene, cite the charges for disseminating the CDs, and notify them that they were being sent off to prison for correctional purposes.³⁴³

- A defector testified that there was a public trial but only a judge and jurors participated in the trial, and that prosecutors rarely participate in trials in North Korea. From this experience, he thought most North Koreans in general do not clearly understand the role of prosecutors.³⁴⁴
- A defector testified that there was a trial of 6 young women at a Cultural Center in Rajin on charges of illegal river crossing. A public trial was held for the first person, who was sentenced to serve at a correctional center. The chief inspector stepped up and declared that the suspect illegally crossed the river on such and such date and was deported on such and such date; and in compliance with article so and so of the Socialist Penal Code, she was sentenced to serve 6 years in a correctional center.³⁴⁵
- A defector testified that his friend Choi Sung-il received a public trial in front of the Grain Enterprise in Kumsandong, Hyesan City in 2006 for stealing some rice from the enterprise he was working for. He was sentenced to serve in a correctional center at a trial attended by a court judge, a prosecutor from the Prosecutors' Office, and a security agent. But there was no defense lawyer.³⁴⁶
- A defector testified that there was a public trial in 2003 at

³⁴³ NKHR2009000013 2009-03-11.

³⁴⁴ NKHR2009000015 2009-03-17.

³⁴⁵ NKHR2009000025 2009-03-30.

³⁴⁶ NKHR2009000028 2009-04-28.

- Pyongyang Stadium. Among those mobilized to watch the trial were the enterprise manager and deputy engineer.³⁴⁷
- A defector testified that in 2006 a 40-year-old man was publicly tried at the Workers’ Cultural Center in Musan County, North Hamkyung Province on charges of trafficking two women. He was sentenced to “correctional labor.”³⁴⁸
 - A defector testified that in 2007 he saw from his home (an apartment unit) a group of 4th and 5th grade students of South Chongjin Middle School being tried on the school grounds. They were charged with stealing bicycles and money from senior high school students of North Hamkyung Province’s No. 1 School for Gifted and Talented Students.³⁴⁹
 - A defector testified that there were no public executions in Musan in recent years. However, due to the increasing number of illegal river-crossings, there were public trials at least once a week, attended by large crowds.³⁵⁰
 - A defector testified that in January 2001 her classmate, Kim Mun-nyo, was publicly executed by firing squad at Susongchon on charges of human trafficking. The trial was held in Musan but the victims of trafficking were from the Chongjin area, so the execution was conducted in Chongjin.³⁵¹
 - A defector testified that in February 2008 he saw a public trial at Musan Miners’ Center. The suspects were charged

³⁴⁷_ NKHR2009000031 2009-05-12.

³⁴⁸_ NKHR2009000036 2009-06-03.

³⁴⁹_ NKHR2009000040 2009-06-18.

³⁵⁰_ NKHR2009000065 2009-11-10.

³⁵¹_ NKHR2009000065 2009-11-10.

with dealing in the narcotic “ice,” watching South Korean videos, guiding illegal river-crossings, etc.³⁵²

These “public” (or open) trials are by themselves a violation of human rights, since the suspects do not get any legal assistance from lawyers.

Meanwhile, some defectors testified that the frequency of on-site public trials and execution by firing squad has been decreasing in recent years. It is still too early to generalize this report, but many defectors agreed that the frequency of on-site trials has decreased significantly since 2001.³⁵³ Defector XXX and XXX both testified that executions by firing squad have decreased recently.³⁵⁴ However, there is a report that Kim Jong-il has issued special instructions pointing out that gun-shots must ring out to stem the tide of rising social disorder and unruly behaviors. There is also a report that an intensive guidance inspection was conducted all across North and South Hamkyung Provinces.³⁵⁵ Defector XXX testified that since the year 2000 public executions appeared to have increased.³⁵⁶

The “Colleague Trial” System

North Korea has abolished the so-called “mass trial (or, people’s trial) system” which it had implemented for a while immediately after the Korean War. From about 1972, however,

³⁵² NKHR2009000009 2009-02-19.

³⁵³ NKHR2008000009 2008-08-07; NKHR2008000013 2008-08-19; NKHR2009000016 2008-09-02; NKHR2008000016 2008-09-02; NKHR 2008000027 2008-12-02.

³⁵⁴ NKHR2008000010 2008-08-08; NKHR2008000012 2008-08-14.

³⁵⁵ NKHR2008000017 2008-09-04.

³⁵⁶ NKHR2008000023 2008-11-11.

North Korea has been enforcing a system called “colleague trials” at regional levels. The targeted persons for “colleague trials” included economic criminals, minor violators, those who had unwittingly breached the Kim Il-sung Thought (Juche Ideology), and other violators whose crime amounted to relatively minor infractions. These violators were given such penalties as 6-months labor without pay, a fine amounting to 10 or 20 fold the economic losses incurred by his actions (or deduction of the same from their salary), suspension of various administrative rights, demotion, self-criticism, stern warning, and so on. However, there was no appeals system.³⁵⁷ According to the Court Administration Agency interviews of defectors in Seoul, the “colleague trials” were conducted at factories or enterprises on those employees who had carried on unruly social behaviors. The violators would stand before their colleagues and face “colleague trials.” If the violation was serious, the case could be referred to the prosecutor’s office.³⁵⁸ Many defectors seemed to confuse the on-site public trials and “colleague trials.” Some of them repeatedly said “mass trials” when they meant to say “colleague trials.” A defector observed that some defectors who had witnessed “on-site trials” would call them “colleague trials.”³⁵⁹ So many defectors who testified that they have witnessed on-site public trials may in fact have seen, or are confused with, the “colleague trials.”

In fact, public (or open) trials are also conducted in the military in the form of “comrade trials.” A defector testified that when he was in the military in 2000, a deputy squad leader was accused of stealing a television set. He was tried at a “comrade trial”

³⁵⁷ Court Administration Agency, “A Survey of North Korean Judicial System” (Seoul: Court Administration Agency, 1996), pp. 630-637.

³⁵⁸ Court Administration Agency, “North Korea’s Criminal Law,” p. 30.

³⁵⁹ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

and sent off to serve one year at a military correctional center. The Protection Agency guide in charge and a prosecutor from the local prosecutors' office conducted the trial while the man's entire unit watched.³⁶⁰

The People's Jury

As part of its trial system, North Korea has adopted the "People's Jury System." Article 157 of the Constitution, Article 9 of the Court Composition Law, and Article 274 of the Criminal Procedure Law stipulate that a trial shall consist of one judge and two people's jurors. 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 may exercise a judicial right to interrogate the accused. Each trial and sentencing should have one judge and two people's jurors participating in them.

This system would appear, at least in its form, to follow somewhat the jury system of the Anglo-American courts. However, in reality it is a system employed to exercise the Party's control over the judicial system. As for the qualifications of people's jurors, there are no specific standards except that the juror(s) must be North Korean citizens who are qualified to participate in elections (Art. 6, Court Composition Law). 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

³⁶⁰ NKHR2009000014 2009-03-12.

Korean defectors, their role is indeed limited to confirming the list of crimes presented at the trials.³⁶¹ Defector XXX testified that an agent of Hamheung City People's Security 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. They did by saying "Striking an official working for Kim Il Sung was dangerous for the society." Prosecutors and judges proceeded with the trial on the basis of this kind of statement.³⁶² Defectors 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.³⁶³ In reality, they are selected from among the more competent persons. However, since they lack professional knowledge, they are largely a token and do not play proper roles.³⁶⁴ Defectors Kim XX, Shin XX, and Yoon XX all testified that at open trials a judge and People's Security agents are present; yet in most cases executions are carried out without witnesses or without specifying the crimes committed.³⁶⁵

The Reality of Criminal Trials

To date, there are no former North Korean prosecutors, judges, people's juries or attorneys among the defectors in South Korea. For this reason, it is difficult to know the accurate picture

³⁶¹ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004.

³⁶² Testimony of defector XXX during an interview in Seoul on May 16, 2001.

³⁶³ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004; Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

³⁶⁴ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

³⁶⁵ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2004; Testimony of defector XXX during an interview in Seoul on Nov. 3, 2003; Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

of trial procedures in North Korea. The testimonies of defectors vary from person to person since they do not have professional knowledge about trial procedures.

A few defector testimonies seem to indicate that criminal trials in North Korea are in fact conducted in accordance with the Penal Code, Criminal Procedure Law, Court Composition Law, and other laws. Defector XXX testified that he was tried at the Musan Court in May 2007. There were present a deputy chief judge, two people's jurors, an attorney, and a prosecutor. These 5 people have participated in his trial and the trial proceeded in the following order: the prosecutor's indictment, the attorney's defense, and a decision by the deputy judge and the jurors.³⁶⁶

However, even among those who said they received court trials, their recollections of the number of participants in their trials varied significantly. Defector XXX was captured while attempting to flee from a labor training camp in Pohang District of Chongjin City in January, 1998. He went through preliminary examination and at the trial was sentenced to three years in prison. He was detained in a detention point of the Pohang District Security Agency in Chongjin from January to May, 1998. There were no beatings throughout the investigation. At the Pohang District court, a prosecutor and a judge tried him as he stood in front of them by himself. Afterwards, he was sent to the Jeungsan Correctional Center to serve out his term.³⁶⁷

Defector XXX was arrested by the Musan Security Agency on July 7, 1999, as a woman had secretly reported to the authorities that he used to be a Christian. He was interrogated by the agency for seven months. On December 28, he was sentenced to a fifteen

³⁶⁶_ NKHR2008000022 2008-11-05.

³⁶⁷_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

years in prison by the Musan County Court. Present at the trial were a judge, a prosecutor, a defense attorney and the accused, but he said the attorney did not do anything in particular to defend the accused.³⁶⁸

Another defector said that trials were conducted based on documentary evidence only. Defector XXX was deported to North Korea after failing to defect by entering into the South Korean Consulate in China on March 1, 2004. The Bukchang County People's Safety Agency sentenced him to a year in prison based on documentary evidence and without a trial. He was imprisoned in Jeungsan Correctional Center, but the authorities at the center arbitrarily extended his term to two years. The trial proceeded based on documentary evidence, and no defense attorney was present at the trial.³⁶⁹

Defector XXX served his term at Jeungsan Correctional Center from July 12, 2003 to December 24, 2004. He was charged with crossing the border illegally and attempting to flee to South Korea. He, too, was sentenced to a one-year term based on documentary evidence and without a trial. At the correctional center, however, the guards (or "safety officers") told him, "Although you are due to serve only one year, we will try to hold on to contaminated people like you much longer." In fact, he had to serve out his term of one year, plus five months and 12 days more before he was released.³⁷⁰

Defector XXX was caught while attempting to cross the river, and was sent over to Hweryong Security Agency where his case was investigated for one month. Then, he was turned over to the

³⁶⁸_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

³⁶⁹_ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

³⁷⁰_ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

City Security Agency. Subsequently, it was decided to send him to Jeungsan Correctional Center. Since they processed defection cases based entirely on documentation, he never received any trials.³⁷¹

The above cases would indicate that some trials were conducted based on documentary evidence only, and the correctional center was able to extend service terms.

In addition, there were many cases in which the pretrial dates were not observed. A defector testified that her elder brother had to undergo pretrial for almost a year in 2005 while detained in the North Hamkyung Province Security Agency Detention Center. The charge was that he had met with South Koreans after illegally crossing the river.³⁷²

If anyone wanted to get a divorce in North Korea, she should first meet with an attorney and draft necessary documents requesting a divorce. Then they should go to court where a pretrial would be conducted before a judge. The pretrial hearing is designed to encourage the couple to reconcile. After the pretrial hearing, there will be a chance to meet with the chief judge of the court.³⁷³ But one defector testified that bribery is involved in divorce proceedings. Defector XXX testified that when she was going through her divorce proceedings, she gave money to the judge so the divorce would be granted. In April 2008 the judge told her that the legal conditions for divorce were satisfied, but said “Let me think about it.” She took that to mean that he wanted money, so she gave him 100,000 won.³⁷⁴

³⁷¹_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

³⁷²_ NKHR2009000066 2009-11-11.

³⁷³_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

³⁷⁴_ NKHR2009000054 2009-09-17.

Trial of Political Criminals and Military Tribunals

North Korea continues the policy of strictly separating political crimes from ordinary crimes and punishes the political offenders under different terms. So-called anti-state crimes committed by anti-revolutionary hostile elements in opposition to the people's regime and the Korean Workers' Party are treated as political crimes, and the State Security Agency handles their investigation as well as the preliminary examination (Art. 122 and 124 of the Criminal Procedure Law). Unlike ordinary criminal cases, the provincial and major city courts function as the primary (first level) court for all political crimes (Art. 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 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 SSA.

SSA will investigate and conduct 'preliminary examinations' in all political crime cases, but the court will conduct the trials. Some defectors have testified that the Agency will also conduct trials. Defector XXX, 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 SSA. 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 the 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 imprison the criminal for life and whether the criminal's family will also

be sent with him. There are no established guidelines for making this decision, however. The prosecutor, the security agent, and other officials will confer and determine the scope and duration of detention for the accused.³⁷⁵ Defector XXX, 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 SSA will come to the local area and hand down the sentence. He also testified that a prosecutor from SSA 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.³⁷⁶ Defectors who previously worked for SSA have all testified that the Agency's Prosecution Bureau would perform the court's role.

Defectors testified that trial procedures are followed in the case of military tribunals (that is, court martial). Defector XXX testified that he was arrested for going AWOL while serving at the General Bureau of the Protective Force. While undergoing preliminary examination for four months at the detention point of the Security Agency of the Protective Force, he tried to flee again. In the process, he was shot in the leg, caught, and subsequently tortured. He had to undergo a military tribunal (court martial), which sentenced him to a term of 15 years in prison. A prosecutor and a defense attorney were present at the trial. He was imprisoned in a sub-unit of No. 4 Correctional Center in Hyongjesan District, Kangdong County, Pyongyang City. While serving out his sentence there, he witnessed inmates serving anywhere from one

³⁷⁵. Testimony of defector XXX during an interview in Seoul on Apr. 19, 2005.

³⁷⁶. Testimony of defector XXX during an interview in Seoul on Oct. 10, 2005.

to 18 years. Meanwhile, the maximum service term was reduced from 20 to 15 years when the Penal Code was revised in 1992, automatically shaving five years off all inmates' terms. His term was also reduced by five years, so he was released upon completion of 10 years.³⁷⁷ As this case shows, there seems to exist a wide disparity in actual application of the law from region to region.

Appeals, Complaints and Petitions

Even North Korea's Criminal Procedure Law stipulates "emergency appeals" procedures if the court decision were to exceed the legal boundary (Art. 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. In addition, North Korea has an appeals system to permit a review process for a new decision or sentencing based on new discovery of facts (Art. 403). Even though there is an appeals system in North Korea, ordinary citizens are known to avoid going through the appeals process because they could possibly face a heavier penalty as a result of appeals. Furthermore, one has to go through a longer pretrial period if one wishes to appeal. In addition, because the pretrial period is so painful and arduous, most North Koreans choose to serve their correctional terms rather than go through the appeals process.³⁷⁸ Meanwhile, many defectors testified that they were informed about their appeals. Defector XXX testified that she was tried and sentenced to one year in a labor-training camp. But the term of service was calculated without

³⁷⁷ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³⁷⁸ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

including the pretrial period, and for this reason they granted her 10 days in which to appeal.³⁷⁹

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. Article 69 of the North Korean Constitution stipulates, "Citizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." North Korea enacted Complaints and Petition Act in 1998 and revised the act 1999, 2000, respectively. Article 250 of the 2005 Penal Code mandates punishment for officials who intentionally ignore or mishandle petitions. The Administrative Penalties Law enacted in 2004 also sets down a number of administrative penalties if a complaint or petition were ignored or improperly handled, including warning, stern warning, unpaid labor, demotion, lay-off or firing from the job (Art. 139). Questions were raised during the review of North Korea's Second Periodic Report to the UN Human Rights Committee as to whether there were independent agencies responsible for handling and processing various petitions and appeals, a North Korean delegate replied, "Petitions and complaints can be freely raised anywhere, by anyone, verbally or in the form of documents, and directly or indirectly through an agent, and from the highest sovereign office holder to the lowest unit or enterprise of the society."

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

³⁷⁹ NKHR2009000018 2009-03-26; NKHR2009000067 2009-11-12.

been unfairly prosecuted. However, as the appeals move upward from the county, city and provincial level, they are usually ignored as officials fear that they might be blamed. Initially, officials pretend to listen sympathetically to the appeals, but ultimately they will hand down penal judgments, saying that the content of the appeals violated the “unitary ideological system (that is, Kim Il Sung thought, also referred to as the ‘monolithic ideology of the Party’).”³⁸⁰ In light of these realities the UN Human Rights Committee, in its concluding observations, urged North Korea to establish a national human rights commission. Another defector testified that recently, if a petition is to be successful, one must offer bribes to officials. Defector XXX testified that if one were to simply submit a petition without the accompanying bribes, it would be a waste paper. One must offer money to the official receiving the petition. The defector said that in his case he gave two million won.³⁸¹

Amnesty, Stay of Execution, and Bail System

North Korea also has a system of amnesty which consists of Special Amnesty and General Amnesty. Special amnesty is applied to individual criminals, while general amnesty is applicable to all criminals serving certain crime categories.³⁸² The power to issue special or general amnesty resides with the Standing Committee (Presidium) of the Supreme People’s Assembly (SPA) (Art. 110, Sec. 17 of the Constitution and Art. 53 of the Penal Code). According to defector XXX, general amnesty is usually issued on special festive

³⁸⁰ Testimony of defector XXX during an interview in Seoul on Sept. 9, 1998.

³⁸¹ NKHR2009000021 2009-04-13.

³⁸² Kim Geun-sik, *Criminology* (Pyongyang: Kim Il Sung University Press, 1986), p. 181.

occasions like Kim Jong-il's birthday or the founding anniversary of the Korean Workers' Party (KWP).³⁸³ Defector XXX testified that "grand amnesties" are granted on pre-determined dates in North Korea, such as the birthdays of Kim Il-sung and Kim Jong-il, the anniversaries of the Party's or the Republic's founding, etc. Normally, amnesty is granted every five years, and these are called "grand" amnesties. But only a few inmates benefit from these amnesties.³⁸⁴

In 2008, North Korea had announced general amnesty and released or reduced the terms of the inmates serving correctional punishments, in commemoration of the 60th anniversary of the Republic's founding on September 9th and the 60th anniversary of the launching of KWP on October 10th. Unlike earlier expectations, however, the scope of amnesty was significantly reduced, and those charged with illegal border-crossing penalties were not included in the amnesty. It was further reported that the SPA Presidium and the Central Court in accordance with the instructions of the Party's Central Committee decided to reduce the terms of service by about a year for the relatively minor offenders, who committed ordinary social crimes.³⁸⁵

In fact, defectors have testified that special or general amnesties are granted from time to time.

- In a testimony, the mother of defector Chae Young-sook was said to have been sentenced to seven years in prison for smuggling goods from China. She was imprisoned in Jeungsan Correctional Center, but benefited from the

³⁸³ NKHR2008000029 2008-12-16.

³⁸⁴ NKHR2009000067 2009-11-12.

³⁸⁵ Good Friends, "North Korea Today," No. 139 (Jun. 5, 2008), Good Friends, "North Korea Today," No. 200 (Aug. 29, 2008).

- general amnesty, which reduced her term by two years.³⁸⁶
- Another defector also said his term was reduced by two years by general amnesty in August, 1998. He said that economic criminals often benefit from general amnesty, but offers of general amnesty are rare for murderers and human traffickers.³⁸⁷
 - Defector XXX testified that he was released upon general amnesty issued on the founding anniversary of KWP, October 10, 2006. About 300 inmates (200 men and 100 women) were released on that occasion.³⁸⁸

From these testimonies, it is clear that special or general amnesties are granted selectively and based on the category of crimes.

North Korea also has a system of stay of execution (Art. 51 and 52 of the Penal Code). However, Article 37 of the Sentences and Decisions Law specifies, “The enforcement of sentences granting the stay of execution shall be carried out by the agencies receiving copies of the sentence along with confirmation notifications. The agencies shall transmit these documents to the designated agency, enterprise or organization and the affected inmate so that he/she could serve out the remaining terms there.” In short, the amnestied inmate is required to serve out his/her terms at the court-designated workplace, which is a unique system. The reasons for suspension of terms are clearly stated. The 1999 Criminal Procedure Law illustrates the reasons as follows, “If an inmate sentenced to serve a correctional labor penalty were

³⁸⁶_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

³⁸⁷_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³⁸⁸_ NKHR2008000025 2008-11-20.

gravely ill or suffering from mental illness, his or her terms may be suspended. If a pregnant woman was sentenced to a labor correctional penalty, her terms would be suspended from 3 months before and up to 7 months after the delivery. An inmate released to his home or hospital on account of infirmity shall be supervised by his/her local Social Safety Agency (Art. 299).” Instead of specifying the terms about the infirmity releases, Art. 431, Sec. 3 of the 2005 Criminal Procedure Law stipulates, “The supervision of those released on suspended sentence shall follow the procedures set forth in Art. 43 through Art. 52 of this law.” Article 46 of the 2005 Criminal Procedure Law stipulates three types of medical release: special medical segregation release, general medical segregation release, and regional medical release. Article 47 stipulates, “The supervision of inmates on medical release is the responsibility of his/her local People’s Security Agency.” From this stipulation, it appears that medical releases are a type of regional medical release and are subject to supervision of the Social Safety Agency (the current People’s Security Agency). As an example, defector Chang XX testified that he was due for detention at the Hoeryong Market Correctional Center, but released for reasons of illness. According to him, one released for reasons of illness can receive treatment at a hospital, and is normally free to move around within the district; the MPS, however, will supervise one’s movement.³⁸⁹ Through the testimony of XXX, it is clear that medical releases are a type of medical disposition of a case and that the terms of Criminal Procedure Law are carefully followed.

³⁸⁹ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2005.

B. 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 rights against the state. The fairness of trial procedures ultimately depends upon whether the individual's right to choose an attorney is legally and actually guaranteed. In most civilized countries, the right to get help from an attorney and related methods and procedures are stipulated in detail in the constitution, criminal procedure law, and 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 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 assistance throughout the trial.

In North Korea, Article 158 of the Constitution stipulates that "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 that "In criminal cases, the suspect's right to an attorney is guaranteed." Article 327 specifically illustrates necessary procedures: "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: "If a defense attorney found out that the suspect's rights are not fully protected, he could appeal to the prosecutor or the court." Article 12 of the Attorney Law defines the attorney's rights and duties by stipulating, "At the request of the court or the client (or, the accused), the attorney must try to protect

the legal rights and interests of his client (or, the accused) and assist a fair trial by accurately analyzing, assessing, and clarifying the truth of the case.” A defector testified that he/she has received legal assistance from an attorney in a criminal case.³⁹⁰

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 propaganda agents of the Party: An “attorney should endeavor to impart the legitimacy of the Party’s enforcement policies and should strive to protect the Party’s policies. Also, 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 to uphold the suspect’s rights, nor is he in a position to protect and defend the suspect.³⁹¹ 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 Attorney Act 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,

³⁹⁰ NKHR2008000022 2008-11-05.

³⁹¹ Lee Jae-do, *The Criminal Procedure Law* (Pyongyang: The Kim Il Sung Univ. Press, 1987), p. 76, 207.

the attorney will try to persuade or induce his “client” to confess the crime, rather than defending the client in the case. Even though Article 6 of the Attorney Law guarantees the attorney’s independence, there appears to be a contradiction, as Article 8 stipulates, “Attorneys shall perform their work under the guidance of their local Attorney Committees.” Article 30, Section 4 further stipulates that higher level attorney committees are required to exercise routine control and guidance over the lower level committees and the attorneys belonging to them. Clearly, then, attorneys in North Korea do not work as individual lawyers but serve as a member of a group under various attorney committees.

Suspects also may forfeit their right to an attorney. Suspects may voluntarily give up their right to an attorney, and in that case the trial will proceed without the participation of an attorney (Art. 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).

In their testimonies, recent defectors said they saw ‘attorney’s office’ signs at the office buildings next to the court building since 2006.³⁹² Defector XXX said she received attorney’s assistance during the divorce proceedings, and said there was an attorney’s office inside the courthouse building.³⁹³

Many defectors have testified that they did not benefit from legal assistance from attorneys as the trials were conducted based solely on documentary evidence.

– Defector XXX said no defense attorney was present during

³⁹² Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

³⁹³ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

his trial and the trial was conducted based solely on documentary evidence.³⁹⁴

- Another defector served his term at Jeungsan Correctional Center from July 12, 2003 to December 24, 2004 for crossing the border illegally and attempting to flee to South Korea. He, too, was sentenced to a one-year prison term based on documentary evidence and without a trial.³⁹⁵

Many defectors have also testified that even in formal trials, defense attorneys were not present in most cases.

- Defector XXX was captured while attempting to flee from a labor training camp in Pohang District of Chongjin City in January, 1998. At the Pohang District court, a prosecutor and a judge tried him as he stood in front of them alone.³⁹⁶

Many defectors also said that even when defense attorneys do participate in the trial process, most North Koreans do not fully understand the role of these defense lawyers. As a matter of formality, there are defense lawyers at public trials. But most people are aware that there is precious little to defend or there is no reason to attempt a defense at all.³⁹⁷

- In another testimony, it was said that the defense attorney system is only nominal. The defector also stated that he had never seen a defense attorney actually defend his client in the court of law.³⁹⁸

³⁹⁴ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

³⁹⁵ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

³⁹⁶ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³⁹⁷ NKHR2009000015 2009-03-17.

³⁹⁸ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

- Defector testified that on December 28, 1999 he (the defector) was sentenced to 15 years in prison by the Musan County Court. At the trial, a judge, prosecutor, defense attorney, and the accused were present, but he said the attorney did not provide any legal assistance for the accused.³⁹⁹
- Defector XXX testified that the role of attorneys is not very significant in North Korea even though the attorney system does formally exist.⁴⁰⁰
- A defector testified that in 2004 he experienced a trial himself. The defense lawyer did not come to his defense, but only repeated the charges against him.⁴⁰¹
- A defector testified that when his relative was being tried the lawyer simply said, “Because this suspect committed these crimes, I as his defense lawyer can do nothing about them.”⁴⁰²
- A defector testified that when he was being tried at a railroad court the defense lawyer argued against him rather than for him, saying, “The suspect should be more harshly punished according to our laws, because he grew up in the bosom of the Party, and yet he forgot the benevolence of the Party and betrayed the Fatherland by going to China and even attending churches there.”⁴⁰³
- A defector testified that in December 2006 a certain Kim XX was tried in court, but his lawyer did not say one word. This man said there was no need to talk about

³⁹⁹_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁴⁰⁰_ NKHR2008000007 2008-071-30.

⁴⁰¹_ NKHR2009000011 2009-03-03.

⁴⁰²_ NKHR2009000046 2009-07-28.

⁴⁰³_ NKHR2009000059 2009-09-29.

lawyers in North Korea. No one could ever defend anyone who had committed an act against the policies of the Party.⁴⁰⁴

Consequently, even those who are aware of the attorney system do not exactly know the role of lawyers; 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. On the other hand, some defectors testified that their lawyers did make some comments that were helpful for them. A defector testified that in 2005, when he was being tried at a court in Jeung-san, his defense lawyer explained his predicament in detail and tried to get a lighter sentence for him, saying, “The former wife of this man lived and behaved in such and such a manner, so it would be reasonable to give him a lighter sentence.”⁴⁰⁵

Some defectors have testified that they received legal assistance from attorneys during divorce proceedings. He said he received legal assistance from a lawyer named Hong Myong-chol when he drafted and signed legal paperwork requesting divorce.⁴⁰⁶

On the other hand, defector XXX testified that during a trial process the attorney’s role was limited to a formality, as he would defend his client only as part of prescribed defense procedures. This defector testified that during his trial the prosecution asked for a 13-year sentence. However, after court officers, including the judge, the prosecutor, and his attorney, consulted and pre-determined the terms of sentence, the attorney would request a

⁴⁰⁴_ NKHR2009000041 2009-02-26.

⁴⁰⁵_ NKHR2009000018 2009-03-26.

⁴⁰⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

reduced penalty during his defense argument. In short, the terms of sentence would be pre-determined, and the attorney would request a reduced term to demonstrate fairness of the trial, and the judge would hand down a reduced penalty, taking note that he made the decision in due consideration of the attorney's defense argument.⁴⁰⁷

C. Enforcement of the Administrative Penalty Act

In North Korea, trials are conducted at a court consisting of a judge and two “people’s jurors” (three judges at appellate court levels) (Art. 157 of the Constitution; Art. 14 of the Court Composition Law; and Art. 274 of the Criminal Procedure Law). In reality, however, many other agencies not listed in the Penal Code have handed down penal sanctions, such as labor-training, unpaid labor, demotion, lay-off, firing from the job, and warnings.⁴⁰⁸ Defectors testified that in political criminal cases, the “case examination committee” of the Security Agency routinely tried the cases, and sometimes judges were assigned to the security agency to try the cases.⁴⁰⁹ In addition, the Socialist Law-abiding Life Guidance Committee would often inspect whether citizens were abiding by the law and how the laws were enforced by mobilizing various law-enforcement agencies like the Prosecutors’ Office and the State Inspector’s Office. The Committee would examine the law-breakers and unruly behaviors and determine whether or

⁴⁰⁷ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2005.

⁴⁰⁸ The types of criminal punishment stipulated in North Korea’s Penal Code include death sentence, life correctional labor, term correctional labor, labor-training, depriving electoral rights, property confiscation, and suspension of qualifications (Art. 27).

⁴⁰⁹ Court Administration Agency, “North Korea’s Criminal Law,” p. 31.

not to impose criminal penalties on them. Included in the types of penalties this committee could impose are warnings, stern warnings, fines, demotion, lay-off, and firing from the job, as well as one-month-to one-year-long unpaid labor penalties. It could also transfer criminal cases to the prosecutor's office.⁴¹⁰ The Sentences and Decisions Law stipulates various penal terms not specified in the Penal Code, such as fines and unpaid labor (Art. 9, 40 and 43).

In this connection, North Korea has enacted the "Administrative Penalty Act" on July 14, 2004. The significance of this act is that for the first time the types, requirements, and procedures for the administrative penalties have been formally set down, which had heretofore been enforced only as a matter of routine practice without any standards. According to this act, administrative penalties are administrative sanctions imposed on citizens, agencies, enterprises, and organizations for unlawful acts that did not rise to the level of criminal penalty (Art. 7). In view of the appearance of this law, it is clear that a wide range of administrative penalties have been imposed in North Korean society. First of all, this act stipulates various types of administrative sanctions, including warnings, stern warnings, unpaid labor, labor-education, demotion, lay-off, firing from the job, fines, suspension, damage compensation, confiscation, pay-cuts, and suspension or deprivation of qualifications (Art. 14). Second, Chapter 3 of this act contains categories of various administrative violations subject to administrative penalty, including violations of economic management procedures (Sec. 1), cultural procedures (Sec. 2), ordinary administrative procedures (Sec. 3) and community life procedures (Sec. 4). The act contains a total of 146 articles. Third,

⁴¹⁰ Court Administration Agency, "A Survey of North Korean Judicial System," pp. 646-647.

there are various agencies empowered to impose administrative penalties. They include, for example, the Socialist Law-abiding Life Guidance Committee, the Cabinet, prosecutor's offices, court trials, and arbitration panels, People's Security Agencies, and the Inspector's Offices. In addition, various agencies, enterprises and organizations could also impose administrative penalties (Art. 175). One positive aspect of this act in terms of North Korean human rights is that the act clearly stipulates in writing the requirements and procedures for the imposition of administrative penalties. Some of the details include the following: First, the state is required to guarantee a scientific, objective, prudent and fair application of the administrative penalties (Art. 4). Second, the scope and method of application of administrative penalties are illustrated in detail from Articles 15 through 23. Third, only one administrative penalty in principle is imposed on each violation (Art. 27). Fourth, the agencies, enterprises and organizations are not authorized to exercise administrative penalty sanctions beyond what the law prescribes, and if any entity needed to impose administrative penalties beyond its authority it should transfer the case to the local Socialist Law-abiding Life Guidance Committee or other authorized agencies (Art. 185). This provision clearly is intended to prevent various entities from violating the prescribed provisions. Fifth, various complaint and review procedures are prescribed in Articles 186 through 193. Sixth, an appeals system against the administrative penalty is set down in the law. Regarding any administrative penalty, the affected citizen(s), or the agency, enterprise, and organization may submit petitions to the Socialist Law-abiding Life Guidance Committee or to the agency, enterprise, or organization issuing the penalty within 10 days of such a decision (Art. 198).

- Some examples of administrative penalties are as follows:
- In June 2008, KWP decided to issue a “stern warning” to the “director of education” in Chongjin City, North Hamkyung Province concerning the education project he was responsible for. The warning pointed out that his preventive education was unsatisfactory in view of the fact that undesirable video tapes were widely circulated among the district’s students.⁴¹¹
 - As a result of inspections on the Jongori Correctional Center in Hweryong City, North Hamkyung Province, all staff members of the Center were demoted a level. The inspections uncovered various corrupt practices such as granting unwarranted early releases of inmates upon taking bribes.⁴¹²
 - In September 2008 a worker at a People’s Court was removed from his job for illegally granting a divorce after taking 500,000 won in bribes from a couple wanting to get divorced. Getting a divorce in North Korea is very difficult. Many couples try to bribe officials with about 400,000-500,000 won to get a divorce.⁴¹³

⁴¹¹_ Good Friends, “North Korea Today,” No. 140 (Jun. 6, 2008).

⁴¹²_ Good Friends, “North Korea Today,” No. 198 (Aug. 27, 2008).

⁴¹³_ Good Friends, “North Korea Today,” No. 214 (Sept. 19, 2008).



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The Right to Equality

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. It is based on a belief in non-discrimination and the principle of equal 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 ICCPR stipulates that “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 According to Family Background

Article 65 of the 1998 Constitution of the DPRK recognizes, at least nominally, citizens' rights to equality, stipulating that all citizens shall have equal rights in all sectors of social life of the nation. In its Second Periodic Report on International Covenant on Civil and Political Rights ("ICCPR"), North Korea insisted that citizens of the DPRK are guaranteed all rights stipulated in ICCPR, namely, the equal rights without discrimination on the basis of race, color, gender, language, religion, political views, national or social background, property, birth, or personal status.

Despite this argument, the regime strictly classifies every individual according to his or her family background (or class origin) and degree of loyalty to the regime.

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 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-yop, 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. However, the exact nature of the project remains unknown (See Table II-7).

Since many groups of people have been newly labeled or unlabeled, as the case may be, 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. 1958–Dec. 1960	Exposing, punishing and forcing relocation of impure elements to remote mountain villages
Re-registration of the people	Apr. 1966–Mar. 1967	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 6 th degree)
Division into 3 classes and 51 sub-classes	Apr. 1967–Jun. 1970	Based on the re-registration project all people are to be classified as being part of the Core Class, Basic Class, or Complex Class, and then further classified into one of the 51 sub-classes
Understanding the People Project	Feb. 1972–1974	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. 1980–Dec. 1980	To expose impure elements and increase control, inspection, and renew citizens. Certificates according to Kim Jong Il's orders

Project	Period	Description
Project concerning naturalized foreigners and defectors from South Korea	Apr. 1980– Oct. 1980	Divide those from the outside 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. 1981– Apr. 1981	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. 1983– Mar. 1984	Renewal of citizen's certificates and revision of documents for all residents
Inhabitants Re-registration Project	Mar. 1984– Oct. 1989	Review and re-indexing inhabitants registry, Develop background data on separated families
Renewing Citizenship Cards	Feb. 1998– Oct. 1998	Change passport style to credit card style

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

Classifications of North Korean Inhabitants

North Korea classifies the entire population into three groups: Core Mass (core class), Basic Mass (basic class) and Complex Mass (wavering class and hostile class) (See Table II-8-10). Defectors have testified that this classification, along with the background discrimination policy, has an important impact on the daily lives of the people in terms of political and social status, education opportunities, jobs, and marriage. According to the testimony of defector XXX, all North Koreans are classified into one of seven categories depending on their personal background. These records are maintained at province or MPS. People in categories 1-3 are known as the “core masses,” while category 4 includes factory managers and party workers. The rest of the general public are known as “bastards” or low people.⁴¹⁴ In some cases, people attempt bribery to alter their records (i.e., background) if it

⁴¹⁴ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

interferes with their social advancement.⁴¹⁵

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 thousand 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 during the Korean War. For the education of children of the core class, North Korea operates various special schools including the Mankyongdae and Kang-bansok 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 may also use the cars registered with the company as their own. They 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 vanguard class (about 10 percent of the population) prefers the current system and enjoys favorable treatment.⁴¹⁶ Former medical doctor XXX testified that different levels of medical service were provided to people depending on

⁴¹⁵_ Testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

⁴¹⁶_ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

their status and background. Large hospitals maintained special units for the treatment and care of party officials.⁴¹⁷

The so-called basic 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 basic 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. For them, health benefits are insufficient. However, some of them, depending on the quality of their loyalty and contributions, can improve their personal status and become members of the core mass.

The complex 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 complex 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 take over, 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 suppresses the social mobility of the persons belonging to the basic masses, but those in the category of the complex mass suffer most directly. Those classified as part of this class are

⁴¹⁷ *Ibid.*

discriminated against in all aspects of their lives including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the complex 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.

〈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; Service men'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).	<ul style="list-style-type: none"> - 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).
Basic 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 (1 st Category); families of those who went to the South (2 nd Category); People who formerly were medium-scale farmers; national capitalists; families of those who went to the South (3 rd 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.	<ul style="list-style-type: none"> - Employ as low-level managers or technicians. - Promote a limited number to the "core masses" class.

3 Classes	51 Sub-classes	Treatment
<p>Complex Class (Wavering and Hostile Class) (27%)</p>	<p>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 completely confiscated,</p>	<ul style="list-style-type: none"> - 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 the 1970 classification based on the results of a citizen registration project conducted at that time. Source: Ministry of Unification, *An Overview of North Korea* (2000), p. 420.

〈Table II-9〉 Categories of 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, and 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; families of former hostesses or shamans; former Confucian scholars and the rural area (bourgeois) leaders; former intellectuals; 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 those under arrest

This table is based on the testimony of defector XXX.

〈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 cause, 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 level of misdemeanors is so minor as to warrant inclusion 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.

The North Korean authorities exercise strict controls over their people according to these classifications. Defector XXX testified that the father of his friend used to work as a “cell secretary” of the Party at his place of work. In 2000 this friend saw a document in his father’s possession which stated that another friend was the son of a former South Korean POW. One day this friend confided to him, “That guy will never see a better future.”⁴¹⁸

Hereditary Discrimination based on “Crime-by-Association”

North Korea utilizes “crime by association” as a major tool to maintain its ruling system. This is a system by which family members of individuals convicted of political or ideological crimes are also punished. This system works horizontally to include all members of one’s immediate family, and vertically to affect one’s children and grandchildren. The government still maintains these records and uses them as a means to maintain firm control over the people.⁴¹⁹

⁴¹⁸_ NKHR2009000024 2009-04-20.

⁴¹⁹_ The UN Special Rapporteur on human right in North Korea, Vitit Muntarbhorn,

One way to see the extent to which the regime controls the people through this system is to examine the forced relocation of families. For example, 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 relegated to the hostile class. These people are dispossessed and disadvantaged because of the behavior of their ancestors or events that occurred during the Japanese occupation or the Korean War. A person may be banished to a remote area, or to a coal mine or lumber mill, to do unbearably hard physical 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. Additional disadvantages related to social advancement also exist. But essentially what exists is a systematic conferring of discrimination to these people's children and grandchildren based on family background.⁴²⁰

According to defector XXX, the crime-by-association system is applied strictly to political prisoners. With respect to this, there are some articles addressing crime by association in the policies of the State Security Agency. For example, if the husband's relatives were found in violation, the wife would be automatically divorced from her husband and sent home. However, if the wife's relatives are found in violation, the husband (or son-in-law) is

"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" (Jan. 11, 2005), p. 11.

⁴²⁰ Testimony of defector XXX during an interview in Seoul on May 23, 2000.

exempt from punishment.⁴²¹ As economic hardship worsened, the people's complaints increased and the number of so-called "verbal reactionaries" also increased. Under the circumstances, the North Korean authorities did not impose severe punishments so long as the complaints were not "politically motivated." Even in cases of "serious verbal" violations, they sent only the person directly involved to a political concentration camp, showing that the practice of "guilt by association" was being relaxed.⁴²² Reportedly, there is a "principal violators only" political concentration camp in Chongjin City, North Hamkyong Province; still, the practice of "quilt by association" persists.⁴²³

Officially, North Korea does not admit to 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.

Systematic Discrimination based on Family Background: Party Membership, Promotions, and Educational Opportunities

The North Korean authorities consider one's personal background as the most critical factor when selecting candidates for positions in the Party or law-enforcement agencies. The authorities assume that people who harbor an extreme enmity toward the system do not change, nor do their families, even after three generations. This policy has been especially apparent since the defection of former KWP Secretary Hwang Jang-yop in

⁴²¹ Testimony of defector XXX during an interview in Seoul on Oct. 19, 1999.

⁴²² Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

⁴²³ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

1997. Immediately after his defection, the personal background of candidates for promotion and various other selection processes were checked more carefully.

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. Defector XXX 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 a person fails to qualify for party membership while in the military, they are not treated as human beings. Because of one's family background, a person cannot join the KWP, and is discharged from the army. In this case, the stated reason for discharge was "psychological,"⁴²⁴ but the real reason was "life discharge."⁴²⁵⁴²⁶

In other testimony, defector XXX insisted that in North Korea job assignments are determined from birth, that is, background and contacts are crucial for education and job assignments.⁴²⁷ In his case, he belonged to the core class and served as an officer at the Security Agency after graduating from college.

Most North Koreans would prefer to work for powerful agencies like the Party, the Ministry of People's Security, and the

424_ Unfit for military life.

425_ Undisciplined attitude in barracks life.

426_ Testimony of defector XXX during an interview in Seoul on May 23, 2001.

427_ Testimony of defector XXX during an interview in Seoul on Sept. 20, 2004.

State Security Agency. However, background checks are thoroughly conducted before anyone can be assigned a security-related job. This practice is indistinguishable from social discrimination. For example, to work for the MPS, 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 (much less have been traitors). To work for the SSA, background checks include investigation of an applicant's third cousins, because workers at this agency handle many classified materials. According to defector XXX, he/she and everyone in his/her extended family received patriot's benefits, including the grandfather's siblings, his/her siblings, and their children and grandchildren, Most of them landed good jobs such as Party jobs. His/her own father was a teacher, but the government provided him with a nice house usually reserved for party secretaries and equipped with telephone service.⁴²⁸ Another defector, XXX, testified that because his/her grandfather was an anti-Japanese resistance fighter, he/she was able to attend good schools and received a number of special benefits while growing up. A provincial party chief secretary once told a meeting of bereaved families, "The parents should always remember these precedents and strive to become major pillars of the country."⁴²⁹

Many defectors testified that "defector families" and families of former (South Korean) POWs are subjected to serious discrimination.

- One defector testified that her father was a former POW (South Korean soldier captured during the Korean War). Due to this "defective" or "bad" family background, she was unable to go on to a good school even though her grades

⁴²⁸ NKHR2009000011 2009-03-03.

⁴²⁹ NKHR2009000052 2009-08-27.

were excellent. Her brother could not join the Party. Her father and brother were both assigned to work in coal mines.⁴³⁰

- Another defector testified that his/her father was originally from South Korea, so he/she was always discriminated against even though his/her academic record was good. Because of his/her “defective” or flawed family background, he/she was not allowed to advance to college. He/she was able to join the Party much later after several tries and based on many recommendations.⁴³¹
- Another defector testified that her uncle (father’s elder brother) had defected to South Korea, leaving her with a “defective” or bad family background. For this reason, she had hard time getting married. She tried very hard to join the Party in her youth but was never admitted.⁴³²

Party officials and Protection Agency officials always place emphasis on documentary evidence (resumes). Even if one lacks competence, selection is assured with an impressive resume.⁴³³ There is testimony that resumes are important for positions of Central Party, SSA, or MPS, but MPS is recently relaxing such requirements.⁴³⁴

- Defector XXX testified that the family background check has been significantly relaxed, but people who have personal or family background stemming from South Korea

⁴³⁰_ NKHR2009000029 2009-05-01.

⁴³¹_ NKHR2009000046 2009-07-28.

⁴³²_ NKHR2009000047 2009-07-30.

⁴³³_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

⁴³⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

are not able to get positions in the Party.⁴³⁵

- Another defector claimed that personal background is still an important factor for admission into first-rate universities.⁴³⁶
- A third defector’s testimony corroborates this, as he testified that he was able to matriculate into a communist university thanks to the fact that his father was a retired soldier. People with questionable background are not accepted, since it is an institution reserved for the education of Party cadres.⁴³⁷
- A fourth testified that even though money has become important in North Korean society today, internal Party documents (on one’s background) are so solid that money can play only a limited role when it comes to internal Party business.⁴³⁸
- “My family was discriminated against socially because my uncle had fled to South Korea. Initially, I did not know it very well. I thought my father had some problems, so I used to blame my father rather than North Korean authorities. I could not join boy scouts when I was young and could not become chairman at the Social Labor Agency when I grew up. In any event, I have worked hard. Ultimately, however, I could not move up to the Party, law enforcement, or safety agent positions. The best I could achieve was a manager at an enterprise. Because I am came from the “complex class,” I needed five “guarantors” [who could certify my integrity] to apply for Party

⁴³⁵ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁴³⁶ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁴³⁷ *Ibid.*

⁴³⁸ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

membership.”⁴³⁹

- In the case of a factory manager, the District Party Branch would usually examine the resume closely. Today, however, the district party would not look into the paperwork closely. Sometimes, rich people will provide cash bribes to district officials to take the job away from the person already designated for the position. So, many have testified that rich people will usually get the managerial positions.⁴⁴⁰
- The returning Korean-Japanese were not allowed to become Party staff, administrative staff, or any high level positions. Recently, however, they could get the administrative staff positions.⁴⁴¹
- In the past, the personal (family) background was an important admission criterion to enter the Kim Il-sung University, Foreign Language School, or Music School. Recently, however, individual talents have become the most important factor. This is a result of so-called “Wide-embracing Politics.” Under this policy, talented students who happened to have a flawed background can now move on to good schools.⁴⁴²
- Unless the student comes with a very bad background, such as an espionage family background, he or she can now advance to such top schools as Kim Il-sung University or Kim Chaek Polytech College, which previously accepted only “good background children.” Even the children of returning Korean-Japanese can advance to these schools if

⁴³⁹ *Ibid.*

⁴⁴⁰ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

⁴⁴¹ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

⁴⁴² Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

their academic records are good.⁴⁴³

Meanwhile, various testimonies indicate that the discrimination based on “personal (family) background” has been significantly relaxed in recent years.

- Defector XXX testified that personal (family) background did not seem to play an important role in recent years, because anyone could become a party member if she had enough money. Money may not get everyone admitted to Kim Il-sung University, but most of those wanting to go to college can get into colleges like the Kangsan Metallurgical College in Chongjin.⁴⁴⁴
- Defector XXX testified that personal background would not be completely overlooked as yet, but its importance has been weakened compared to past practices.⁴⁴⁵
- Another defector testified that his background was not favorable because his father’s generation had many relatives who had fled to South Korea and he and his wife had been banished. Nevertheless, he said his grandson was admitted to a Printing College in Pyongyang. He said even if your background was unfavorable you could still get into a technical college in Pyongyang, though not into a “university,” even if your academic performance was good.⁴⁴⁶
- Defector XXX who defected in March 2008 testified that getting discriminated against or disadvantageous treatment based on personal background was true in the past but it is

⁴⁴³ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

⁴⁴⁴ NKHR2008000009 2008-08-07.

⁴⁴⁵ NKHR2008000013 2008-08-19.

⁴⁴⁶ NKHR2008000020 2008-09-17.

no longer true today.⁴⁴⁷

Others testified that personal background was still important.

- According to one defector, a man who had defected with her had always received top scores at all City and Provincial tests, but the children of powerful officials, whose scores were far inferior, ended up with better positions. Only after he became a high school student did he find out that he was discriminated against because his family had a “defector” (to South Korea) among them. However, his school authorities protested (to the local Board of Education) that there would be no one who could qualify for college education if such an excellent student was not allowed to enter college. As a result, he was assigned to the Chongjin College of Commerce, but he dropped out because he was unsatisfied with the level of that college.⁴⁴⁸
- Defector XXX graduated from Chosun College of Athletics. He testified that no one with unfavorable personal background could enter this college, but students with good background could enter the college even if their academic performance was below standard.⁴⁴⁹
- Another defector testified that the children of defector families could never get a job anywhere, regardless of how bright they were or excellent their capabilities. They could never become a party member, either.⁴⁵⁰
- Defector XXX testified that her husband’s family was a household of “Heroes of the Republic.” She said her family

⁴⁴⁷_ NKHR2008000023 2008-11-11.

⁴⁴⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008.

⁴⁴⁹_ NKHR2008000002 2008-07-04.

⁴⁵⁰_ NKHR2008000006 2008-07-24.

received grain rations even when grain rations were suspended elsewhere.⁴⁵¹

- Defector XXX testified that having lots of relatives in China was a disadvantage. He said he could not join the military service because he had many relatives in China. He further said money (bribery) has become an important means, but personal background was still more important when trying to become a Party member.⁴⁵²
- Defector XXX who defected in February 2007 testified that he thought personal background appeared to weigh more heavily in recent years.⁴⁵³
- North Korea advertises that under its policy of “broad-based governance” no questions are asked about one’s past or family (personal) background, but the reality is entirely different. North Korean defector XXX testified, “They tell you that your future is guaranteed as long as you are loyal to the Party (KWP), regardless of your past. But this is a way of justifying their position during the Party’s educational training. If, however, you were to seek a position in the Party, you would have to go through a process known as a “personal background check.” Through that process, all facts are reviewed and screened.⁴⁵⁴
- One defector testified that her husband’s grandfather had fled to South Korea in 1950, which made her husband’s background bad. As a result, her father-in-law was not allowed to join the Party and neither was her husband. He

451_ NKHR2008000010 2008-08-08.

452_ NKHR2008000018 2008-09-11.

453_ NKHR2008000019 2008-09-16.

454_ NKHR2009000016 2009-3-19.

could not even join the military.⁴⁵⁵

Social Discrimination based on Personal Background in Court Sentences and Marriage

For criminals facing the death penalty, this is particularly crucial, for a final judgment, that is, whether or not to reduce a sentence, may depend upon the person's family background. Criminals having inferior backgrounds or birth origins, including orphans, are usually sentenced to death without hesitation or consideration. People who have witnessed executions and various other sentencing express that they are unfair and arbitrarily decided by authorities based on one's background.

Defector XXX testified that during an investigation process at the Security Agency, if a criminal charge were to be found warranted, the suspect's family records would be brought back from the suspect's hometown People's Safety Agency. The records are used as a reference in determining the terms of penalty. In short, a person's family background is considered when determining the level of punishment. If the suspect had many party members in his family, the authorities would assume that the suspect could be reformed by dint of his good family environment. The Security Agency has a set of standing regulations when handling cases. For example, if the suspect had more than 9 party members in the family, he would get a three-year reduction of punishment. If the suspect received a Kim Il-sung commendation or a meritorious service medal, the authorities would give due considerations for him.⁴⁵⁶ However, due to the limited level of information available,

⁴⁵⁵_ NKHR2009000023 2009-4-16.

⁴⁵⁶_ Testimony of defector XXX during an interview in Seoul on Oct. 10, 2005.

more research will need to be done and more information collected 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. Defector XXX testified that a “security meeting” would be held prior to a trial. During this meeting, in which the fate of the accused would be decided, if someone (the accused or his family) could produce a so-called “certificate of patriotism,” then the terms of the sentence would usually be reduced.⁴⁵⁷

Personal background also affects marriages. Men with unfavorable personal background have little chance to overcome the class barriers unless fortunate enough to marry a woman with a good personal background.⁴⁵⁸ If one’s background is unfavorable, control apparatus such as the Security Agency will often systematically interfere with personal affairs. According to XXX, who defected after being abducted, he was denied permission to marry ten times, even though he had favorable 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.⁴⁵⁹ In another case, Han Jongnam (female) graduated from Hyesan Arts College in 1998 and was teaching at Hyesan 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.⁴⁶⁰ When she got married, her husband

⁴⁵⁷ NKHR2009000066 2009-11-11.

⁴⁵⁸ Testimony of defector XXX during an interview in Seoul on Jan. 7, 2004.

⁴⁵⁹ Testimony of defector XXX, who had been kidnapped and later returned home, during an interview in Seoul on Jan. 7, 2004.

⁴⁶⁰ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

was a student at Kim Chaek Polytech College and his father was an ordinary person. But her father granted the marriage, saying that the young man was sharp and articulate.⁴⁶¹

North Korean authorities would also discriminate against the families of “repatriated Koreans (from Japan).” According to defector XXX, these families would be severely discriminated against. When he was in elementary school, his teacher used to stare at him and shout discriminatory orders like, “Come here, you son of the capitalist world.”⁴⁶²

Class-Based Discrimination in Housing

North Korea assigns housing to people according to their background and forcibly relocates people from one place to another. North Korean authorities fear the possibility that those people whose backgrounds are regarded as bad, primarily from South Korea or who once belonged to the landlord or capitalist classes 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.⁴⁶³

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

⁴⁶¹ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

⁴⁶² NKHR2009000012 2009-03-05.

⁴⁶³ Defector XXX 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 defector XXX during an interview in Seoul on Feb. 4, 2003.

backgrounds are prohibited from serving as salaried members of the KWP or from holding important positions in administration. Instead, they can only be promoted to low ranking public service positions. These people frequently gather together to sympathize with one another, complain about their situations, and express resentment against the North Korean authorities.⁴⁶⁴

The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains. According to defector XXX, people who are ostracized and forcibly relocated to remote places are called the Pyongyang evacuees. These people are acutely despised and discriminated against by the local population. Instances of discrimination against expelled individuals can be easily found.⁴⁶⁵

Discrimination against Citizens of Pyongyang

North Korean authorities have divided Pyongyang City into a “central zone” and “surrounding zones” (or, downtown and suburban districts). The surrounding zones are again divided into “protected district”, “satellite district” and “farming district” (Art. 7 of the Management Law for the Capital City of Pyongyang). In order for any citizen to reside in Pyongyang, he must register in accordance with the methods and procedures set forth by the Cabinet (Art. 28 of the Capital City Law above). North Korean authorities decide, based on a person’s back-ground, whether or not they are eligible to live in Pyongyang. Even residents of Pyongyang face discrimination by classification. For the most part, citizens of

⁴⁶⁴ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

⁴⁶⁵ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

Pyongyang are divided into three categories. The first and second categories are comprised 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, however, 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 categories are mobilized when the heads of foreign governments visit Pyongyang. People belonging to the third category are always restricted and can only participate in general mass rallies. People in the first and second categories can sit in the front seats while people from the third category must stand in the most rear areas 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.

B. Discrimination against the Physically and Mentally Challenged

According to a recent estimate, there are about 500 million disabled persons worldwide, and North Korea has a significant number of physically challenged (or disabled) persons. Because it is a closed society, it is difficult to collect accurate information on the number and reality of these people. The World Milal is an

international evangelical group that has been helping the physically challenged around the world. In 1999 the association released a “survey of disabled persons in North Korea” that it had obtained from the Korean Support Disabled. According to this survey, there are a total of 763,237 disabled persons, or about 3.41 percent of the population. The survey showed that 296,518 persons, or 38.3 percent of the total, had physical disabilities, 168,141 persons were hearing-impaired, 165,088 vision impaired (i.e., blind), 68,997 were suffering from multiple disabilities, and 37,780 were mentally disabled. About 1.75 percent of the Pyongyang population was disabled persons. Also, it was said that 64 percent of all physically challenged persons were living in urban areas, while 35.4 percent were living in farm villages.⁴⁶⁶

In its Second Report on “International Covenant on economic, social and cultural rights.” North Korea reported that the disabled persons are provided with jobs appropriate for their capabilities and Constitutional rights. North Korea also insisted that the government was paying special attention to disabled children, and that pre-school children were receiving treatment at special hospitals, while school-age children were getting special consideration to enable them to receive treatment so that they could continue their school education. North Korea said it was maintaining 3 specialized schools for blind and deaf-mute children, and 9 schools for children with speech-impairment. A total of 1,800 physically challenged 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

⁴⁶⁶ *Yonhap News*, Apr. 9, 2006 and Nov. 23, 2006.

North Korea's second periodic report on ICESCR in 2003, the UN Committee on Economic, Social and Cultural Rights, in its concluding observations, expressed concern about the fact that disabled children were excluded from the normal educational process.

Even though North Korea insisted in its second periodic report on ICESCR that it was protecting disabled persons, the North Korean defectors who came to South Korea have testified that the North Korean authorities discriminate against these people. There is a strong sense of discrimination against handicapped persons. Most defectors have testified that there is widespread prejudice against such persons in North Korea. Defector XXX testified that there is absolutely no concept in North Korea of treating disabled persons with compassion, as is done in South Korea. Dwarfs and hunchbacks are required to live in controlled areas and are not allowed outside.⁴⁶⁷ Defector XXX testified that the North Korean society does not respect handicapped persons as human beings.⁴⁶⁸ There exists scant awareness of human rights for the handicapped persons.

The most serious case of discrimination is the operation of segregation facilities for dwarfs and forced sterilizations on them.

- According to Hwang Jang-yop's testimony, Kim Il Sung instructed in the 1960s that dwarfs not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for dwarfs was established at Jungpyong County, South Hamkyung Province.
- Other defectors agreed with Hwang Jang-yop that there were dwarf concentration camps in the 1960s and

⁴⁶⁷_ NKHR2009000016 2009-03-19.

⁴⁶⁸_ NKHR2009000011 2009-03-03.

1970s.⁴⁶⁹

- Defector XXX testified that two dwarfs were admitted to the hospital he was working at in 1993. They told him that they were there to receive sterilization.⁴⁷⁰
- Defector XXX testified that his relative XXX was forced by the government to be sterilized in the late 1980s because he was a dwarf.⁴⁷¹
- Defector XXX has also testified that there was a dwarf camp in Bujon County, South Hamkyong Province, and that the authorities have performed “neutering” operations there.⁴⁷²
- Defector XXX testified that dwarfs are separately detained in the detention camps. He heard all male dwarfs are castrated. But he also heard that they were released during the 1998, 1999 period due to pressure from the international human rights community.⁴⁷³
- A defector testified that long ago there was a ‘dwarf’s village’ in Huchang (Kim Hyungjik County), but no such place exists today.⁴⁷⁴
- Another defector testified that victims of dwarfism were segregated in an area near 9-ri (Woltan-ri), Huchang County, Yangkangdo Province. If a dwarf wanted to get out of this area, he/she would have to pay a certain amount of money. Today, many dwarfs live in the cities.⁴⁷⁵
- A defector testified that her sister had seen a dwarf first-

⁴⁶⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

⁴⁷⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁴⁷¹_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁴⁷²_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2006.

⁴⁷³_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

⁴⁷⁴_ NKHR2009000023 2009-04-16.

⁴⁷⁵_ NKHR2009000030 2009-05-07.

hand in about 1998. She followed the person to his place of residence, and there she saw a group of dwarfs living together under a supervisor.⁴⁷⁶

- A defector testified that he had gone for fishing in July 2007 to an area near the Samsok Power Plant. He said he saw a group of midgets living together at a place called Kwanseng-I in Samsu County.⁴⁷⁷
- A defector testified that he/she saw a dwarf drinking liquor at a stand in the area around XX railroad village. The witness then saw the dwarf move on to the Daehungdan area.⁴⁷⁸

In addition to the above testimony about the release of dwarfs, there were testimonies stating that the dwarf camps have been abolished.

- Defector XXX said when he was young he had heard about the story of sending off the dwarfs to a remote location, but he believed that there is no such dwarf camps today.⁴⁷⁹
- Defector XXX who used to work as a medical doctor, testified that there was no special facility designed to segregate and detain dwarfs.⁴⁸⁰
- Defector XXX testified that he/she saw several dwarfs in Yonsa County.⁴⁸¹
- A defector testified that he/she saw a female dwarf in Namsan District, Musan County where he/she was living.

⁴⁷⁶_ NKHR2009000029 2009-05-01.

⁴⁷⁷_ NKHR2009000028 2009-04-28.

⁴⁷⁸_ NKHR2009000043 2009-06-30.

⁴⁷⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁴⁸⁰_ NKHR2008000024 2008-11-18.

⁴⁸¹_ NKHR2009000011 2009-03-03.

He/she had heard that they were segregated in the past, but this dwarf woman had a baby and a family.⁴⁸²

However, defector XXX testified that in the 1980s the authorities required those who were less than 150cm tall to make special registrations. This practice disappeared after the 1980s.⁴⁸³

Many North Korean defectors have testified that the authorities restrict the area of residence for disabled persons. North Korean authorities strictly prohibit them from living in the special district of Pyongyang and other cities like Nampo, Kaesong, and Chongjin where visits of foreigners are frequent. With the exception of talented individuals, ordinary disabled 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.⁴⁸⁴ Although some disabled may not be transferred on a permanent basis, they are sent away to other areas whenever the authorities wish, such as during special events.⁴⁸⁵

- Defector XXX said that a family had been relocated from Pyongyang to his hometown in 1980 because of a mentally retarded child.⁴⁸⁶
- A defector testified that he/she never saw a dwarf in Pyongyang where he/she used to live. As far as he/she knows, they were not allowed to live in Pyongyang, nor were they even allowed to visit the city.⁴⁸⁷

482. NKHR2009000009 2009-02-19.

483. *Ibid.*

484. Testimony of defector XXX during an interview in Seoul on May 18, 1999; Testimony of defector XXX during an interview in Seoul on May 23, 2000.

485. Testimony of defector XXX during an interview in Seoul on Feb. 15, 2003.

486. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

487. NKHR2009000013 2009-03-11.

However, some defectors and people who visited Pyongyang recently testified that there are disabled persons living in Pyongyang.

- One defector claims that physically challenged persons are now living in Pyongyang, whereas in the past they were rounded up and sent to the countryside.⁴⁸⁸
- Another defector testified that he saw disabled persons in Pyongyang. The child of a high-ranking official he used to know was suffering from infantile paralysis. He saw the child until he (the defector) left North Korea.⁴⁸⁹
- Defector XXX, who used to live in Pyongyang, testified that the government did not allow people with physical deformity to live in Pyongyang. In the 1970s and 1980s the government had forcibly relocated all those with physical deformity, such as dwarfs, blind persons, humped backs, etc, to remote places, and if one was seen in Pyongyang, they were not Pyongyang residents but visitors from outlying provinces.⁴⁹⁰
- The Lighthouse Welfare Association (in Seoul) is in the process of building a Combined Welfare Center for the Handicapped in Pyongyang. The association said it has made a significant contribution to reducing the authorities' prejudices on dwarfs.⁴⁹¹
- Defector XXX who was born in Pyongyang testified that in the past the authorities used to expel handicapped persons like dwarfs, deafs, and hunchbacks, but in recent

⁴⁸⁸ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁴⁸⁹ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

⁴⁹⁰ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

⁴⁹¹ Testimony of a Lighthouse Foundation official during an interview in Seoul on Feb. 20, 2008.

years they have discontinued such a practice. Today people can occasionally see handicapped persons in the streets of Pyongyang.⁴⁹²

- Defector XXX testified that he saw many handicapped persons during 1998-1999 when he was roaming around extensively in the streets of Pyongyang.⁴⁹³

In the face of rising international concerns over the disabled, North Korea has introduced an institutional framework for the protection of the disabled by enacting the “Disabled Persons Protection Law” in June 2003. Article 2 defines “Disabled persons” as “Those who have lost or have limited physical and mental functions, and whose normal activities as citizens are impaired over a long period of time. Also, their human dignity shall be respected. Also, their political and social rights, as well as interests shall be guaranteed as equally as normal persons.” This law provides for overall protection of the disabled persons in the areas of livelihood, rehabilitation, jobs and education. For this purpose, the law requires operation of an ad hoc “committee for the protection of the disabled” within the cabinet, 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 disabled.

This law has also provided an occasion to expand recognition and acceptance of disabled persons as “members of the society” by guaranteeing them rights equal to other members of society. Under the law, the disabled are entitled to equal and free treatment at medical facilities (Art. 10). Middle schools must include special education for the disabled as part of the regular

⁴⁹² NKHR2008000023 2008-11-11.

⁴⁹³ NKHR2008000029 2009-12-16.

curriculum. Also, they are not to be discriminated against in college entrance opportunities (Art. 15-20).

According to a 2005 survey, there were a total of 3,639 disabled children in North Korea - 2,176 boys and 1,463 girls.

〈Table II-11〉 Disabled Children by Age Groups

(unit: %)

0-4	5-6	7-10	11-17	years old
11.6	11.2	30.2	47.0	100

North Korea's National Commission on the Rights of the Child (NCRC) has established a plan to survey the status of disabled children in North Korea. Participating in the plan included the Korea League for Protecting Disabled, the Central Statistical Bureau, and the Ministry of Health. The Ministry of Health has recently built a rehabilitation center in the Kim Man-hiu Hospital with a view to conducting rehabilitation researches for the disabled children.

In addition, there is an organization designed for the promotion and protection of rights of the disabled. A non-governmental organization called the "Korean Association for Supporting Disabled" was formed in July, 1998. In July 2005 it was said to have been expanded and reorganized into the "Korean League for Protecting Disabled" with branch committees at county, city and province levels. This League is carrying out various important roles, such as conducting surveys on the status of disabled persons, improving health and living conditions, and developing action programs to enhance social awareness on disabled persons. Describing this league, the Chosun Shinbo (the official mouthpiece of the General Association of Korean Residents in Japan) reported that the "league is working actively with 20 full-time workers and 4,000 volunteers

at various organizations and committees at province, city and county levels.” The League has also established the Cultural League for the Disabled. In addition, the Disabled Art League, the Disabled Children’s Fund, and a trading company supporting disabled persons have jointly established a welfare promotion program for disabled persons. Also, a ‘comprehensive action plan 2008-2010 for disabled persons’ has been established.⁴⁹⁴ But ordinary citizens were not aware of these organizations. Defector XXX testified that he/she has never heard of such an organization, but there could be such organizations in the central government.⁴⁹⁵

In an interview with a monthly periodical, *The Chosun*, in March 2006, the deputy chairman of the league, Kim Young-chol, emphasized that the league was concentrating on education and rehabilitation of disabled persons. Deputy chairman Kim introduced major activities of the league in detail. For example, the league has rebuilt and modernized the Hamhung Orthopedic Surgical Hospital and Shijungho Sanatorium in Tongchon, Kangwon Province, for the treatment and recuperation of the disabled, including wounded soldiers. It has also added a new polypropylene rehabilitation equipment line at the Hamhung Rehabilitation Equipment Factory for the production of wheelchairs, crutches, and hearing aids. He said the league was also promoting a project to build a “recuperation (rehabilitation) center” for the disabled in Pyongyang. The league was also extending support for the rebuilding and improvement of the School for the Hearing Impaired in Wonsan. In addition, the league is providing “sign language books and dictionaries” to

⁴⁹⁴ “The 3rd and 4th Periodic Reports of the Democratic People’s Republic of Korea on the Implementation of the Convention on the Rights of the Child,” Nov. 2007, Pyongyang, DPRK, (CRC/C/PRK/4).

⁴⁹⁵ NKHR2009000012 2009-03-05.

schools for the hearing impaired all over North Korea.⁴⁹⁶

Spearheaded by this league, North Korea is promoting cooperative relations with South Korea and the international community to assist the disabled. The two Koreas are promoting medical cooperation projects. According to the Chosun Shinbo (in Japan), North Korea is also conducting research at Pyongyang Medical School and the Genetic Medicine Research Institute for the purposes of preventing genetic diseases and reducing incidents of birth defects and deformities.⁴⁹⁷ As part of a mutual support project for the disabled, an inter-Korean seminar on rehabilitation science was held at Yangkangdo Hotel in Pyongyang on December 19, 2006. A delegation from South Korea's Daegu University and a delegation from North Korean Red Cross Hospital have participated in the seminar to discuss rehabilitation treatment and special training, as well as the outcome of their medical research.⁴⁹⁸

“The Lighthouse Foundation,” which is an evangelical group in North Korea, is promoting various projects with South Korea's aid groups to protect the disabled in North Korea.

With the support of the Lighthouse Foundation, an independent rehabilitation center for the disabled called the “Botongkang Comprehensive Welfare Center for the Disabled” was built along the main Red Avenue of Botongkang District in Pyongyang. The Lighthouse Foundation has also provided various daily necessities, classroom supplies for students, special instructional aids, and agricultural equipment to various schools for the disabled children all over North Korea, including eight schools for the hearing impaired (1,035 students) and three schools for the

⁴⁹⁶ *Voice of the People*, Apr. 5, 2006.

⁴⁹⁷ *Yonhap News*, Oct. 23, 2006.

⁴⁹⁸ *Yonhap News*, Dec. 22, 2006.

blind (84 students).⁴⁹⁹ There are so many disabled children around the Botongkang Welfare Center at the present that it is difficult to believe Pyongyang is free of disabled persons. The Foundation has even contributed an article to the *Pyongyang Times* on December 1, 2007, which was The International Day of Disabled People. The article, entitled “For More Rights of the Disabled,” was the first-ever article on the human rights of the disabled persons in North Korea.

Thanks to the efforts of the “Lighthouse Welfare Foundation,” a South Korea-based missionary group, three members of the Central Committee of the Chosun Handicapped Protection League were able to participate as observers in the 9th Far East and South Pacific Games for the Disabled (FESPIC Games) held in Kuala Lumpur, Malaysia, beginning on Nov. 25, 2006.⁵⁰⁰

Evidenced by these activities, it is obvious that North Korea is taking various measures to protect the disabled. It is also clear that the testimonies of defectors concerning discrimination against the disabled are based on their observations before the appearance of the ‘disabled protection law.’

⁴⁹⁹ *Yonhap News*, Oct. 23, 2006, and Feb. 26, 2007.

⁵⁰⁰ *Yonhap News*, Nov. 23, 2006.



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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 ICCPR is the guarantee of rights to various freedoms. This White Paper will treat various freedoms in one chapter, including freedom of residence and movement, freedom of expression (publication) and freedom of assembly. In view of its importance, we will treat freedom of religion in a separate chapter.

Article 1 of the Universal Declaration of Human Rights declares that “All human beings are born free and equal in dignity and rights.” The declaration also states that “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 that “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.” ICCPR also provides for broad freedoms. For example, Articles 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 and the Right to Travel

The freedom of movement and residence 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 ICCPR specifically guarantees that “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. Also, (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.”

The international community repeatedly raised the issue of freedom of travel and residence, and the UN Subcommittee on Human Rights (currently the UNHRC Consultative Committee) has adopted a resolution on North Korean human rights. With this pressure, during the revision of its Constitution in September, 1998, North Korea decided to introduce a new provision: “Citizens shall have the freedom of residence and travel (Art. 75).” The reality, however, shows a serious gap between the law and practice. North Korea has always enforced a system of strict control over the people’s residence and movement (travels). The rationale for this system was that under the Socialist economic structure the inhabitants should register at their current residences to benefit from the nationwide ration system. The real purpose of restricting citizens’ movement is to prevent potential assemblies, protest rallies, and external contacts.

Domestic Travels

All North Koreans must, in principle, carry travel permits even when traveling within the country. In accordance with Article 6 of North Korea’s Travel Regulations, people must obtain travel permits before taking any trip.

During the review session of North Korea’s Second Periodic

Report on “ICCPR,” a North Korean delegate explained in response to a written query of the UN Human Rights Committee that “ (T) he travel permits are necessary for security purposes and to protect the citizens from external threats, and there are no restrictions on the citizens’ freedom of travel.” The most fundamental reason North Korean authorities are trying to restrict free travels and people’s movement is to prevent them from taking anti-regime positions based on information they might obtain from external sources. The traveling public could obtain information from other regions and make comparisons, which in turn could lead to a critical attitude against the regime.

In principle, all North Korean citizens must carry travel permits when they travel outside of their own county or city of residence.⁵⁰¹ Underage persons too young to have citizenship IDs cannot obtain travel permits and must be accompanied by an adult who has obtained a travel permit. Defector XXX testified that children up to the age of 7 would need birth certificates, and elementary school students and older would need certain official tags in order to accompany their parents.⁵⁰² In principle, those who plan to attend a funeral or wedding of their closest relatives may travel as far as the city or county of the event, but personal added travel to any neighboring region is not allowed. If, however, one is on official business, he or she may travel to all destinations indicated in the permit. If a soldier, government employee, or factory worker has a business trip order from their office, he or she can travel anywhere in the country, according to the travel order. If a patient has a diagnostic document, he can travel to a major clinic or hospital in the city or province of his residence, or, he can

⁵⁰¹_ Lee Keum-soon, *Residence and Movement of North Koreans: Current Status and Prospects for Change* (Seoul: KINU, 2007).

⁵⁰²_ NKHR2009000070 2009-11-18.

choose to travel to a residence of his close relatives who can help take care of the patient's illness.

Those who do not have Pyongyang Citizen IDs or Temporary Resident Cards⁵⁰³ are not allowed to enter the capital city of Pyongyang unless they carry with them travel permits issued by Section 2 of the Province People's Committee bearing the approval number issued by the Pyongyang City Government. To travel to cities and counties that share the same jurisdictions with the Tuman River and the Apnok River, people must carry travel permits issued by the province of their residence bearing approval numbers endorsed by one of the Provincial People's Committees of North Pyongan, North Hamkyung, Jakang, or Yangkang Province. North Korea still has in place travel restrictions on special areas, along with its travel permit system. Those wishing to travel to the border regions or military areas must obtain an approval number from the Security Guidance office.⁵⁰⁴ Those living in the inner regions would have more difficulty obtaining permits to travel to the border areas.⁵⁰⁵ Meanwhile, the inhabitants in the border regions need to obtain the approval signature of a local security agent to get travel permits.⁵⁰⁶

Travel permits are also required of those residents of border provinces along the Tuman and Apnok Rivers even if they desired to move from one point to another within the same province. The relevant Provincial People's Committee will issue these permits.

⁵⁰³ The "temporary resident cards" are issued to college students from outside Pyongyang (provincial towns), provincial students who are admitted to the No. 1 Pyongyang High School, soldiers stationed in Pyongyang, government officials on temporary duty, and enterprise workers. The duration of these cards will of course vary depending on the purpose and duration of duty or work.

⁵⁰⁴ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

⁵⁰⁵ NKHR2009000057 2009-09-22.

⁵⁰⁶ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

The number of travel permits for the Rajin-Sonbong area is limited, and it is difficult for ordinary citizens to get travel permits to that area.⁵⁰⁷ Moreover, high-voltage wires have been installed around the area to prevent unauthorized traffic. Some people have died while trying to cross over the wired fences.⁵⁰⁸

People planning to travel must submit an application to their factory or office boss through the Accounting Section two weeks in advance. The approval will depend on a review of the applicant's ideology and on his or her "voluntary labor contribution" records. After this preliminary procedure, one has to apply again three days in advance at the Permit Section of local People's Security Agency (police). The Agency will review the applicant in terms of whether the applicant is a dangerous person, under surveillance, or has any criminal records, etc. After overall confirmations by the local Security Agency, the applicant would be issued a travel permit through the party secretary at his or her place of employment. However, most defectors testified that they received travel permits from Section 2 of the *inminban* (neighborhood unit) through their place of work. The application would take the following route: Supervisor at work to the Statistician at work (Date of birth; Destination; Purpose, etc.) to the Travel Clerk at work⁵⁰⁹ to Section 2 of the *inminban*. Each region (province) is supposed to issue a certain number of travel permits a year. All travel permits carry a serial number, and the security agents check this number against those on his list of numbers to see if the permit is genuine.

Those who do not have jobs must get travel permits through

⁵⁰⁷. Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

⁵⁰⁸. "A workshop with defectors" sponsored by KINU on Dec. 23, 2005.

⁵⁰⁹. Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 30, 2007, The term "kiyo" means "secret" or "confidential information."

their *inminban*. In this case, they must get the approval of the local branch of People's Safety Agency (police), plus a guarantor. One defector said he told the authorities that he was getting married to a person living in Musan. A guide at the local branch of the People's Safety Agency signed for the guarantee so he could travel from Kaesong to Musan.⁵¹⁰

Ordinary citizens have to wait for about 2-3 days to travel to non-restricted areas and 7-15 days to restricted areas. However, there is no guarantee that travel permits will come.⁵¹¹

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. Unlike ordinary travel permits, special control areas issue permits with unique numbers. Furthermore, the color of diagonal lines on the pass will vary from region to region, and the authorities will frequently change the color of those lines, presumably to prevent fake passes or forgery.

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 (i.e., "collection centers"). Article 17 of the Social Safety Control Law specifically requires orderly travels by stipulating that "The Social Safety Agency shall enforce orderly travels, including orderly travels on foot." Those traveling without a permit or traveling on fake permits would be penalized with fines (Admin. Penalty Law, Art. 167).

After arrival, the traveler must report to the head of the local neighborhood unit or *inminban*, register on the travel roster, and

⁵¹⁰ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁵¹¹ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005; Testimony of defector XXX during an interview in Seoul on Jan. 23, 2006.

get his or her travel pass stamped by a local MPS official. As soon as one arrives at the travel permit destination, one must report and register with the local security agency (police), so it is quite easy for the authorities to exercise control over travelers. Thus this type of control system is still maintained in North Korea today.⁵¹² 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 to 7 days in Pyongyang or along the border regions.⁵¹³

Defectors have testified that even though the travel permit system is officially maintained, economic hardship has significantly changed actual travel patterns. Despite official regulations, it appears that controls over travel are becoming less restrictive due to the deteriorating economic situation and food shortages. In principle, domestic travel permits are issued free of charge. However in reality, if the clerk does not get some kind of gift, processing is often delayed. Thus, it takes a long time to obtain a travel permit if one only follows the proper procedures. As the need for quick peddling trips has increased, people often resort to bribes of money, cigarettes, etc.⁵¹⁴ Since the Kiyowon, or “clerk,” helps to fill out the application forms and get the approval of various sections, people usually provide gifts or bribes to him/her. The nature of the gift varies depending on the applicant’s purpose and destination of travel. It is said that some clerks are willing to provide travel permits even to applicants who not have a job at their office. For a fee (bribe), these travel clerks take advantage of their positions and

⁵¹²_ NKHR2009000011 2009-03-03.

⁵¹³_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

⁵¹⁴_ NKHR2009000054 2009-09-17.

provide permits in the name of their workplace. Sometimes, a clerk may try to make some money by “selling” travel permit application forms.⁵¹⁵

Since going through the proper procedures takes time, people bribe officials to obtain travel documents. Defector XXX testified that a pack of cigarettes might be sufficient for an ordinary travel permit, but a permit to Pyongyang would require a pack of cigarettes and 5,000 North Korean won.⁵¹⁶ It is generally understood that a pack of cigarettes will get you a permit to travel within a province.⁵¹⁷ Defector XXX testified that about 20,000 won would be needed for a permit to go to Pyongyang.⁵¹⁸ Sometimes, the applicants have to submit bribes not only to the clerk but also to the higher staff members at the local People’s Security Agent. If the person who receives the travel permit were to flee from North Korea, or to commit crimes during the travel, not only the clerk but also other Security and Safety agents would be held responsible. Therefore, if the applicant has a defector in his family (or presumed defector due to a long absence) or a missing person, or, if the purpose of travel is unclear or inappropriate, people will attempt to bribe the agents. The amount of the gift in these latter cases is said to run about 1-3 times the amount of a normal gift to the clerk. There was an unconfirmed report to the effect that someone had purchased a travel permit at a market in Pyongyang for travel to the border region.⁵¹⁹ Defector XXX also testified that he/she saw travel permits to Pyongyang being sold at a market in Chongjin.⁵²⁰

⁵¹⁵ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; Testimony of defector XXX during an interview in Seoul on Dec. 30, 2005.

⁵¹⁶ NKHR2009000012 2009-03-05.

⁵¹⁷ NKHR2009000028 2009-04-28.

⁵¹⁸ NKHR2009000060 2009-10-06.

⁵¹⁹ Testimony of defector XXX during an interview in Seoul on Feb. 6, 2007.

⁵²⁰ NKHR2009000021 2009-04-13.

Since the year 2000, people have begun to prefer buses or cars to trains as a means of transportation. People's perception about the necessity of travel permits has also begun to change. Since it is difficult and takes time to get travel permits and permits tend to reveal details about one's personal trips, many people will often forgo travel permits and rely on various means of bribery to avoid penalties if caught.

To travel by train, a travel permit is essential. However, security agents on the train will often take money from passengers who lack proper travel papers. Many security agents aboard Pyongyang bound trains are known to maintain their living by taking bribes or confiscating items of passengers. They frequently inspect luggage and consistently find dozens of passengers in violation of some rule. People with extra cash avoid inspections by bribing the security agents with cigarettes or wine; others, however, have no choice but to follow the routine procedures.⁵²¹

As the number of peddlers has increased, the number of train passengers also has increased, with tickets being sold on the black market.

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 during the stark days of the food shortages, travel permits were practically meaningless. Since the 1990s, the mobility of the North Korean citizens has tremendously increased, and the situation has reached a stage where 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

⁵²¹ Good Friends, "North Korea Today," No. 25 (Jun. 14, 2006).

cities. Such a ride usually costs about 100 won per 40 kilometers.⁵²² One defector testified that he had spent 600 won on his trip from Hyesan to Bukchong, another 600 won from Bukchong to Sinpo, 400 won from Sinpo to Wonsan, and an additional 400 won from Wonsan to Kosung, for a total of 2,000 won.⁵²³ If one does not have travel permits, one cannot purchase transportation tickets, which in turn requires a substantial cash substitute,⁵²⁴ so people still prefer to get travel permits before departure.⁵²⁵

An alternative method of travel in North Korea is the so-called bus “whips” who will help fill a bus or a truck. Anyone trying to get transportation between Hamhung and Sariwon is bound to come across “whips” who try to fill up a vehicle. Once a vehicle is full with passengers, a whip will be paid anywhere from 5,000 to 8,000 won in cash. Each bus or truck will hire one to three whips to get more people on.⁵²⁶

The travel permit system still exists, but the practice of bribery seems to have had the effect of relaxing all travel restrictions, except for travels to or near the security-sensitive areas. Strict restrictions are still imposed on special areas, but due to the recent economic hardship and increased corruption among officials, people can obtain travel permits to almost all areas, except to Pyongyang and areas designated as “off-limits.”

As the number of traveling public increased, there was no alternative public transportation except the trains. Many agencies and enterprise units responded by begging to offer automobile transportation for a fee. Known as “servi-cars” they are not a

⁵²² Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

⁵²³ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

⁵²⁴ Testimony of a humanitarian worker during an interview in Seoul on Jan. 2004.

⁵²⁵ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

⁵²⁶ Good Friends, “North Korea Today,” No. 35 (Aug. 30, 2006).

publicly authorized transportation service but a privately offered transportation service operated by individual enterprise units for profit. They will transport people to specified points near large cities for a fee. Even government agencies, like People's Security Agent and the Military are known to operate "servi-car" service for extra income.⁵²⁷ If one has a travel permit, he or she prefers travel by train because using "servi-cars" is very expensive.⁵²⁸

As the number of people traveling in search of food or peddling increased, inspectors would sometimes waive travel permit requirements if a person was accompanied by a legitimate business traveler. This seems to be a practice designed to accommodate the increasing number of travelers by allowing companions to those whose identity has been established. Travel permits are often issued for purposes quite different from the actual use. Therefore, if one has a solid job, he or she can easily obtain travel permits.⁵²⁹

⁵²⁷ Good Friends, "North Korea Today," No. 1 (Sept. 17, 2006).

⁵²⁸ *Ibid.* If you have a travel permit, the fare between "Chongjin-Pyongyang (or, east coast-west coast)" would be about 1,200 won. If you used "servi-car," the fare would be 3-4 times higher than this. The servi-cars are more mobile and convenient, but the fare is much higher due to high gas prices. And yet, the number of users is on the increase. The bus fare between "Sariwon-Eunpa" in 2001 was 1,000 won, but the fare for the same sector by military vehicle today is reported to be 10,000 won. The trip from Sariwon to Haeju will take two hours by train and two and a half hours by bus. Also, bus fare for this section is 1,000 won if you bought off the street. The "servi-cars" will take about four hours to run between Sariwon and Pyongyang, with a fare of 1,500 won. Traffic conditions between Sariwon and Pyongyang are pretty good.

⁵²⁹ "My husband was a "cell secretary" of the work unit he used to belong to. I was working as a hairdresser at XX Farm, so I was able to get travel permits from Section 2 of Hweryong City, North Hamkyung Province. I said the purpose of my travel was to procure necessary supplies for the job (such as chemical agents for 'Cosmo perm'). Also, I was able to travel from Hweryong, North Hamkyung Province to Hamhung, South Hamkyung Province three times for about 10 days each in 1995, 1997, and 1998." Testimony of defector XXX (late-30s, from Hweryong City).

North Koreans are not only subject to inspections en route but also to inspections at the place of overnight stay. The military “safety units” and local security agents conduct “bed checks” on the other’s sectors. If anyone staying at private homes failed to register the stay, or if anyone is staying without citizen IDs, the officials book the person for further investigation. These inspections are usually conducted during a “special alert” period, and during this period they are conducted every day.⁵³⁰ Also, if there is a special event scheduled for the area or if there is a deserter or fugitive in the area, the inspectors will target the town. Bed-check inspections are routinely conducted along the border regions. Defector XXX testified that the midnight “bed checks” were routinely conducted and the strictness would differ from town to town. However, they would be more strict as they moved to the northern provinces.⁵³¹ Fines would be imposed on those who violated the overnight registration rules. If anyone permitted a traveler to stay overnight by accepting money or gift, he/she would be imposed with a two-month labor-training penalty (Art. 132, Admin. Penalty Law). The Social Safety Agency is responsible for any violation of the overnight registration rules (Art. 20, Social Safety Control Law).

Defector XXX testified that if a report reaches the “people’s unit” about someone making a prolonged stay at a neighbor’s home without a permit, then the security agent along with the “people’s unit” leader conduct extensive “bed-checks” not only on the house in question but on all the families in the people’s unit.⁵³²

⁵³⁰ The “special alert” periods include the following dates: New Year’s Day, Lunar New Year’s Day, birthdays of Kim Jong-il (Feb. 16) and Kim Il-sung (Apr. 15), Korean Armistice Day (Jul. 27), Youth Day (Aug. 28), Government Anniversary (Sept. 9), and KWP Party Anniversary (Oct. 10). Good Friends, *North Korea Today, North Korea Tomorrow* (Seoul: Good Friends, 2006), pp. 140-141.

⁵³¹ NKHR2008000023 2008-11-11.

⁵³² NKHR2009000070 2009-11-18.

Overseas Travel

North Koreans make overseas trips mostly for long-term stay for official business or employment or short-term travels and visits to relatives living abroad. Long-term overseas stays are on the increase as overseas employment opportunities continue to increase. However, this type of opportunity is granted very selectively and only to those whose ideological integrity has been proven beyond any doubt. In most cases, people make overseas trips to China to visit with their relatives or for purposes of vending and peddling. Overseas travel is possible only with a border-area travel permit or a passport. Article 2 of North Korea's "Immigration Law of 1999" stipulates that "Citizens and foreigners entering or exiting North Korea should have appropriate exit/entry permits, such as passports, overseas North Korean certificates, boat crew certificates, or visas." Article 9 of the law stipulates, "Citizens may enter or exit on official or personal business. Those entering or exiting must obtain exit/entry certificates through appropriate agencies, including the foreign ministry or agencies responsible for the entry/exist authorization."

North Korea and China have concluded a bilateral agreement concerning the travel across their borders called "An Agreement Concerning the Control and Management of Border-crossing Points between the DPRK and China." Travelers must carry valid passports, international travel permits, or border-crossing travel permits when crossing the borders between the two countries. If, however, the travel meets the requirements of the "bilateral visa waiver agreement" visa procedures could be waived (Art. 6 of the North Korea-China Agreement on Border-crossing). China put in place in August 1, 1994 a new "border-crossing certificate system" to reinforce and better manage the cross-border travels. With the

introduction of this system, China has abolished the previous “official border-crossing certificates” and “border area inhabitants travel permits.”⁵³³ The North Korea-China Agreement on Border-crossing contains the names of “border-crossing points” in detail. These points are specific locations along both sides of the border where the two sides have set up the facilities to process the people and cargo crossing the border by way of rail, highways, and harbors, including customs clearance, cargo inspection, sanitation procedures, quarantine of animals, and so on (Art. 1, Sec. 1 of the Border-crossing Agreement). The two countries have agreed on a total of 15 border-crossing points through which people and cargo could come and go across the border (Annex of the Border-crossing Agreement). If there were a need to set up a new border-crossing point or if one or more of the points needed to be closed, the two sides have agreed that a formal exchange of diplomatic document would be required, indicating the status of the point(s) and the timing of closing (Art. 4). Either side could temporarily close down border crossing point(s) if one side was faced with an unavoidable situation such as contagious diseases or natural disasters. In principle, however, a 5-day advance notice would be required in such a case. In an emergency, a 24-hour advance notice is possible. The closing side must notify the other the reasons and duration of closing. Under the agreement, neither side is allowed to close down arbitrarily the location and hours of operation of the border-crossing points. In the event the other side were to sustain damages due to arbitrary closing of location or time of operation of border-crossing point(s) the side responsible for making such a change must make appropriate compensations to the other side (Art. 5 Sec.

533. Public Safety Department, People's Republic of China, *Notification on the Use of “Border Region Exit-Entry Point Travel Permits between the DPRK and PRC.”*

1 of the agreement). In connection with the exit/entry procedures, the inspection and investigative agencies of each side will conduct their activities in accordance with the rules and regulations of their respective country. If necessary, however, the inspection procedures could be simplified upon agreement between the concerned agencies (Art. 3 of the agreement). As for other issues concerning border-crossing points and border-crossing matters not defined in the bilateral agreement, the two sides will consult with each other to resolve the problem(s). Other issues that may arise in the course of enforcing this agreement will also be resolved through mutual consultations (Art. 8 Sec. 2 of the agreement).

In addition, North Korea's State Safety Protection Agency and China's Public Safety Agency have been enforcing strict controls over the movement of their citizens across the border based on a "bilateral agreement on mutual cooperation for the maintenance of state safety and social order (of Jul. 1998). Section 3, Article 3 of the agreement stipulates, "The security agents and city and county immigration agencies of the two countries along the border regions will issue one-month travel permit "B" to the border area residents who want to visit relatives on the other side of the border. On these "border travel permits" each side will affix regulation stamps on the permits. Also, the border-area residents' visits to their relatives shall be carefully examined, and the permits will be issued only in case there are close relatives actually residing on the other side." If the border-area residents wanted to visit relatives who are not very closely related, then permits shall be issued based on "letters of invitation." As for the definition of "close relatives" and the format of "letters of invitation" they will be determined at a bilateral security agency chief delegates meeting. In addition, the chief and deputy chief delegates will issue travel permit "A" valid

for one year to those officials engaged in official business along the borders of the two sides. The vehicles involved in cross-border trips must display “Vehicular Border Passes” and must use only the pre-designated routes; and when in the other nation’s area the vehicles must operate only along the designated roads and areas.

North Koreans are allowed to visit their relatives in China only, and personal information of the relative should be recorded in the traveler’s personal file (official file), including the relative’s name, address, and so on. Currently, anyone over the age of 45 who has a citizen ID and no criminal record can apply for a passport for the purpose of visiting his or her relatives in China. Meanwhile, the city and county security agencies are reported to be maintaining internal regulations prohibiting overseas travels by family groups and by people over the age of 70.⁵³⁴ But defector XXX testified that passports are issued only to men over 49 years of age and women over 45. The procedure is as follows: First, an invitation must arrive from China. Before the invitation actually arrives, you must get the approval of the enterprise’s or agency’s manager in charge as well as that of the security agent at your place of work. The security guidance agent in charge of foreign affairs at the security agency will make a final review. The vice minister of the National Security Agency will then issue the passport. Upon receipt of the passport, the traveler will have to sign a pledge promising to return on a designated date and not to defame the dignity of the Republic while abroad.⁵³⁵ Defector XXX testified that he had to pay a lot of money in order to obtain a passport. He received his “river-crossing pass” in 2002. He first had to apply to the security agent in charge. Then he had to go through the foreign section of the city security

⁵³⁴_ Database Center for North Korean Human Rights, “The Travelers’ Circumstances in North Korea,” (2007 Closed documents).

⁵³⁵_ NKHR2009000031 2009-05-12.

agency. The city agency confirmed that he had relatives in China and that he was qualified to be granted the pass. His application was sent for final approval to the Provincial Foreign Section, and thence to Bureau No. 2 of the National Security Agency.⁵³⁶

North Korea submitted the following status report on overseas travel applications and the number of denials (see Table II-12) to the UN Human Rights Committee during the committee’s review of North Korea’s second periodic report. North Korea explained that the number of denials were due to the lack of approval of the destination countries.

〈Table II-12〉 Status of Foreign Travel Denials

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

Despite the North Korean delegate’s explanations, the UNHRC urged North Korea to consider the abolishment of its domestic travel permit system for its citizens in its “final observations” on North Korea’s Second Periodic Report on ICCPR (Para. 19). In addition, the UNHRC recommended North Korea to abolish the entry permit and exit visa system for all foreign visitors and to limit such practices to the cases consistent with the terms of ICCPR (Para. 20).

Defectors have testified that the people who have relatives in China are often allowed to travel. In the past, the government restricted travel to China based on age, family background, etc. Upon instructions from Kim Jong-il in December of 2003, the policy has changed, and now anyone, from anywhere in North

⁵³⁶ NKHR2009000060 2009-10-06.

Korea, is allowed to visit his or her relatives in China, including those along the border regions, who enjoyed special privileges.⁵³⁷ The ‘border region travel permits’ are issued to those living along the border regions whenever they want to visit their relatives in China. The river-crossing permits are issued without letters of invitation from the Chinese relatives, but passports are not to be issued without such documentation. Some defectors testified that a letter of invitation was essential to get such travel permits. Since 2005, those who had relatives in China were required to register their names. If your Chinese relative is not registered he or she could not meet with his or her North Korean relative unless the name was registered in North Korea’s electronic list (and the North Korean could not travel to China, either.) In case the border region North Korean resident wanted to visit China on a short trip, a “river-crossing pass” would be issued. For anyone engaged in a cross-border trade, a 24-hour or 48-hour pass will be issued. This pass is provided without any “letter of invitation” from your Chinese counterpart.

For a visit to China, the effective duration is three months, but North Korean authorities provide a stamp for only one month. If an extension is needed, Chinese public security will grant a one-month extension.⁵³⁸ A significant amount of money is needed to get a permit to visit China.⁵³⁹ Defector XXX testified that one had to provide almost one million won in addition to a letter of invitation from a relative in China.⁵⁴⁰ Defector XXX also testified that in 2005 his wife had to pay up about 700,000 won to the Province Security Agency to obtain permits to visit her relatives in

⁵³⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 20. 2006.

⁵³⁸_ Testimony of defector XXX during an interview in Seoul on Feb. 2. 2007.

⁵³⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 20. 2006.

⁵⁴⁰_ NKHR2009000023 2009-04-16.

China.⁵⁴¹ In addition to official fees, to the traveler must provide gifts or bribes to the officials or pay “express fees” to expedite the process. Consequently, those North Koreans who are in China with permits try harder to make up the money he or she had spent to obtain the permit.⁵⁴² If the North Korean cannot get help from his relatives in China or has no way of making up the money, he might voluntarily decide to remain in China illegally to make up for the losses. Usually, however, when a North Korean visits China on a pass (visiting relatives) they return to North Korea after one or two week’s stay in China.

North Korea issues three types of passports: diplomatic, official, and traveler’s passports. Diplomatic passports are issued to officials of specific agencies, such as Party officials and operational agency officials. Quite often, Party officials or other operational agents will carry diplomatic passports when they travel abroad.

Officials making overseas trips for government business carry official passports, which require a fee of about \$300. Passports are known to remain valid for three years, five years, or seven years, but testimony on this point is not uniform.

Unlike other countries, North Korean citizens are required to turn in their passports upon return to North Korea even though their passports are still valid.⁵⁴³ In the past, officials staying abroad on official business could be accompanied by one of their children. From July 2003, however, officials were allowed to take two children on condition they had the capability to support them. Under the new policy, college-age children are not permitted to accompany their parents, but up to two middle school-age children

⁵⁴¹_ NKHR2009000043 2009-06-30.

⁵⁴²_ *Ibid.*

⁵⁴³_ Testimony of defector XXX during an interview in Seoul on Feb. 15. 2007.

are allowed.

However, in 2007 North Korean officials decided to recall home all children who had accompanied their parents abroad, causing adverse feelings and significant resistance.

The Reality of Residence Regulations and Forced Relocation

As in the case with travel permits, North Koreans are not permitted to freely move to a new residence, and must obtain permission from the authorities to do so. Individuals who change residence without permission are unable to obtain a citizenship card, hence they face extreme restrictions in social activities, including finding jobs and obtaining food rations. In fact, such people can be punished in accordance with new provisions of the Penal Code. Article 149 of the Penal Code as revised in 2004 stipulates that anyone caught renting, selling, or purchasing state-owned houses for money or other compensation can be sentenced to up to two years of “labor-training.” As defector XXX testified, those released from indoctrination camps are subject to constant surveillance and their employment and residence options are restricted. However, since the economic hardships of 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 have increased.⁵⁴⁴ In such cases, people normally bribe an agent at the city People’s Committee with things like cigarettes.⁵⁴⁵ Defector XXX testified that when he sold his house he had to first register the purchaser as a co-resident

⁵⁴⁴_ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

⁵⁴⁵_ NKHR2009000012 2009-03-05.

of the house to eliminate any controversy, and then bribed the agent in charge at the housing management section of the People's Committee to change the title.⁵⁴⁶

The most obvious breach of the freedom of residence is forcible relocation. North Korea forcibly uproots and relocates people who are considered politically suspect. 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-Sonbong and newly developed industrial or coal mine regions in Jagang and Yanggang Provinces. The former secretary of the KWP, Hwang Jang-yop, 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, 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.

As a variety of unruly social behaviors began to appear following the onset of economic hardship in the 1990s, the reasons for forcible banishment became more complex. The primary reason for banishment is, of course, defection from North Korea. If any member of a family has defected to South Korea, the remaining

⁵⁴⁶ NKHR2008000018 2008-03-26.

family members are banished.

- A defector testified that she saw XXX, who was living at 109 Unit, Musan County, forcibly relocated to another area in April 2005, because his wife had illegally crossed the river into China.⁵⁴⁷
- A friend of the defector’s husband was banished on illegal border crossing charges from Poong-in District, Onsung County, North Hamkyung Province to Shinhung County, South Hamkyung Province.⁵⁴⁸
- In 2005, a defector’s family was “group-expelled” from Kumya County to Yodok Province, both in South Hamkyung Province.⁵⁴⁹
- In October 2005, a total of 124 households which were the immediate families of “river-crossing criminals” were forcibly expelled from Musan County to Jangjin County, both in South Hamkyung Province.⁵⁵⁰
- Defector XXX testified that his elder brother had his Party membership card revoked by his military unit and suddenly disappeared after his younger brother defected to South Korea in April 2007. His family lost contact with him completely.⁵⁵¹
- Defector XXX testified that two of his friends were banished to remote mountainous areas in Hyesan when the authorities found out that a member of their family had fled to the South.⁵⁵²

⁵⁴⁷_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁵⁴⁸_ *Ibid.*

⁵⁴⁹_ *Ibid.*

⁵⁵⁰_ Testimony of defector XXX during an interview in Seoul on May 26, 2007.

⁵⁵¹_ NKHR2009000017 2009-03-24.

⁵⁵²_ NKHR2009000028 2009-04-28.

- Defector XXX testified that an order was issued in February 2007 that 100% of those with one or more family members who had fled to South Korea via China would be banished. He himself became the target of State Security Agency surveillance because his son had fled to South Korea. Consequently he had to sell his apartment unit and flee from North Korea.⁵⁵³
- Defector XXX testified that two daughters of his younger sibling fled to China, and so his younger sibling was banished.⁵⁵⁴
- Defector XXX testified that his/her neighbor Hong XX was deported from China and returned home several times. As a result, the parents of Hong XX were banished.⁵⁵⁵

North Korea has been imposing forced banishment penalties for violations involving mobile phone use, information circulation, and listening to unauthorized media outlets.

- In 2008 an extensive city-wide inspection on “anti-socialist lifestyles” was conducted in the city of Hamhung. Those who were caught watching South Korean CDs were banished, including the director of the Great Hamhung Theater.⁵⁵⁶
- Defector XXX testified that the Hyesan Security Agency organized special units (called “grouppa”). These units would talk with small children to find out if they had any CDs or DVDs at home. If found, the family would be

⁵⁵³ NKHR2009000037 2009-06-09.

⁵⁵⁴ NKHR2009000047 2009-07-30.

⁵⁵⁵ NKHR2009000074 2009-12-03.

⁵⁵⁶ NKHR2009000016 2009-03-19.

banished from the city.⁵⁵⁷

- In August 2007, the family of a small child (named XX) was caught watching a CD in the early morning hours. They were banished to Poongso County.⁵⁵⁸
- Defector XXX testified that two families were banished from the city of Wonsan for possessing CDs and selling them to a neighbor. The authorities caught them during a Central Party anti-socialist lifestyle inspection in Kangwon Province in 2007.⁵⁵⁹

Defector XXX testified that banishment is determined at a “security meeting” presided over by the provincial party chief secretary and in the presence of officials from the court, prosecutors’ office, People’s Safety Agency, and State Security Agency.⁵⁶⁰ Defector XXX testified that his neighbor by the name of XX was banished to Samsu Gapsan in 2007. When such banishments occurred, the people’s unit would call a meeting and inform the people about the banishment and issue warnings.⁵⁶¹

Forced banishment is also imposed for crimes like smuggling and trafficking of persons:

- In another case, three members of XXX’s family were charged with transfer of state property (copper) to China, and were banished in November of 1998 from Unit 3, Songbong-dong, Hyesan City, Yangkang Province, to Kapsan County, Yangkang Province.⁵⁶²

⁵⁵⁷_ NKHR2009000023 2009-04-16.

⁵⁵⁸_ NKHR2009000028 2009-04-28.

⁵⁵⁹_ NKHR2009000070 2009-11-18.

⁵⁶⁰_ NKHR2009000030 2009-05-07.

⁵⁶¹_ NKHR2009000066 2009-11-11.

⁵⁶²_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

- In January 2001 some 20 families including defector XXX and his wife were banished on charges of human trafficking from Hyesan City in Yangkang Province to a coal mine in Dongjong District, Gapsan County, Yangkang Province.⁵⁶³
- Defector XXX testified that a neighbor living right behind his house was arrested on charges of smuggling during an inspection by an anti-socialist lifestyle “grouppa.”⁵⁶⁴

Reasons for forced banishment include unruly behaviors in connection with South Korea, such as helping people to cross the river or searching for relatives on behalf of South Koreans.

- Defector XXX testified that in 2000 the South Korean authorities arrested his neighbor’s son who was engaged in military espionage activities for North Korea. Subsequently, the neighbor’s son gave a press interview in South Korea. After that interview, his parents in the North were accused of “betrayal” and disappeared.⁵⁶⁵
- Defector XXX testified that the elder brother of her husband was involved in “family reunion” activities. He was then subjected to State Security Agency surveillance. In December 2006 he vanished. Subsequently, her husband’s family was banished.⁵⁶⁶
- Defector XXX testified that in October 2008 a woman was sentenced to correctional labor for her activities in connection with South Korea. Her husband and son were

⁵⁶³ NKHR2009000020 2008-09-17.

⁵⁶⁴ NKHR2009000069 2009-11-17.

⁵⁶⁵ NKHR2009000013 2009-03-11.

⁵⁶⁶ NKHR2009000049 2009-08-07.

banished.⁵⁶⁷

- Defector XXX testified that Kim XX, who had repatriated to North Korea from Japan, was helping South Koreans locate their relatives in the North. The authorities found out about his work, and he was banished from Musan to Youngkwang, South Hamkyung Province, in the spring of 2007.⁵⁶⁸

Furthermore, there are reports that some North Korean inhabitants have been expelled through a town meeting called an “open decision conference.” “North Korea Today,” published by Good Friends, a South Korean human rights group, reported that on August 20, 2006 an “open decision conference” was held in Hoeryong City. Attending the conference held at the city stadium were factory workers, inminban (neighborhood unit) members, students, and people off the street. At the conference, narcotics dealers, smugglers and people who made illegal river crossings were put on trial. It was also decided that a total of 13 families would be banished to farm villages. Powerful families with contacts in Pyongyang were able to avoid banishment, but other families were forcibly expelled from the town.⁵⁶⁹

People expelled to the countryside are isolated from the local people as they are subject to surveillance. Once a family is banished, they are virtually excommunicated from society.⁵⁷⁰ In addition, the houses of those who are banished are confiscated. This is a significant economic loss in view of the fact that unofficial housing sales have been increasing.

⁵⁶⁷_ NKHR2009000054 2009-09-17.

⁵⁶⁸_ NKHR2009000065 2009-11-10.

⁵⁶⁹_ Good Friends, “North Korea Today,” No. 36 (Sept. 6, 2006).

⁵⁷⁰_ Testimony of defector XXX during an interview in Seoul on Apr. 26. 2003.

B. Freedom of Speech and Press Freedom

The freedom of speech and press freedom signify the freedom to freely express oneself and publish one's opinion. A broader interpretation 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 from 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.

Article 19 of the Universal Declaration of Human Rights guarantees that "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 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 that "Civilians shall have the freedom of press, publication, association, demonstration and assembly." Yet the North Korean press disregards the proper functions of the press, such as providing critical commentary and objective information to citizens. It instead focuses on the propaganda of Kim Il Sung based on 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 it achieve its goals and existing 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.

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 of sensitive issues regarding the system. However, news on negative aspects of the United States or South Korea is normally reported in a straightforward manner.

Media and Information Control

In North Korea, the freedom of speech and expression is extremely limited. North Korea's Penal Code as amended in 1999 stipulates that anyone seriously disturbing social order shall be punished with up to 5 years of correctional labor, and in serious cases, their leader(s) shall be punished with up to 10 years of correctional labor (Art. 103 of the 1999 Penal Code). When North Korea amended the Penal Code in April 2004, this article was more clearly refined to include specific acts that would constitute the above crime, such as listening to South Korean broadcasts, collecting, possessing and circulating South Korean printed matter, and spreading unfounded rumors. Those who have systematically listened to anti-Republic broadcasts, or those who collected, possessed or circulated leaflets, photographs, video tapes, or

printed matter, would be penalized with up to two years of “labor training,” and in more serious cases they would be punished with up to 5 years of “correctional labor” (Art. 195, the 2005 Penal Code). Up to two years of labor training penalty would be given to those spreading false stories or rumors that could create distrust against the state or contribute to social disorder (Art. 222, the 2005 Penal Code). Up to 3 months of unpaid labor or labor education and a stern warning or penalty would be applied to those bringing into North Korea or circulating pornographic or corruptive audio/video tapes, or copying and circulating these tapes, and to those who used tape recorders, video tapes, computers, CD-ROMs, or cellular radios without proper registrations. Penalties for more serious cases would include unpaid labor for over 3 months, demotion, lay-offs or job termination (Art. 113). Clearly, then, North Korea tightly restricts the individual’s freedom of expression and communication with others.

The North Korean authorities control all means of communication in order to completely cut off the information inflow from external sources. 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 is treated as a political criminal. These controls are ongoing. Defector XXX testified that people must register their radios, televisions, and tape recorders, and the frequencies must remain firmly fixed at all times.⁵⁷¹ Defector XXX testified that he saw “dial-free” (or, “unfixed frequency”) radio and TV products being sold in the department

⁵⁷¹ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

stores and markets.⁵⁷² Defector XXX said that in his hometown the postal worker used to perform the job of fixing channels on television sets. But the technical details of fixing channels on color televisions were so complex that the postal clerk would simply paste a paper tag over the dial. People would simply remove the tag and watch various TV programs; when an inspection team came, they would put the tag back on again and pretend they never touched it.⁵⁷³

Defectors testified that more and more North Koreans have been discreetly watching foreign TV programs or video tapes since the mid-1990s despite the government's tight control measures.

- Defector XXX testified that he listened to South Korean radio programs at night even though the radio dials are fixed.⁵⁷⁴
- Defector XXX testified that from 1997 he listened to South Korean broadcasts at night even though the radio dials are sealed. He said some people even watched South Korean TV programs secretly.⁵⁷⁵
- Defector XXX testified that he had listened to Voice of America broadcasts since 2000, and he thought the VOA was very accurate and informative about the realities in North Korea.⁵⁷⁶
- Defector XXX testified that when he was still in the North he used to listen to broadcasts by the Voice of America, the “Social Education Program” (presumably South Korea's),

⁵⁷²_ NKHR2009000013 2009-03-11.

⁵⁷³_ NKHR2009000056 2009-09-22.

⁵⁷⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁵⁷⁵_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁵⁷⁶_ NKHR2009000021 2009-04-13.

and the Far East Broadcast System.⁵⁷⁷

- Defector XXX said there were people who would videotape and sell South Korean TV dramas. He testified that he watched such popular South Korean TV drama series as the *Hoteliers*, *Eve’s Morning*, *Winter Sonata*, and *Autumn in my Heart*.⁵⁷⁸
- Defector XXX testified that he watched lots of South Korean videos. He could still remember a program entitled ‘The Trap of Youth.’⁵⁷⁹
- Defector XXX testified that he saw a VCR in 1998 for the first time, and said others had seen one much earlier.⁵⁸⁰
- Defector XXX testified that he and his friends used to move around in Pyongyang to watch video tapes of movies, and many people in Pyongyang watched South Korean movies as they were widely available.⁵⁸¹
- Defector XXX testified that after his DVDs were discovered by his “People’s Unit” leader, he decided to defect for fear of punishment.⁵⁸²

Telephone installations are restricted in North Korea, but rich people can install telephones whenever they wish. Defectors testified that wiretappings are enforced in an effort to cut off and control the flow of information.

- Defector XXX testified that his father used to install telephones for high-ranking officials and for enterprise staff.

⁵⁷⁷_ NKHR2009000063 2009-11-03.

⁵⁷⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

⁵⁷⁹_ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

⁵⁸⁰_ NKHR2008000009 2008-08-07.

⁵⁸¹_ NKHR2009000002 2009-07-04.

⁵⁸²_ NKHR2009000021 2009-04-13.

He said one could have a telephone installed if one had money.⁵⁸³

- Defector XXX testified that individuals could have telephones installed at a cost of 200 thousand won.⁵⁸⁴
- Defector XXX testified that maintaining a telephone cost a lot of money, including installation fees, user fees, etc. Thus, business people were the ones who usually had telephones.⁵⁸⁵
- Defector XXX testified that he had a telephone installed in his home at a cost of 150 dollars.⁵⁸⁶
- In addition to prohibiting the use of mobile phones, North Korean authorities issued instructions throughout the nation to limit the use of fiber-optic cable telephones.⁵⁸⁷
- During the current inspection process by the “Anti-Socialist Group,” North Hamkyung Province has issued instructions to recover or confiscate all direct telephone lines installed by individuals, city or county party offices, enterprises under direct control of Central Party, and military units. In an effort to prevent information leaks, the authorities ordered all telephone calls to be made only through switchboard operators.⁵⁸⁸
- Recently, North Korea has begun to enforce strict controls over telephone calls, especially direct lines. Long distance calls can only be made through switchboard operators. In military installations, no direct calls to the outside are

⁵⁸³ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

⁵⁸⁴ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁵⁸⁵ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007

⁵⁸⁶ Testimony of defector XXX during an interview in Seoul on Jul. 4, 2008.

⁵⁸⁷ Good Friends, “North Korea Today,” No. 95 (Oct. 24, 2007); Good Friends, “North Korea Today,” No. 96 (Oct. 31, 2007).

⁵⁸⁸ Good Friends, “North Korea Today,” No. 90 (Sept. 19, 2007).

allowed.⁵⁸⁹

- Defector XXX testified that if one wanted to place a telephone call to Pyongyang, one had to go through a telephone operator.⁵⁹⁰

Defector XXX testified that he used to have a telephone in his home, but since the authorities routinely conducted wiretaps, he had to exercise extreme caution when using the phone.⁵⁹¹ Defector XXX testified that people would usually use post office telephones. But since the authorities were conducting wiretaps, there was no guarantee of privacy or confidentiality.⁵⁹² Defector XXX testified that in each district there is a telephone branch bureau. In each branch bureau there is a security agent's room where they maintain wiretapping devices.⁵⁹³

North Korea routinely eavesdrops on the telephone conversations of all repatriated Koreans from Japan. Defector XXX testified that it usually took 2-3 days to place an international call at the telephone bureau, because one must first apply for the call at the Overseas Compatriots' Section of the City People's Committee.⁵⁹⁴

Ordinary citizens are not allowed to own a cell phone; only certain levels of people are allowed to own cell phones. They are selected based on the type and level of their job.⁵⁹⁵ Recently, control and surveillance over the use of mobile phones has been tightened due to the regime's anxiety over the increasing circulation of information. It is believed that the authorities closely

⁵⁸⁹ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

⁵⁹⁰ NKHR2009000013 2009-03-11.

⁵⁹¹ NKHR2009000024 2009-04-20.

⁵⁹² NKHR2009000053 2009-09-08.

⁵⁹³ NKHR2009000077 2009-12-09.

⁵⁹⁴ NKHR2009000012 2009-03-05.

⁵⁹⁵ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

monitor any and all telephone communications with South Korea.

Control over cell phone use is particularly intense in the cities and counties along the borders. The security agencies and People's Army units have conducted extensive joint searches for cell phone users. The number of security agents along the border areas has been tripled and 50 cell phone detection devices have been deployed for the purpose of conducting widespread searches. The People's Army has also deployed a battalion of troops for the endeavor.⁵⁹⁶ If anyone is caught using a mobile phone, he/she is sent to a "labor-training camp." If the case is serious, he/she may be sent to a "correctional center." However, most people can evade this penalty by paying money under the table. The amount commonly runs anywhere from 500,000 to one million won. In some cases, people had to pay up to 1.5 million won.

- Defector XXX testified that in September 2005, Mr. Shin Ki-hoon, who was working for Musan Mining Company (Poong-in District, Onsung County, South Hamkyung Province), was detained for six months at the "detention point" of the Onsung Security Agency for having used a cell phone.⁵⁹⁷
- In some cases, individuals are allowed to keep their own computers, but even in these cases the authorities restrict the use of the internet, according to this testimony.⁵⁹⁸
- Defector XXX testified that one could own a personal computer in Shinuiju if it was registered, but Internet access was not allowed.⁵⁹⁹
- All along the border regions, including Hweryong and

⁵⁹⁶ Good Friends, "North Korea Today," No. 24 (Jun. 7, 2006).

⁵⁹⁷ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁵⁹⁸ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

⁵⁹⁹ Good Friends, "North Korea Today," No. 66 (Apr. 4, 2007).

Onsung, authorities are trying to locate mobile phone users by deploying long distance cell phone detection devices. These detection devices are said to be so good that they can detect cell phone users from 500 meters and can pinpointing the mobile phone's location if within 200 meters.⁶⁰⁰

- As the control over mobile phones became tighter, illegal cell phone users, if caught, received a penalty of expulsion for the first offense and a prison term for the second offense.⁶⁰¹
- Those using Chinese cell phones would be fined 500,000 to one million won, and those using South Korean cell phones would be fined 1.5 to 2 million won. If they failed to pay their fine within 3 days, the case would be transferred to the security agency. If caught using a South Korean cell phone, the likelihood of being charged with espionage would be 99%, with no way to avoid serious penalties.⁶⁰²
- The authorities do not pay too much attention to communication between North Korea and China, but they focus on monitoring electronic communications coming over from South Korea. Defector XXX testified that her younger brother was caught while talking to her by cell phone from North Korea. The authorities confiscated his cell phone and he narrowly escaped being seriously penalized by giving them 1.5 million won - all the money he had at home.⁶⁰³

⁶⁰⁰_ Good Friends, "North Korea Today," No. 56 (Jan. 24, 2007).

⁶⁰¹_ Good Friends, "North Korea Today," No. 258 (Dec. 23, 2008).

⁶⁰²_ NKHR2008000006 2008-07-22.

⁶⁰³_ NKHR2009000011 2009-03-03.

- If anyone is caught while using mobile phones, he or she will have to pay up to one million won in North Korean currency to get a release from detention. A defector testified that the mother of his friend was sentenced to serve two years in a correctional center in 2007 when she was caught trying to arrange her daughter’s marriage with someone in China using a mobile phone.⁶⁰⁴
- A defector stated that one of his relatives living nearby voluntarily reported to the authorities that he had used a mobile phone. He was sentenced to a “labor training camp” for six months. Because he had voluntarily reported his action, the security guidance agent decided to grant him an early release, but he was still kept on a watch list.
- Defector XXX testified that he saw Kim XX, a friend’s brother-in-law, going through a pretrial process at the security agency in 2008 for having called South Korea using mobile phones.⁶⁰⁵
- Defector XXX testified that his friend borrowed a cell phone from him in January 2004 and used it while trying to help a North Korean flee to the South. He was arrested but later released after paying a bribe of one million won.⁶⁰⁶
- A defector testified that she received a bundle of used clothing from her relatives in China. A mobile phone was hidden in the clothing, so she used it. She was caught and detained by the State Security Agency for about 40 days. Her husband bribed the officials and she was released.⁶⁰⁷

⁶⁰⁴_ NKHR2009000014 2009-03-12.

⁶⁰⁵_ NKHR2009000057 2009-09-22.

⁶⁰⁶_ NKHR2009000015 2009-03-17.

⁶⁰⁷_ NKHR2009000018 2009-03-26.

- Defector XXX testified that one day in November 2007 an electronic surveillance team from State Security rushed into his office. He was caught using a mobile phone, but since his office was under the supervision of the agency, he was fined only 50,000 won. Ordinary people would have had to pay up to one million won.⁶⁰⁸
- Defector XXX testified that his son’s friend was caught using a mobile phone. They confiscated his mobile phone on the spot, and he was released after paying 700,000 won.⁶⁰⁹
- Defector XXX testified that her friend Kim XX was caught using a mobile phone. She had to pay one million won to the security agent to get herself released.⁶¹⁰
- Defector XXX testified that he had a mobile phone. Also, his nephew told his mother about this, which was reported to a security agent. He was sent to a training camp but was released after paying half a million won.⁶¹¹

If people are caught using mobile phones, they may get off with a bribe, but the officials still take away the equipment in all cases. Defector XXX said that is why he would never use a nice-looking cell phone.⁶¹² Defector XXX testified that the authorities would use electronic devices to detect the use of mobile phones, so people would not talk long on the phone. Instead they would talk for one or two minutes, then pause about 10 minutes, then resume

⁶⁰⁸_ NKHR2009000021 2009-04-13.

⁶⁰⁹_ NKHR2009000037 2009-06-09.

⁶¹⁰_ NKHR2009000065 2009-11-10.

⁶¹¹_ NKHR2009000069 2007-11-17.

⁶¹²_ NKHR2009000015 2009-03-17.

another short conversation, and so on, to avoid detection.⁶¹³

We have so far reviewed actual cases of the use of Chinese mobile phones in North Korea's border regions. North Korea officially allows the use of mobile phones in parts of the country. Between 2001 and 2004, North Korea provided mobile phone service in the Rajin-Sunbong region via the "GSM" system. This was discontinued following an accidental explosion in the area. Subsequently, the Egyptian communications firm Orascom and North Korea's cable communications firm, Chosun Postal Communications Corporation, entered into a joint project called "Koryo Link" and introduced third generation W-CDMA service in December of 2008. This service provides voice and text message communications but not international "roaming" service. According to Orascom's 2009 annual report, a total of 91,704 North Koreans were subscribing to this mobile phone service as of the end of 2009, and the service covers over 7 major cities, including Pyongyang, Pyongsong, Ahnju, Kaechon, Nampo, Sariwon, and Haeju, as well as 8 major highways in North Korea.⁶¹⁴ In an interview with this radio, a Chinese witness who frequently traveled to North Korea explained that even ordinary North Koreans could subscribed to the mobile telephone service if they paid US \$350, which included the cell phone and the service.⁶¹⁵

The North Korean authorities are tightly controlling the circulation of information through video tapes. When North Korea amended its Penal Code in 2004, it installed new crime categories of importing corruptive culture (Art. 193) and engaging in corruptive behaviors (Art. 194). In addition, penalties are imposed

⁶¹³_ NKHR2009000018 2009-03-26.

⁶¹⁴_ "Free Asia Broadcast," Mar. 16, 2010.

⁶¹⁵_ *Yonhap News*, Jan. 20, 2009.

on those who imported without permits any music, dance, paintings, photographs, video tapes or CD-ROMs containing pornographic, corruptive, and depraved contents, and on those who manufactured or circulated these materials and those who watched, listened to these materials, or participated in such activities. Most of these people are serving terms in labor-training camps, reeducation centers, or correctional centers. Many defectors have testified on this subject:

- A female professor at Kim Hyung-jik Teacher’s College was sanctioned for having used “South Korean slang” during her class. She was known to have frequently watched South Korean movies, and TV drama CDs. She got into trouble when she made a joke during the class using some South Korean expressions.⁶¹⁶
- The authorities have also issued public “proclamations” in Pyongyang, Pyongsung and Wonsan, warning the public that severe penalties will be issued to those caught trying to watch, own, or circulate illegal CDs. The authorities are particularly sensitive to the fact that South Korean movies are gaining wide popularity among North Korean young people. This has also led to authorities raising the level of punishment.⁶¹⁷
- In accordance with the government policy, Shinuiju City has launched an extensive campaign to clean up and purge those responsible for the circulation of illegal CDs and videotapes. In areas like Hweryong, Onsung and Musan in North Hamkyung Province the authorities posted proclamations in the evening of July

⁶¹⁶_ Good Friends, “North Korea Today,” No. 103 (Dec. 29, 2007).

⁶¹⁷_ Good Friends, “North Korea Today,” No. 90 (Sept. 19, 2007).

4th and until the early morning of July 5th large groups of security agents conducted extensive “search and arrest” campaigns, going through each “people’s unit” in the area. The inhabitants suffered through a scary and sleepless night while the agents were searching for mobile phones, illegal CDs, and videotapes. A People’s Security Agency “proclamation” stipulated: “This is a sweeping operation to prevent the intrusion of anti-Socialist ideas and cultures. In order to prevent the circulation of anti-Socialist ideas, we will absolutely destroy all related facilities such as electronic multimedia, computer rooms, electronic game rooms, and “sing-along” joints. If necessary, the State Publication Supply Bureau will authorize the sale and use of such equipment. All types of for-profit “service restaurants,” sing-along joints, electronic game rooms, and computer rooms are ordered closed immediately. All violators after the posting of this proclamation shall be penalized by banishment or expulsion to remote locations and confiscation of all personal property. Government agents and officials involved shall also be subject to stern punishment.”⁶¹⁸

- Electricity is in short supply in North Korea, and very often the lights will go out unannounced. Also, the security agents will take advantage of this chance and descend on suspected homes precisely during the period of electric outage. It is easier to catch those who had been watching illegal videotapes, since there is no way the tapes can be removed from the machines while the electricity is out.⁶¹⁹

⁶¹⁸. Good Friends, “North Korea Today,” No. 80 (Jan. 16, 2008).

⁶¹⁹. Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

- In Pyongyang, agents would intentionally cut off the electric supply and spot check suspected homes for illegal videos. If caught by the agents, citizens often try to avoid prosecution by bribing the agents. Sometimes, however, people are banished to remote areas or sent to correctional centers.⁶²⁰
- Defector XXX testified that the most frequent criminal charges subject to “public trial” (summary trial) are cases involving watching videos while indulging in the narcotic “ice” (methamphetamine).⁶²¹
- A defector testified that his high school classmate, who was the son of a local farm unit sub-leader in Sinjang-ri, Yonsa County, watched a video of the South Korean drama “Scent of a Man” with the son of the local party chief secretary. The party secretary’s son was released but his classmate was sent to a labor-training camp.⁶²²
- A defector testified that in January 2007 his relative sold a VCR with a South Korean DVD in it. The person who bought the VCR was caught watching the DVD, arrested, and sent off to the Onsung Correctional Center for 18 months along with his relative.⁶²³
- A defector testified that his friend XXX was detained in a labor-training camp for having watched a DVD.⁶²⁴
- Defector XXX testified that the son of a district party organization chief was arrested for watching a sex video,

⁶²⁰ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

⁶²¹ NKHR2008000030 2008-12-23.

⁶²² NKHR2009000011 2009-03-03.

⁶²³ NKHR2009000014 2009-03-12.

⁶²⁴ NKHR2009000020 2009-04-07.

- and his father was fired from his job.⁶²⁵
- Defector XXX testified that a distant aunt of her son-in-law was arrested for selling South Korean CDs. She was detained for 18 months in Hamhung Correctional Center.⁶²⁶
 - Defector XXX testified that a woman in his neighborhood was arrested for selling CDs. She had to serve for two years in a correctional center, and her family was banished to Gapsan.⁶²⁷
 - Defector XXX testified that his friends Kim XX and Yang XX were arrested while watching South Korean videos. They served six months in a labor-training camp.⁶²⁸
 - Defector XXX testified that his friend XXX was watching a CD when the son of the local people’s committee walked in. The agents searched his home, and he was detained in Oro Correctional Center in Hamhung.⁶²⁹
 - Defector XXX testified that a female medical student, XXX, was arrested for watching a CD and sent off to the Hyesan Labor Training Camp for six months.⁶³⁰
 - Defector XXX testified that a next-door neighbor, Choi XX, was arrested for selling CDs in 2007. She went through a pretrial at a detention center. She was about to be sentenced to detention in a correctional center, but she was released after selling her house and offering a 3 million won bribe.⁶³¹

⁶²⁵_ NKHR2009000031 2009-05-12.

⁶²⁶_ NKHR2009000037 2009-06-09.

⁶²⁷_ NKHR2009000038 2009-06-09.

⁶²⁸_ NKHR2009000051 2009-08-14.

⁶²⁹_ NKHR2009000053 2009-09-08.

⁶³⁰_ NKHR2009000056 2009-09-22.

⁶³¹_ NKHR2009000065 2009-11-10.

The North Korean authorities operate separate units to enforce the law against CD/DVD related crimes. Defector XXX testified that in the early days a joint “grouppa” consisting of agents from the State Security Agency, the People’s Safety Agency, the Prosecutors’ Office, the Party, and other administrative units used to conduct joint inspections. But as the illegal circulation and watching of DVDs and CDs increased, separate groups called “109 units” were organized. These units are stationed in strategic locations to conduct inspections.⁶³² Defector XXX testified that the primary purpose of these units is to recover circulating CDs and to punish those who watch them.⁶³³ Despite these surveillance and control measures, most defectors consistently testified that discreet viewing of South Korean CDs and videos is widespread. North Koreans can purchase inexpensive videos flowing in from China. The low cost enables many people to buy and sell videos and to take turns borrowing and watching them. If caught by the security agents, people can usually settle the issue by bribery.⁶³⁴ One defector testified that in extreme cases some people would watch South Korean videos along with their local police or security agents.⁶³⁵ Defectors have testified that some people invite security agents to watch videos with them in order to avoid potential penalties.⁶³⁶ Defector XXX testified that there are different standards of punishment for different kinds of CDs and videos. The authorities are most sensitive about videos of a political nature, followed by sex videos.⁶³⁷

⁶³² NKHR2008000023 2008-11-11.

⁶³³ NKHR2009000012 2009-03-05.

⁶³⁴ Defector XXX during an interview in Seoul on Jan. 16, 2008.

⁶³⁵ NKHR2008000006 2008-07-22; NKHR2008000027 2008-12-02.

⁶³⁶ NKHR2009000011 2009-03-03.

⁶³⁷ NKHR2009000035 2009-06-02.

Another defector testified that, unlike in the border areas, the people living in the inner regions cannot even dream of watching videos due to the constant strict control and surveillance.⁶³⁸

Freedom of the Press

Publications are used as a means for ideological education and the party directly manages, censors, and controls all publication materials. 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. Therefore, all publications support the Juche ideology and the unitary ideological system of Kim Il Sung. Publications have promoted the establishment of the Kim Il Sung/Kidm Jong Il hereditary succession and have fostered participation in the construction of the North Korean-style life in “our-style” 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.

North Korea enacted a “Publication Law” in 1975, and revised it in 1995 and 1999. This law stipulates, “All citizens can freely engage in writing and creative activities” (Art. 6, Sec. 1). However, anyone planning to start a publishing business must register with the Cabinet or the agency responsible for publication guidance (Art. 12). All unregistered printing equipment would be subject to confiscation (Art. 49). All printing and publishing activities are tightly controlled under the Publication Law. For example, Article 47 of the law stipulates, “The publication

⁶³⁸_ NKHR2009000054 2009-09-17.

guidance agency and related agencies shall supervise, control, and maintain registration of all printing equipment. They should further ensure that reactionary ideas, culture, and lifestyles are not circulated in the society and confidential information is not leaked through the printed matter.” Administrative or criminal charges shall be imposed on individual citizens and/or the responsible workers at organizations, enterprises, and agencies that brought on serious consequences as a result of violating the provisions of the Publication Law (Art. 50). The Administrative Penalty Law stipulates certain penalties be given to those who violate various procedures related to typing, copying, printing, off-set printing, and circulation or transportation of publications (Art. 105). Administrative penalties are also imposed on those who bring into the country corruptive or pornographic drawings (paintings), photographs, or publications, as well as on those who copy or circulate them (Art. 113). North Korea’s Penal Code also stipulates that those who violated publication procedures shall be penalized with up to 2 years of labor-training, and up to 3 years of correctional labor penalty in serious cases (Art. 226). Consequently, all writings are ultimately subject to the censorship of the Party’s Propaganda Department. If a North Korean citizen were to publish something in violation of censorship standards, the authorities would bring them up on “anti-State propaganda and agitation” criminal charges and impose up to 5 years of correctional labor penalty, or 5-10 years of correctional labor penalty in serious cases. In reality, it is impossible to publish any criticism of Kim Il Sung/ Kim Jong Il or the Korean Workers’ Party. In fact, as one defector testified, it would be difficult for foreign ideas to penetrate society through books since the joint censor teams consisting of MPS, SSA, and Party officials conduct censorship reviews of all books and

printed matter three times a year.⁶³⁹

Literature and art in North Korea is an important ideological tool utilized to attain a complete socialist revolution. 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 a working class. 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 the 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. In addition, the government has further demanded that the contents of all art and literary works designed to deify Kim Il Sung should depict themes centered around "revolutionary tradition", "conduct of war", "construction of socialism," and "unification of fatherland."

A 1966 meeting of KWP delegates had called for arming the North Korean society with Juche ideology. Responding to the call, writers and artists produced a literary and artistic theory based on the Juche. The Juche theory of literature and the arts, therefore, sets forth as its first task the depiction of Kim Il Sung as the proto type of the quint essential communist. In addition, the Juche theory assumes and demands absolute deification of Kim Il Sung as a sacred duty.

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 printed

⁶³⁹ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

matters are subject to control and supervision of the Ministry of Culture (the Cabinet) and the Party. The same rules apply on music and fine-art products.

Unlike with videotapes, anyone caught reading South Korean books will be seriously penalized with espionage charges. Chinese or South Korean books are absolutely not allowed under any circumstances.⁶⁴⁰

Despite such tight controls, many defectors have testified that foreign books are being sold discreetly in the marketplace.

- Defector XXX said that there were bookstands in the marketplace where foreign books were sold secretly. However, American books could never be sold openly. Even foreign novels were discreetly sold. She said she saw her brother read success stories of American business tycoons. They were in Korean translation, presumably illegal copies, she said.⁶⁴¹
- Defector XXX said he frequently visited bookstands in the market because of his daughter who was attending a foreign language college.⁶⁴²
- Around the year 2003, he saw many printed or copied American and Japanese language books, though not legal or legitimate translations.⁶⁴³
- A defector testified that he saw foreign storybooks like “Swan Lake”, “Peter Pan,” and “Frog Prince,” being sold discreetly in the market.⁶⁴⁴

⁶⁴⁰ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

⁶⁴¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁶⁴² Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

⁶⁴³ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2005.

⁶⁴⁴ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

In connection with the freedom of speech and publication, North Korea said during the UNHRC review of North Korea's Second Periodic Report on ICCPR in 2001 that it had disapproved printing and circulation of publications in about 30 cases over the last 3 years. North Koreans insisted that the contents of the prohibited articles generally contained state and military secrets. The number of stop-print orders and revisions in the process of printing was approximately 27 or 28 cases mostly involving encyclopedia, maps, and magazines; and 3 or 4 cases involving military books and pamphlets. Despite North Korea's explanations, the UNHRC in its final observations on North Korea's Second Periodic Report on ICCPR urged North Korea not to prohibit its citizens from reading foreign newspapers, and asked North Korea to specifically illustrate the reasons for prohibiting certain publications. The committee further asked North Korea to relax foreign travel restrictions on North Korean reporters, and not to misuse the concept of "national security" for the purpose of suppressing the freedom of expression (Para. 23).

C. Freedom of Association and Assembly

Freedom of association and freedom of assembly permit a large number of people to gather freely and unite for a common goal. If freedom of speech and press freedom could be considered an individual type of freedom of expression, then the freedom of association and assembly could be considered a type of freedom of expression, but in the broader context of expression carried out by a group.

Article 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 parties and social groups. In reality, however, only the assemblies and associations required by the Korean Workers’ Party are permitted. In its Second Periodic Report to the UNHRC, North Korea said citizens’ protest rallies are rare in North Korea, although there are many assemblies and meetings hosted by the central, provincial, city and county governments, and various agencies, enterprises, and organizations according to their needs and plans. This description indirectly reflects the fact that these meetings and assemblies are called at the needs of the KWP.

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. North Korea’s 2005 Penal Code stipulates, “Those individuals or groups unresponsive to or resisting against the instructions of government agencies shall be given up to 5 years of correctional labor penalty” (Art. 219). So the previously strict and oppressive measures barring protest rallies remain intact. The Administrative Penalty Law also stipulates up to 3 months of labor education, or longer than 3 months of labor education in serious cases, if anyone refused to comply with the decisions or instructions of a government

agency without justifiable reasons (Art. 133). Relative to freedom of assembly, North Korea in its second report on ICESCR offered the following explanation: To stage a rally, the organizers must notify the local inminban (neighborhood unit) or local branch of the 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 the organizer, and the size of the assembly or rally. The inminban or PSA branch must guarantee various conditions necessary for the assembly or rally and cooperate for the maintenance of safety and order. Assemblies and demonstrations harmful to the maintenance of social order or national security may be controlled according to the procedures and methods specified in the Social Safety Control Law.

In terms of the freedom of assembly, North Korea in its Second Periodic Report on ICESCR said that citizens wanting to organize a democratic public organization must register with the Cabinet 30 days in advance. In North Korea, there are dozens of democratic public organizations, such as the Workers' Union, Farmers' and Working Masses' Cooperatives, Youth Alliance, Women's Alliance, the Federation of Literary and Artists' Union, Democratic Attorneys' Association, Christians' Alliance, Buddhists' Alliance, Anti-nuclear Peace Committee, and Association for African-Asian Coalition.

In its second periodic report on 'ICESCR', 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. Thus far, however, there has not been any labor dispute in connection with the activities of labor unions in North Korea.⁶⁴⁵ In its “concluding observations” presented in 2003 after reviewing the second periodic report on North Korea’s performance involving ICESCR, the UN 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 the Korean Workers’ Party and its rights are subservient to the authority of the 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 not 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. Even in the Socialist Labor Law (1999), there are no provisions concerning labor organizations for workers.

All North Koreans are required to join various organizations from the age of six to retirement. This includes kindergarten, youth corps, various educational institutions, the Socialist Workers’ Youth

⁶⁴⁵ North Korea submitted its Second Periodic Report on ICESCR in May 2002. <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030_c1256c5a0038d8f0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030_c1256c5a0038d8f0?Opendocument)>.

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. Consequently, all social organizations in North Korea play the role of external arms of the Party, which will speak for the rights of their members, and carry out the duty as the frontline organizations of the Party's ideology education. 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 defectors 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. But other defectors testified that sometimes people could get excused from organized activities by paying bribes.⁶⁴⁶

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

⁶⁴⁶ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

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 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 KWP'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 organization. North Korea reported that there are currently many human rights organizations, such as the Human Rights Research Institute, the Association to Assist Disabled Persons, the Lawyers' Association, and Democratic Attorneys' Association. In addition, North Korea has reported that many organizations are freely engaged in human rights activities, including the Workers' Union, the Farmers' Working Masses Union, the Youth League, the Women's League, the All Arts and Literature League, and the Committee for the African-Asian Coalition. During the review of North Korea's Second Periodic Report, the members of Human Rights Committee asked the North Korean delegate to explain the reasons why they could not receive any information from North Korea's human rights NGOs. The North Korean delegate replied that it was because the

NGOs were not very active, but he said he would inform the full contents of the Committee discussions to all human rights NGOs in North Korea.

The Human Rights Committee in its final observations asked for additional information on various requirements for holding public assemblies, even though North Korea insisted that the freedom of assembly and association was fully guaranteed in North Korea. In particular, the HRC demanded to know under what circumstances a public assembly would not be allowed, and if it was possible to appeal when the public assembly was denied (Para. 24). Pointing out North Korea's argument that there was no social demand for the formation of new political parties in North Korea and so there was no need to set forth any legal procedures for it, the HRC strongly recommended North Korea to comply with the HRC's "General Comment No. 25" in an effort to faithfully observe the requirements set forth in Article 25 of ICCPR on the citizen's right of political participation (Para. 25).

D. The Right to Privacy

The guarantee of the right to privacy exists so that individuals can maintain their human dignity. The purpose of 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 ICCPR 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 the North Korean Constitution stipulates that “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.” In addition, Postal and Telegraphic Service Law (2001) stipulates, “The postal agencies and enterprises must guarantee the confidentiality of letters (mail)...” (Art. 22). Individual citizens and the responsible workers at the agency, enterprise, or organization that leaked or violated the confidentiality shall be charged with criminal or administrative penalties depending on the case (Art. 52).

In the process of revising its Criminal Procedure Law in May 2004, North Korea has removed Article 137 (amended in Sept. 1999) which stipulated, “If an investigator uncovered personal secrets unrelated to a criminal investigation, he should make sure that the secrets are not made public.” In addition, a new provision was added, which stipulates, “Collecting evidence should be confined to items and documents directly related to the criminal case” (Art. 223). This is a step back compared to the past, but at least a minimum legal provision has been put in place to protect the individual’s privacy. An exception is made for public trials to allow closed trials. Closed trials are permitted if socially adverse impact was expected or if there was need to protect state secrets or an individual’s privacy or confidentiality (Art. 271, 2005 Criminal Procedure Law). Some defectors testified that despite these legal provisions, censorship of personal letters continues in North

Korea. Defector XXX testified that he saw some cases in which the authorities had opened personal letters and re-sealed them with adhesive tape.⁶⁴⁷ Defector XXX stated that the authorities would not open private letters but would scan them for suspicious contents. If their suspicions were aroused, they will demand that the addressee to open the letter in their presence.⁶⁴⁸

If a pretrial agent needed to collect private (personal) letters or cables in the process of conducting a criminal investigation or in pursuing a criminal, he should have sufficient reasons and obtain approval in advance from a prosecutor, and the agent should collect such evidence in the presence of a representative of the related agency or postal agency (Art. 217, 218, and 221, 2005 Criminal Procedure Law).

In 2003, North Korea's International Communication Bureau launched an international e-mail service, and said it has begun the service, guaranteeing a normal speed of transmission and the confidentiality of private communication.⁶⁴⁹ 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 inhabitants. The North Korean authorities are invading people's private lives through mutual surveillance systems, such that wiretapping devices are installed in the residences and automobiles of high-ranking officials, military officers, and party leaders.

Former high-ranking KWP official and defector Hwang

⁶⁴⁷_ NKHR2009000045 2009-07-14.

⁶⁴⁸_ NKHR2009000058 2009-09-24.

⁶⁴⁹_ *Korean Central News Agency*, Nov. 28, 2003.

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. Defectors XXX and XYZ 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. Defector XXX testified that “eavesdropping” activities are conducted by Bureau 13 of the National Security Protective Agency.⁶⁵⁰

North Korea is also 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 positive or negative categories, 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 differently from ordinary people.

In order to systematically control people’s lives and to effectively implement Party policies, North Korean authorities have been enforcing the so-called “harmonious life” system from the society’s top to bottom. The “harmonious life” sessions are held once a week on average, and consist of “self-criticisms” and “cross criticisms.”

However, the inhabitants do not engage in mutual criticisms in earnest, even though they formally conduct the “harmonious

⁶⁵⁰ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

living” sessions.⁶⁵¹ Everything is becoming formalistic, and no one wants to make critical comments on others since every one will try to concentrate only on his or her personal lives. Mutual criticisms have become a matter of formality.⁶⁵²

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 a.m. 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. In other words, “bed-checks” by security agents take place quite randomly.⁶⁵³

Shinuiju City, North Pyongan Province, has launched a massive “search and arrest” campaign against “foreign spies.” North Hamkyung Province has also tightened inspections along the border regions. Recently, there are daily inspections all across the border regions of North Hamkyung Province. The inspection units consist of two Province Security Agents and one Safety Agent. The unit will first inspect the home of the “people’s unit” leader; then accompanied by the leader, the inspection unit will inspect every family of the “people’s unit.” Inspections continue twice a day, once at 7 p.m. and once at 12 midnight. In most cases, the inspectors receive tips about various violations from the “people’s unit” leaders.⁶⁵⁴

North Korea also utilizes inminban or “neighborhood unit” system. Ostensibly to prevent fires or unexpected accidents, workers must give their house keys to the leaders of their people’s neighborhood unit. These leaders in turn visit families without

⁶⁵¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁶⁵² Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁶⁵³ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

⁶⁵⁴ Good Friends, “North Korea Today,” No. 87 (Aug. 29, 2007).

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. The “people’s unit” consisting of 15-20 households is led by a “people’s unit leader” and he/she is authorized to pay visits to any family to conduct a “bed-check” when accompanied by a safety agent from the people’s security agency. 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.⁶⁵⁵

Other defectors testified that the people’s unit’s surveillance has been tightened since the onset of economic hardship. As one defector said, “The harder the economy, the tighter the controls.”⁶⁵⁶ Defector XXX also testified that “people’s unit” leaders were watching and reporting every detail to the State Security Agency.⁶⁵⁷ The people’s unit leaders pay special attention to those who had been in trouble before.⁶⁵⁸ Defector XXX testified that the unit leaders are basically spies for the State Security Agency, the People’s Safety Agency, and the prosecutors’ office. He said he decided to defect for fear of the penalties he would suffer for having watched DVDs after his unit leader reported on him to the authorities.⁶⁵⁹ In this way, people are punished based on their unit leader’s reports. Defector XXX testified that his friend XXX was seen watching a CD by the son of his unit leader. Subsequently, his home was searched and he

⁶⁵⁵ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

⁶⁵⁶ Testimony of defector XXX during an interview in Seoul on Jul. 9, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁶⁵⁷ NKHR2009000018 2009-03-26.

⁶⁵⁸ NKHR2009000069 2009-11-17.

⁶⁵⁹ NKHR2009000021 2009-04-13.

was detained in the Oro Correctional Center in Hamhung.⁶⁶⁰ In recent years, the unit leaders have been keeping an eye on certain families with members who pay frequent visits to China.⁶⁶¹ Most people are fearful of the unit leader - so much so that they hate to see the leader's young children come to their homes.⁶⁶² Since the unit leader has the power to decide either way on an issue, people try to avoid any confrontation with their unit leader at all times.⁶⁶³ On the other hand, defector XXX testified that he/she did not fear the unit leader that much. In some cases, if the security agents are about to do an inspection of unemployed persons, the leader may let them know in advance.⁶⁶⁴ Defector XXX testified that people are loath to serve as unit leaders because the neighbors always hate that person and the government does not pay any compensation for the service.⁶⁶⁵

⁶⁶⁰_ NKHR2009000053 2009-09-08.

⁶⁶¹_ NKHR2009000057 2009-09-22.

⁶⁶²_ NKHR2009000042 2009-06-25.

⁶⁶³_ NKHR2009000047 2009-07-30.

⁶⁶⁴_ NKHR2009000026 2009-04-23.

⁶⁶⁵_ NKHR2009000062 2009-10-20.



6

Freedom of Religion

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 that “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 in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Article 18 of the Human Rights ICCPR 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.”

According to official statistics, North Korea's total population when Korea was liberated in August 1945 stood at 9.16 million. About two million, or 22.2 percent were religious practitioners, including about 1.5 million Chondokyo (or "heavenly way," an indigenous religion of Korea) followers, 375 thousand Buddhists, 200 thousand Protestant Christians, and 57 thousand Catholics.⁶⁶⁶

Since the founding of the regime and pursuant to Kim Il Sung's statement that "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."⁶⁶⁷

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. In particular, immediately before and during the Korean War, large numbers of religious people were arrested and executed or banished. Taking advantage of the anti-American sentiment in the wake of the Korean War, North Korea began to persecute religious people. Through the background checks on its people, North Korea identified and began to persecute religious persons and their

⁶⁶⁶ Korean Central News Agency, *The Chosun Central Annual 1950* (Pyongyang: Chosun Central News Agency, 1950), p. 365.

⁶⁶⁷ The Dictionary of Philosophy, *The Academy of Social Science* (Pyongyang: The Academy of Social Science Press, 1985), p. 450.

families, calling them “anti-revolution elements.”

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 thousand Buddhist followers have been either killed or forced to recant their faith. In addition, some 1,500 Protestant churches and some 300 thousand followers, three Catholic dioceses and 50 thousand Catholic followers, and 120 thousand followers of Chondokyo have been eradicated or forced to recant their faith. In a speech made at the MPS in 1962, Kim Il Sung stated the reason for their extermination:

(We) cannot carry such religiously active people along our march toward a communist society. Therefore, we 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.⁶⁶⁸

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 that “Citizens shall enjoy the freedom of religion and freedom to launch anti-religious campaigns.” Legally, and in reality, this latter freedom of “anti-religious campaigns” served to deny the former. North Korea has also created new religious organizations by reviving defunct religious organizations, such as the “Chosun Christians League,”

⁶⁶⁸ Koh Tae-woo, *North Korea’s Policy on Religion* (Seoul: Minjok Cultural Pub., 1989), p. 79.

the “Chosun Buddhist League,” and the “Chosun Chondokyo 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.

Since the 1980s, the international community has criticized North Korea sharply for its lack of religious freedoms. As North Korea’s contacts with foreign religious groups increased, it began to relax its anti-religious policies.

The transformation of religious policy began with the Constitutional amendment. In the 1992 revision, North Korea stipulated in Article 68, “Citizens have freedom of religious beliefs. This right is granted by approving religious ceremonies and the construction of religious buildings. No one may use religion as a pretext for drawing in foreign forces or for harming the state and social order.”⁶⁶⁹ The provision allowing the freedom of anti-religious propaganda under Article 54 of the 1972 Constitution was deleted. The revised North Korean Constitution shows some progress. Legal steps have been taken, however superficially, allowing the freedom of religion, construction of religious buildings and observance of religious 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.

⁶⁶⁹ 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.

Religious Buildings

In accordance with its constitution, North Korea is in the process of building religious facilities. North Korea finished construction of Bongsu Church and Jangchoong Cathedral at the end of 1988 and Chilgol Church in 1989. Chairman Kim Jong Il paid a visit to a Russian Orthodox church during his tour of the Russian Far East in August 2002. Subsequently, North Korea began construction of a Russian Orthodox Church in June, 2003. On August 13, 2006, the “Jungbaik Church,” a Russian Orthodox Church, was completed in Jungbaik-dong, Nakrang District of Pyongyang. In April, 2003, four North Koreans began studies at the Russian Orthodox Seminary in Moscow to serve upon dedication of the Orthodox church in Pyongyang.⁶⁷⁰ Currently, two of the four have been baptized as church fathers, and are serving at the church.

In addition to these religious facilities, new religious facilities are being rebuilt or under construction with the support of South Korean religious groups. So, it appears that North Korea is taking positive steps by permitting South Korean religious groups to reconstruct or newly construct various religious facilities in North Korea.⁶⁷¹

The Buddhist temple restoration projects, such as Shinkesa and Youngtongsa temples, are also under way as part of an effort to preserve traditional Korean culture. Since December, 2002, massive redecoration projects have been under way at 59 Buddhist temples across the country.

It would, therefore, be desirable to examine the reality of religious freedom the North Korean authorities have reported.

⁶⁷⁰ Chosun Central Broadcast, Jun. 25, 2003; *Yonhap News*, Jun. 24 and 27, 2003.

⁶⁷¹ It is reported that the Pyongyang Jeil Church was newly built with funds jointly raised by Presbyterian churches.

In 2001, a North Korean delegate to the session reviewing North Korea's second periodic report to the UNHRC submitted the following data on religion in North Korea (Table II-13).

〈Table II-13〉 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 (secret prayer sites)	–	15,000

North Korea's Chosun Christians' League insisted that there were a total of 14,000 Christians, including 300 at Pyongyang's Bongsu Church, 150 at Chilgok Church, and about 500 "family churches" throughout the country.⁶⁷²

Many North Koreans were aware of some of these religious facilities. However, most North Koreans in the provinces were not even aware of the fact that there were such religious facilities in Pyongyang.

– Defector XXX, who fled from Buryong, testified that he/she was not aware of any churches or cathedrals in Pyongyang.⁶⁷³

Even those who were aware of the existence of religious facilities did not regard them as facilities where people practiced their faith. The residents of Pyongyang were aware of these religious facilities, but they believed the facilities were restricted

⁶⁷² *The No-cuts News*, Feb. 4, 2009.

⁶⁷³ NKHR2008000024 2008-11-18.

areas. In addition, no one was able to distinguish the differences between churches and cathedrals. Even those who were aware of some religious organizations in Pyongyang knew nothing about any cathedrals there.⁶⁷⁴ Defector XXX, a repatriated Korean from Japan, testified that her mother was Catholic and she attended Catholic masses when she was young. So when they visited Pyongyang they looked for a cathedral but could not find one.⁶⁷⁵ As for Buddhist temples, nobody regarded those as religious facilities, and no one believed Buddhist monks were performing any religious roles.⁶⁷⁶ Defector XXX stated that the monks did not shave their heads and simply were guarding the temples and maintaining the “historical relics.”⁶⁷⁷ Defector XXX testified that when he/she visited a temple in Kaesong, the monk simply guided them around the temples.⁶⁷⁸

- Defector XXX testified that he/she had heard of Jangchoong Cathedral and Bongsu Church in Pyongyang but testified that those places were for foreigners only and were off limits to ordinary North Koreans.⁶⁷⁹
- Defector XXX testified that although he/she lived in Chongjin, he/she was aware of Bongsu Church in Pyongyang.⁶⁸⁰
- A defector testified that ordinary people are not allowed inside churches.⁶⁸¹
- A defector testified that he/she was aware of the existence

⁶⁷⁴ NKHR2009000031 2009-05-12.

⁶⁷⁵ NKHR2000999912 2009-03-05.

⁶⁷⁶ NKHR2008000001 2008-07-01.

⁶⁷⁷ NKHR2009000031 2009-05-12.

⁶⁷⁸ NKHR2009000033 2009-05-26.

⁶⁷⁹ Defector XXX during an interview in Seoul on Jan. 24, 2007; Defector XXX during an interview in Seoul on Feb. 9, 2007.

⁶⁸⁰ NKHR2009000027 2009-12-02.

⁶⁸¹ NKHR2008000023 2008-11-11.

- of religious facilities. But in naming Bongsu Church and Jangchoong Church, he/she could not distinguish the difference between a church and a cathedral.⁶⁸²
- Defector XXX, a former resident of Chongjin, testified that when he/she saw the church in Pyongyang, he/she felt frightened, recalling the story about the Christian missionaries who performed experiments on human bodies.⁶⁸³
 - A defector from Hyesan was aware that there was a church in Pyongyang, and that missionaries worked on inter-Korean events. He/she testified that there were no churches in North Korea outside of Pyongyang, and there were no monks in temples.⁶⁸⁴
 - Defector XXX testified that he/she had heard that there was a new religious facility built by Russia on Unification Street in Pyongyang.⁶⁸⁵
 - Defector XXX testified that he/she thought the temple in Mt. Myohyangsan was a sightseeing spot rather than a religious facility. Also, there was no monk at Bohyonsa Temple, but he/she saw Buddhist statues on TV.⁶⁸⁶
 - A defector testified that he/she had been to the temples but believed they were tourist spots for learning about cultural assets. The monks played the role of tour-guides and were paid by the government.⁶⁸⁷
 - Defector XXX testified that he/she had never been to a

⁶⁸²_ NKHR2008000023 2008-11-11.

⁶⁸³_ NKHR2008000001 2008-07-01.

⁶⁸⁴_ NKHR2008000020 2008-09-17.

⁶⁸⁵_ NKHR 2009000013 2009-03-11.

⁶⁸⁶_ Defector XXX during an interview in Seoul on Feb. 9, 2007.

⁶⁸⁷_ NKHR2008000023 2008-11-11.

Buddhist temple and had never seen a monk.⁶⁸⁸

- Defector XXX said he/she had visited a temple in North Korea. The temple was empty and there was only one person supervising the facility, so he/she did not believe it was a religious facility.⁶⁸⁹
- Defector XXX testified that there was a temple on Mt. Chilbo near his/her hometown. But there was no monk, and a professional guide provided explanations to the visitors. Thus, temples are regarded not as places of worship but as a cultural relics.⁶⁹⁰

North Korea claims that religious educational facilities have been established and are in operation. According to the second periodic report, a department of religion was newly installed in Kim Il Sung University in 1989. The report stated, “There are religious educational facilities run by religious organizations. The Chosun Christian League operates the Pyongyang Theological Seminary and the Chosun Buddhist League Central Commit is running a Buddhist school, and the Chosun Catholic Association Central Committee also operates a Chondokyo middle school and teaches students.” In 2003 North Korea sent graduates of Kim Il Sung University to Moscow to study Christian teachings.⁶⁹¹

Religious Ceremonies

North Korean authorities have begun to permit religious ceremonies. Buddhist temples are allowed to conduct formal

⁶⁸⁸_ NKHR2008000030 2008-12-23.

⁶⁸⁹_ NKHR2008000012 2008-08-14.

⁶⁹⁰_ NKHR2008000017 2008-09-04.

⁶⁹¹_ *Yonhap News*, Mar. 31, 2003.

ceremonies on Buddha's birthday, as well as on major Buddhist holidays. Sometimes, even Buddhist ceremonies of a political nature-such as the Buddhist Prayer Meeting for the Unification of Fatherland-have been permitted. When the United States designated North Korea as a nation persecuting religious freedom, North Korea complained and responded through articles carried in the Chosun Shinbo (in Japan), pointing out that 200-300 Christians were attending church services at Bongsu Church every Sunday and church services were being observed in the form of "family churches" in 500 locations across North Korea every Sunday⁶⁹² As inter-Korean religious exchanges have increased, joint religious services are being held on a regular basis. Since 1997, joint inter-Korean Buddhist ceremonies are held every year, attended by the Buddhist leaders of South and North Korea, as agreed to by the two sides. Since the joint Easter Prayer Service in 1997, the Christian communities of South and North Korea have been conducting religious exchange activities on a regular basis. In August 1998, the South Korean "Catholic Fathers for the Realization of Justice" have visited North Korea and conducted a Commemorative Mass Service on August 15. Since then, joint inter-Korean Catholic activities have been held under the leadership of the "Fathers for Justice," including joint mass service at Keumkang Mountain. Finally, leaders of Chondokyo in South Korea also established service contacts with North Korean Chondokyoists when South Korean superintendent Kim Chol paid a visit to North Korea in 2001. Since then, the two sides have observed various joint ceremonies, including the "Open Skies Day" ceremonies. Since the June 15, 2000 inter-Korean summit meeting, South and

⁶⁹² Ministry of Unification, "Weekly North Korean Trends," No. 569 (Seoul: Ministry of Unification, 2001), pp. 9-10.

North Korean religious leaders have been allowed to attend the “March First (Independence Movement) National Rally” in 2003.

In terms of religious awareness, North Koreans were generally aware of the existence of the Bible through the lectures of the authorities and defectors’ stories.⁶⁹³ Since North Korea regards the Bible as a tool of cultural and ideological intrusion, the authorities deal most strictly with anyone caught in possession of a Bible.⁶⁹⁴ Most North Korean defectors testified that they had heard about the Bible even though they had not seen one in person. In contrast, however, they testified they have never heard about Buddhist scriptures.⁶⁹⁵

Religious Organizations

Various religious groups have been organized and are operating in North Korea today. North Korea has been emphasizing that freedom of religion is guaranteed, especially in connection with the freedom of assembly and association. In its second report on ICCPR, 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: “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 Chondokyo Central Guidance Committee and Chosun Association

⁶⁹³ NKHR2009000013 2009-03-11.

⁶⁹⁴ NKHR2009000017 2009-03-24.

⁶⁹⁵ NKHR2009000020 2009-04-07; NKHR2009000024 2009-04-20.

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. Among the North Korean religious organizations, the most well-known are the “Chosun (Korean) Buddhists League,” “Chosun Christian League,” “Chosun Catholic Association,” “Chosun Chondokyo Central Committee,” “Chosun Russian Orthodox Church Committee,” and the umbrella organization for these groups called “Chosun Religious Practitioners Association.” 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 defectors interviewed said they were unaware of any religious organization that has branches in the provinces.⁶⁹⁶

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 of its central committee, toured the United States for a month.⁶⁹⁷ The Chosun Buddhist League also sent delegates to the Asian Buddhist Peace Conference held in Laos.⁶⁹⁸ These religious organizations have been organized primarily as counterparts to foreign religious organizations or

⁶⁹⁶ David Hawk, “Thank You Father Kim Il Sung,” U.S. Commission on International Religious Freedom (2005), p. 88.

⁶⁹⁷ Kim Byung-ro, *Changes of North Korea’s Policy on Religion and Realities of Religion* (Seoul: KINU, 2002), p. 48.

⁶⁹⁸ *Korean Central News Agency*, Feb. 10, 2003.

international aid agencies, rather than as instruments to guarantee and support religious activities. 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. Defector XXX testified that he used to think religious organizations were operated for the purpose of dealing with foreign countries.⁶⁹⁹

Most North Korean defectors testified that they were aware that there were some religious facilities in Pyongyang and that these were related to the religious organizations organized by the central government. As described earlier, however, these facilities have been established and operated for political purposes. Most defectors were aware of the religious organizations operated by the central government, such as the Chundokyo (Heavenly Way) Central Committee and the League of Christianity.⁷⁰⁰ Generally speaking, North Koreans know that these organizations exist, but they are unable to distinguish one from the other.⁷⁰¹ Many North Koreans do not even know that there are centrally organized religious organizations. Many have testified that they never heard about religious organizations when they were in North Korea.⁷⁰²

⁶⁹⁹ NKHR 2009000013 2009-03-11

⁷⁰⁰ NKHR2008000024 2008-11-18; NKHR2009000012 2008-04-14; NKHR200800017 2008-09-04.

⁷⁰¹ NKHR2008000022 2008-11-05.

⁷⁰² NKHR2008000030 2008-12-23; NKHR2009000026 2009-04-23.

Testimonies on the Reality of Religious Freedom

Religion is a very serious matter, because North Korea cannot permit any ideology other than Juche ideology.⁷⁰³ North Korea does not conduct any education on religious freedom. On the contrary, its education concentrates on teaching people how to oppose religion and prevent its spread.⁷⁰⁴ North Korea teaches its people that religion is superstition and that it is like a narcotic. If anyone were discovered engaging in religious activities, he/she would be sent off to a “management” (correctional) center.⁷⁰⁵

As is evident from the testimonies above, religious freedom is not guaranteed in reality, even though North Korea has taken some positive institutional measures guaranteeing religious freedom such as clearly stipulating it in its Constitution, constructing religious facilities, and organizing religious organizations and operating religious education facilities.

First, no churches or cathedrals exist in North Korea except in Pyongyang. As for the “family churches” that North Korea said existed across North Korea, it is questionable how freely they are allowed to practice religious activities in the provincial towns, even if a church existed. In all the personal interviews with defectors from North Korea, not one person was aware of a “family church”⁷⁰⁶ anywhere in North Korea.⁷⁰⁷ A defector testified that although he visited Pyongyang frequently, he had never heard of any “family churches.” In our personal interviews with North Korean defectors, no one has testified of any knowledge of “family

⁷⁰³_ NKHR2008000016 2008-09-02.

⁷⁰⁴_ NKHR2008000001 2008-07-01.

⁷⁰⁵_ NKHR2008000017 2008-09-04.

⁷⁰⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

⁷⁰⁷_ NKHR2008000014 2008-09-04.

churches” in North Korea.⁷⁰⁸ However, David Hawk has reported that in the course of his personal interviews regarding religion, he heard of a total of eight churches in North Korea: five churches in Pyongyang, one in Kaesong, one in Sunghon, and one in South Hwanghae Province.⁷⁰⁹

Second, most experts doubt if the freedom of worship is fully granted even at the two churches and one cathedral in Pyongyang. 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 built in September 1988, only the building supervisor and his family live there. When foreign guests come to visit, however, several hundred carefully selected 40 to 50-year-old citizens are gathered to conduct phony church services. 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.

Third, all defectors consistently testified that one would be certainly persecuted for practicing religion on a personal level. 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. Even when a large number of the population

⁷⁰⁸ NKHR2009000013 2009-03-11.

⁷⁰⁹ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005; David Hawk, *Thank You Father Kim Il Sung*, pp. 87-88.

was forced to roam around in search of food during the grain crisis in the 1990s, North Korea had tried to suppress the promotion or propagation of Christianity in the belief that Christianity was detrimental to the integrity of the North Korean regime. Since 1997, North Korean citizens have been receiving education designed to prevent the spread of Christianity. The education would emphasize the necessity of detecting the individuals engaged in spreading Christianity and how to identify them.⁷¹⁰ A defector testified that some individuals who used to practice religion before the liberation of Korea from Japan (1945) were known to continue their practices discreetly in private. Defector XXX testified that her mother was born in 1928 in China. Her mother was a teacher there before coming back to North Korea. She believes that the songs her mother used to sing to her when she was young were hymnal songs, and she remembers her mother quietly praying. Her mother never had any arguments with her father over religious issues.⁷¹¹ Defector XXX testified that her aunt (on her mother's side) brought several copies of the Bible from China and gave them to her family, and they were able to hide them successfully.⁷¹² Defector XXX testified that she used to listen to the "Far Eastern Broadcasts." Through those programs she learned that in Christian churches there were pastors and sermons.⁷¹³

⁷¹⁰ North Korea has been encouraging the inhabitants to report on persons who were reading the Bible. Testimony of defector XXX during an interview in Seoul, May 31, 2000.

⁷¹¹ NKHR2008000027 2008-12-02.

⁷¹² NKHR2009000027 2009-04-27.

⁷¹³ NKHR2009000011 2009-11-03.

Punishment for Religious Activity

Freedom of religion is indeed restricted in North Korea except as part of officially sanctioned events and at designated facilities. This reality is clearly demonstrated when we look at the punishments imposed on citizens who practiced religion and on those forcibly deported defectors. As the food shortage became exacerbated and as the number of defectors rapidly increased, North Korean authorities began to relax punishment for those defecting to China in search of food (the so-called “economic defectors.”) Authorities continue to impose heavy penalties on those who have had contacts with religious South Koreans in China. However, it would appear that North Korean authorities are no longer treating religion-related defectors automatically as political criminals. The reason North Korean authorities are trying to curb the spread of religion via defectors is because most defectors return to North Korea with significant knowledge and understanding of religious beliefs, even if they do not actually practice any religion themselves.⁷¹⁴

Anyone found in possession of a Bible during the defector investigations, would definitely be punished. A defector said, “I was detained for a month at a security agency detention center in Yangkang Province in December, 2005. A funeral clerk showed me a Bible and said one person was arrested for its possession.”⁷¹⁵

- Defector XXX testified that when he was deported to Hoeryong Security Agency in October 2002, a 19-year-old man was brought in on religious charges. He overheard a “guard” saying that the boy would be transferred to the province security agency and ultimately be sent to a

⁷¹⁴_ NKHR2009000011 2009-03-03.

⁷¹⁵_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

concentration camp.⁷¹⁶

- A defector testified that in 2001 a 55-year-old female Christian living in Kangso County, South Pyongan Province was arrested for having assembled others for religious purposes. She was put to death and others were locked up in correctional centers.⁷¹⁷
- Another defector testified that in April 2003 a Chinese person was arrested and locked up in Onsung County Detention Center on charges of possession of a Bible (He personally witnessed the person's detention on Jul. 31, 2003).⁷¹⁸
- A defector testified that her friend, Lee Bock-soon, was imprisoned for six months in Musan Security Agency from October 2000. She was brought in on charges of having attended a church in Rogahyang in the Chinese city of Hwaryong, Jirin Province.⁷¹⁹
- A defector testified that when she was detained in Onsung Security Agency in June 2004, a 9-year-old girl named XX was deported from China. Among her possessions, she had a book that looked like a Bible. It was not known whether she had received some help from a church in China. However, the rumor was that she was being transferred to a Juvenile Correctional Facility.⁷²⁰
- Another defector testified that a man named Kang Chul-yon had been detained for 6 months at Ranam District Security Agency because the authorities found a Bible he

⁷¹⁶_ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

⁷¹⁷_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁷¹⁸_ *Ibid.*

⁷¹⁹_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

⁷²⁰_ NKHR2008000002 2008-07-04.

had brought in from China in 2002.⁷²¹

- In 2004, a woman in her late 30s (husband Jo Sang-soon) living in Musan County was arrested for having read Christian literature. She was taken to the Security Agency in Rajin-Sunbong District, but no one knew what happened to her.⁷²²
- A defector testified that in 2005 a group people were arrested for trying to smuggle in some religious literature and were publicly executed; also, if anyone is caught doing something connected to religion, he or she will disappear overnight.⁷²³
- Defector XXX testified that when he was working at the Onsung Security Agency, someone was caught bringing in copies of the Bible from China and trying to spread religion. His grandmother, son, and daughter-in-law were detained for over 9 months. He heard that they would be transferred to a concentration camp.⁷²⁴
- Defector XXX testified that when he was at the Provincial Security Agency in 2006 a young man named XXX was brought in for having spread Christianity. His elder brother had reported it. He heard that the young man was bound for a “management center.”⁷²⁵
- Defector XXX testified that the authorities found copies of the Bible in four houses in his neighborhood, and all members of those households were sent off to jail.⁷²⁶

⁷²¹_ NKHR2008000008 2008-08-01.

⁷²²_ NKHR2008000022 2008-11-05.

⁷²³_ NKHR2009000015 2009-03-17.

⁷²⁴_ NKHR2009000018 2009-03-26.

⁷²⁵_ NKHR2009000021 2009-04-13.

⁷²⁶_ NKHR2009000058 2009-09-24.

- Defector XXX testified that he had met a man in his 50s named XX in China. During interrogation at the State Security Agency, XX had divulged that he had studied the Bible with a Church missionary. For this confession, he had to go through an intensive interrogation.⁷²⁷

It is difficult to confirm the fact that North Korean authorities do not permit individuals to enjoy religious freedoms, but this fact is indirectly confirmed through the testimonies that reveal the existence of underground churches. Many defectors have testified that Christians practice their religion in underground churches, because North Korean authorities restrict religious freedoms.

- Defector XXX testified that Bang YZ was the sister of his friend, Bang XX, and she married 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.⁷²⁸
- Defector XXX testified that he had heard in 2004 that there was a secret (underground) church in North Pyongan Province.
- Defector XXX testified that he/she and others organized a prayer meeting at a church in China. They also used to get together at his/her home for prayer meetings.⁷²⁹

Despite these testimonies, it is difficult to verify the existence of underground churches. Some Christian organizations have been operating “mission home” in China for the North Korean defectors

⁷²⁷_ NKHR2009000059 2009-09-29.

⁷²⁸_ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

⁷²⁹_ NKHR2009000039 2009-06-10.

and are reportedly trying to expand their activities into North Korea. However, defector XXX said that some defectors would copy portions of the Bible on the North Korean-made notebooks to “prove” that they had been doing missionary work inside North Korea.⁷³⁰ Defector XXX testified that his/her maternal grandmother had been a Christian a long time ago. So his/her mother naturally also became a Christian, practicing in secret. But her father told her not to practice it any more.⁷³¹

A South Korean human rights group, Good Friends Foundation, obtained and published in July 2005 North Korean lecture notes entitled, “Let Us Resolutely Destroy the Enemy’s Cunning Conspiracy to Spread Religions Among Our People,” which indicates that North Korea is strictly enforcing restrictions on all religious activities including Christianity.

- North Korea has been denouncing the North Korean Human Rights Act of 2004 of the United States and the Voice of Free Radio Asia, which received two million dollars of U.S. funding. North Korea complained that through these instruments of religious propaganda the United States was trying to contain and isolate North Korea and increase international pressure on the country.
- North Korea denounced South Korea for trying discreetly to smuggle Bibles, religious publications, cassette tapes, and videos into North Korea by bribing the tradesmen, frequent travellers, and people crossing the border illegally.
- North Korea further denounced that the religious propaganda agents “were taking advantage of innocent children who would not easily forget what they see and hear in

⁷³⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

⁷³¹_ NKHR2009000073 2009-12-02.

early ages, and would provide them with ‘alert religious education.’” North Korea contends that these children would then be sent back across the border so they could spread religion to their parents, which in the long run would be very useful in organizing underground religious groups.

- North Korea regards religion as a means of “toppling national systems,” as a “breach of national self-reliance,” and a “violation of human rights.”
- North Korea has proclaimed that the struggle to prevent religious penetration was not simply a practical issue but seriously a “great ideological battle for the political and ideological protection of Our Revolutionary Leader and Beloved General Kim Il Sung.”

The titles of these lectures are suggestive, and most North Koreans will end up learning something about religion and the Bible through the government’s indoctrination lectures, which are aimed at curbing religion among the populace.⁷³² Defector XXX testified that he/she was not aware of any religious facilities in Pyongyang, but she became aware of the existence of religion through the school programs designed to impart negative impressions of all religions.⁷³³ Some people find out about religion through TV programs. Most North Koreans have never seen a monk at a Buddhist temple and know nothing about their existence, but a few have found out about them through TV programs.⁷³⁴ Defector XXX also said she saw monks only in movies and advertisements.⁷³⁵

⁷³²_ NKHR2009000011 2009-03-03.

⁷³³_ NKHR2009000053 2009-09-08.

⁷³⁴_ NKHR2009000024 2009-04-20.

⁷³⁵_ NKHR2009000062 2009-10-20.

Superstition is widespread in North Korean society, and citizens discreetly exchange rumors as to the location of good fortunetellers.⁷³⁶ High-ranking officials must not and will not seek out such services, but their wives are said to sometimes visit fortunetellers and report back to their husbands.⁷³⁷ The North Korean authorities will punish any superstitious activities such as fortunetelling. North Korea's Penal Code (as revised in 2004) stipulates in Article 268 (on promoting superstition), "Person(s) who have shared superstition-based predictions with others for profit or egotistical reasons shall be sentenced to up to two years of labor-training." All North Korean adults must uphold the 10 Principles of Unitary Ideology and demonstrate absolute loyalty; it is not permissible to have other beliefs or ideologies. That is why North Korea prohibits fortune-telling and other forms of superstition.⁷³⁸ A defector testified that anyone who tried to "consult with fortune tellers" or "learn about personal fortune" would be punished by his or her organization.⁷³⁹ If someone was very good at fortune-telling, even high-ranking security agents, Party members and People's Safety agents would go to consult with that person. In such a case, others who had gone there could avoid punishment. Well-known fortune-tellers must pay a certain amount of money to local officials or engage in favoritism. But if they are popular or widely known, they might be punished.⁷⁴⁰

– Defector XXX testified that North Korea was absolutely a society of no religion, and even fortunetellers would be

⁷³⁶ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

⁷³⁷ NKHR2008000012 2008-08-14.

⁷³⁸ NKHR2009000012 2009-03-05.

⁷³⁹ NKHR2008000006 2008-07-22.

⁷⁴⁰ NKHR2008000023 2008-11-11.

- arrested if known.⁷⁴¹
- Defector XXX testified that North Korea strongly enforced its anti-occultist position in 2002.⁷⁴²
 - Defector XXX testified that North Korea would repeatedly warn its people through public lectures not to indulge in superstition including palm-reading.⁷⁴³
 - Defector XXX testified that a fortuneteller named XXX (42 years old) was arrested for having engaged in fortunetelling activities at Pohang District of Chongjin. She had to serve at the labor-training camp in 2005 and 2006. She was also taken to the labor-training camp in 2007, but was released for reasons of pregnancy.⁷⁴⁴
 - Another defector testified that if a fortuneteller was caught in action, they would be sent off to a labor-training camp.⁷⁴⁵
 - Defector XXX testified that a woman known as “Youngnam’s Mom” in Namsan District, Musan County, was arrested for her fortunetelling activities and detained at a labor-training camp for 6 months.⁷⁴⁶
 - Defector XXX testified that she was working in 2005 at a “foreign currency-earning” outfit that used to trade with China. There was a fortuneteller who was so good that she could accurately tell the “trading day” with China in advance. One day she was gone. It was later rumored that she was taken to the security agency for saying something

⁷⁴¹ Testimony of defector XXX during an interview in Seoul on Sept. 21, 2004; Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

⁷⁴² Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁷⁴³ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

⁷⁴⁴ NKHR2008000004 2008-07-17.

⁷⁴⁵ NKHR2008000022 2008-11-05.

⁷⁴⁶ NKHR2008000006 2008-07-22.

wrong while engaged in fortunetelling.⁷⁴⁷

- Defector XXX testified that when he was working at a detention center a woman about 50 years old named Suh XX was brought in and detained for some time because of her fortune-telling practice.⁷⁴⁸
- Defector XXX testified that XXX, about 45 years old, was caught engaging in fortune-telling. She was sent off to a labor-training camp.⁷⁴⁹
- Defector XXX testified that a woman named Paik XX was arrested for fortune-telling in 2008. She was sent off to a labor-training camp for six months.⁷⁵⁰
- A defector testified that two fortune-tellers were arrested for political fortune-telling in Jongsung. They were put through a pretrial.⁷⁵¹

The Ten Principles of Unitary Ideology

As the text of public lecture mentioned above reveals, North Korea has proclaimed all religious activities a “serious and great ideological battle for the political and ideological protection of Our Revolutionary Leader and Beloved General Kim Il Sung.” So the pivotal factor that prevents religious freedom in North Korea is the cult of personality surrounding Kim Il Sung/Kim Jong Il and the unitary ruling system. One of the most important reasons for North Korean’s perception of religion as a source of foreign intrusion and exploitation is the antithetical nature of religion

⁷⁴⁷_ NKHR2008000009 2008-08-07.

⁷⁴⁸_ NKHR2009000032 2009-05-19.

⁷⁴⁹_ NKHR2009000051 2009-09-17.

⁷⁵⁰_ NKHR2009000064 2009-11-04.

⁷⁵¹_ NKHR2009000057 2009-09-22.

vis-a-vis the unitary ruling structure. 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, under the Juche ideology, must be revered as all-powerful entities. Juche ideology demands exclusive worship of the Suryong (“the Great Leader,” Kim Il Sung) 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 it would be impossible to conceive of worshipping any other entity but the Suryong.

The worship of Kim Il Sung and Kim Jong Il is specifically stipulated in the Ten Great Principles of Unitary 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 the Ten Great Principles of Unitary Ideology. Since its announcement in 1974, the ten great principles have been utilized more than the Constitution or any laws or regulations as a means of exercising control over North Koreans, as well as deifying the “Great Leader Kim Il Sung.” The principles are treated as prescribed laws and are applied in criminal cases.⁷⁵²

⁷⁵² 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.

Since interpretation of the ten principles is arbitrary, they are routinely used to frame political dissenters as perpetrators of political and ideological crimes. For example, two entire families disappeared: one because a nine-year-old second grade elementary student in the family scribbled on the faces of the Kim's in his text book; another because the elderly grandmother used issues of the *Rodong Shinmun*--which contain pictures of Kim Il Sung and Kim Jong Il--as wallpaper. Both families were punished on the basis of the Ten Great Principles.

Recently, not all such cases go punished as political crimes, but the following testimony shows that the 'ten principles' are utilized as important sources for punishment.

"In March 2005 there was a fire at a security guard post of an enterprise in Hoeryong City. There was no damage to the building itself, but the guard on duty was unable to remove the portraits of Kim Il Sung and Kim Jong Il from the post. The guard was imprisoned for the negligence. The guard, in his fifties, was released after several months of detention, but he died in August of that year due to post-traumatic causes. Unlike ordinary crimes, the penalties involving the portraits are very serious. So, most North Koreans place top priority on the portraits in the event of fire or other emergencies. Local security agents or safety officials will often overlook other types of crimes for a small bribe. But portrait-related crimes are immediately reported to higher levels, hence not subject to simple bribery. Anyone charged with mishandling the portraits would not be lightly punished. It is very

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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 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.

difficult for those not actually living in North Korea to understand it, but it is true. From this one example, it is clear to see the effort North Korean authorities are expending to maintain the Unitary Ideology System.”⁷⁵³

This inhumane practice of forcing people to sacrifice 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 there is a 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 drowned when his boat capsized. However, as the boat was on the verge of sinking, Park carefully wrapped a portrait of Kim Il Sung with a plastic cover, attached a heavy weight to himself, and jumped into the sea.

At a “people’s unit” meeting on October 11, 2007, it was suggested that people should follow the spirit of those who had “saved” the portraits of Kim Il Sung/Kim Jong Il during the flood emergencies. There were people during the flood emergencies in Kangwon Province and South Hwanghae Province who had protected these portraits even as their house was going under water and they had to abandon everything. In one instance, as the story goes, a parent could not rescue her daughter from drowning in the flood because she had to hang on to the portraits. The lecturers said everyone should look up to the high level of devotion and political values of these people, and should try to follow their footsteps.⁷⁵⁴

The Organization Bureau of the Central Party issued on May

⁷⁵³_ Good Friends, “North Korea Today,” No. 21 (May 18, 2006).

⁷⁵⁴_ Good Friends, “North Korea Today,” No. 94 (Oct. 17, 2007).

15, 2007 instructions on “Overall Inspections on How to Carry out Respect for the Portraits of “Great Suryong” and “Beloved General.” From that day, the agents of the Party’s Organization Bureau began to conduct thorough home and workplace inspections across the nation, including major cities, provinces, Wonsan City, Kangwon Province, Sariwon City in North Hwanghae Province, Kangkei City of Jakang Province, Hyesan City of Yangkang Province, Chongjin of North Hamkyung Province, Hamhung City of South Hamkyung Province, and Pyongyang. This time around, not only the homes of party officials but also the homes of ordinary citizens were to be thoroughly inspected. If the portraits have not been respectfully taken care of or if dust was found on them, the person’s name was to be recorded on the “black-list.” Subsequently, the security agency would call the offenders in and give lectures about how to handle the portraits. In some cases, people will have to spend two or three days in jail.⁷⁵⁵ If one admitted mishandling the portraits on purpose, punishment would be administered, but if you told them your neglect was the result of an unconscious neglect, they would pardon your “sins.”⁷⁵⁶

Defector XXX testified that in December 2004 when she was detained in a labor-training camp, there was a fire in the camp. As she was escaping from her cell with her belongings she spotted the (Kim Jong-il) portrait straight ahead, so she dropped her things, grabbed 3 portraits and exited the building. This made her a model inmate; her 6-month sentence was commuted to three and she was released from prison.⁷⁵⁷ Defector Kim XX testified that the ‘10 Principles of Unitary Ideology’ were designed to force people to

⁷⁵⁵ *Ibid.*

⁷⁵⁶ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

⁷⁵⁷ NKHR2008000010 2008-08-08.

adhere absolutely to the Party's policies. She said she was reminded of the portraits whenever the phrase '10 Principles' came up.⁷⁵⁸ This witness further testified that as recently as 2000 she would experience shock whenever she heard about a portrait being torn apart or burned.⁷⁵⁹ Defector XXX testified that a neighbor woman made her living making and selling tofu at home. This produced a lot of humidity in her rooms, which made the portraits turn brownish. She was ordered to write a statement of self-criticism at a local party office and was locked up for ten days for not replacing the portraits.⁷⁶⁰

In an effort to inspire personal allegiance to the Suryong, North Korea has been trying to internalize the ten principles in the minds of ordinary citizens through "harmonious living" sessions. At the "harmonious living" sessions of the Party, people have to read the "ten principles" before starting their session. Even in ordinary "harmonious living" sessions, they repeat relevant articles of the "ten principles" to reinforce them in the minds of everyone present.

Defector XXX testified as follows on the impact of the ten principles and the idolatry of the Suryong on the people's daily lives:

"when I was in North Korea the ten principles unconsciously controlled my life. They have clearly been working as a means of repression. I was not always conscious of the ten principles, but I tried not to violate them. The ten principles have always played as stumbling blocks in our daily lives."⁷⁶¹

⁷⁵⁸_ NKHR2009000011 2009-03-03.

⁷⁵⁹_ NKHR2009000013 2009-03-11.

⁷⁶⁰_ NKHR2009000053 2009-09-08.

⁷⁶¹_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

A defector testified that as life became harsh under the economic hardship, people could not pay too much attention to the so-called “Ten Principles,” although they would not dare violate them. Regarding the principles, people would pay particular attention to Kim Il Sung and Kim Jong Il, but ordinary citizens would not be able to memorize and recite the contents of the principles.⁷⁶² However, it is important for anyone trying to become a party member to memorize them, because he would be required to recite all ten principles. Many party members would admit that they have forgotten the details of the principles. They simply were aware that they have to pay absolute loyalty to their venerable leaders.⁷⁶³ The Ten Principles were usually cited during the “harmonious life” sessions, but most people would be unable to fully recite them.⁷⁶⁴ In short, people would understand the “Ten Principles” as demanding absolute loyalty to Kim Il Sung and Kim Jong Il, but few would be able to recite them in detail.⁷⁶⁵

⁷⁶² NKHR2008000015 2008-08-27.

⁷⁶³ NKHR2008000016 2008-09-02.

⁷⁶⁴ NKHR2008000023 2008-11-11.

⁷⁶⁵ NKHR2008000024 2008-11-18.



7

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The Right of Political Participation

The right of political participation encompasses the 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 that “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 that “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 after his death in 1994, 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 not inaugurated as Party’s General Secretary until 1997. However, the North Korean citizens were deprived of their political rights because Kim was not elected but nominated to the position.

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 based on one’s family background.

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. Election committees are organized one month ahead of the actual elections. Each election committee compiles a list of the voters in their district and manages the district elections. An election committee usually consists of representatives of the Party, the People’s Committee, the security agencies, and the local community.⁷⁶⁶

Under the principle of universal, equal, and direct voting the law requires secret ballots; in reality, however, 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 a “no” ballot box.⁷⁶⁷ Consequently, elections are regarded as mere celebrations to express active support for the party-nominated candidates. For this reason, electoral districts will sponsor various performances on election days. Defector XXX testified that a festive mood prevails all over town at election time. He believed it had to be particularly festive since the people were electing Kim Jong-il as a deputy to the Supreme People’s Assembly (SPA).⁷⁶⁸

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.⁷⁶⁹ Defector XXX testified that supervision of voting recently have been relaxed so that

⁷⁶⁶ NKHR2009000016 2009-03-19; NKHR2009000030 2009-05-07.

⁷⁶⁷ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

⁷⁶⁸ NKHR2009000024 2009-04-20.

⁷⁶⁹ *Korean Central News Agency*, Aug. 4, 2003.

only the currently residing voters are allowed to participate in voting.⁷⁷⁰ However, defector XXX testified that if a resident failed to vote, he would be suspected of having 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.⁷⁷¹

Free expression of opinion by citizens is practically impossible in the candidate nominating process and when casting votes. Elections where various political forces freely contend on the basis of ideas and policies are not a part of the political process in North Korea. Rather, it is part of a political mobilization to reinforce the people with a sense of political participation and provide a pro forma and post facto approval of the power structure and the method of elite recruitment designed by the KWP. This process was repeated during the election of deputies for the 11th Supreme People's Assembly on August 3, 2003. Through a "report," the North Korean Central Election Committee announced that a total of 687 deputies for the SPA and 26,650 deputies for the province, city and county People's Committees were elected. It further stated that "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."⁷⁷² On July 29, 2007, elections for Provincial Assembly delegates were held. Marching bands took to the streets from early morning, promoting the participation in the elections. The elections ended at 6 p.m. with a 100 percent participation. In Shinuiju, the elections were over by 11 a.m.⁷⁷³

⁷⁷⁰ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

⁷⁷¹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

⁷⁷² *Ibid.*

⁷⁷³ Good Friends, "North Korea Today," No. 83 (Aug. 2, 2007).

The North Korean authorities encourage people to vote. Every year, the same election slogans appear, and this year was no exception. Some of them follow:

“Let’s all participate in the elections and solidify our revolutionary sovereignty like a rock.”

“All voters! Let’s all participate in elections like one person, and cast affirmative votes.”

“All voters! Let’s all participate in elections, and cast 100 percent affirmative votes.”⁷⁷⁴

During elections, Security and Safety agents exercise strict control over the people. Whoever does not participate in the voting or refuses to vote is suspected of harboring political motives, and is treated with suspicion and discriminated against on a daily basis thereafter. The defectors who testified said for these reasons they always participated in voting.⁷⁷⁵ The “people’s unit” leader would go around the households prodding everyone to vote. There is also a safety agent in charge of elections, so no one is allowed to excuse oneself from voting.⁷⁷⁶ If anyone holding a citizenship card failed to vote, she would be criminally charged as a “reactionary.” Officials would check each voter according to the voter roster, so no one would dare miss out on voting.⁷⁷⁷

North Korean authorities have issued stern warnings, “If anyone failed to participate in the July 29th (2007) elections of Provincial Deputies, he or she would not be allowed to live in the country forever, and his family would also be expelled from

⁷⁷⁴ Good Friends, “North Korea Today,” No. 82 (Jul. 25, 2007).

⁷⁷⁵ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005; Testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

⁷⁷⁶ NKHR2008000016 2008-09-02.

⁷⁷⁷ NKHR2008000023 2008-11-11.

the country. But, if you were to return home voluntarily, the government would grant clemency.”⁷⁷⁸ As the July 29th Provincial Deputy Elections and August 3rd Deputy Elections for the Supreme People’s Assembly approached, the government launched a major election promotion campaign. As the campaign progressed, many people visiting China voluntarily returned home, because non-participation in the elections could bring various disadvantages to their families in the future, and depending on the situation a return home could be permanently denied.⁷⁷⁹

North Korean authorities always insist that secret ballots are guaranteed in all elections. However, no one would cast his or her vote against the single candidate; indeed no one would even dream of doing such a thing.

- A defector testified that voters would have absolutely no idea who the candidate was, whether he was a good or bad person. They would simply cast an affirmative vote for a candidate pre-determined by the authorities. The polling booth is curtained to guarantee secret voting, but casting a negative vote is unthinkable.⁷⁸⁰
- On election day, student marching bands would take to the streets, playing drums and gongs to encourage voting and calling on citizens to cast affirmative votes for the local delegate for the Supreme People’s Assembly. If anyone were to cast a negative vote, it would be construed as a vote against Kim Jong Il and that person would be arrested shortly after the elections. Everybody knows this, so no one would even think about casting a negative vote.⁷⁸¹

⁷⁷⁸_ Good Friends, “North Korea Today,” No. 79 (Jul. 4, 2007).

⁷⁷⁹_ *Ibid.*

⁷⁸⁰_ NKHR2008000017 2008-09-04.

⁷⁸¹_ NKHR2008000022 2009-11-05.

- The officials watch every voter. If anyone were to cast a negative vote, the officials would immediately drag that person away.⁷⁸²
- A defector testified that the officials tell people that they can cast negative votes. But everyone is closely watched, so it is impossible even to think about casting a negative vote.⁷⁸³
- Defector XXX testified that a woman had torn up a candidate list during a local people’s assembly election in 2007. She was arrested by the security agency.⁷⁸⁴

Most defectors testified that there was always only one ballot box. But one defector testified that there in fact were two ballot boxes, and a pencil was placed there so you could mark a negative vote. But all witnesses testified that in reality there was absolutely no chance that anyone would cast a negative vote.⁷⁸⁵ North Koreans always cast 100% affirmative votes at polling places, and when they do so they must first bow to the Leader’s portrait hanging over the ballot boxes. You must bow first, put your ballot in, bow again, and only then can you leave the polling station.⁷⁸⁶

⁷⁸²_ KNHR2008000023 2008-11-11.

⁷⁸³_ NKHR2009000056 2009-09-22.

⁷⁸⁴_ NKHR2009000060 2009-10-06.

⁷⁸⁵_ NKHR2009000062 2009-03-05.

⁷⁸⁶_ NKHR2009000013 2009-03-11; NKHR2009000016 2009-03-19.

White Paper on Human Rights in North Korea 2010





III

The Reality of Economic, Social, and Cultural Rights

1. The Right to Food
2. Social Security Rights
3. The Right to Work
4. The Freedom to Choose a Job



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The Right to Food

North Korea's food crisis is generally said to have begun in the mid-1990s due largely to its ineffectual "collective agricultural system" and a series of natural disasters. In view of the various measures taken by the North Korean authorities, however, it would be fair to say that the food crisis, or the grain shortage crisis, actually began in the late 1980s. In 1987 the authorities decided to reduce grain rations by 10% for the first time in 20 years, and in 1991 they launched a nationwide "two meals a day" campaign. The next year they had to shave an additional 10% off of the public grain ration for everyone except soldiers and heavy-load workers.¹ In view of the many steps taken by the North Korean government during the late 1980s and early 1990s to solve its grain shortage problem, it is reasonable to assume that North Korea's food crisis began long before it became known to the world outside.

The causes of North Korea's grain shortage may be traced to several structural weaknesses. First, because North Korea has

¹ Lee Seok, *The North Korean Famine, 1994-2000: the Onset of Famine, the Shock, and Characteristics* (Seoul: Korea Institute for National Unification, 2004), pp. 18-19.

relatively little arable land, it has had to rely on energy-intensive methods of agricultural production. Due to a series of unexpected natural disasters, North Korea suffered a sharp drop in the production of coal, which was the major domestic source of energy. In addition, with the collapse of the former Soviet Union and the Eastern European states, as well as political turmoil in China, there was a sharp decline (down to less than 10% of the amount from previous years) in the supply of strategic industrial inputs (such as oil, fertilizers, technical know-how, and other industrial materials). In the past, North Korea used to benefit from a steady supply of these materials from its allies, based on reciprocal and strategic considerations. When this supply was cut off, North Korea was faced with a serious energy shortage which had a direct negative impact on all industrial sectors, including agriculture, manufacturing, transportation, etc.² Fertilizer production, in particular, saw a sharp drop; North Korea produced only 12% of its projected 1990 output, and in subsequent years until 2000 it was able to produce only 20-30% of its required fertilizer demand. A second structural flaw that contributed to reduced grain output was the so-called “collective production method,” i.e. agricultural cooperatives which failed to provide incentives for farmers. A “cooperative farm” normally has 15 or more workers in each unit (or team). When a team has a large number of workers, there will naturally be “slackers” and the unit’s efficiency will drop. In short, the unexpected and enormous natural disasters on top of the endemic structural weaknesses resulted in a sharp drop in grain output.

North Korea sustained tremendous flood damage between

2. Meredith Woo-Cumings, “The Political Ecology of Famine: The North Korean Catastrophe and Its Lessons,” Asian Development Bank, Institute Research Paper 31, (January 2002), p. 21.

1995 and 1997. After North Korea's grain output began to show a declining trend, many North Koreans entered a period of hunger and starvation. According to North Korea's official statistics, its total grain output in 1994 was 6.66 million tons, but this declined to 3.37 million tons in 1995. In 1996 and 1997, the total grain output was 2.24 million and 2.58 million tons, respectively. In order to fill the shortage, North Korea needed to import more than one million tons of grain annually from external sources. Despite strenuous efforts to feed its population, North Korea is estimated to have lost a minimum of 580 thousand and possibly as many as 1.12 million people to famine and related causes during the 6-7 year period from 1994 to 2000.³

Since 2000 North Korea's agricultural output has been showing signs of some recovery. The total grain output passed 4 million tons in 2002 and reached around 4.5 million tons in 2005 and 2006. This was the result of assistance from South Korea and the international community as well as other factors including the donation of fertilizer, the transfer of agricultural know-how, improvements in the operability rate of various agricultural equipment made possible by increased shipments of fuel assistance, and favorable weather conditions. Due to natural disasters, the total grain output fell by 470,000 tons from the previous year to only 4.01 million tons in 2007, resulting in a deteriorating food situation for the population. The total grain output in 2008 was 4.31 million tons, an increase of 300,000 tons over the previous year. But, The Rural Development Administration estimated North Korea's total grain output for 2009 to be about 4.11 million tons, showing about 200,000 tons of decrease over the year 2008.

3. Lee Seok, *The North Korean Famine, 1994-2000: the Onset of Famine, the Shock, and Characteristics*, p. 75.

〈III-1〉 North Korea's Total Grain Output and Demand

(unit: 10,000 tons)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Output	359	395	413	425	431	454	448	401	431	411
Demand	518	524	536	542	548	545	560	543	540	548

Source: Rural Development Administration; Ministry of National Unification, *Understanding North Korea, 2010* (Seoul: The Unification Education Center, Ministry of National Unification, 2010).

The outlook for North Korea's grain output for the 2009 grain-year (Nov. 2009-Oct.2010) continues to be grim. Since North Korea's domestic grain output falls far below its minimum demand, it has to rely on imports from China and other sources such as humanitarian assistance from the international community. However, South Korea's grain assistance to North Korea has remained suspended in 2009 as in 2008, and international assistance has also sharply fallen due to the rise in international grain prices. If South Korea continues its policy of not supplying fertilizer to North Korea in 2010 as in 2009, it is doubtful that North Korea will be able to produce a satisfactory amount of grain this year. Furthermore, as a result of the dismal failure of its currency reform at the end of 2009, the price of grain shot up tremendously, so North Koreans are likely to experience a deteriorating grain situation again in 2010.

In order to tide over the persistent grain crisis and to boost agricultural output, North Korean authorities have repeatedly emphasized the need to concentrate nationwide efforts for these goals. In 2008, the joint editorial declared, "At the present time no task is more important and critical than the solution of [the] people's grain problem and the problem of food." In 2009, the editorial said, "The solution of [the] grain problem is the dire demand of our reality." North Korea's "2010 New Year's Message" proclaimed "We must brilliantly realize the Party's agricultural

revolutionary policies and drastically increase our agricultural output.” However, due to the structural problems of the North Korean economy, efforts by the authorities to alleviate the severity of the grain shortage through increased grain production are not making any headway. Moreover, North Korea’s grain shortages are further exacerbated when foreign assistance is cut off due to the unfriendly international atmosphere brought on by North Korea’s own hostile and aggressive foreign policy.

Most North Korean people understood socialism to be a system in which the state provides, through rations, all daily necessities, including food. Indeed, the ration system is one of the vital features of the North Korean socialist system because it previously included not merely grains and food items, but also clothing, housing, education, and medical care. North Korea’s ration system is a multipurpose system. It is intended to distribute scarce grain resources efficiently and to exercise an effective control over the people.

However, the grain-ration system as a means of public control has begun to lose its efficacy. In 1994, when the famine began in earnest, North Korea began to partially suspend national rations. By 1996, North Korea had to totally discontinued the ration system in certain regions. By the end of 1996, citizens had to fend for themselves. Agencies, factories, and businesses independently began to engage in various illicit profit-making trade ventures to earn foreign currency. They then distributed three or four days worth of food per month to their employees. Foreign aid has helped to alleviate the situation, and North Korea’s grain output did increase slightly in 2001. As a result, grain distribution has somewhat improved, although grain shortages are still prevalent. A North Korean who defected from Pyongyang in 2006 stated

that the situation was so bad that even people in Pyongyang, a privileged city, received only one week's worth of "grain ration" per month.⁴

Even under these circumstances, official grain rations are offered on a priority basis to select groups of people working for such key organizations as the Party, National Safety Protection Agency, the military and defense industries. According to the testimony of a defector who came to South Korea after working for ten years at a grain administration office that handled grain purchase and distribution, 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 officials; however, ordinary inhabitants receive 2-3 days worth of grain on major holidays like Kim Il Sung's birthday, Kim Jong Il's birthday, the Korean thanksgiving holiday, and so on.⁵

According to the defector, it is not true that soldiers were getting sufficient amounts of rations simply because the military was supplying them on a priority basis. Food is supplied to military units on a priority basis, but officers are supplied first. The amount of food rationed to the enlisted soldiers is so limited. A former military officer who defected to South Korea after completing 22 years of service testified that even though he was a second lieutenant, the amount of his ration was so small that he too had to live on corn porridge mixed with some edible field grass.⁶ According to a defector, who used to be a woman soldier, the daily military 'regulation grain' was 450 grams, but her unit would "pre-save" a little and she used to eat about 130 grams per meal.⁷ A

4_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

5_ Testimony of defector XXX during an interview in Seoul on Sept. 2001.

6_ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2003.

7_ Testimony of defector XXX during an interview in Seoul on Jan. 11, 2003.

defector who used to serve in the military in Kangwon Province and in Pyongyang testified that the grain situation was different from district to district.⁸ When he was serving in Kangwondo district, he had to go hungry because they issued only 100-150 grams of grain per meal. He had to sneak outside undetected by his superiors and steal some corn or rice from civilian homes to survive. However, when he served in Pyongyang, they issued better quality grains and the amount was also greater, so the situation was far better than when he served in Kangwon province.

Defector XXX testified that the grain situation in the farm villages was slightly better than urban areas, but city workers had to undergo serious hardship when the grain rations were discontinued.⁹ He also said the food shortage was most severe in remote provinces like Hamkyong, Yangkang, and Jakang, where access to transportation is poor. With a lack of energy and means of transportation, the collapse of the central ration system, and the diversion of international aid to other areas, the inhabitants there have been forced to face some severe conditions.

As the central ration system failed to function properly, most ordinary citizens had to deal with the grain shortage problem on their own. Their main sources for grain were the farmers' markets, the black market, and relatives in farming areas. Some people secured grain by illegally trading their grain ration coupons or housing vouchers. Most inhabitants who lack purchasing power face starvation, and are forced to subsist 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

8. NKHR2008000014 2008-08-26.

9. Testimony of defector XXX during an interview in Seoul on May 6, 2002.

and grains. Under the “self-help” slogan, even the North Korean authorities encouraged the people to help themselves rather than rely on the government. However, the lives of those with little means to purchase goods at the marketplace were seriously threatened.

A significant change took place when the government announced the “July 1 Economic Management Improvement Measures” in 2002. The nominal ration system was abolished, and the citizens were told to purchase daily necessities at the state-run stores.

After the new system was implemented, the prices of daily necessities jumped 20 to 40 times what they had been, food prices went up 40 to 50 times, and the rice price per kilogram raised from 8 jon to 44 won (“jon” is the sub-unit of the won or KPW, with 100 jon equal to one won). Even though the ration system was abolished, the ration card system was maintained unchanged. This exception appears to be intended to ensure continued state control over grain distribution inside North Korea.

In line with the rising consumer prices in the aftermath of the July 1 Measures, wages have also been raised at the same rate. Regular office workers got a raise from 140 won to 1,200 won and some heavy-load workers like miners received increases of over twenty times their previous wages. Other workers, farmers, and scientists got a tenfold raise and soldiers and bureaucrats received anywhere from 14 to 17 times greater pay. Official prices have also increased in tandem with the market prices. However, market prices have jumped much higher and faster.

As a result of the measures of July, 2002, 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 catastrophic.¹⁰

The price of rice would differ from place to place, but generally speaking, a kilogram of rice cost about 900 won in 2006 and it went up to 1,700 won in 2007.¹¹ In about October 2007, the price went up still higher to about 4,000 won per kilogram.¹² In 2008, the price of rice fell to 3,000 won per kilogram,¹³ but in 2009 it again increased to 4,000 won.¹⁴ The average worker's wage level was about 2-3 thousand won a month. Since only one third of this wage is paid on time, the wage was almost meaningless. The hourly wage system never did function properly since the factories were not operating properly. In the absence of outside investment, it would be impossible to overcome the chronic shortage of daily commodities within a short period of time.

Since there were no grain rations and since they could not depend on wages from work, most North Koreans would try to find ways to engage in vending or peddling. If they engaged in trading or peddling in the market, people could earn as much as 5 thousand won per day. A defector who used to buy bean curds from the market and make tofu to sell testified that she was able to make about 10,000 won a day.¹⁵ Most ordinary citizens would spend the day at the market even though they were required to report to work. They would simply check the attendance ("punch-in") and leave for the market. High officials who could not engage

10_ Testimony of defector XXX during an interview in Seoul on Dec. 20, 2002.

11_ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2008.

12_ NKHR2008000025 2008-11-20.

13_ NKHR2008000024 2008-11-18.

14_ Testimony of defector XXX during an interview in Seoul on March 22, 2010.

15_ Testimony of defector XXX during an interview in Seoul on March 30, 2010.

in private business themselves would engage in peddling through family members or receive money from the peddlers by looking after their problems.¹⁶ According to a defector, who was a first lieutenant in the army, the military families lived in villages that were secluded from the rest of society and they could not engage in any trading or business. So their standard of living was often worse than that of ordinary citizens.¹⁷

In view of the fact that grain rations are regularly distributed at normally operating factories and enterprises, the people's grain situations seem to vary according to the jobs they are holding. For example, a defector who used to work at Yuson Mine (in Hweryong) testified that he received some grain rations at the mine until he fled in 2008.¹⁸ The quality of the bricks for blast furnaces produced at the Yuson Mine was so good that they lasted about 3 months, but bricks manufactured by other places would last only about one month. For this reason, the authorities guaranteed the maintenance of good facilities and raw materials to support the Yuson Mine, including better grain rations. Another defector testified that the United Sungjin Steel Mill Enterprise also enjoyed better supplies than other places.¹⁹ This factory did not operate as it had before due to the lack of electricity and raw materials, but grain rations were distributed somewhat normally thanks to the ingenuity of higher-ranking staff members. However, because no one could survive on 450 grams of grain a day, the workers had to buy at least one meal a day at the marketplace.

When the grain ration system stopped working, the food

¹⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

¹⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

¹⁸_ NKHR2008000016 2008-09-02.

¹⁹_ NKHR2008000015 2008-08-27.

situation of ordinary citizens became unspeakably bad.²⁰ Even some farmers had to steal grain due to the deteriorating situation.

A farmer (in Kangso County, South Pyongan Province) was penalized with 3 months of labor-training for stealing some corn, and Lee XX (Hweryong, North Hamkyung Province) was punished with 6 months of labor-training after a public trial in front of fellow farmers for stealing a few ears of corn cob in the field.²¹ On the other hand, the families of “anti-Japan fighters” and “heroes of the Republic” would get special benefits in grain rations. A defector whose paternal and maternal grandfathers were heroes of the Republic testified that his family used to receive 40 kilograms of grain rations (corn) every month even when others did not.²²

Despite the serious grain shortage, most of the food stuffs coming into North Korea through international humanitarian assistance did not seem to reach the sectors of the general population most in need. A defector testified that citizens would line up to receive beef rations provided by UN agencies. However, after the UN staff finished taking photographs and departed the scene, the citizens would have to return the beef to the stores (rationing authorities).²³ A defector who once served as a “people’s unit” leader testified that she cooked “foreign aid rice” at home twice in an effort to show off for (i.e. deceive) on-site UN inspectors, but she never again received “foreign aid rice.”²⁴ In addition, UNICEF workers would sometimes come and directly distribute “foreign aid rice” to the local inhabitants. However, most “foreign aid rice” did not go to the people; at least 80% of it ended up in the

20_ NKHR2008000017 2008-09-04.

21_ Good Friends, “North Korea Today,” No. 217 (Sept. 24, 2008).

22_ NKHR2008000010 2008-08-08.

23_ NKHR2008000011 2008-12-16.

24_ NKHR2009000061 2009-10-08.

hands of the military, which in turn sold it in the marketplaces.²⁵ What is interesting is that most North Koreans consider it natural that “foreign aid rice” ends up going to the military. Even if people privately disapproved, they would usually pretend as if they had no complaints.

In this way, the North Korean authorities have been tightening control over the marketplaces since 2008. Grains are generally traded in the marketplaces, but now when the government tightens control over the market the grain prices go up, which in turn makes life more miserable for the people. Some media reports have said that since the currency reform of November 2009 the grain prices in North Korea have gone up sharply. So far, no firsthand defector testimonies are available about living conditions since the currency reform, but a few defectors have stated that sporadic, passive resistance was emerging against the authorities’ enforcement measures over market activities. There were two incidents of protest by merchants against tight market enforcement in Chongjin. On March 4, out of utter hardship, a group of women staged a strong protest saying, “If the government wants to block peddling in the market, we want rations.” Subsequently, a proclamation in the name of the Labor Department of Chongjin City was posted allowing peddling in the market.²⁶ In Chongjin City, the enforcement activity was stepped up in August. On Aug. 24, a clash occurred between the foot patrol agents and female peddlers, which turned into a massive protest rally. It was reported that the Chongjin City issued verbal instructions relaxing the enforcement activity until the time of the next grain rations.²⁷

25_ NKHR2009000027 2009-12-02.

26_ Good Friends, “North Korea Today,” No. 113 (Mar. 14, 2008).

27_ Good Friends, “North Korea Today,” No. 206 (Sept. 8, 2008).

Since the currency reform, the authorities have tightened controls over off-street markets, and this policy is likely to continue for some time. So, it would appear that ordinary citizens would be experiencing more difficulties in obtaining necessary grains through the markets. The currency reform had the effect of arbitrarily forcing market prices down, and the falling grain prices in turn caused grain supplies to disappear from the market. As a result grain prices began to rise sharply, and those who could not afford the high prices had to suffer more hardship. In short, since the North Koreans' right to food is no longer fully dependent on the government's grain supply capabilities, their grain purchasing power is further reduced and more adversely impacted. For this reason, it would be desirable to devise a channel that would allow the international grain assistance to directly reach the vulnerable class of people. This would help starving North Koreans to regain their right to food.



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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.

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 the Constitution of the DPRK stipulates that "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. The first is the State Social Insurance and the State Social Welfare, which are the two pillars of North Korea's social welfare system. The second is 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. The third is the free treatment system (i.e., health care and medicine). Also, in the case of free treatment, the government does not provide doctors and hospitals with payments in cash or other commodities, but in the form of “medical payment (medical supplies).”

From the recipients’ point of view, these systems play the role of supplier of food, shelter and clothing under the national social security system. And the free medical treatment system plays the role of primary social safety net designed to protect the individual’s livelihood. On the other hand, the “industrial disaster compensation system,” which is a form of national social insurance, plays the role of secondary social safety net.

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. In addition, North Korea has a pension system as part of its social security system. According to the “Socialist Labor Law (enacted in Apr. 1978, revised in 1986 and 1999),” male citizens reaching the age of 60 and females reaching the age of 55 are entitled to a retirement pension if their years of service allow them to qualify (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.

The North Korean authorities advertise that North Korea's "social security" system is far better than those of advanced nations. What is important to note, however, is the vast gap between the system in theory and the reality. One of the reasons the North Korean social security system is not working is that there is a widespread shortage of necessary materials and equipment. For example, the most basic means of livelihood, the grain-ration system, is not functioning properly except in Pyongyang and a few select areas. Thus it is hard to imagine that the sick, the infirm, and the elderly benefit much from North Korea's social "guarantee" system. North Korea's pension system is supposedly all provided for under the law, but none of the practical details are carried out, due to the economic problems.

A significant portion of North Korea's social security system in reality became defunct in the wake of the July 1 Economic Measures of 2002, and the gap between the ideal system and reality widened. Officially and outwardly, the old "system" is maintained, but the operating principles and the nature of welfare payments have gone through a fundamental change in the wake of the July 1 Measures. In short, through the July 1 Measures the government gave up responsibility for providing food, shelter, and clothing for the people; the responsibility for the people's welfare was transferred from the state to the individual, even though North Korea's welfare system continues to stipulate various terms for state-guaranteed social insurance and social security. In other words, North Korea's national social welfare system and the roles and functions of its social safety net have largely been curtailed.

It is also noteworthy that the nature and level of pay (either in cash or in kind) have drastically changed since the July 1 Measures. In the past, if one worked one could automatically get various welfare payments. After the July 1 Measures, the pay scale became stratified based on individual skill, total output, and overall income. Due to the rising price of rice, which is used as payment in kind, the government's role as a guarantor of the livelihood of workers has significantly diminished.

Since the measures of July, 2002, the responsibilities of the state for the people's welfare have been minimized, and maximum responsibility has been placed on the individual and family. In fact, the economic reform measures of July, 2002, could be regarded as a North Korean style of "social welfare reform." The North Korean social welfare system was distorted and has been inoperative since the 1990s. The authorities finally were forced to recognize the flaws in their system and make revisions to reflect the realities.

The testimony of defectors fully documents these developments. According to the testimony of XXX, who was a retiree when he defected, retirees are entitled to 600 grams of grain and 60 won of pension, but they never receive either benefit. The pension money is disbursed to individuals and registered in a personal account, but no one is allowed to make a withdrawal for personal use. Other defector also said that it is impossible to depend on one's children. Thus, once a person retires, his or her life becomes very difficult to manage.²⁸ A defector testified, "The senior citizens' welfare system does not guarantee grain rations and the government hands out only about 750 won a month, which is worth about one half of a kilogram of rice. So if you didn't have a son, senior citizens would

28_ Testimony of defector XXX during an interview in Seoul on Nov. 13, 2002.

simply die of starvation or have to manage somehow.”²⁹

North Korea appears to be giving priority treatment to men and women in uniform under the banner of “military-first politics,” but in reality the government is unable to provide housing for the discharged soldiers. Defector XXX, who retired as a 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.³⁰ These testimonies well describe the reality of the government’s “meritorious service grant” system, and are evidence that there exists a wide gap between the system and reality in North Korea’s social security policies. Due to the exacerbating economic and food crises, the grain ration system, which used to be the source of basic livelihood, is not operating properly and the suffering of most vulnerable class of people, such as children, the old, and the infirm, is truly serious.

One feature of social welfare that North Korea is most proud is its system of free medical care. Article 56 of the Constitution of the DPRK 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. The objective of North Korea’s medical policy is to prevent diseases through its district doctor system, which in turn operates as part of the free medical care system. 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

²⁹_ NKHR2008000020 2008-09-17.

³⁰_ Testimony of defector XXX during an interview at Seoul on Jan. 29, 2003.

qualifications are not sufficient, and (c) each doctor is charged with providing care for up to 4-5 districts, or up to 4 thousand people. In preparation for unexpected inspections, however, the family doctors would maintain bogus medical check-up records, which would show once a month family visits and various false records, like blood pressure tests, and the like.³¹ The “district doctor (or, family doctor) system” is intended to realize the Socialist preventive medicine, but the system in reality is in name only.

Medical facilities are not in abundance in North Korea. In the theoretical structure, there should be 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. All hospitals have a list of pre-determined levels of treatment for patients determined by rank, and people who are not on that list will not be admitted. In North Korea, there are “hospitals for the senior staff (ranking officials),” and there are “senior staff sections” in most general hospitals. The “staff section” is maintained at all levels of hospital, from Pyongyang to City and County levels. 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 average citizens. The average citizen must go to their local diagnostic center or to city, county,

31_ NKHR2008000024 2008-11-18.

or district hospitals to receive treatment. However, very few North Koreans have access to medical facilities above people's hospitals at the city and county levels because there is a severe shortage of hospitals relative to the number of people.

North Korea maintains that its so-called universal medicare system still operates. However, the realities of economic hardship reveal otherwise. For example, doctors will provide free diagnoses and prescriptions for patients, but the patients are responsible for obtaining the necessary medication because there is little medication in the hospital. The patients must go to the black market or to individuals introduced to them by the doctor to purchase the necessary medication. While this is the reality in the provinces, the situation in Pyongyang is said to be somewhat better.³²

The WHO mission chief in North Korea, Eigil Sorensen, testified at an interview with South Korean reporters in January 2004, that the level of medical service in North Korea was so inadequate as to call it a crisis.³³ 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. He testified that in most North Korean hospitals there were no antibiotics or bandages, nor such simple operating equipment as surgical knives. However, hospitals that were used for treatment of high-ranking military officers and

³² Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

³³ *Yonhap News*, Jan. 29, 2004.

the elite were almost as modernly equipped as German hospitals. Their inventory included MRI, Ultra-sonar, EKG and X-ray cameras. He testified that an enormous inequality existed between the two levels of hospitals.³⁴

In its annual “World Disasters Report 2000” published June 28, 2000, the International Federation of Red Cross and Red Crescent Societies observed that North Korea was suffering from a serious shortage of medical equipment and supplies. It reported that North Korean hospitals were substituting traditional herb-based medicine for modern medicine in over 70% of the cases due to a lack of modern pharmaceutical supplies. Also, contagious diseases were on the increase, with over 40,000 tuberculosis patients a year.

The testimonies of defectors consistently and repeatedly confirm these assessments of the international community of North Korea’s medical situation. Defector XXX had practiced medicine for 30 years in North Korea, after graduating from a medical school in 1968. Until before his defection to South Korea in 1998, he had worked as a pediatrician at XX City Hospital in North Hamkyung Province. He testified on the situation of medical service in North Korea: According to him, North Korean medical service became paralyzed about 1990. The most important medical policy is preventive medicine, but most children in North Korea do not receive preventive vaccination, and the BCG vaccines have disappeared after 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

³⁴ Norbert Vollertsen, “The Prison State,” *Wall Street Journal*, Apr. 17, 2001.

and illnesses are rampant. A majority of cases are communicable diseases like cholera and liver diseases, particularly the type-B liver infections, usually spread by the repeated use of syringes. Defector XXX, who defected in August 2002, testified that an increasing number of North Koreans are dying from liver infections and tuberculosis.³⁵

A defector who used to work as a medical doctor until before he defected to South Korea in 2007 testified in detail on North Korea's health and medical system and services. This graduate of Chongjin Medical School provided the following details about the situation in XX district, Buryong County, North Hamkyung Province:

In North Korea the Party's standing policy is preventive medicine. The reason the Party is unable to maintain its policy of preventive medicine is because the authorities are unable to enforce preventive inoculation due to the lack of necessary medicines. In the winter of 2006 a measles epidemic broke out in his area of responsibility, so he gave local residents measles shots that had been manufactured in North Korea. Nevertheless, those who got the shots became infected. Upon re-testing the medicine, it was revealed that the medicines were bogus. He stopped using the bogus medicine, and used the medicines provided by the UN agencies, and the measles disappeared. Obtaining measles vaccine also required some power and influence. The director of the clinic had to visit higher authorities to obtain measles vaccine and even he had to rely on some friendly sources (contacts) to get them.

The free medical treatment system has nearly ground to a halt in recent years. People need money from the very first stage of diagnosis at the hospital. Upon admission to the hospital, each patient must bring in food and his own bedding. Since there is no heating in winter, the patient must bring in an electric heater or firewood. A patient might sometimes get some medicine, but

³⁵ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

in most cases the hospital issues medicines only to high-ranking officials. Thus a patient has to pay for all his medicines. The so-called free treatment system has virtually disappeared with the collapse of the economy.

The pay scale for the health workers (doctors) was very low (poor). I was a medical doctor 2nd class, and used to get paid 2,500 won a month. But there were lots of deductions every month, like 500 won for the construction of Mt. Paikdu electric power plant, a certain amount in support of the People's Army, and so on. After these "voluntary deductions" I would be left with not enough money to buy even a bottle of rice wine for myself. For these reasons, even doctors were trying to make some money on the market, although they continued to treat patients at work. And medical doctors were also responsible for various social duties. All doctors at clinics or hospitals would be responsible to collect and donate to the country 40 kilograms of medicinal herbs from mountains every year. Doctors who fell sick would purchase the herbs from the market to fulfill this annual duty.

Health workers would try to survive by practicing a variety of their skills. If a doctor individually performed certain procedures, like female sterilization, mid-term abortion, treatment of inflammation, and cervical cyst removal, etc., he would receive a certain amount of money. For example, female sterilization would bring in 10,000 won, and mid-term abortion would cost 20,000 won, and so on. So like everybody else medical doctors should also engage in various "struggles" to make money, otherwise they would ultimately perish. Under these circumstances, the "family doctor" system has all but disappeared.³⁶

North Korea's medical/health problems may be summarized into four broad categories. The first is the extreme shortage of medical equipment. Due to the lack of proper equipment, hospitals cannot function properly. At Danchon City Hospital in North Hamkyung Province there should be in its inventory a minimum

³⁶_ NKHR2008000005 2008-07-22.

of 200 syringes and 2,500 hypodermic needles, but there were only about five of each and the cylinders on those were so worn that the syringes were seriously defective. Doctors did not have their own stethoscopes. Because blood-testing equipment is not available, doctors cannot properly diagnose the condition of their patients.

Due to the lack of medicines and medical equipment, there appeared any number of cases that should not happen in the world of free medical treatment. Since there are no medicines at hospitals, doctors simply diagnose and prescribe medication for the patients to buy themselves in the market.³⁷

Once the patients obtain the medicine, the doctors instruct them on how to take or apply the medicine. According to XXX, who used to practice medicine in Chongjin City, North Hamkyung Province until 1999, doctors in North Korea merely write prescriptions for the patients because there is no way they can treat them. Some children suffering from simple indigestion died for lack of treatment at the hospitals. Besides the lack of medicine at hospitals in Chongjin, there was only one blood-pressure gauge and one body temperature gauge for every six doctors.³⁸ The small amount of medicine supplies in hospitals is dispensed only to ranking officials or to the doctor's acquaintances; all other patients get consultations only. Even if one were able to obtain a prescription from a doctor, the medicine purchased in the market is in many cases bogus. For this reason, medicine is the most frequently desired item North Koreans request of their overseas relatives or of those traveling outside the country.

One of the primary reasons hospitals do not have enough

37_ "A Workshop for the Defectors," sponsored by KINU, Jan. 20, 2006.

38_ *Yonhap News*, Jul. 3, 2002.

medicines is because the pharmaceutical factories are not operating properly. Doctors and hospital staff, including nurses, smuggle hospital medicines out to the market. A defector testified that a large amount of medicine was being leaked or diverted to other places in the process of distribution. He said if ten pills were allotted to a local hospital, only one or two pills would actually reach it, and medical doctors would take advantage of these diverted medicines.³⁹ The dwindling medicine supplies pushed up their values higher, which in turn encouraged them to flow into the black-market. As a result, ordinary people had no other choice but to purchase necessary medicines from the marketplaces.

The second problem is that due to the collapse of the medical system, the so-called “free treatment benefits system” has become a completely unrealistic slogan. The patient’s family becomes responsible for administering treatment. According to XXX 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. Even under these conditions, admission into the hospital is not allowed as needed. The number of patients is predetermined by each diagnostic department, and admissions are not allowed except for extremely urgent cases.

It has been some time now since the free medical treatment system had collapsed in North Korea. The system was said to be free treatment, but doctors would demand money by telling patients, “Such and such medicines would be needed for your operation,”⁴⁰ or “The price of penicillin would be so and so.”⁴¹ A defector testified

39_ NKHR2008000009 2008-08-07.

40_ NKHR2008000024 2008-11-18.

41_ NKHR2008000026 2008-11-25.

that a patient had to have one of his legs amputated. The man also had to undergo a second surgical procedure, but he was unable to be hospitalized for lack of money. He could not even obtain outpatient treatment.⁴² Ordinary citizens understand state hospitals to be as expensive as private hospitals, regardless of whether they are county or provincial hospitals.

- Defector XXX testified that the situation in Musan Miners' Hospital was a little better, but at other hospitals the patient should bring all their own food to the hospital if hospitalized. There were medicines and syringes at the hospital, but the doctors would not use them except in emergency cases.⁴³
- Defector XXX testified that only the patients requiring operation would go to hospitals. Otherwise, the doctors at the hospital would give you information on necessary medicines and the patient would have to get them from the market.⁴⁴
- Defector XXX testified that at Hweryong OB/GYN Hospital, the doctors would provide diagnostic results but the patient would have to pay for the bed sheets, cleansing solutions, and medicines. The only item the patient did not have to pay for was the bed itself. In addition, the patient would have to provide the doctor with at least one meal or something. These days, he said, hospitals have a list of set prices for treatment according to the types of illness.⁴⁵
- Defector XXX testified that he had injured himself and

42_ NKHR2009000068 2009-11-12.

43_ NKHR2008000022 2008-11-05.

44_ NKHR2008000029 2008-12-16.

45_ NKHR2008000027 2008-12-02.

was hospitalized for five days at Yuson Hospital. However, he had to pay for his own food and bandages. He also had to purchase necessary medicines from the market. He added that if you wanted to get proper treatment at the hospital these days, you had to pay for everything yourself.⁴⁶

- Defector XXX testified that his father-in-law (70 years old) was hospitalized at the Hweryong Hospital for a month (Oct. 2007) to have a liver operation. Hospitalization and medicines cost him about 500,000 won altogether. They performed the operation, but he had to pay for everything else, including meals and medicines.⁴⁷
- Defector XXX testified that the cost of an operation was pre-determined. For example, an operation for an appendicitis would cost 50,000 won, surgical operations (like abdominal incisions) would cost 100,000 won, and so on. The patient is 100% responsible for the cost of all medicines.⁴⁸
- Defector XXX testified that he was hospitalized at Chongjin City Hospital in the Sinam District for 15 days in October 2006 for kidney stone treatment. The hospital only had kidney stone medicines it had made (which did not work), so he had to purchase other medicines from the market, and he also had to cook his own meals at the hospital.⁴⁹
- Defector XXX testified that when she gave birth to a baby at the Pyongyang OB/GYN Hospital in 2000, she had to

46_ NKHR2008000016 2008-09-02.

47_ NKHR2008000013 2008-08-19.

48_ NKHR2008000021 2008-09-23.

49_ NKHR2008000017 2008-09-04.

buy her own medicines from the market. The hospital would provide cooked rice and soup, but she had to bring meals from home for better nutrition.⁵⁰

Third, the North Korean authorities are trying to compensate for the lack of medicine by encouraging the use of unorthodox “folk medicine” methods. On the theory of the revolutionary spirit of self-help and anti-Japanese guerrilla-style projects, they are encouraging the construction of production bases that will autonomously produce herbal medicine. In order to propagate herbal treatments, they taught the people about various cases of folk medicine treatment, while encouraging an “all-masses campaign” for the production and distribution of medicinal herbs.

Fourth, for their own survival doctors will take bribes in exchange for medicine. When doctors treat patients at hospitals, they must do it free of charge; but when they visit a patient’s home and provide treatment, they charge a fee. One person testified that doctors make money by smuggling the medicines out of the medical facility to their friends and then ask patients to purchase the medicine they need from those friends.⁵¹ Many doctors also take money for issuing false diagnosis. The patients submit the false diagnosis to their offices in order to take time off and engage in peddling in the markets. There was even a case in which an active duty soldier had paid money and obtained a bogus diagnosis, and got his discharge from the military service. A defector testified that he had served for four years from 2002 to 2006 as a radio-man at the Marine Garrison in Nampo. He had six more years to serve. So he claimed to be ill and got himself hospitalized. Subsequently,

50_ NKHR2008000023 2008-11-11.

51_ Testimony of defector XXX during an interview at Seoul on Feb. 3, 2003.

he obtained a medical diagnosis by paying 350,000 won, which got him a discharge from military service.⁵² Medical doctors also have to earn extra money to make a living. Doctors in the provinces have to take turns working on personal farms cultivated in the outlying areas to compensate for the dire shortage of food.

Another particularly serious problem is the poor electricity for medical facilities. Sometimes electricity will go off in the middle of surgery. In many cases, doctors will talk to representatives at the electricity unit before an operation and ask for their cooperation. But it is said that even the Pyongyang Red Cross Hospital is experiencing an electricity cut-off rate of 30 percent.⁵³

Each year, North Korea receives several hundred tons of medicine from the international community. 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. XXX, 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 black market at high prices.⁵⁴ Because doctors would divert good medicines for their personal profit, the medicines provided by UN agencies were hard to come by.⁵⁵ Whenever the medicines from UN agencies arrived at the hospital, the staff would systematically divert them and sell them at the market.⁵⁶

52_ NKHR2008000030 2008-12-23.

53_ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

54_ "A Workshop for the defectors," sponsored by KINU, Jan. 20, 2006.

55_ NKHR2008000010 2008-08-08; NKHR2008000029 2008-12-16.

56_ NKHR2008000027 2008-12-02.



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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 ICESCR 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 (ICESCR) guarantee 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. Article 31 says, “The minimum working age is 16 years old. 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 by the Supreme People’s Assembly in April 1978. Under these provisions, all North Koreans above the age of 16 are obligated to work at a workplace until the age of legal retirement (that is, 60 years of age for men, 55 for women). However, laws and institutional guarantees are absolutely irrelevant to the realities on the ground. In North Korea, labor is the responsibility of all people, because labor is not for the individual’s benefit but is based on collectivist principles - it is a group activity for the benefit of everyone. Ultimately, the “right to work” in North Korea is not a right but a duty to respond to mobilized labor.

For example 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. 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 Korean Workers' Party has sole responsibility for representing the interests of laborers, and the trade union exists merely as a formality.

Even the policies on leaves of absence and vacations show a wide gap between the workers' rights as stipulated in North Korean laws and the rights they enjoy in reality. In addition, Article 71 of the Constitution provides that people have the right to rest, and Article 62 of the Socialist Labor Law adds that laborers have a right to rest. Article 65 of the same law stipulates that "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. But, the official leave policy for workers is not observed in reality. The North Korean Constitution in Article 30 stipulates, "The daily working hours of the working masses are eight hours." On the other hand, Article 33 of the Socialist Labor Law decrees, "In terms of organizing workers' lives the State shall strictly enforce the principle of 8 hours of work, 8 hours of rest and 8 hours of education." Because of this specific stipulation, the "8-hour-rest" rule mentioned in the Constitution became nothing but a formality. This is because, in addition to their basic workloads, people are mobilized for additional labor mobilization programs and must attend various study sessions. Labor projects are planned on daily, monthly, and quarterly schedules. To surpass the goals of these plans, socialist work competition movements such as the "The 90's Speed Creation Movement" have been established. Under these circumstances, extended work hours are inevitable. In

short, workers are driven to the limit as additional work is forced on them such as labor mobilization, education and training, and various group meetings in addition to regular working hours.

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 20-30 percent due to the deteriorating economy and dilapidated infrastructure, and workers can not find places to work. A defector who used to work at a factory rhetorically asked, "How can anyone work when there are no source materials to work with?" He testified that most workers would be mobilized for "social work" during working hours.⁵⁷ Since many factories are not operating, even if workers do report for work, they soon find themselves venturing out on the street to engage in street vending or other personal profit-seeking activities. Kim Jong Il has issued instructions, twice, in December, 2005, and March of 2006, in which he said, "Eliminate the phenomenon of individuals working on their own, and make them report to factories and enterprises and let them join in collective work." Despite these instructions, however, the phenomenon appears to be permanent.⁵⁸

In Chongjin City, there are many well-known enterprises, including the Kim Chaek Steel Mill. However, many of these factories and enterprises are not operating normally. For this reason, there are many "squatters" in front of factories and enterprises; there is no work even if they want it.⁵⁹ The Kim Chaek Steel Mill failed to pay its workers from January 2008, and many workers did not report to work without authorization. Faced with

57_ NKHR2009000018 2009-03-26.

58_ Good Friends, "North Korea Today," No. 56 (Jan. 24, 2007).

59_ NKHR2008000011 2008-08-12.

this situation, the local Party and the “workers’ league” officials held an emergency meeting and issued instructions to all workers to report to work unconditionally.⁶⁰

⁶⁰ Good Friends, “North Korea Today,” No. 139 (Jun. 5, 2008).



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The Freedom to Choose a Job

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 that “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, as in other areas, the freedom to choose jobs is extremely restricted in North Korea. One’s job depends on the Party’s plans which dictate the supply and demand of manpower rather than one’s individual choices. In other words, job assignments are determined by the central economic plan and the demands of each sector; individual talents, preferences, and capabilities are not

seriously considered. In North Korea, the Party (KWP) exercises full and exclusive control over all “job assignments” for the people. Various departments share this authority depending on the level and position of persons subject to reassignment. The departments include the Central Party Organization Guidance Dept, Senior Staff Dept., Provincial Party Organization Dept., and Military Party Organization Dept. For example, the Central Party Organization Guidance Dept. will handle the appointment (assignment) of all “chief secretaries” at all senior positions in the Central Party and Provincial Party headquarters, as well as party positions in the military. But, the military staff committee will handle the assignment of section chiefs of military administrative committees and workers below the level of “guidance officers.” For ordinary workers, the Workers’ Dept. of the province and city/county people’s committees handle various assignments.

The Party’s criteria for job assignments include Party loyalty, personal background and family background rather than individual talents or professional qualifications. Students with bad or unfavorable backgrounds are assigned to positions requiring menial labor such as collective farms and coal mines. A bad personal background, for example, would include the following cases: If any relatives violated the “Sole-Leadership Ideology” if one’s family fled to the South at the time of Korean War or a family member had joined the “voluntary security police” against the North Korean regime; or if one’s family was classified as a “landlord class.” Conversely, the children of Party and Government officials are given good jobs regardless of their ability or qualifications. Reassignment from one position to another also depends on the decision of the Party, based on one’s background, irrespective of one’s talents.

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 on a group basis to work places, factories, mines, or various construction facilities based on what the Party 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, 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. A defector has testified that in 2002 about one thousand young discharged soldiers were “group assigned” to a collective farm in the Daeheungdan County.⁶¹ North Korean authorities would award “medals of honor” and host massive send-off rallies for them. According to North Korean defectors, however, the so-called “group assignments” are one-sidedly imposed on these people by the authorities regardless of personal choices.⁶²

The group assignments are carried out upon the approval of KWP general secretary Kim Jong Il, thus no one dares refuse to comply. Since they are very strictly controlled, even the children of powerful and wealthy families cannot hope to avoid assignment. If it was revealed that someone was missing from a

⁶¹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

⁶² *Yonhap News*, Dec. 13, 2001.

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 assignments, 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.

If anyone who has been “group-assigned” to a workplace fails to report to work or goes absent without leave for any reason, the workplace suspends grain rations and stops issuing daily necessities to that person. Thus everyone has to report to work regardless of individual feelings or excuses. The reason the North Korean authorities refuse to permit job transfers is to prevent loss of manpower (or man-hours) and to systematically implement their economic plans through effective control of manpower. Furthermore, the government is able to exercise institutional control over its population through this system. Arbitrarily assigning jobs to individuals and preventing mobility between jobs are other ways of demanding loyalty to the Party and extracting psychological allegiance from the people.

Due to the recent food shortage, however, government rations are not guaranteed and corruption is pervasive everywhere. One defector testified that the government had “group assigned” one thousand veterans (discharged soldiers) to the Daeheung-dan work site, but all of them have subsequently deserted the place.⁶³

In the past, the authorities used to “group-assign” discharged soldiers to various mines and coal mines in groups of several hundreds. Since many of them would flee from these sites, in

63. Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

recent years they have been assigned to work places near their homes or hometowns.⁶⁴

Despite strict labor laws and ration systems, recently significant changes have been taking place in the existing job market and in people's attitudes toward jobs. Bribery is routine in job assignments, and people change jobs frequently. In getting a job assignment, one's major field of study or specialty does not matter in most cases. However, for a bribe, one may get assigned to a commercial or trading outfit where it is possible to make some easy money. One defector, who used to be an ordinary worker, testified that he was able to make some money by bribing the Labor Section officials with things like cigarettes.⁶⁵ So it is quite possible to get desired job assignments by bribery. Another factor which plays a role in job assignment is, of course, power. A defector testified that he was assigned as a researcher at a research institute after his graduation from college. He said the most important consideration in his assignment was his parents' power (i.e., clout or capabilities).⁶⁶ Students without influential background would be assigned to jobs that the university would offer, whereas students with powerful support would inform the school where their assignments were going to be.⁶⁷ Because of these instances, more and more North Koreans came to believe that the North Korean economy was growing worse due to the crooked staffing practices such as "bribery assignments" and "my-buddy" assignments.⁶⁸

Money, power, and other capabilities have brought about various changes in work rules.

64_ NKHR2008000024 2008-11-18.

65_ NKHR2009000011 2009-03-03.

66_ NKHR2008000023 2008-11-11.

67_ NKHR2008000001 2008-07-01.

68_ Testimony of defector XXX during an interview in Seoul on Feb. 3, 2008.

Anyone having money and talent can register with the company engaged in foreign currency earning and engage in foreign currency business by paying a set amount to the company. If that company happened to be operating under the Party or Security Agency, it will facilitate the worker's business and travels. The companies operating as part of powerful agencies are better for the purpose of making foreign currencies. In North Korea, the enterprises engaged in foreign currency earning or work places dealing with foreign currency are considered good jobs. So everyone would try to get assigned to such good positions.⁶⁹ According to a defector who used to work for such a company, he used to pay in about US \$100 to his company every month.⁷⁰ However, managers and workers at these companies are so often involved in illicit operations that they usually end up in correctional centers. So, people joke about "foreign currency earning" as "earning correctional jobs."⁷¹

People who for lack of money and talent cannot secure a job at the foreign currency companies go into peddling jobs. They pay their bosses to make up for their absence from work, so they can continue vending and peddling. Many people would provide nice meals or discreetly offer money to the doctors to obtain a bogus diagnosis, which they submit to their work places and set out to peddling in the market.⁷²

Anyone absent from work risks being sent to "labor-training camps," but in most cases people can avoid going to the camps by paying bribes. These people are called the "8.3 workers." A defector said he used to make 600 thousand won a month and had

69_ NKHR2008000021 2008-09-23.

70_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

71_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

72_ NKHR2008000025 2008-11-20.

to pay 200 thousand won to his boss at the assigned workplace.⁷³ Another defector said he resigned from his former job as a teacher giving personal reasons, registered at an enterprise, and engaged in vending in the market. He earned anywhere from 5-10 thousand a day, but he had to pay about 40-50 thousand won to his boss at the nominal workplace.⁷⁴ A defector testified that at Gochang Mine in 2003 some workers could get appointed as “8.3 workers” if they paid 5,000 won, which would cost about 30,000 won today.⁷⁵ Another defector who used to work at a paper mill testified that he had worked as a “8.3 worker” for four years before his defection.⁷⁶ Another defector testified that he had worked as a peddler while maintaining his position as a teacher by paying off the school’s principal from 2004.⁷⁷

In North Korea, everyone has to have a job, however nominal it may be. However, many workers try to engage in “8.3 work” (i.e., self-employment), instead of reporting to their regular job. In some cases, a worker will inform his supervisor that “I will be on a 8.3 work” and not report to their regular job.⁷⁸ Since most North Korean workers are not able to survive on the pay they get from their regular job, many of them try to earn some money on their own, paying a certain amount of money or bribes to their nominal work place. They do not get into trouble as long as they pay some money to their supervisors.

These “8.3 workers” not only do not work at their nominal jobs but they also do not attend the “harmonious life” sessions.

73_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008

74_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008

75_ NKHR2008000025 2008-11-20.

76_ NKHR2008000027 2008-12-02.

77_ NKHR2008000011 2008-08-12.

78_ NKHR2008000021 2008-09-23.

They live independently of their nominal jobs. Some people will bribe their way to resign from work giving false excuses such as illness, and begin their vending or peddling business. In North Korea today, more and more people change jobs and get into personal business. Picking one's own job has become relatively easy. What is interesting in North Korea today is that instead of being paid by the workplace, many North Koreans pay to get away from their assigned jobs in order to engage in vending and peddling.

As the “absences without leave” multiplied, more and more workers were sentenced to labor-training penalties. A worker at Sangwha Mine (in Onsung, North Hamkyung Province) received a 3-month labor-training sentence because he had concentrated his efforts on private farming without reporting to his regular work. Another worker was also sentenced to 3 months of labor-training because he had submitted a bogus diagnosis to his work place.⁷⁹ As the number of workers penalized with labor-training for their absences from work increased, the level of workers' grudges also rose. However, the authorities would overlook some absentees who were really missing regular meals, because sending them to correctional centers would be too harsh.⁸⁰

In North Korea, people are not allowed to change jobs without government permission. However, anyone fired from a job may get another job elsewhere. In this instance, the worker becomes a temporary worker, and must obtain an authorization number from the city the worker is moving to, along with a number of documents, such as a government dispatch order, Party branch affiliation, ration card, military record, and change of residence.⁸¹

79_ Good Friends, “North Korea Today,” No. 156 (Jun. 30, 2008).

80_ NKHR2008000006 2008-07-24.

81_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004.

In order to change jobs, one needs to obtain the approval of the Party secretary. This is very difficult unless one is able to bribe the guidance officer.⁸²

In order to change jobs, one must obtain in advance the approval of the hiring work place. One must obtain a “letter of employment” from the hiring employer and submit it to the current job, which would then issue a letter of resignation. The worker should then submit it to the Labor Department, which would issue a “labor card” and the Socialist Labor Agency would issue a transfer certificate. Then the People’s Committee would issue a “dispatch order” on the basis of the labor card.⁸³ A defector testified that most people would purchase “letters of employment” by paying about US \$100 for ordinary jobs and US \$500-1,000 for “good” jobs.⁸⁴ Another defector stated he had a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South.⁸⁵

So anyone who did not like their current job could pay their way out and move to another job by cancelling the current job.⁸⁶ Since the food shortage, it is clear that in North Korea today, the system of job assignment by the central government is weakened and under stress.

82_ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003; Another defector XXX testified during an interview in Seoul on Jun. 29, 2003 that sometimes people can change jobs by providing cartons of cigarette or a TV set to the Army’s Workers’ Section.

83_ NKHR2008000022 2008-11-05.

84_ NKHR2008000023 2008-11-11.


85_ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

86_ NKHR2008000009 2008-08-07.



IV

The Reality of Minority Rights

1. The Rights of Women
 2. The Rights of the Child
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The Rights of Women

A. Gender Equality and Women’s Social Participation

Article 3 of human rights “ICCPR” 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 that “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 men.”

From a formal point of view, North Korea’s current laws and systems on “the status and rights of women” do offer equal civil and political rights to men and women, so it is possible to

argue that their social status and roles have improved.¹ In February 2001, North Korea joined the UN Convention on the Elimination of All Forms of Discrimination Against Women and established a National Coordination Commission in September of the same year in an effort to implement the terms of CEDAW. In its first progress report submitted in September 2002, North Korea said that “We have tried to abolish discrimination against women throughout our history, and gender equality is fully reflected in our policy and legislation. We place more emphasis on women, going beyond assuring simple equality for them.”

In reality, however, the roles and social status of North Korean women have not seen such improvement as the North Korean government asserts. In its first periodic report on CEDAW, North Korea said, “Progress was possible in implementing the terms of the convention as we had in place various legal and institutional measures designed to eliminate discrimination against women, but we admit that there is room for further improvement,”

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 growth of the economy, rather than for the liberation of women. Since the 1970s, for political reasons and purposes of succession, North Korea has emphasized the importance of family, paternalism, and patriarchy. As a result, there developed an enormous gap between the ideal of women’s liberation and the

¹ Article 77, Chapter 5 (Fundamental Rights and Duties of Citizens) of North Korea’s Socialist Constitution stipulates, “Women are accorded an equal social status and rights with men.” Section 2 of this article also stipulates, “The state shall provide special protection to mothers and children.” In addition, North Korea maintains the “Law for Nursing and Education of Children,” the “Socialist Labor Law,” and the “Family Law.” It has abolished the “Family Registry Law,” but since Sept. 1, 1946 it has been maintaining a “citizen card” system.

reality that North Korean women experience.

Regarding women's political participation, about 20 percent of the people's deputies at the Supreme People's Assembly have been women. However, in the 12th Supreme People's Assembly (SPA), which started in April 2009, the ratio of female deputies decreased to 15.6%.² It has also been reported that the ratio of female deputies elected to the Provincial People's Assemblies was about 20-30%, which seems to indicate that women's political participation in North Korea is relatively high. 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 periodic report (ICCPR) 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.³

2. The ratio of women was 20.1% in both the 10th (July 1998) and 11th (Aug. 2003) SPAs.

3. Lee Won-woong, "An Observer Report on the UN Human Rights Committee's Review Session on North Korea's Second periodic Report on Human Rights," at a seminar sponsored by the Citizens' Alliance for North Korean Human Rights in Seoul, Oct. 3, 2001.

In its first report on the implementation of CEDAW submitted in September 2002, North Korea said, “We have increased the ratio of female senior staff in the public sector as an effort to upgrade the social status of women. The ratio of female judges, for example, has reached 10%, while some 15% of Foreign Ministry employees are women.” In this context, the UN Commission on the Elimination of All Forms of Discrimination Against Women has expressed concern over the relatively small number of women in decision-making positions in political and judiciary sectors of the North Korean government. The commission has also pointed out the quite low ratio of women in decision-making positions within the Foreign Ministry. The commission recommended North Korea take necessary measures to increase the number of women in decision-making positions in all sectors, including the ratio of women in the Foreign Ministry and foreign missions. In his report to the 64th UN General Assembly (August 2009), the Special Rapporteur on North Korean Human Rights, Vitit Muntarbhorn, pointed out that although equal rights between men and women are guaranteed under the North Korean Constitution, women have much fewer opportunities for promotion to major policy-making positions than men.

North Korea employs women mainly as senior staff of the Chosun Democratic Women’s League (hereinafter, “Women’s League”). Other sectors employing women include “People’s Committees,” Women’s Affairs Management Sections, and document sections of city and county Party offices.⁴

In the economic field women’s participation has been encouraged to fill the woeful shortages of labor that has existed throughout the process of socialist nation-building and postwar

4_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

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 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 emerged 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. Subsequently, the sexual criteria in employment became more pronounced. As a result, a new 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 from 2001, the percentage of administrative staff in the health-children-nursery-commerce sector who were female was 70 percent.⁵ One hundred percent of nurses and 86 percent of school teachers were also women.⁶ According to the “3rd and 4th Combined Report” on its implementation of the Rights of the Child Convention, which North Korea submitted in December of 2007 (hereafter the “3rd

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

6. 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 ICESCR in Nov. 2003.

and 4th Combined Report”),⁷ as of 2007 the ratio of female teachers averaged 57%. This broke down as follows: 100% of kindergarten teachers, 86% of elementary school teachers, 58% of middle/high school teachers, 23% of college professors, and 19% of universities professors were female. But according to the 2008 North Korean Census Report published in 2009, the occupational distribution of the workforce above the age of 16 showed that only about 55.6% of teachers were women, slightly lower than the 57% figure indicated above.⁸

According to the 2008 North Korean Population Census conducted with the support of the UN Fund for Population Activities (UNFPA), 48% of North Korean workers above the age of 16 were women, and if the “housework” category was included, the percentage of working women came to 51.4%. This means that female workers account for over 50% of all North Korean workers above the age of 16. However, most of these female workers are employed in particular job categories that are generally regarded as lower level jobs. For example, 83.6% of high-ranking officials and management positions are held by men, but 93.4% of sales and service personnel are women. Women also account for 54.8% of workers in the agricultural and fisheries sector.⁹ 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

7_ The 3rd and 4th Periodic Reports of the Democratic People’s Republic of Korea on the Implementation of the Convention on the Rights of the Child, Nov. 2007, Pyongyang, DPRK. <<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.PRK.4.pdf>>.

8_ Central Bureau of Statistics, DPR Korea 2008 Population Census, National Report, Pyongyang, DPR Korea, 2009, p. 200 <Table 37>.

9_ Central Bureau of Statistics, op. cit. above, p. 202 <Table 38>.

exploitation of women's labor in North Korea is extremely serious. Many female defectors testified that most management jobs are taken by men and most peddlers in the marketplaces are women, and even for women with good family backgrounds, there is a certain ceiling beyond which they cannot advance.¹⁰ In connection with this reality, the UN Commission on CEDAW in July 2005 reviewed North Korea's first progress report and expressed serious concern over the traditional and stereotypical prejudices against women. The UN Commission expressed concern that such practices would have a derogatory impact on women in their daily lives, particularly the discrimination in jobs and education. During the current economic crisis, the roles and diminutive benefits imposed on women redouble the hardship on them and represent a multidimensional discrimination against them.

The North Korean Democratic Women's League ("Women's League") is an organization that North Korean women between the ages of 31 and 60 must join if they have no other specific affiliations. However, this is 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 inculcate state ideology in women. Due to the continuing food shortage since the 1990s, women's burdens in the family have become heavier, which seemed to contribute to the weakening of the role and activities of "Women's Leagues." A female defector testified that the difficulty of working for the Women's League would vary from district to district, and also with the local league leader. In poor districts, there would be

¹⁰ NKHR2009000001 2009-01-08.

almost no “Harmonious Life” meetings throughout the year.¹¹ Since the food crisis, however, the Women’s League leaders would conduct “Harmonious Life” meetings or ideology education, paying due consideration to the hardship of local league members.¹² Most women’s organizations are known to enforce rules rather strictly, and strengthened their functions and activities such as public education and prevention of anti-Socialist behaviors.¹³ As economic activities of women increased, many North Koreans began to talk cynically about the “flying women’s leagues.” That is to say that “Women’s Leagues” always stand at the forefront of all “labor mobilization” efforts such as farming, coal production, fertilizer production, railroad work, street cleaning, and highway construction work.¹⁴

Many defectors agreed that most women’s leagues would not get involved in family violence issues.¹⁵ In fact, they do not handle family violence issues in most instances. In July 2005, the UN Commission on CEDAW also expressed concern over the lack of women’s human rights groups and independent human rights advocacy groups that could monitor North Korea’s implementation of the terms of CEDAW.

¹¹ Testimony of defector XXX during an interview in Seoul on May 8, 2008.

¹² Testimony of defector XXX during an interview in Seoul on May 23, 2008.

¹³ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

¹⁴ NKHR2009000006 2009-02-05; NKHR2009000058 2009-09-24; NKHR2009000070 2009-11-18; NKHR2009000073 2009-12-02; In addition, most defectors consistently testified that the “Women’s League” would always take the lead in all projects.

¹⁵ NKHR2009000006 2009-02-05.

B. The Status and Role of Women at Home

The status of women in the home also significantly differs from the alleged guarantees of gender equality provided for in North Korea's Constitution and laws. 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 its 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. Though 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 families. Moreover, as the sole leadership of Kim Il Sung and Kim Jong Il was solidified in the 1970s, pre-modern traditions in family life began to be emphasized again. Art. 118 of the "Family Law," enacted on April 11, 1991, specifies equal rights and duties to be shared between the husband and wife in the family. This law codifies various elements of the 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 Korea still retains 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 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."¹⁶

Worse still was the fact that as the economic situation deteriorated after the 1980s the demand for women workers dwindled drastically. One result was the reduction of various socialization measures related to 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 of the DPRK had stipulated that "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 that "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 indicates that the policies to "socialize" family chores and child rearing have been weakened or cancelled during the food crisis and economic hardship. Since sharing the burden in terms of household chores and child rearing is not practiced in most North Korean families,

¹⁶ Park Young-sook, "Revolutionizing Families and Women's Responsibilities," *The Korean Women Magazine*, No. 3 (Pyongyang: Labor Organization Press, 1999), p. 15.

most women have been suffering from the burden of excessive workload. Their workload inside and outside their homes, particularly in connection with securing food, has tremendously increased.

Most female defectors testified that the wife's standing in the family was strengthened as her economic activities in the bread-earner role increased in the wake of the food crisis. Female defectors who fled North Korea after 2007 testified that gender equality in North Korea was a phrase fit for slogans only; men were still dominant in most North Korean homes and the "man-first tradition" was still pervasive in North Korea.¹⁷ Most women, however, were known not to object to the traditional man-centered family life, as they believed that supporting the man as head of the family would be the best way of keeping peace at home. Most North Korean women would accept and follow rather than object or resist against the traditional social precept that providing meals and maintaining family life were the woman's responsibility.

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." In many North Korean families, women have actually been playing the role of family head. Men have had a significantly less dominant role in the family, sometimes giving away the role of "breadwinner." Nonetheless, the traditional belief that the man is the head of the family has remained strong, and most families

¹⁷ NKHR2009000003 2009-01-15; NKHR2009000033 2009-05-26; NKHR2009000044 2009-07-02; NKHR2009000060 2009-10-06; NKHR2009000073 2009-12-02; These are testimonies of married North Korean female defectors from interviews conducted in 2009.

have not seen a new division of labor at home. The reason for this appears to be the pre-modern and outdated “man leads, woman follows” concept which is deeply rooted in the North Korean society. 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. Contrary to 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 constricts 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.” In reality, however, 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.

Male defectors believed that the man was head of the family, and that women should submit to them.¹⁸ Many women in their 30s, however, were breadwinners for their family and said they would resist or even ask for a divorce if their husbands assaulted them or were incapable of earning money.¹⁹ On the other hand, husbands would help out with household chores, such as cooking, washing, and house cleaning.²⁰ Thanks to ongoing public education, the family lifestyles of the younger generation (in their

¹⁸_ NKHR2008000022 2008-11-15; NKHR2008000017 2008-09-04; NKHR200800010 2008-08-08; NKHR2008000015 2008-08-27; NKHR2009000002 2009-01-14; NKHR2008000015 2009-01-22; Many male North Korean defectors gave testimony to the same effect during the interviews in 2009, and there were no significantly different testimonies from female defectors.

¹⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008; NKHR2008000020 2009-09-17; NKHR2009000044 2009-07-02; NKHR2009000060 2009-10-06.

²⁰_ NKHR2008000045 2008-12-02.

20s and 30s) are gradually changing for the better.²¹ However, domestic violence by husbands is very frequent in North Korean families.²² The “Women’s Leagues” may be at the forefront of labor mobilization efforts, but they offer no help in preventing family violence or protecting the rights and interests of women.²³

Meanwhile, family violence is driving more and more North Korean wives to desire divorce, and family feuds are increasing as more wives set out to peddle goods to support their families. As more women take charge of their family’s livelihood, divorces stemming from their misconduct are also increasing.²⁴ However, court approval for a divorce requires a large sum of money (hundreds of thousands of won before the Nov. 30, 2009 currency reform) for bribes. Even then, it is difficult for most women to sue for divorce, and there is no guarantee that suit will be successful.²⁵ Many female defectors testified that even if they wanted to get a divorce, it would be very difficult to present a case, so many women simply accept reality and stay with their husbands despite the violence. As a result, many women choose to live with their husbands without formally registering the marriage.²⁶

21_ Testimonies of defector XXX during an interview in Seoul on Sept. 13, 2007; NKHR2008000021 2008-09-23; NKHR2008000009 2008-08-07; NKHR2009000070 2009-11-18.

22_ NKHR2009000045 2009-07-14.

23_ NKHR2009000049 2009-08-07.

24_ NKHR2009000058 2009-09-24.

25_ NKHR2009000001 2009-01-08; NKHR2009000005 2009-01-29; NKHR2009000056 2009-09-22; NKHR2009000060 2009-10-06.

26_ NKHR2009000001 2009-01-08; NKHR2009000063 2009-11-03.

C. Sexual Violence

Under the strong influences of patriarchal perception and the pre-modern “superior man/inferior women” idea, sexual violence is commonplace in North Korea, although women rarely complain about it. 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 periodic report to the UNHRC in July 2001, a North Korean delegate flatly denied that trafficking of women occurred. The delegate emphatically stated 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 involving North Korean women takes several different forms including forcible abduction, enticement through go-betweens, and volunteering to support the family. Human trafficking is known to continue today along the Korean-Chinese border regions.

Defectors have testified that a significant number of criminals were publicly executed as “human-traffickers.” In testimonies about public executions that have occurred since 2007, the charge

of “human trafficking” appears more frequently than before.²⁷ In light of this, many defectors were very critical of North Korean authorities because they would bring “human-trafficking” charges on relatively minor offenders and publicly execute them simply to warn against similar offenders. For example, the authorities would bring human-trafficking charges on the “guides” or those who (for a fee) helped women who wanted to cross the river into China.²⁸ In fact, many outside observers believed that if a North Korean woman voluntarily asked for help in crossing the border, charging the “guide” with “assisting illegal entry/exit” penalties would be more appropriate than the more serious “human-trafficking” charges.

In the past, sexual assault of North Korean women occurred at work places where the supervisor or party official would induce the woman with promises of promotion or party membership. People said that in most cases when a single woman became a party member, sex was involved. On military bases, male officers would often sexually assault enlisted women.²⁹ Sexual violence occurred frequently at places of work.³⁰ Many defectors testified that incidents of sexual violence would frequently involve village “work-detail leaders” or “guidance officials” of the Kim Jong-il Socialist Youth League.³¹ However, in North Korean society, sexual harassment of women usually is not an issue because most North Koreans are not conscious of the problem. Generally, women are

27_ NKHR2009000060 2009-10-06; NKHR2009000063 2009-11-03; NKHR2009000064 2009-11-04. These testimonies are from the defectors who fled from North Korea after 2008.

28_ NKHR2008000027 2008-12-02; NKHR2008000029 2008-12-16; NKHR2008000017 2008-09-04; NKHR2008000018 2008-09-11; NKHR2008000020 2008-09-17.

29_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

30_ NKHR2009000053 2009-09-08.

31_ NKHR2009000044 2009-07-02; NKHR2009000063 2009-11-03.

treated as inferior to men, so women have little recourse even if sexually harassed or assaulted. If a sexual assault on a woman were revealed in a workplace, it would likely be the woman that would be humiliated and mistreated rather than the man who had assaulted her. Often the victimized woman would rather remain quiet. However, most female defectors testified that it would be absolutely pointless to petition or complain about sexual violence, because nothing would come of it.

Very rarely, an incident of sexual violence might be handled by the People's Security Agency and dealt with legally, if the case was widely known.³² According to the Penal Code amended in 2004, if any man raped a woman by the use of force (violence), intimidation, or in a situation where she had no recourse to get help, he would be given up to 5 years of correctional labor penalty. (Art. 293) If any man forced a woman into sex, and the victim was working for or reporting to him, he would be punished with up to two years of labor-training, and in serious cases, up to two years of correctional labor penalty. (Art. 294) Article 295 also stipulates that persons having sex with children under the age of 15 shall be penalized with up to five years of "correctional labor."

Sexual assaults on women became more widespread after women assumed the burden of family support during the food crisis and economic hardship period. Compared to 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. Since the food crisis, incidents involving sexual violence against North Korean women forcibly deported

³² Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

back from China deserve particular attention. When defectors are forcibly deported back and detained in a holding facility, they are prone to violence and torture. For women, the authorities would search their body for money, confidential letters or secret documents, and in the process they would even check their wombs. Also, the agents would force them to take off all their clothes in the name of investigation and torture them with electrical rods on specific parts of their body.³³ In many cases, the detained female inmates are raped or subjected to other forms of sexual violence.³⁴

In this connection, the UN CEDAW committee has reviewed North Korea's first progress report in July, 2005, and recommended North Korea "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."

Many forms of gender-based violence have been reported against North Korean women, including family violence such as wife-battering. Family violence is not regarded as a serious matter in North Korea, and even the Women's League would choose not to intervene.³⁵ A defector testified that her husband used to severely beat her at home, and when she reported the problem to the local Security Agency and County Party office, they saw it as a "family matter" and did not bother to investigate. They simply required the

33_ Good Friends, *Human Rights in North Korea and the Food Crisis* (Seoul: Good Friends, 2004), pp. 102-105; Testimony of defector XXX during an interview in Seoul on Jan. 21, 2005.

34_ NKHR2008000022 2008-11-05; NKHR2008000021 2008-09-23; NKHR2008000008 2008-08-01; NKHR2008000010 2008-08-08; NKHR2009000073 2009-12-02; Female defectors interviewed in 2009, who had been to correctional centers, labor-training camps, or collection points, have testified about these incidents.

35_ NKHR2009000049 2009-08-07.

husband to write up a letter of self-criticism.³⁶ Family violence is thus not legally punishable in North Korea, and is an issue that the society would simply bypass.³⁷

According to women defectors in South Korea, husbands' habits of drinking and wife-battering became more frequent in many families as more women began to earn income for the family through peddling in the markets.³⁸ In many cases the wives who could no longer tolerate the battering would abandon the family altogether. There are no statistical data on wife-battering cases in North Korea, which would seem to indicate that incidents of wife-beating or family violence are not perceived in North Korea as a serious violation of fundamental human rights of women. In this connection, the UN Committee on CEDAW expressed concern in July 2005, saying that "North Korea was not fully aware of the seriousness of family violence, and so was not taking any protective measures or violence-preventive measures for women." It has also asked North Korea to "investigate all incidents of violence against women, including family violence, as well as their frequency (ratio), causes and results, and include them in North Korea's next periodic report." The Committee has also recommended North Korea (a) legislate detailed laws against family violence, (b) penalize acts of violence on women and young girls as serious crimes, (c) provide effective protection and immediate relief for the female victims of violence, and (d) indict and punish the assailants against women.

Article 261 of Penal Code as revised in 2004 stipulates that anyone who has repeatedly engaged in prostitution shall be subject

³⁶ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

³⁷ NKHR2008000027 2008-12-02; NKHR2009000065 2009-11-10.

³⁸ NKHR2009000053 2009-09-08; NKHR2009000057 2009-09-22; NKHR200900058 2009-09-24; Many female defectors interviewed in 2009 have testified about these incidents.

to up to two years of labor-training penalty, and anyone who is habitually engaged in prostitution shall be subject to up to two years of “correctional labor” penalty. And a severe penalty would be administered to sex offenders and prostitution involving under-aged children. (Art. 295, Penal Code)³⁹ However, due to the severe food shortage persisting since the 1990s many North Korean women are reportedly involved in the practice of prostitution.⁴⁰ Defectors said most sex-for-money was for the purpose of sustenance. Cases of under-aged prostitution were also increasing as the food shortage worsened.⁴¹ There were many cases of prostitution under duress. Recently, sex-for-money cases have been increasing, especially because of demand from high-ranking officials or their adult children.⁴²

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.⁴³ Pregnancies occurring

39_ Testimony of defector XXX during an interview in Seoul on Sept. 13, 2007.

40_ Good Friends, “North Korea Today,” No. 129 (May 22, 2008); Good Friends, “North Korea Today,” No. 145 (Jun. 13, 2008). The “sex industry” situation is different from region to region. In recent years, the sex industry is said to flourish in Nampo City (Hwanghae Province). A defector testified that there were some cases of “professional” sex trade. (Testimony of defector XXX during an interview in Seoul on Sept. 23, 2008).

41_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 11, 2007; Good Friends, “North Korea Today,” No. 94 (Oct. 17, 2007).

42_ Testimony of defector XXX during an interview in Seoul on Sept. 13, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

43_ According to North Korean women defectors, since the food crisis many North

under conditions of severe malnutrition result in abortions, stillborn babies, and premature or underweight babies, as well as harm to the mothers. According to the consolidated 3rd and 4th annual performance report, North Korea has established “the DPRK Strategy for the Promotion of Reproductive Health, 2006-2010” in order to protect and promote the health of North Korean women and children, including mothers. North Korea explained that this strategy contains specific approaches and goals, including the reduction of mortality rates of mothers and children, management of women’s nutrition, and treatment of various maternal diseases. However, according to the “State of World Population Report, 2007” published jointly by the UN Fund for Population Activities (UNFPA) and the Population Health and Welfare Association, the ratio of maternity death due to pregnancy, delivery, and related complications was 67 out of 100 thousand, placing North Korea at No. 60 in the world.⁴⁴ The infant mortality rate, owing to malnutrition of pregnant mothers, was also high. According to the 2007 UNFPA report, North Korea’s infant mortality rate (under one-year old) was 42 per thousand.⁴⁵ The infant mortality rate was high, but the birth rate was low. According to the 2007 report, the total average pregnancy rate of North Korean women (the number of deliverable babies during the entire span of potential pregnancy) was 1.94, which was lower than the global average of 2.56.⁴⁶

Due to economic hardship, the medical supplies system has collapsed, making safe abortions impossible. Many expectant mothers attempt ill-advised abortions, risking their own lives and

Korean women have been experiencing irregular menstrual periods or none at all.

44. AUNFPA, “State of World Population, 2007,” p. 87, <http://www.unfpa.org/swp/2007/english/notes/indecators/e_indicator1.pdf>.

45. *Ibid.*

46. *Ibid.*

the lives of babies in the process.

Premarital, as well as extra-marital sex is subject to punishment in North Korea. Sexual prejudice against women has been undergoing change since the 1980s with the influx of foreign culture. Accordingly, prostitution as a means of survival has increased, and pregnancies owing to premarital sex, extramarital sex, and prostitution have also been increasing. Women who became pregnant for these reasons try to avoid punishment or embarrassment by seeking an abortion, hence increases in illegal abortion. 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 to hospitals for abortion procedures. 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 cases, the women not only suffer severe post-procedure pain but also seriously harm their health. In many cases, they become permanently sterile. According to the defectors who came to South Korea in 2006, OB/GYN doctors were frequently performing illegal abortions for those women who became pregnant from prostitution activities.⁴⁷

The health problems of North Korean women stemming from years of starvation are not confined to malnutrition, pregnancies, childbirth and child rearing. During the food crisis, most North Korean women had to initiate vending, peddling, and trading to support their families. They operated under constant threat and

47. Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

fear of being pilfered, pick pocketed, mugged, robbed, human trafficked, sexually assaulted and sexually harassed 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 for providing food for the family was almost unbearable. Since the grain shortage crisis, the number of North Korean women suffering from various illnesses, such as cervical cancer, breast cancer and diabetes, has significantly increased. Many women suffer 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 home treatment with Chinese medicine purchased at the market.⁴⁸ This situation has not improved since 2000. Even if a woman were to visit a hospital for treatment for a gynecological infection or other disease, she would not be treated due to the lack of medicine. So patients themselves have to purchase the necessary medicines from the market and treat themselves. The defectors testified that most medicines available at the markets were either Chinese-made or supplied by UN relief agencies.⁴⁹

Due to the torrential rains in August and typhoons in September of 2007, the gynecological condition of many North Korean women has worsened. Many women who could not afford to get proper feminine hygiene had to go through extreme personal difficulties leading to health hazards. In addition, many post-delivery mothers suffered numerous illnesses due to malnutrition

⁴⁸. Testimony of defectors XXX and XXX during an interviews in Seoul on Apr. 16, 2004.

⁴⁹. NKHR2009000058 2009-09-24; NKHR2009000065 2009-11-10; NKHR2009000070 2009-11-18.

and poor baby-delivery facilities under the persistent food shortages.⁵⁰ For those women who had been deported from China and held in detention facilities, the authorities would take away the “blue jeans” they had worn, cut them up into pieces and distribute them for use as sanitation pads.⁵¹ Most North Korean women use re-usable cloth pads for their monthly periods. Many can not afford to buy factory-made good-quality pads because they are too expensive.⁵²

⁵⁰_ Good Friends, “North Korea Today,” No. 86 (Aug. 22, 2007); Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

⁵¹_ NKHR2008000021 2008-09-23.

⁵²_ NKHR2009000070 2009-11-18.



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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 Child (hereinafter, the Child Convention)⁵³ in its preamble also emphasizes, “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,” and that “the child should be fully prepared to live an individual life in society and brought up in 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.”

⁵³ 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.”

Article 12 of North Korea's Child rearing Guideline Law reads, "The state and social cooperative organizations shall guarantee all necessary measures for child rearing under the principle of 'best things for the children.'" Article 6 of its Family Law stipulates that "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 that 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 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 second performance report on the Rights of the Child Convention, North Korea reported that it had experienced numerous difficulties owing to a series of natural disasters and the extended economic sanctions. It further stated that 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).

In addition, North Korea declared that it has provided grains and medical treatment free of charge to all children. In December of 2007, North Korea submitted a consolidated report on the 3rd and 4th terms of its implementation of the Rights of the Child Convention, which covered the period from 2001 to 2007. In this report, North Korea insisted that the government's policies for children were consistent with the principles and demands of the Convention, and that North Korea has newly enacted or revised existing laws to fully implement the terms of the Convention. North Korea has revised and updated many of its legal provisions, including the Penal Code (in 2004) and the Family Law (in 2004). It has newly enacted the Inheritance Law (in 2002), the Handicapped Protection Law (in 2003), the National Budget and Revenue Law (in 2005), the Cigarette Control Law (in 2005), and the Korean Red Cross Society Law (in 2007). Furthermore, in an effort to perfect legal structures for the protection and promotion of the rights of the child, North Korea said it has fully reflected various principles and requirements contained in the Rights of the Child Convention in the course of revising the education law, narcotics control law, the law on food hygiene, the law on disease control, the criminal procedure law, and the environmental protection law. In an effort to promote children's rights to education and to guarantee equal access to education for them all, in 2002 North Korea established a "National Plan of Action on Education for All." North Korea further said in its consolidated report that it established in 2006 the "DPRK strategy for the promotion of reproductive health, 2006-2010." The consolidated report further

said North Korea has taken positive steps to strengthen the roles and expanded the scope of activities of its National Commission for the Rights of the Child (NCRC), and said North Korea was teaching various principles and regulations contained in the Rights of the Child Convention to its school children during the “Socialist Ethics” and “Socialist Law and Morality” classes, which have been introduced to the Elementary and Middle School Curriculum since 2005.

In its 2nd implementation report on the International Covenant on Economic, Social, and Cultural Rights submitted in April 2002, North Korea said that it has developed a variety of children protective laws and policies, including in its Constitution, with a law on raising and educating children, an education law, a family law, a law related to medicine, and civil law. North Korea said that these laws are designed to rear the next generation as physically healthy and morally sound children under the principle, “All best things for our children.” Despite various efforts to improve legal and institutional structures and to fulfill the terms of international covenants, the quality of life and the living environment of North Korean children has been deteriorating due to the persistent food shortages and economic difficulties present since the mid-1990s.

In December of 2007 North Korea submitted its 3rd and 4th Term Combined Report on its implementation of the Rights of the Child Convention to the UN Committee on the Rights of the Child. The committee held a session to review the report on Jan. 23, 2009 in Geneva, and “concluding observations” were adopted on Jan. 29, 2009.⁵⁴ In this 81-paragraph final report, the committee expressed particular interest and concern over a number of child-

⁵⁴ Committee on the Rights of the Child, 50th Session, “Concluding Observations: Democratic People’s Republic of Korea,” CRC/C/PRK/CO/4, 27 March 2009.

related issues, including the harsh treatment of children detained in various national facilities, as well as problems with children's health, sexual exploitation, child labor, education, and protection.

Included among the specific recommendations were legislation prohibiting the torture of children and punishing the torturers, a ban on all forms of violence against children, a new plan of action against dereliction of duty in protecting children from mistreatment, and a comprehensive policy toward handicapped children. In addition, the committee recommended that North Korea focus on resolving the urgent issue of high malnutrition among mothers and children, increasing the budget allocation for education, and ceasing the practice of penalizing defectors under the age of 18 who are deported back to North Korea. It further recommended that North Korea take action against the exploitation of child labor, implement and strictly enforce laws banning the sale, use, and distribution of narcotics, take effective measures to protect under-aged beggars, strengthen measures banning the exploitation of children, treat "trafficked children" as victims of a crime, and protect such children so that they do not become accessories to further crimes.

A. The Right to Food and Health

A great majority of North Korean children are not guaranteed their fundamental right to food, and they live under the constant threat of chronic hunger and malnutrition. In 2002, the North Korean authorities conducted a survey in cooperation with UNICEF and WFP on malnutrition among North Korean children. Of the 6,000 children surveyed, 20.15% were found to be underweight, 39.22% were suffering from chronic malnutrition, and 8.12% were acutely malnourished. In a 2004 survey of 4,800

children below the age of six, some 23 percent were underweight, 37 percent were suffering from chronic malnutrition, and seven percent suffered from acute malnutrition. According to the 3rd and 4th Term Consolidated Report, some 19.5 percent of all North Korean children were underweight, 34.0 percent were suffering from chronic malnutrition, and 6.1 percent of them were experiencing acute malnutrition. These rates did show some improvement over the statistics for the year 2000. In December of 2009, UNICEF published a report on this subject. The report said that during the 2003-2008 period 23% of the children under the age of six were underweight, 9% suffered from chronic debility, and 45% showed substantial underdevelopment.⁵⁵

As economic conditions worsened nurseries, kindergartens, schools and other educational and child protective facilities were not able to perform their proper functions. This situation clearly illustrates that North Korea has been unable to fulfill the terms spelled out in the Child Convention, specifically Article 6, section 2, which mandates that “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 children. 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

⁵⁵_ UNICEF, “*The State of the World’s Children*,” special edition (November 2009), Table 2, Nutrition.

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 2nd implementation report, North Korea stated there were no cases of infringement of the rights of children 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 working 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. In its 3rd and 4th year consolidated report, North Korea said it has secured legal guarantees for the protection and promotion of children’s health by revising and updating the law on the prevention of communicable diseases, the law on food hygiene, and the environmental protection law, and by adopting the law on herbal medicine, the narcotics control law, and the cigarette control law. It also said that the “reproductive health strategy (2006-2010)” and the “AIDS Prevention Strategy (2002-2007)” were also part of its policy to protect and promote children’s health. However, the fact remains that North Korea’s medical services have collapsed due to the food crisis and deepening 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 the 3rd and 4th consolidated report, the most common communicable diseases among North Korean children were dysentery and acute.

In its consolidated report, North Korea said the infant mortality rate has been improving since 2000, and as of 2005 the mortality rate for children under the age five was 40 per thousand. However, the “State of World Population, 2007” report said the same mortality rate stood at 56 per thousand for boys and 49 for girls. For comparison, the same rates for South Korean children stood at five per thousand for boys and five per thousand for girls.⁵⁶ The UNESCO’s Annual Report on the “State of the World’s Children, 2008” has reported North Korea’s mortality rate for children under the age of five to be 5.5 percent, placing North Korea 65th of 189 countries in the world.⁵⁷

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. A 2004 survey also revealed that one third of the sample mothers were suffering from malnutrition and anemia.

According to a report by the International Federation of Red Cross and Red Crescent Societies published in October of 2009, the nationwide nutrition level assessment conducted in mid-2008

⁵⁶_ UNFPA, “The State of World Population, 2007,” p. 91.

⁵⁷_ UNICEF, “The State of the World’s Children, 2008,” p. 113, <<http://www.unicef.org/sowc08/>>.

showed that the overall nutrition level of North Korean children was deteriorating and the health of mothers and children was still a critical issue. The rate of disease occurring in winter was of particular concern. Due to poor heating at health-care facilities the bed occupancy rate was less than 50%. Also, 9.8% of babies under 24 months of age were suffering from acute respiratory diseases such as tuberculosis, a major contributing cause of death.⁵⁸

B. The Right to Protection against Physical and Mental Abuse

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 2nd performance report that it was taking various measures to provide family environments for children who lost parents and it was paying great attention to child rearing at both the family and society levels. North Korea 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 its 3rd and 4th year consolidated report, North Korea said it had sustained extensive damages to the children’s facilities at the time of the floods and typhoons

⁵⁸. International Federation of Red Cross and Red Crescent Societies, “Democratic People’s Republic of Korea (MAAK002) - Country Plan 2010,” October 20, 2009.

in August and September of 2007, but was putting top priority on restoring various children's facilities so the affected children could return to normal daily lives at the earliest possible date. In accordance with Articles 16 and 17 of "Human Rights ICESCR," 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. The report affirmed children without a means of livelihood had the right to receive material assistance under Article 72 of the DPRK Constitution. Article 18 of the Child rearing Guideline Law stipulated that children not under state or family protection would be cared for by the nurseries and orphanages. But according to defectors, during the food crisis many parents abandoned their children when divorce or the death of one parent, put a heavier burden on the remaining parent. Children who were abandoned or whose parents had died or who had ventured out on their own out of extreme hunger lived on the streets and at markets as gotchebbi and engaged in begging or stealing.

North Korean authorities established and operated so-called "9.27 facilities"⁵⁹ to house and protect gotchebbi. The effort, however, is known to have failed as authorities soon found out that they could not feed the children so housed. North Korean authorities are operating the so-called "flower-swallow centers (or, centers for food-snatching children)" at city and county levels. But, due to the strict internal rules and continuing hunger, many children attempt to escape from the centers.⁶⁰ Meanwhile, North

59_ The so-called "9.27 facilities" refer to a Central Party decision on Sep. 27, 1997 to collect the street children and others who had lost their support sources, and put them in empty rooms at nurseries, kindergartens, local inns, and apartment units so they could be managed and supervised. Good Friends, *Human Rights in North Korea and the Food Crisis*, p. 83.

60_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008;

Korean authorities encourage individual families to take these “swallows” into their families and raise them, saying such practice is a model of social life.⁶¹ In the “consolidated report,” North Korea said that as of 2006 a total of 2,528 North Korean families were taking care of these “homeless children.”

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 2nd report North Korea stated that no child had been regarded as a refugee or had sought refugee status for political or other reasons. North Korea insisted that the question of protecting or assisting a refugee child has never been raised. In its “consolidated report,” North Korea stated that it was not in a state of war, that there were no racial disputes or socio-political conflicts or contradictions. Therefore, North Korea argues, there are no refugees or displaced children in North Korea. But it is widely known that numerous North Korean children under the age of 18 lead lives as gotchebbi, begging and sleeping in the streets under constant fear of arrest. Most of them suffer from severe malnutrition and various illnesses such as skin rashes. They are constantly be subjected to humiliation, beatings, and verbal abuse. Some become involved in violence, larceny, and human trafficking.

In its 2nd implementation report, North Korea said 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. In its “consolidated report,” North Korea insisted that there was never a case of sexual abuse involving

NKHR2008000004 2008-07-17; Good Friends, “North Korea Today,” No. 66 (Apr. 4, 2007); Good Friends, “North Korea Today,” No. 187 (Aug. 12, 2008).

61. Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

children, nor a case of kidnapping or human trafficking of children in North Korea. 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. As the food shortage worsened, cases of sex-for-money involving under-age girls were known to take place in North Korea.

C. The Right to Nationality and Justice

Regarding the rights of the child stipulated in Article 37 of the Convention, North Korea in its 2nd report, as well as in its 3rd and 4th consolidate report, stated that North Korean law enforcement authorities would not in principle arrest, detain, or imprison any child, and that only in unavoidable circumstances would the authorities detain a child after school hours in his or her home or specified facility with the approval of a prosecutor and in accordance with Articles 189 and 190 of Criminal Procedure Law. Even in this case, the period of detention could not exceed one month. The North Korean report also stated 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. In its consolidated report, North Korea said there were no cases of mistreatment of children, such as torture or inhuman and degrading treatment, during the entire reporting period (2001-2007). Contrarily, the children who had been

deported from China were known to have gone through various forms of torture, verbal and physical abuse, including beating and intimidation. They would further be forced to endure hard labor and hunger. The UN Rights of the Child Committee also received information that these “flower-swallows” (referring to children who crossed the border without permission), and other children detained by the police or other government agencies were forced to go through harsh treatment during their detention (Para. 31).⁶² The Committee therefore expressed serious concerns over this issue in its “Concluding Observations” on North Korea’s combined Third and Fourth Report on the Rights of the Child (hereinafter, “Concluding Observations on the Third and Fourth Report”).

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 without a nationality. If either one of a child’s parents was Korean, the child would be given North Korean nationality. For a North Korean woman who has formed a family with a Chinese or a Korean-Chinese man, the “marriage” is not regarded as “legal.” She is only a “common law wife” who is “living-in” through human-trafficking or is “sold off” by the intermediaries. As a result, their children cannot expect to receive any legal protection.

⁶² UNCRRC, “Concluding Observations: Democratic People’s Republic of Korea,” (unedited version), Jan. 31, 2009.

D. The Right to Education

Article 29 of the Convention on the Rights of the Child stipulates, “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.” However, the most important objective of education at North Korean schools is to teach political ideology, and imparting of knowledge, universal values, or good personality is generally neglected. This stipulation is contained in North Korea’s education laws and the fundamental principles of Socialist education, which the schools are trying to fulfill. In fact, the elementary and middle school curricula have placed relatively heavy emphasis on the education of Communist ideology and deification of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. For four years of elementary school, North Korean children study the “younger years” of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. During the six years of middle school, they study the “revolutionary activities” and “revolutionary history” of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. During their vacation, the students are required to visit revolutionary battlefields and historical sites.

Article 13, Section 1 of the International Covenant on Economic, Social, and Cultural Rights stipulates that education should be directed to the development of good personality and respect for the dignity of man. Article 29, Section 1 of the Rights of the Child Convention stipulates that “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.” However, due to the mandatory regimentation of their daily life—such as through the Chosun (Korean) Boy Scouts and Kim Il Sung Socialist Youth League—North Korean young people are deprived of the opportunity to develop normal personality through education,

and their development of personality, talents and mental and physical abilities to their fullest potential is seriously hampered. In addition, uniformity and regimentation characterize their educational activities, and ideology education is forced on the students. All of these mean that North Korean young people are not guaranteed the right to study subjects of their own choice.

Article 32 of the Rights of the Child Convention stipulates that “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” North Korea’s Socialist Constitution (in Art. 31) and Socialist Labor Law (in Art. 15) also stipulate the age of 16 as the legal working age and prohibit child labor under that age. In reality, however, North Korean young people are mobilized for work at farm villages or Socialist construction sites in accordance with a national plan and in the name of revolutionary training or implementation struggle. In order to put into practice the principle of combining education with experience and under the pretext of practicing the spirit of love for work, the young people are mobilized for “mandatory labor” and utilized to the fullest extent. According to a defector who previously taught at a middle school, North Korean middle school students are mobilized for work for four weeks in the spring. High school students are mobilized for work for eight weeks (four in the spring and four in the fall). They work on farms or at construction sites. Their workload is so heavy that it often interferes with their education.⁶³ In its “Concluding Observations on the Third and Fourth Report” the UNCRC pointed out that even though North Korea has

63. Testimony of defector XXX during an interview in Seoul on Jul. 14, 2005.

prohibited child labor under the Constitution, North Korean children were known to be mobilized for labor as part of school life. The committee said this practice was far beyond the scope of vocational education, and the labor involved work which had heavy physical demands (Para. 59).⁶⁴

One of the serious problems the international community has identified in connection with North Korea's child education is the mandatory military training imposed on North Korean young people. North Korean students receive two weeks of military training in the "Red Youth Guard" during their fifth grade of middle school. They also receive "shooting" training on the firing range for two to three days.⁶⁵ Because of this practice, the Committee on the Rights of the Child in its second recommendation expressed "serious concern over the students' participation in the military camp during the summer vacation, including the weapons assembly training (Sec. 56)."

Article 28, Section 1 of the Rights of the Child Convention stipulates, "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity... [They shall] make higher education accessible to all on the basis of capacity by every appropriate means." In terms of equal opportunity for education, Article 48 of North Korea's Education Law stipulates, "Individual capacity shall be the basis of determining gifted and talented students and higher education opportunities." North Korean young people are institutionally and equally guaranteed "Eleven years of free, compulsory public education." In March, 1980, North Korea introduced a "college entrance qualification examination (National

⁶⁴_ UNCRC, "Concluding Observations," Jan. 31, 2009.

⁶⁵_ Testimony of defector XXX during an interview in Seoul on Aug. 11, 2005.

Board Exam),” and in principle all middle school graduates are given the opportunity to matriculate to colleges. However, college admissions are based more on students’ family background and Party affiliation (or, the evaluation of organized-life) than fair competition among the applicants. This selective admission policy based on personal background is particularly noticeable in the cases of Kim Il Sung University, Kim Chaek Polytechnical College, and the Teachers’ Colleges. In the case of Kim Il Sung University, which educates North Korea’s elite, students with a missing family member (for unknown reasons) are never admitted regardless of family background or Party membership.⁶⁶ College applicants, who are relatives of Kim Il Sung or children of “anti-Japan fighters (Group 11),” are admitted to the college of their choice. Those who were selected in their fourth and fifth grade of middle school for government service through the Central Party screening, for example, ‘honorary guards (inspection, reception),’ Group 6⁶⁷ or ‘palace guards’ for Kim Jong Il, are assigned to appropriate colleges according to the national demand.⁶⁸

Since the 1990s, however, family background or Party membership has become less important for college admissions than individual’s academic achievements, parents’ influence, and financial capabilities. In particular, natural science colleges place priority on individual academic ability. Students with less

66. Testimony of defector XXX during an interview in Seoul on May 12, 2005.

67. They are selected from among the graduates of girls’ middle school based on family background, economic level, looks and talents, and family status. They were classified under “Group 5” in the past, but they were recently re-classified under “Group 6.” Once a girl is selected to “Group 6,” she is most likely to be assigned a good job such as a guide at Keumsoosan Memorial Palace, an usher at the Party Central Committee Building, a hotel receptionist, or a waitress at a North Korean restaurant in China. Most girls are known to prefer selection into “Group 6”; Testimony of defector XXX during an interview in Seoul on Nov. 8, 2005.

68. Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.

impressive family backgrounds are able to advance to natural science colleges if their academic records are impressive. Since the economic hardship, children of families with substantial amounts of foreign currency often receive college admissions via bribery. “Since the period of hardship march, money became more important than the family background,” and “College education would be unthinkable without money.”⁶⁹ In particular, the children of high-ranking officials bribe their way into admission to foreign language colleges and colleges of music and ballet.⁷⁰

In its first progress report on CEDAW submitted in September, 2002, North Korea stated the ratio of female students to all students at grade schools and colleges was 48.7 percent and 34.4 percent, respectively. These numbers seem to indicate that opportunities for higher education differ according to gender. On this point the UN Committee on the Rights of the Child recommended in Section 55b that North Korea “provide female students with the same opportunities for higher education as male students.” However, in the 3rd and 4th Term Combined Report, North Korea insisted that there was no gender discrimination in children’s education.

Since September 1975 North Korea has offered an 11-year compulsory education program in accordance with its education laws. North Korea has insisted that all education programs are completely free as the government pays for all expenses. North Korean defectors have testified that free education was indeed provided in most areas until the economic crisis hit the nation. From the 1990s, however, free school supplies, which had previously been provided every semester, were issued every 3-5 years, and as the economic crisis worsened these supplies were

⁶⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

⁷⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

completely cut off.

However, the situation at the special schools in Pyongyang is different. A defector who went to school in Pyongyang said that, in regards to textbooks, there was no shortage of supply, and the students only had to purchase school supplies from the market.⁷¹ In recent years, most students would have to purchase their school supplies, including textbooks from the market. Most school supplies such as backpacks, notebooks, pencils and pencil cases were Chinese-made.⁷²

As the government's budget for schools began to decrease after 2002, parents had to provide for about 70 percent of educational expenses. And school authorities asked students and their parents to pay not only for pencils, papers, and other school supplies, but also for the construction of school buildings, their management; even firewood for classrooms in the winter.⁷³

Even after 2000, students from poor families experienced difficulties at school because schools would demand cash contributions for a variety of reasons. These included classroom decorations, laboratory upgrades, school hygiene projects, teachers' birthdays, commencement exercises, support for the People's Army, helping construction sites, and firewood.⁷⁴ In the case of firewood, for example, students must pay cash in elementary schools, but in middle schools they are required to bring firewood from nearby hills, which often are barren of trees and where firewood is not easily available. In many instances parents collectively refused to

71_ Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.

72_ NKHR2008000024 2008-11-18.

73_ The North Korea Research Center, Dongguk University, *A Survey on the Reality of North Korean Human Rights through the Defector Testimonies* (Seoul: North Korea Research Center, Dongguk University, 2005), p. 111.

74_ NKHR2008000009 2008-08-07; NKHR2008000010 2008-08-08; NKHR200800012 2008-08-14.

send their children to school.⁷⁵ This was largely because of financial burdens imposed by the school.⁷⁶ The UNCRC therefore also expressed concern over this issue in its “Concluding Observations on the Third and Fourth Report.”⁷⁷ Many kindergartens are known to operate based on cash or in-kind crops collected from parents.⁷⁸

As economic conditions deteriorated, many North Korean young people suffered from the inferior educational environment and the poor quality of education. This is clear from student attendance records. With regard to the sharp drop in students’ attendance, the UN Committee on the Rights of the Child expressed “concern over the seasonally low attendance record of 60-80 percent and the long-term absentees due to the extended economic difficulties (Sec. 54a).” The committee also recommended that North Korea “take necessary measures to reduce and prevent student absenteeism and provide classroom heating in the winter season (Sec. 55a).”

Since 2000, when the “hardship march” ended, the attendance rates at all levels of school have been improving, and the attendance rate in North Hamkyung Province has been recorded as high as 70-80 percent in recent years.⁷⁹ However, in most provincial towns, unlike Pyongyang and large cities, many students have quit

75_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008; Good Friends, “North Korea Today,” No. 99 (Nov. 21, 2007); Good Friends, “North Korea Today,” No. 111 (Feb. 13, 2008).

76_ NKHR2008000022 2008-11-05; NKHR2008000028 2008-12-12; NKHR200800006 2008-07-24; NKHR2008000010 2008-08-08; NKHR2009000032 2009-05-19; NKHR2009000044 2009-07-02; Most mothers of school children who defected to South Korea testified to this effect during the in-depth interviews conducted in 2009.

77_ UNCRC, “Concluding Observations,” Jan. 31, 2009.

78_ Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008. NKHR 2009000049 2009-08-07.

79_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; Testimony of defector XXX during an interview in Seoul on Sept. 2, 2008.

school to join their parents in peddling in the market or farming on patches of land along hillsides.⁸⁰

North Korea's educational facilities and equipment are known to be extremely poor. Since the economic hardships set in in the early 1990s, the supply of educational equipment was mostly cut off and maintenance stopped. Even the North Korean authorities have acknowledged this situation. In its 2002 'Second Implementation Report' on the International Covenant on Economic, Social, and Cultural Rights, North Korea stated that due to the natural disasters of 1995 many schools were destroyed or lost educational facilities or equipment, and the manufacturers of that equipment also suffered tremendous damage from the disasters. For these reasons, the report said, North Korea was experiencing great difficulties in its educational sector.⁸¹ However, the situation has significantly improved thanks to the contributions of parents.⁸² Even so, the school facilities and educational equipment in most regions of North Korea outside of Pyongyang were very poor. Furthermore, in August and September of 2007 North Korea again suffered from severe flood damage, which brought wide-ranging damage to educational facilities and equipment. In the "3^d and 4th Term Combined Report" submitted in December of 2007, North Korea reported that 316 schools had suffered partial or total destruction, leaving a total of 35,040 students without classrooms. And yet, North Korea reported that as of October 2007, 100% of middle school aged students had registered for school. According

⁸⁰ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008; NKHR2008000005 2008-07-22; NKHR2009000044 2009-07-02; NKHR2009000070 2009-11-18.

⁸¹ DPR Korea, *2nd implementation report on the International Covenant on Economic, Social and Cultural Rights*, April 9, 2002.

⁸² Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

to our defector testimonies, however, there were a significant number of students who quit school due to the ongoing economic difficulties.



V

Human Rights in Major Issue Areas

1. South Koreans Abducted and Detained in North Korea
2. Human Rights Abuses on Korean War POWs
3. Human Rights Abuses on Defectors



1



South Koreans Abducted and Detained in North Korea

A. South Koreans Abducted during the Korean War

The exact number of South Koreans abducted by North Korea during the Korean War is not known at this time. The seven lists of abducted persons identified so far show significant differences between them. For example, the Statistics Bureau of South Korea's Ministry of Public Information listed the number of abducted Seoul citizens to be 2,438.¹ The Family Association for the Korean War Abducted Persons had published a list in 1951, containing the names of 2,316 abducted persons.² In 1952 the

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1. This list divides the data (total 4,616 persons) into three categories: shot to death (976 total, 796 men, 180 women), abducted (2,438 total, 2,345 men, 93 women), missing (1,202 total, 1,149 men, 53 women). Also included in the list are 10 items of personal information, including name, sex, age, occupation, workplace and position, time, place and type of incident, personal history and address at time of incident. For further details, see the Institute for Data and Materials on Korean War Abducted Persons, *A Compilation of Data and Materials on Korean War Abducted Persons* (Seoul: IDMKWAP, 2006).
 2. This is a list compiled by the "Association of Families of Korean War Abducted Persons." Most of the persons listed were from the Seoul area; the list contains the name, occupation, age, address, and date of incident. Unlike other lists which sort names by region, this list divides the names into 17 different job categories

South Korean government published a list of names of 82,959 abducted persons during the war,³ but the 1953 Statistical Almanac listed 84,532 names. The Police Headquarters of the Ministry of Internal Affairs documented 17,940 abducted persons,⁴ the Missing Civilians List compiled by Korean Red Cross in 1956 reported 7,034 persons,⁵ and the Missing Civilians List compiled by the Ministry of Defense reported 11,700 persons.⁶ Many names appear

(including “other” job category) and also contains some descriptions in English. Major job categories of abducted persons include 442 Anti-Communist Youth Corps members, 391 businessmen, 328 government officials, 209 policemen and correctional officers, and 209 bank and company employees. For details, see volume II, *op cit.* in footnote 1 above, (Seoul: 2009), p. 963.

- 3_ This five-volume data source is compiled by region contain names, sex, age, occupation, company and position, date and place of abduction, and address).
- 4_ This is a two-volume list compiled by the Police Headquarters, Ministry of Internal Affairs. It contains names, sex, age, occupation, date and place of abduction, the circumstances at the time of abduction, and address at the time. The “KWAFU” surmised that the reason the number of abducted persons was much smaller on this list was because the names of young people who had been drafted as “volunteers” in the People’s Army have been removed. In view of the fact that the names that did not appear in the 1952 list re-appeared on this list, the number of abducted persons would be much greater than the 82,959 names appearing in the 1952 list, said the association.
- 5_ Korean Red Cross conducted a two-month campaign to compile a list of abducted persons from June 15 to August 15, 1956. For its “Missing Civilians Report,” the Red Cross requested the families to record such items as name, sex, date and place of birth, place of original family registry, last known address, occupation at the time of abduction, name, address, and relationship of the reporting person, time and place of abduction, and other details of circumstance at the time of abduction. The Korean Red Cross conducted this campaign in the hope of obtaining some information on the status of abducted persons from the North Korean Red Cross with the help of the International Red Cross Committee. But because the campaign was not widely known to the public, the number of names reported was significantly smaller than the 1952 list.
- 6_ The “Missing Civilians List” published by the Defense Ministry on Jan. 1, 1963 is equivalent to a list of abducted persons even though it was compiled by the military authorities. It lists four items: name, age, sex and address. The number of names on this list is much smaller than other lists, partly because it does not list young people who may have participated in the war in a number of different ways. The total number of abducted persons is estimated to exceed 20,000. Up to this point, the total number of names compiled by the Institute for Data and Materials on Korean War Abducted Persons is 11,700 persons. See *op. cit.* above. p. 959.

on different lists, indicating that they were clearly abducted by the North during the war.

〈Table V-1〉 Number of Wartime Abducted Persons⁷

Category	Source	Number abducted	List exists?
Abducted Seoul citizens	Korean Statistics Almanac (1950), Statistics Bureau, Ministry of Public Information	2,438	yes
Korean War Abducted Persons	Association of Families of Korean War Abducted Persons	2,316	yes
South Koreans abducted during the Korean War	Korean Statistics Almanac (1952), Statistics Bureau, Ministry of Public Information	82,959	yes
List of abducted South Koreans during the Korean War	National Police Bureau, Ministry of Internal Affairs (1952)	(126,325)	no
South Koreans abducted during the Korean War	Korean Statistics Almanac (1953), Statistics Bureau, Ministry of Public Information	(84,532)	no
South Koreans abducted during the Korean War	Police Headquarters, Ministry of Internal Affairs (1954)	17,940	yes
Civilians Reported Missing	South Korean Red Cross (1956)	7,034	yes
Missing Civilians	Defense Ministry (Jan. 1, 1963)	11,700 (partial)	Vol. I – yes Vol. II – no

Based on the lists discovered so far, the Association of Families of Korean War Abducted Persons has conducted an analysis of the 96,013 abducted persons (minus the overlapping names) according to the distribution of their ages at the time of abduction, as follows:

〈Table V-2〉 Age Distribution of Wartime Abducted Persons

Age	1-10	11-15	16-20	21-30	31-40	41-50	51-60	61-older	Unknown	Total
Number	338	376	20,409	51,436	14,773	5,456	1,675	746	804	96,013
Ratio	0.4	0.4	21.2	53.6	15.4	5.7	1.7	0.8	0.8	100

⁷ Institute for Data and Materials on the Korean War Abducted Persons, *A Compilation of Data and Materials on Korean War Abducted Persons*, Vol. II (Seoul: IKWAPD, 2009).

According to the Korean War Abductees' Family Union⁸ Kim Il Sung wrote an article in 1946 entitled "About Fetching Intellectuals from South Korea." In line with this instruction and to solve the manpower shortage, North Korea abducted a large number of South Koreans (88.2 percent of all abducted persons) during the first three months of the war (Jul., Aug., and Sep. of 1950).⁹ By region, Seoul and the Greater Seoul Metropolitan Area had the highest ratio of abducted persons (42.3 percent), followed by Kyunggi and Chungchong Provinces. Kangwon Province showed the highest ratio of abducted persons even though it had a relatively smaller population, perhaps due to the mountainous regional characteristics, which made it difficult for anyone to flee. KWAFU insisted that the abduction of Seoul citizens began from early July 1950. KWAFU argument was based on two documents entitled, "Concerning the Grain Situation in Seoul (Decision No. 18 of North Korea's "7-men Military Committee" - Jul. 17, 1950)¹⁰ and "Concerning the Cooperation for the Transfer Project of Seoul Citizens (Kangwon Province Internal Affairs No. 3440 - Sept. 5, 1950).¹¹

8_ <<http://www.kwafu.org>>.

9_ Kim Myong-ho, "A Study on the Evidence-based Analysis of the Reality of Korean War Abducted Persons," *A Collection of Materials on the Korean War Abducted Persons* (Seoul: The Korean War Abductees Research Institute, 2006), pp. 1114-1149.

10_ The document instructed in part, "The related agencies are conducting transfer projects for the liberated Seoul citizens (workers) who will be assigned to industries, mines, and enterprises in the northern half of the Republic.... If any of them attempt to flee, put them under arrest!" South Korea's History Compilation Committee, *Historical Materials on the Relations with North Korea*, Vol. 16, (Kwachon, Seoul: National History Compilation Committee, 1993), <<http://www.kwari.org>>.

11_ Prof. Kimura Mitsuhiro of Japan has recently discovered from the archives of the former Soviet Union a secret North Korean document entitled, "Decision No. 18." Section 3 of the document stipulated, "The chairman of Seoul Provisional People's Committee has a duty to systematically transport 500,000 citizens from Seoul City to North Korea's mining industries and agricultural farms in response to the requests of various ministries and agencies." This document was sent to the chairman of Seoul Provisional People's Committee from the "Seven-men Military Committee," which was the supreme source of power at the time. <<http://www.kwari.org>>.

Most of the abductions were carried out by North Korean soldiers who showed up at the homes of individuals with specific names and identification in hand. Some 80.3 percent were taken away from homes (72.1 percent) or near their homes (8.2 percent). This is an indication that the abductions were carried out intentionally and in an organized manner. Most of the abducted persons¹² were men (98.1 percent), but their job categories varied. Most of them were intellectuals, such as government officials, policemen, soldiers, lawyers, prosecutors, national assemblymen, journalists, students, professors, and teachers. Among the abducted persons were 20 foreigners (19 men, one woman), including Americans, French, and Germans. Six of them were Christian missionaries. The U.S. CIA documents declassified in April 2007 have confirmed these abductions. The U.S. CIA documents indicated some of the abducted persons were turned over to China.¹³

No one abducted during the Korean War has been officially confirmed to have returned to South Korea. This is quite unusual given the large number of abducted persons. One theory is that they were forced to adjust to the North Korean system during a wartime situation. Despite the large number of defectors during the food crisis, no one abducted during the Korean War was able to flee from North Korea. This may have been due to their advanced age or perhaps because they chose not to reveal their past to their North Korean family members.

¹² As for the profile of Korean War Abducted Persons, see Monthly Chosun, *The 82,959 Korean War Abducted Persons* (Seoul: Monthly Chosun, 2003).

¹³ According to an intelligence report on “How North Koreans handled POWs in Manpojin,” dated Aug. 8, 1951, a former Korean independence fighter, XXX, played a major role in abducting 4,600 important South Koreans to the North in Sept. 1950. The abducted persons arrived in Manpojin on Oct. 19, and most of them were detained in a detention center there. However, some important persons were transported across the Yalu River and handed over to the Chinese Public Security. *Yonhap News*, Apr. 13, 2007.

On September 1, 1951, the Family Association for the Korean War Abducted Persons (or “Family Association”) was organized. The Family Association had compiled a list of abducted persons and submitted the list to the then Speaker of the House, Shin Ik-hee. In accordance with the terms of Korean Armistice Agreement, there was an exchange of dispersed persons on March 1, 1954, but North Korea decided to return the 19 foreigners without returning any South Korean abducted persons. The Family Association subsequently appealed for the return of the South Korean abducted persons through the United Nations and International Red Cross. The Korean Red Cross also compiled a list of 7,034 abducted persons based on a registration drive it conducted from June 15 to August 15, 1956. The Korean Red Cross submitted its list to the International Red Cross, requesting that negotiations begin with the North Korean Red Cross. The North Korean Red Cross did propose a meeting with its South Korean counterpart on February 26, 1957, but no meeting took place. Later, the North Korean Red Cross responded, on November 7, with a letter entitled “A Reply based on a Survey of Dispersed Citizens,” containing the names of 337 abducted persons, along with their addresses and jobs. On December 3, the North Korean Red Cross sent a request to its South Korean counterpart through the International Red Cross, asking to know the status of 14,132 North Koreans who came to the South during the war. Meanwhile, the Family Association paid three visits to the Armistice Committee, which was compiling a list of abducted persons, and submitted its periodic reports. However, the Family Association ceased its activities on June 30, 1960.

The issue of abducted persons during the Korean War could not be properly discussed during the era of the Cold War. And it has remained problematic given the South-North systemic

confrontation, also the events occurred during the chaotic wartime and because it was difficult to know precisely whether the persons in question were abducted or voluntarily fled to the North. The “missing persons issue” has only complicated the life of the remaining family members and contributed to their mental anguish. In addition to its recommendation in April 2004, National Human Rights Commission of Korea called on the government again on July 23, 2008 to enact a special law for the investigation, compensation, and relief for the families (victims) of persons abducted to North Korea. A “draft bill for the recovery of honor and support for the abducted persons during the Korean War” was submitted to the 17th Assembly of South Korea’s National Assembly. On March 2, 2010, South Korea’s 18th National Assembly passed a bill entitled “Bill on Finding the Facts and Circumstances of Korean War Abductions and Recovering the Honor of Abducted Persons.” By September 2010, a commission pursuant to the bill, a working committee, and a secretariat will be launched.

On November 30, 2000, a “Family Group for the Korean War Abducted Persons” was organized, and on September 6, 2001, the group renamed itself into the “Korean War Abductees’ Family Union,” and began actively to re-focus on the issue. In March 2002, the KWAFU began anew to compile a detailed list called the “List of Korean War Abducted Persons.” The list contained 94,700 names with eight items of detail, including the name, sex, age, job, company and position, date and place of abduction, and address at the time. In June, 2005, KWAFU revised and updated the list. It also established the “Korean War Abductees Research Institute” and developed a computer database and began to operate a webpage, along with a collection of witnesses’ testimonies.¹⁴

¹⁴ <<http://www.kwari.org>>.

Through these activities, KWAFU demanded speedier results regarding the status of the persons abducted during the Korean War as well as their early return. On August 19, 2008, KWAFU produced a “User Created Commercial” entitled “People who could not return” and posted it on their web site. According to the association, the issues of abducted persons was “very difficult to be publicized in contemporary South Korea, with the eye-witnesses growing old and passing away from the scene.” The Institute for Data and Materials on Korean War Abducted Persons published its *Compilation of Korean War Abduction Cases*, Volume I in September of 2006. It published Volume II in September of 2009.

During the 4th Inter-Korean Red Cross meeting held in September, 2002, the two sides agreed to discuss and resolve the status and addresses of “those who went missing during the wartime.” During the 15th Inter-Korean Ministerial Meeting (Jun. 21-24, 2005) the two sides agreed to “consult humanitarian issues,” including the confirmation of status of those who went missing during the wartime (Sec. 3, Joint Press Release). During the 6th Inter-Korean Red Cross meeting (Aug. 23-25, 2005) and the 16th Inter-Korean Ministerial Meeting (Sept. 13-16, 2005), the two sides again agreed to continue their consultations on confirming the status of those who went missing during the war. During the 13th Family Reunion meeting held on March 22, 2006, an attempt was made to include the families of abducted persons. For that purpose, a request was made to confirm the whereabouts of four abducted persons, but none was confirmed. Only one person (Lee Kyung-chan) was able to meet with the bereaved families (an aunt and a cousin) of his uncle (who had formed a new family in North Korea). During the 14th Family Reunion meeting in June 2006, eight families of abducted persons had requested a meeting. North

Korea confirmed the status of one living person (Lee Bong-woo, husband of Yoo Jung-ok), but two weeks later said it was the wrong person, so the meeting could not take place. Thereafter, eight families of abducted persons received notice from the North that it was unable to confirm the status of their family members.

During the 15th Family Reunion meeting in May 2007, four families of abducted persons requested confirmation of the status of their family members. North Korea confirmed one had died, but was unable to confirm the status of the others. However, the (South Korean) family of the deceased was able to meet with the bereaved family members from the North. In 2009, a family reunion meeting was held again for the “separated families.” But, there was no reunion meeting between the Korean War abducted persons and their families, and their current status remains unknown.

B. The Abducted Persons in the Postwar Years

A total of 3,824 persons have been abducted to North Korea since the cease-fire of the Korean War. They have been involuntarily held in North Korea as a result of their usefulness, physical conditions, and educational background.¹⁵ A total of 3,310 of them (86.5%) have returned to South Korea after being held for between 6 months to a year. Not including the eight persons who have recently returned to the South, there are currently a total of 506 persons still held in the North. Among the abducted

¹⁵ 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.

persons, five were abducted by a North Korean agent at the end of 1970 as high school students. This fact came to light during the investigations of Choi XX and Kang XX in 1997 on espionage charges.

〈Table V-3〉 Status of Abducted and Detained Persons

Division	Total	Fishermen	Korean Air	Military·Coast guard	Other	
					Domestic	Overseas
Abductees	3,824	3,721	50	27	6	20
Returnees	3,318	3,271	39	—	—	8
Detainees	506	450	11	27	6	12

Source: Ministry of Unification, Abductee Support Directorate

〈Table V-4〉 Number of Abducted Persons by Year

Year	Abductees	Cumulative Total	Year	Abductees	Cumulative Total
1955	10	10	1973	8	419
1957	2	12	1974	30	449
1958	23	35	1975	28	477
1962	1	36	1977	4	481
1964	16	52	1978	4	485
1965	20	72	1980	1	486
1966	19	91	1985	3	489
1967	52	143	1987	13	502
1968	126	269	1992	1	503
1969	20	289	1995	1	504
1970	36	325	1999	1	505
1971	20	345	2000	1	506
1972	66	411			

Source: Ministry of Unification; Support Group for Abduction Victims

〈Table V-5〉 Status of Abducted Persons Returning Home

Name	Date of abduction	Occupation	Date returned home
Lee XX	Apr. 29, 1970	Crew, the Bongsan #22	Jul. 26, 2000
Jin XX	Apr. 12, 1967	Crew, the Chundae #11	Oct. 30, 2001
Kim XX	Nov. 24, 1973	Engineer, the Daeyoung-ho	Jun 23, 2003
Koh XX	Aug. 17, 1975	Crew, the Chunwang-ho	Jul. 12, 2005
Choi XX	Aug. 17, 1975	"	Jan 16, 2007
Lee XX	Aug. 17, 1975	"	Sept. 10, 2007
Yoon XX	Jul. 2, 1968	Crew, the Kumyoong-ho	Jan. 9, 2008
Yoon XX	Aug. 17, 1975	Crew, the Chunwang-ho	Feb. 26, 2009

Source: Same as above.

Since the forcible abduction of 10 fishermen aboard the “Daesung-ho” on May 28, 1955, North Korean authorities have abducted a total of 3,721 fishermen. Subsequently, they decided to return 3,263. Since eight of them have recently returned home to South Korea on their own, a total of 450 fishermen are still held in North Korea. 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. Fourteen sailors of the Suwon No. 32 who had been presumed dead or missing in 1974 have been identified as alive in North Korea. At the time, it was believed that

the boat was attacked and sunk by a North Korean patrol boat. In fact, they were rescued by the North Korean boat and taken to North Korea, according to an investigation by South Korea's "Abduction Victims Review Commission." In some instances fishermen would board fishing boats without registering their names, and sometimes the 'fishermen's roster' showed a different number from the actual number of fishermen on board. In 2007, a South Korean, who previously worked for the Ministry of Defense and had been listed as a defector to the North, was reclassified as an abducted person as a result of petition his son filed with the National Ombudsman Commission. Mr. Cho Byung-wook, who was a 7th grade clerk at Defense Ministry, was working as a repair chief at the Army's Third Repair Unit in Jinhae City, South Kyungsang Province. He was classified as a defector to North Korea because he flew to the North together with a pilot aboard a two-seater light airplane on October 21, 1977. His son filed a petition to the Ministry of Unification, which in turn requested re-investigation of the case to the Ministry of Defense. After reviewing the military records at the Judge Advocate's office, it was determined that Mr. Cho had no reason or intention to flee to the North; hence it became a case of abduction.

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 11 people aboard, 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 Yanji, China. In January, 2000, South Korean Reverend Kim Dong-shik was kidnapped in Yanji, China

by a special kidnapping unit of eight or nine agents, including four or five agents from the state security detachment in North Hamkyong Province, Korean-Chinese agent Ryoo XX, and three others. Reverend Kim was handed over to the Chief of the Security Agency named XXX at Goksan (cigarette) factory in Hoeryong 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, 2001.¹⁶ Secretary general Doh Hee-yoon of the CHNK announced that "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."

Five persons who had previously been classified as "missing persons" have been newly identified as "abducted persons" during the interrogation process of North Korean spy agents in 1997. Their names are Kim Young-nam, Hong Keon-pyo, Lee Myung-woo, Lee Min-kyo, and Choi Seung-min.

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

¹⁶ *Yonhap News*, Jan. 6, 2005.

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.

According to the testimonies of North Korean defectors and former abducted persons who have returned to the South, there appear to be more abducted persons in North Korea than are listed on the South Korean government's "management card for abducted persons." "The Association of Families of Abducted South Koreans" (hereafter, the "Association of Families") has been releasing additional names of kidnapped persons based on testimonies of abductees who have returned alive from North Korea. This list has been partially confirmed by the Review Committee for Compensation for Abduction Victims in the process of deliberations on compensation cases. 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 XX, 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 1981.¹⁷ On December 2, 2007, the Family Association for Abductees to North Korea made public two letters and two photographs of 5 fishermen who had been abducted in 1972 aboard the "Yoopoong-ho" boat. The photograph was taken somewhere in North Korea on Nov. 9, 1972, five months after the abduction. Inscribed on the back of a photograph were names of the five fishermen (Nam Jung-

¹⁷ *The Joong-Ang Ilbo*, Feb. 3, 2005.

ryol, Bae Min-ho, Lee Su-sok, Lee Won-je, and Kim Gil-jung) and a line saying, “A photograph commemorating advancement into socialism, Nov. 9, 1972.”

In 2008, the Family Association obtained photographs of the abducted persons and released them through the *Chosun Ilbo* (a daily newspaper in South Korea). The pictures showed 31 abducted fishermen and two North Korean guards. They were taken at the “Rajin Revolutionary Struggle Site” in Rajin, North Hamkyung Province during the “group education period” in Wonsan in 1985. Altogether 23 fishermen were confirmed through the pictures, including Park Si-dong (deckhand on the *Chunwang-ho*). Others were Park Young-suk, Jeong Bok-sik, Kim Yong-bong, Jeong Chol-kyu, Choi Hyo-gil, Tak Chae-yong, Choi Young-cheol, Yoon Jong-soo, Lee Byung-ki, Kim Ui-joon, Kim Il-man, and Hong Bok-dong.¹⁸ According to the returned fishermen, the North Korean authorities appear to be conducting regular ideological indoctrination of abducted fishermen and group sightseeing tours (as seen below) of Pyongyang and other historical and cultural relics.

¹⁸ *The Chosun Ilbo*, May 19, 2008.

〈Graphic V-1〉 Photograph of Abducted South Koreans



Source: The Association of Families, *The JoongAng Ilbo*, Feb. 2, 2005.

〈Graphic V-2〉 Photograph of Abducted South Koreans



Source: The Association of Families, *The Chosun Ilbo*, May 19, 2008.

〈Graphic V-3〉 Photograph of Abducted South Koreans



Source: The Association of Families, *The Chosun Ilbo*, May 19, 2008.

South Korea's "Abducted Victims Compensation Commission" which began work in November of 2007 decided to include in the abduction list the following persons who were not previously included in the list of abduction victims: 14 crew members aboard the Gilyong-ho (Jan. 22, 1966), 6 crew members aboard the Nampoong-ho (Dec. 21, 1967), 2 South Koreans soldiers dispatched to Vietnam, three individuals aboard a row-boat (Aug. 5, 1967), and one person each aboard fishing boats the Anhung-ho (Jun. 4, 1967), the Jinbok-ho (Aug. 27, 1992), and the Duksung-ho (Jul. 12, 1968).

〈Table V-6〉 List of Unconfirmed Abducted Persons

Name	Age at the time	Place of birth	Occupation at the time
Park Sung-man	50	Youngdo, Busan	Captain (Kilyong-ho)
Lee Duk-hwan	56	"	First Officer (")
Kim Kwang-sup	49	Joongku, Busan	Engineer (")
Lee Saeng-ki	53	"	Fisherman (")
Lee Go-tae	22	Youngdong, Busan	"
Yang Hyo-geun	48	Tonyoung, KN prov.	"
Kim Doo-suk	36	Youngdo, Busan	"
Nam Jung-sik	33	"	"
Suh Il-yong	29	Saha, Busan	Radioman (")
Jeong Bok-sik	40		Fisherman (")
Suh Tae-bong			"
Kim Bun-nam			Fisherman (Hiyoung-ho)
Lee Min-woo			Captain (Daeyoung-ho)
Kim Yang-hoon	53		Fisherman (")
Kim Young-du	51		"
Cho Min-chol	54		"
Kim Dong-ho	50		"
Kim Chang-bae*			
Tak Jae-yong*			
Chun Geuk-pyo*			

Based on the testimony of formerly abducted Kim OO (Fisherman on Dae young-ho)

〈Table V-7〉 List of Additionally Confirmed Abducted Persons

Incident	Date	Name	Date of birth	Address	Occupation
Army 2 nd Division	Jul. 14, 1962	Choi Jeha	Mar. 4, 1939	Youngyang, North Kyung-sang Province	Army corporal
Army 3 rd Ordinance Command	Oct. 12, 1977	Cho Byungwook	Jan. 31, 1940	Jinhae, South Kyung-sang	Military civilian
The Kilyong-ho	Jan. 22, 1966	Park Sungman	Feb. 23, 1917	Tongyoung, South Kyung-sang	Skipper
"	"	Kim Kwangsup	Oct. 9, 1918	Tongyoung, South Kyung-sang	Engineer
"	"	Yang Hokeun	Mar. 5, 1925	Wando, South Cholla	Crew
"	"	Jeong Boksik	Aug. 28, 1941	"	"
"	"	Lee Dukhwan	Oct. 23, 1911	Tongyoung, South Kyungnam	"
"	"	Kim Dusok	Jan. 19, 1931	Koje, South Kyung-sang	"
"	"	Nam Jeongsik	Feb. 15, 1928	Sanchung, South Kyungnam	"
"	"	Lee Sengki	Dec. 1919	Namhae, South Kyungnam	"
"	"	Kim Kyungnam	1935	Tongyoung, South Kyung-sang	"
"	"	Lee Sutae	1935	"	"
"	"	Jeong Uidoh	Aug. 10, 1938	Seoku, Busan	"
"	"	Suh Ilyong	Jul. 23, 1937	Young-il, North Kyung-sang	"
"	"	Park Jangwoon	Jul. 18, 1937	Tongyoung, South Kyung-sang	"
"	"	Kang Jongkil	1948	Koje, South Kyung-sang	"

Incident	Date	Name	Date of birth	Address	Occupation
The Nampoong-ho	Dec. 21, 1967	Kim Youngpil	May 18, 1935	Kosung, Kangwon Province	Engineer, Boat owner
		Paik Donghyun	Mar. 14, 1942	"	Crew
		Kim Seung-ok	Jul. 9, 1919	"	"
		Lee Youngjun	May 16, 1945	Yangyang, Kangwon	"
		Kim Bongrae	Dec. 7, 1928	Kosung, Kangwon	Skipper
		Choi Sungmun	1936	"	Crew
Soldier in Vietnam	Sept. 9, 1966	Ahn Haksu	Sept. 23, 1943	Pohang, North Kyungsang	Army Staff Sergeant
Row boat	Aug. 5, 1967	Bae Seungyoon	Feb. 10, 1929	Ongjin, Incheon	Boat owner
"	"	Bae Seungku		"	Crew
"	"	Jeong Chulkyu	May 5, 1943	"	"
The Anhong-ho	Jun. 4, 1967	Hwang Jungsoon	Feb. 9, 1947	"	"
Soldier in Vietnam	Nov. 3, 1965	Park Sungryol	Oct. 19, 1943	Jinchun, North Chungchong	Army sergeant
The Jinbok-ho	Aug. 27, 1992	Lee Choljin	Feb. 5, 1947	Sinah, South Cholla Prov.	Boat owner, Skipper
The Duksung-ho	Jul. 12, 1968	Lee Yangjin	May 20, 1945	"	Crew

Source: Support Group for Abduction Victims

Amnesty International released the names of 49 political prisoners on July 30, 1994, and the names of abducted persons appear on the list. When the AI list drew international attention, both Ko Sang-mun (Aug. 10, 1994) and Yoo Sung-keun (Aug. 11, 1994), whose names were included on the list, were made to confess their voluntary entry into North Korea. A defector 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 defectors who came to South Korea in 1993, about 20 unidentified abductees from South Korea were 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 Jae-geun, who defected from North Korea in June, 2000. Some of his colleagues were also engaged in “South Korea projects” after undergoing a period of special training, Lee said, and he himself received some espionage training.¹⁹

The remainder 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 names of abducted individuals, who had probably been detained in the now defunct concentration camp at Seunghori, were included in the report. South Korea’s National

¹⁹ Testimony of defector XXX during an interview in Seoul, Jan. 7, 2004.

Security Planning Agency also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, were detained in a political prisoner detention camp.

Meanwhile, in a Red Cross statement on September 24, 1996, North Korea insisted that the Reverend Ahn Seung-wun, who was abducted in July 1995, was not forcibly kidnapped but instead voluntarily entered North Korea. Significantly, however, the Chinese government on September 13, 1996, sentenced Lee Kyung-choon, who was one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year of 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 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 policy of refusing to confirm the existence of abducted and detained people from South Korea. For example, during the second group of South-North Separated Family Reunions (Nov. 30-Dec. 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been seized by the North on January 15, 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 (Dec. 11, 1969) 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 revealed that one of the persons named, 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), Captain Chung Jang-baik of the Changyoung-ho, which was seized by the North on April 17, 1968, 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 the Odaeyang No. 61 (seized Dec. 1972) Kim Tae-jun, the crew of the Changsung-ho (seized May 23, 1967) Yoon Kyung-gu, the crew of the Dongjin-ho (seized Jan. 15, 1987) and Kim Sang-sup, met their mothers from South Korea.²⁰ During the 9th 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.

In 1977, the Association of Families had requested the South Korean and Japanese governments to verify personal information on Kim Chol-jun, who was married to an abducted

²⁰ Youn Mi-ryang, "The Process and Results of Negotiations Concerning the Abducted Persons," *Human Rights of the Abducted Persons and Possible Solutions* (Seoul: the National Human Rights Commission of Korea Public Hearing Proceedings, Dec. 19, 2003).

Japanese woman, Yokoda Megumi. The association believed that he was one of five South Korean high school students who had been abducted to the North in 1977-1978. Based on a DNA test, the Japanese government announced that Megumi's daughter, Kim Hae-kyung, was probably related to Kim Young-nam, who was abducted from Seonyu Island in 1978. Subsequently, the families of Megumi and Kim Young-nam have met together. North Korea decided to include the families of Kim Young-nam in the 14th family reunion meeting. Kim Young-nam's mother and sister have met with Kim Young-nam and Megumi's daughter. In a news conference on June 29, 2006, Kim Young-nam said his situation was "neither abduction nor voluntary defection [to the North]. It was simply a chance-happening in the era of confrontation." At the time, he had gone to the beaches on Seonyu Island. He had encountered his high school senior, who had beaten him up. So he ran away from him. When he reached the waters, he found a small wooden boat. He got on it, and it floated out to sea, then he was rescued by a North Korean boat in the middle of the sea. He said that is how he ended up in North Korea. Through the 17 rounds of "Family Reunion Meetings" since the year 2000, South Korean Red Cross has requested confirmation of the status of 97 South Koreans who had been forcibly held in North Korea since the Korean War. The North Koreans informed the South that 15 of them were alive, 19 dead, and 63 unable to confirm. Fourteen of the 15 living in the North have met with their South Korean families. All 14 had spouses and children in the North. Altogether, 73 persons from 16 families were present at the reunion meeting.

The Association of Families reported on July 31, 2006 that Lim Kuk-jae (abducted in Jan. 1987 aboard the Dongjin-ho) was

detained in Susong Correctional Center in Chongjin City after his third attempt to defect from North Korea. North Korea has been refusing South Korea's demand to discuss the abduction issue, saying 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. 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 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 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. 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. Due to the tension in inter-Korean relations, discussions on the abducted persons have ceased between the two sides. The Family Association later inserted the list of names of abducted persons in leaflets and flew them to North Korea, which has caused a strong protest among the North Korean authorities.²¹ With the resumption of inter-Korean Red Cross talks on the family reunion event planned for the 2009 Chusok (Korean Thanksgiving) holiday, the South Korean government decided to re-emphasize the need to discuss various humanitarian issues including the issue of abducted persons.

South Korea’s National Assembly enacted on April 2, 2007, the “Law for the Victims of Abduction to the North in the Postwar Years (or, the law concerning the assistance and compensation for the abducted persons since the Korean Armistice Agreement).” Based on this law, the abducted persons, upon return to South Korea, will be entitled to receive assistance and the returning person himself or herself and their family members will be entitled to compensation for the human rights infringements sustained

²¹ *The Rodong Shinmun* (Nov. 29, 2008) in a commentary entitled, “Who Are the Leaders of Leaflet Balloon Campaign?” argued that sending balloons containing anti-North Korea leaflets was an act of serious provocation.

during the period. The South Korean Cabinet approved the implementation decree of the law on October 16, 2007, and the Committee for the Support and Compensation for the Abducted Persons' Families was launched on November 30, 2007. As of February 2010, the commission has held 25 regular meetings and reviewed a number compensation cases.

〈Table V-8〉 Status of Applications by Abduction Victims

(Unit: number of cases)

Total	Compensation Cases					Settlement/ Housing	Payment/ Medical
	Subtotal	Fishermen	I-2 boat	KAL	Other		
361	345	315	7	9	14	8	8

Source: Support Group for Abduction Victims

〈Table V-9〉 Status of Compensation Applications by Abduction Victims

Items	Applications	Approvals	Amount (thousands of won)	Remarks
Total	361	331	11,596,713	Amount based on payment decision
Payment	345	322	10,000,789	Approval: 322; No payment: 0; Rejection: 4
Housing	8	8	1,528,320	Resettlement 1,017,767,000 won; Housing 510,553,000 won
Medical	8	1	67,604	Comp.: 51,491,000 won; Medical: 16,113,000 won; Rejection: 1 case

Source: Same as above.

〈Table V-10〉 Status of Compensation Cases and Commission Meetings

Date	Sessions	Proceedings
Jan. 30, 2009	13 th	Payment: 15 cases, 494 million won; Settlement/Housing, 1 case, 198 million won; Revised by-laws and relevant regulations.
Feb. 27, 2009	14 th	Payment: 11 cases, 346 million won; Settlement/housing: 3 cases, 528 million won; Decided to recommend relevant law revisions.
Mar. 30, 2009	15 th	Payment: 7 cases, 210 million won
Apr. 28, 2009	16 th	Payment: 13 cases, 432 million won; Settlement/housing: 1 case, 224 million won
Jun. 4, 2009	17 th	Payment: 19 cases, 634 million won; Revised regulations and procedures.
Jul. 3, 2009	18 th	Payment: 10 cases, 323 million won
Aug. 31, 2009	19 th	Payment: 17 cases, 522 million won; Revised rules and regulations.
Oct. 6, 2009	20 th	Payment: 11 cases, 312 million won
Oct. 30, 2009	21 st	Payment: 6 cases, 191 million won
Nov. 27, 2009	22 nd	Payment: 13 cases, 433 million won; Comp. & medical: 1 case, 68 million won; Election of chair and subcommittee chairs.
Dec. 17, 2009	23 rd	Payment: 7 cases, 235 million won
Jan 28, 2010	24 th	Payment: 6 cases, 187 million won; Additional settlement: 26 million won; Revised by-laws.
Feb. 25, 2010	25 th	Payment: 6 cases, 208 million won

Status of commission meetings, Jan. 2009–Feb. 2010

Source: Support Group for the Abduction Victims



2

Human Rights Abuses on Korean War POWs

A total of 41,971 South Korean soldiers went missing in action during the Korean War. Some 22,562 have been determined “killed in action” based on reports and other materials. To date, the status of 19,409 soldiers has not been confirmed.²² The “South Korean POWs” are those South Korean soldiers who were not returned home during the POW exchange negotiations at the end of Korean War ceasefire. At the time, the United Nations Command estimated the number of missing-in-action (MIAs) to be as many as 82,000.²³ But, only 8,343 soldiers have returned home, and the rest of them were thought to have been withheld in North Korea.

²² In 1998, the government finalized the total number of Korean War MIAs at 19,409 after reviewing the list of MIAs several times, removing duplicate names, checking against the original military rosters, and considering testimonies and reports filed by MIA families up to 1994.

²³ The United Nations Command and the communist side conducted three POW exchanges between April 1953 and January 1954. At the time, the UN Command estimated the number of South Korean MIAs at about 82,000, but the final number of POWs the UN Command received from the communist side was 8,343. Thus, it is reasonable to assume that a significant number of South Korean POWs have not been repatriated but are being held by the North Korean side.

〈Table V-11〉 Status of South Korean POWs

Total	POW exchange	Assumed killed-in-action	Missing-in-action
41,971	8,726	13,836	19,409

Source: Provided by the Ministry of Defense.

According to the testimonies of returning Korean War POWs from North Korea, there were an estimated 510 POW survivors in North Korea as of the end of 2009. The South Korean “Military Personnel Regulations” stipulate that after a certain period of time all MIAs would be re-classified as “killed-in-action” so that their families could benefit from the government grants. Accordingly, all Korean War MIAs have been reclassified as “killed-in-action” after a period of time.

Since the return of Lt. Cho Chang-ho (a former POW) in 1994, the number of Korean War POWs returning to South Korea has continued to increase every year. As of December 2009, a total of 79 former POWs have returned to South Korea, accompanied by a total of 197 members of their family.

〈Table V-12〉 Status of Returning Korean War POWs by Year

Year	'94	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	Total
No. of POWs	1	1	4	2	9	6	6	5	14	11	7	4	6	3	79
No. of Family Members	—	2	5	8	9	12	9	10	34	18	32	23	9	26	197

Source: Provided by the Ministry of Defense.

According to the testimonies of defectors and returning POWs, many POWs were re-enlisted into the People’s Army during the war, and after the war, between 1954 and 1956, they

were “group assigned” to coal mines, factories, and farm villages for rehabilitation projects. According to a U.S. Defense Department document²⁴ declassified on April 12, 2007 (“A Report on the Transfer of Korean POWs to the Soviet Region”), several thousand South Korean POWs were transferred to Okhotsk and other Soviet Far Eastern ports between November, 1951 and April, 1952. They were then detained in Kholima Detention Center near Yakutsk.²⁵ The number of POWs transferred to the Chukotski Sea region was at least 12 thousand. As they were mobilized for difficult road and airfield construction work, their death rate was high, the report said. Related to this issue, South Korea’s Defense Ministry announced on December 18, 2007, that it was unable to confirm or discover any evidence concerning the transfer of South Korean soldiers (POWs) to the Russian Far Eastern Province. The ministry said it had interviewed a large number of people, including the person who wrote about it at the U.S. Defense Department, the son of Soviet Army General Kang Sang-ho, who had insisted on transferring them to the Soviet Union; about 10 Korean-Russians who had participated in the Korean War; former POWs who have returned to South Korea; and about 100 North Korean defectors staying in Russia. The ministry has also visited a Russian institute of military history. The South Korean Defense Ministry has commissioned a research project concerning the transfer of South Korean POWs to the former Soviet Union during the Korean War.²⁶ The Institute for Military History sent a fact-finding mission to the

24_ This report was written on Aug. 26, 1993, as part of the investigative activities of the “Joint U.S.-Russian Committee for POWs and MIAs,” which was formed after the Cold War to confirm the status of Korean War U.S. POWs in Russia and the return of their remains.

25_ *Yonhap News*, Apr. 13, 2007.

26_ Dr. Cho Sung-hoon at the Institute of Military History conducted this research from December 2008 to August 2009.

“Magadan” area of Siberia, where the Soviets formerly operated a concentration camp. It has also reviewed a joint study report by a U.S.-Russian team on American POWs and MIAs. Although the research effort produced a few testimonies from North Korean defectors in South Korea regarding the transfer of South Korean POWs to the Soviet regions, there was no conclusive evidence to support the case.

Most South Korean POWs were believed to have been assigned to coal mines in North and South Hamkyung Provinces. At the time, North Korea was in great need of manpower for its coal mines, and ordinary North Koreans were reluctant to work in them. Furthermore, in the mines it was easy to control and supervise all individuals. According to the testimonies of defectors in South Korea, the Korean War POWs were deployed for work at various coal mines: Working at Sanghwa Youth Mine in Onsung County (North Hamkyung Prov.) were Ahn Hwa-sik, Woo Kwang-yoon, Jang Mu-hwan, Hong Seung-ro, Park In-gong, Kim Sang-jin, Shin Sang-won, Choi Dong-gil, Ok Sam-sik, Bae Myung-jo, Paik Boo-jae, Jeong Won-mo and Lee Bok-man.²⁷ Working at Musan Mine were Lee Gap-so, Kang Young-ho, and Lee Hee-keun.²⁸ Working at Hakpo Mine in Seichon County in Hweryong City (North Hamkyung Prov.) were Jang Yong-yon, Ryu Tae-in, Oh Jin-sang, Lee Jeung-ho, and Jeong Soo-hwan.²⁹

South Korean POWs were given citizen ID cards and released to the society from collective detention centers, but most of them were assigned to coal mines near their old collective detention centers, since the authorities needed their manpower. In addition,

²⁷_ NKHR2008000021 2008-09-23.

²⁸_ NKHR2008000016 2008-09-02.

²⁹_ NKHR2008000011 2008-08-12.

they were constantly subjected to oppression and discrimination, particularly in terms of their choice of jobs and residence, because of their background as former POWs. Since their personal background was certain to impact the lives of their children, many of them chose not to tell their children about their past personal life. Notwithstanding that fact, the children of former POWs have been discriminated against in their careers, including Party membership, college admission, and jobs. A defector testified that North Koreans called the South Korean POWs “puppet’s soldiers (captured soldiers).”³⁰

After the 1990s, most Korean War POWs were old enough to qualify for the “old-age” pensions. But, after the economic management improvement measures of 2002 all social services became payable in cash and consumer prices rose up so high that the pension-dependent former POWs were forced to face a major crisis that jeopardized their basic livelihood. Many North Koreans facing this situation and living along the border regions began to defect, and many former POWs decided to return to South Korea. Information about South Korea’s generous policy toward former POWs was also circulating among them and encouraged their departure from the North. The assistance of many NGOs, engaged in humanitarian work was also very helpful. In most cases, the families former POWs who defected to South Korea arrived by themselves, as the POWs have mostly passed away; however, in some cases surviving POWs have accompanied their families. In December of 2004, former POW Han Mantaik defected from North Korea in an attempt to return to the South, but he was captured by Chinese security agents and deported to North Korea. In August of 2009, a similar incident took place. A former POW tried to return

³⁰ *Ibid.*

to South Korea, but he was arrested by Chinese security agents and detained in a hospital in Yenji City. Some people were punished for trying to help these former POWs flee from North Korea and return to the South.³¹

During the 2nd to the 17th Family Reunion Meetings jointly sponsored by South and North Korean Red Cross Societies, South Korea has requested confirmation of the status of 103 POWs. North Korea has confirmed 14 alive, 13 dead, and 76 unable to confirm. Of the 13 POWs alive, 13 of them have met with their South Korean family members. In addition, 20 POW-related families (or, 78 people) have participated in the Family Reunion Meetings.

In accordance with the “law concerning the repatriation and treatment of former POWs” and its implementation rules, all returning POWs are entitled to their salaries, pensions and housing stipends for the period covering from the day they became POWs to the day they returned to the Republic of Korea and were discharged from their military service. If a POW were to die while being held in North Korea, his bereaved family, upon returning to South Korea, would receive additional compensation as the family of a former POW. At POW Action Committee meetings, the Ministry of Defense decided to add two former MIA soldiers, Ahn XX and Park XX, to the list of missing POWs in June and September of 2009, respectively.

³¹ Koh XX, a resident of Ahnwon-ri, Sebyol County, and Hwang X, a guidance agent at Military Security Command were locked up in a “concentration camp” on charges of assisting a former POW. (Testimony of defector XXX during an interview in Seoul on Jun. 14, 2008). Uhm XX, a resident of Sambongku, Onsung County, was arrested while trying to hand over a former POW. (Testimony of defector XXX during an interview in Seoul on Sept. 23, 2008.)



3

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Human Rights Abuses on Defectors

A. The Life and Status of Escapees 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 uncertain 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. However, there are various ways of fleeing such as fleeing at officially assigned jobs abroad.³² In estimating the total number of North Korean escapees in late 1990s, most observers have focused their attention on the number

³² It is believed that a significant number of North Koreans are living illegally in Russian Far Eastern Provinces after escaping from various timber-farms and construction sites. But, no estimate is available.

of escapees in China. Many humanitarian workers and civilian activists, as well as researchers, estimate the number of North Korean escapees in China to be between 100 thousand and 400 thousand.

As the North Korean food shortage has been alleviated thanks to the assistance of the international community, the number of defections has 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 thousand and 100 thousand.³³ For example, Secretary General Yang Cheng-ming of the Chinese Human Rights Research Association said the number was about 30 thousand.³⁴ In 2004, Wang Yi-sheng of the Chinese Military Science Institute said the number should be below 50 thousand, probably between 30 thousand and 40 thousand, because many of those counted were repeat offenders.³⁵

In February, 2005, the U.S. 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 thousand and 125 thousand.³⁶ In June

33. 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 thousand and 100 thousand. See Joel R. Charny, "North Korean Refugees in China: the Current Situation and Strategies for Protection," Testimony to the Senate Committee on Foreign Relations, Nov. 4, 2003.

34. Yang Cheng-ming, "The Problem of North Korean Defectors in China and its Solution," a paper presented at the International Symposium on North Korean Human Rights sponsored by the National Human Rights Commission of Korea, Dec. 1, 2004, p. 77.

35. Wang Yisheng, "Perspectives on 'North Korean Escapees' in China," a paper presented at the conference on Human Security in Northeast Asia: Focusing on North Korean Migration into and through China, Jan. 6, 2004.

36. U.S. State Department, *The Status of North Korean Asylum Seekers and the U.S.*

and July 2005, Good Friends conducted on-site surveys in the rural areas of northeastern provinces of China, covering within a 500km radius from the North Korean border. Based on its survey results, Good Friends announced that the number of North Korean defectors in the area was about 50 thousand.³⁷ In 2006, it conducted another set of surveys on a Korean-Chinese village (about 20 thousand) in the northwestern corner of the Three Far Eastern Chinese Provinces, and in the cities of Shenyang, Dairen, and Qingtao, and their vicinities (about 30 thousand). Based on the new surveys, the association revised its estimates and said there were about 100 thousand North Korean defectors in China, plus their children, about 50 thousand.³⁸ The International Crisis Group also estimated the number of North Korean defectors to be as many as 100 thousand based on its interviews with local Chinese and Korean-Chinese, as well as other NGO reports.³⁹ Other than these estimates, however, no systematic survey has been conducted on the number of North Korean defectors in China. In 2008 the number of North Korean defectors dropped; one analyst estimated the number to be between 20-40 thousand.⁴⁰ The number of defectors staying in Yanbian Province has largely been reduced in

Government Policy toward Them (The Bureau of Population, Refugees and Migration, Feb. 2005).

37_ *Yonhap News*, Aug. 21, 2005.

38_ The Good Friends sample-surveyed 135 villages along the Korean-Chinese border in Jan. 2006. The association has found 267 children born of North Korean women and Chinese men in these sample villages. Based on the number of North Korean women living there in 1999, and assuming the birthrate of about 22 percent per 100 persons, the association estimated the number of newly born children to total about 49,500. It also estimated the total number of defecting North Korean women to have been about 225,000 over the years.

39_ International Crisis Group, "Perilous Journeys: The Plight of North Koreans in China and Beyond," *Policy Report*, No. 122 (Oct. 2006).

40_ Yoonok Chang, Stephan Haggard, and Marcus Noland, *Migration Experiences of North Korean Refugees: Survey Evidence from China*, Peterson Institute for International Economics, Working Paper Series (Mar. 2008).

recent years, but the number of defectors has been increasing in Korean-Chinese villages in remote areas or in large cities far away from the border regions. The number of new defectors significantly declined in 2009, but most new defectors from North Korea have a desire to come to South Korea.

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 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 increased border patrols, forcible deportation on a sustained basis,⁴¹ the improving food situation in North Korea, increases in defection expenses, increases in lawful travel as more passports are issued for visits to China, increases in short visits for trading purposes and increases in the number of people settling in third countries like South Korea.⁴² On the occasion of the 2008 Beijing Olympic Games, the Chinese and North Korean authorities significantly tightened border controls. From 2009, as the National Security Agency began to implement a new set of emergency measures against defection, control over every avenue of defection has been tightened, including

⁴¹ According to Jeng Sin-jo, a researcher at the Chinese Social Science Academy, the official number of forcible deportations through Yanbian Province (the Autonomous Korean Province) was 4,809 in 2002. The provincial authorities arrested and deported 3,732 of them. These statistics are contained in Jeng's article entitled, "The Impact of Korean Peninsula Situation on the Regional Development and Stability of Ethnic Koreans," in Southern Chinese National College Journal. KINU, *North Korean Human Rights: Trends of the International Community and North Korea's Response*, Vol. 2, No. 1, 2007, p. 46.

⁴² *Op.cit.*

tighter surveillance and detection of ideological trends,⁴³ rigorous ideological education,⁴⁴ travel permit checks along the borders,⁴⁵ “bed-checks,” and inspections at border security units.⁴⁶ According to the Good Friends Foundation’s reports, provincial level courts have issued instructions to relevant agencies to treat children above the age of 14 as legal adults in connection with defection or attempted defection.⁴⁷ In the border regions, roadside, off-road, and railroad checks begin from 9 pm daily, and in the villages “voluntary patrols” consisting of people of “good background” move around making random checks.⁴⁸ In order to prevent defections by sea, a special meeting was held in North Hamkyung Province attended by working-level officials from all related agencies, such as the fisheries agency, and special agents from the military and the Party. Under the instructions of National Defense Commission, the meeting was held to develop tighter measures for the management, operation, and registration of fishing boats of all varieties. During the meeting various issues and problems were discussed, such as unauthorized fishing boat wharfs and the unauthorized arrival and departure of

43_ Good Friends, “North Korea News Today,” No.294, Sept. 1, 2009

44_ According to “Good Friends,” a stern warning was issued during a rally in Chongjin City, South Hamkyung Province, stating, “If anyone enters the river for any reason, we will unconditionally treat him/her as a traitor against the Fatherland.” Good Friends, “North Korean News Today,” No.267, Feb. 24, 2009. The Chongjin City Security Agency conducted similar political rallies from Aug. 5, 2009 to prevent defections. Good Friends, “North Korean News Today,” No. 294, Sept. 1, 2009. On Nov. 5, 2009 Hweryong City also conducted a similar public political project to prevent defection among Osan-dong inhabitants. The city’s Party Propaganda Unit instructed, “Start a struggle to ferret out 100% of potential river-crossing families.” See Good Friends, “North Korean News Today,” No. 312, Dec. 8, 2009.

45_ It is reported that anyone who attempts to cross the border without a “border-crossing permit” will be fined at least 100,000 won. Op. cit.

46_ Good Friends, “North Korean News Today,” No. 266, Feb. 17, 2009.

47_ Op. cit.

48_ Good Friends, “North Korean News Today,” No. 297, Sept. 22, 2009.

special agency vessels such as military and Party boats.⁴⁹ As anti-defection measures have been tightened, the “fee” (i.e. bribe) the “river-crossing guides” have to pay the border security guards has gone up. This practice has become so widespread that at one point an order was issued in Hweryong City, North Hamkyung Province to the effect that even border guards who took money from river-crossing guides would not be penalized as long as they reported it afterward. As the risk of getting caught in the process of defection has increased, the cases of people trying to get to China simply to make money have significantly decreased.

In addition to China, defectors appear to be attempting to move to Russia and other CIS countries, Mongolia, and Southeast Asia, including in illegal Chinese and Korean immigration communities. Assisted by civilian organizations, volunteers and activists, defectors are seeking asylum and safe havens around the world, including in Thailand, Japan, Canada, Australia, and the United States, EU member states. The countries in Southeast Asia and Mongolia are basically transit points for destination to South Korea.⁵⁰ In 2004, the South Korean government decided to transport a large group of North Korean refugees in Vietnam to South Korea using a special charter plane. The Vietnamese government was faced with an uncomfortable situation vis-a-vis North Korea over this incident. Subsequently, the number of North Korean defectors via Vietnam has dropped sharply. Since 2005, the number of North Korean refugees illegally entering Thailand in hopes of going to the United States has risen continually. In 2005,

49. NK Intellectual Alliance, Oct. 1, 2009.

50. Yoon Yeo-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), <<http://www.iloveminority.com>>.

only 189 North Korean refugees went to Thailand, but in 2006 a total of 729, and in 2007 some 1,767 refugees entered the country.⁵¹ Thai authorities have arrested many groups of North Koreans illegally crossing into their border. As the detention period grows longer, some refugees have staged “hunger-strikes” in protest in demand of faster processing, which has brought on speedier entry procedures. An increasing number of refugees have applied for political asylum in Great Britain or other EU member states. Many of them, however, appeared to be Korean-Chinese, South Korean or Chinese nationals posing as North Korean refugees. In 2009 South Korea revised its laws concerning protection and settlement support for North Korean defectors. If any former North Korean who has obtained South Korean nationality applies for political asylum in a third country by concealing his/her new nationality, the South Korean government will reduce the amount of his/her settlement grant. In more serious cases, the government may file administrative or criminal charges.

B. The Life of Escapees in China

Because defections have been taking place for over a decade, the lives of North Koreans crossing the border into China have undergone significant changes during that period. In 1996 and 1997 many North Koreans along the Korean-Chinese border had contacted their relatives in China to get some help. Most North Koreans would quickly return to North Korea after getting help from their relatives, and the relatives tried their best to protect them. However, as the food crisis persisted in North Korea, the relatives were loath to extend helping hands to their North Korean

⁵¹ *Voice of America*, Mar. 26, 2008.

friends as their supporting capability was being depleted over time and as they became fearful of potential punishment. Consequently, visiting North Koreans now look for jobs in China.

In addition, many North Koreans who did not have relatives in China began to cross the border in search of food and jobs. Once in China, these people obtain food and clothing from sympathetic ethnic Koreans in China. They stay with any sympathetic family, doing household chores or paying a small fee for a longer stay.

According to the surveys of Good Friends, the ratio of North Korean women defectors among all those who crossed the border between late 1998 and early 1999 was very high-75.5 percent. A majority of them (51.9 percent) married Chinese men in the form of “live-in” marriages. As the food shortage persisted over a long period, more North Korean women ventured into China to earn money, and the number of North Korean women in China began to increase. Many North Korean women, not only single women but also married women with husband and children, chose to “live in” with Chinese men simply to avoid the famine situation back home. These extreme cases often originated through a third party or the women would be involuntarily “sold off” to a Chinese. Some women would voluntarily enter into such a relationship, while others would be unwittingly sold. If a woman defector is forced to maintain her life as an involuntary “live-in maid,” the conditions are so inhumane and unbearable that she would try anything to run away to a distant region. Others will stay on living for fear of forcible deportation and having given up all hopes. Since most North Korean women in these situations have been “traded” like merchandise, they are usually under the watchful eyes and constant supervision of relatives and neighbors of their “masters.” Indeed, the reality in these situations is that any North Korean

woman who illegally crosses the river into China cannot survive unless she chooses to “live-in” with a Chinese man. Consequently, once they realize the danger of arrest and other unavoidable realities most North Korean women who crossed the river into China would accept the situation in which they had to “live-in” with Chinese men.

Many North Koreans who crossed the border not having relatives in China were forced to move around to find jobs and other means to feed themselves. As their stay in China was prolonged, however, this approach had to change. Unlike during earlier phases, more North Koreans now were living in Chinese homes rather than in the homes of ethnic Koreans. As their language skills rapidly 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. In January 2007, South Korea revised its laws concerning the protection and settlement of North Korean defectors and decided to exclude those who had lived in a country outside North Korea for more than ten years. As a result, North Korean defectors who lived in China for many years began to show a tendency to rush their entry into South Korea. Some North Korean defectors who entered South Korea after staying in China for over ten years were excluded from the settlement benefits under the revised South Korean laws. These defectors and citizens groups assisting them staged protest rallies against the government decision. Subsequently, in January 2009 the South Korean Government decided to make some adjustments to the law, allowing some exceptions to the rule in cases of “special

circumstances”.⁵²

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 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. The main difference between “human trafficking” and “human smuggling” is that the “traffickers” will continue to exploit their women on an ongoing basis after “the deal (illegal border crossing)” was concluded.⁵³

Over the years, the international community has repeatedly raised the issue of human trafficking of North Korean women who

⁵² Art. 9 Sec. 6, Para 1 of the Act on the Protection and Settlement Support of Residents Escaping from North Korea. Revised on Jan. 30, 2009.

⁵³ Norma Kang Muico, *Absence of Choice: The Sexual Exploitation of North Korean Women in China* (London: Anti-Slavery International, 2005), p. 3.

have crossed the border. Many international reports have pointed out serious human trafficking cases of forced marriages and prostitution involving female escapees. The U.S. State Department report placed North Korea in the third category, placing it with 16 other countries including Algeria, Oman, and Qatar. It further named North Korea as a country engaged in trafficking (or, exporting) full-aged and under-aged persons for the purposes of commercialized sex exploitation and hard labor. The report said the North Korean authorities did not acknowledge the fact of human rights abuses and human trafficking of their own people, and did not distinguish human trafficking crimes from other illegal immigration crimes.⁵⁴

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. In the early period, the professional river-crossing guides were involved in human trafficking. These “guides” will approach young and good-looking young women in the marketplaces or in the railroad stations, and try to entice them, saying “If you decide to get married in China, you can eat and live well and even your family can get financial support.”⁵⁵ In the period of 1997-1998, 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

54_ U.S. Department of State, *The Trafficking in Persons Report* (Jun. 2007), <<http://korean.seoul.usembassy.gov/uploads/images/KvT6tA2qzNuo5xuRtB5Qpw/TraffickingInPersonsReportNK.pdf>>.

55_ Defector XXX (who came to South Korea in 2002) testified that he had been an eye-witness to a case in which a guide lured a women who was waiting in the rail station plaza at Daeheungdan County, Yanggang 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.

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, guides 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 “professional river-crossing guides” inside North Korea operated in close contact with ethnic Koreans in China. They have been involved in the border crossing of many North Koreans.⁵⁶

In some instances, North Koreans would ask for border crossing 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.⁵⁷ In an exceptional case, a North Korean woman crossed

⁵⁶ Defector XXX (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 thousand yuan per person (6 thousand yuan for a 21-year-old, 3-4 thousand 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 thousand yuan. The ethnic Koreans would then turn them over to others for 10 thousand yuan.” Defector XXX (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. Testimony of defector XXX during an interview in Seoul on Nov. 16, 2002.

⁵⁷ Defector XXX 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 XXX crossed the border. Later on, however, she was sold to an ethnic Korean in China. Defector XXX previously lived in Danchon, North

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 by themselves. Since there was no one around, people would wait until someone spotted them and approached. If the spotter showed any sympathy, the illegal North Koreans would be inclined to trust the person. Taking advantage of this situation, ethnic Koreans would turn river-crossers over to other ethnic Koreans. They would provide food and clothing for the North Koreans 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 border crossers would agree to follow the person who was assisting them.

As the number of border crossings 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 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 increases at every stage.⁵⁸

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. Testimony of defector XXX during an interview in Seoul on Jun. 28, 2003.

58. Defector XXX previously lived in North Hamkyong Province. She said that a 50-year-old defector XXX testified that Kang Hak-keum (an ethnic Korean woman about 40 years old) living in Hoeryong City, Jilin Province, China, has systematically human-trafficked about 10 North Korean women. Testimony of defector XXX

Organized human traffickers even employ violent means to kidnap North Korean women, regardless of their marriage status, and turn them over for profit. As these organized traffickers have become involved, the practice of “selling” North Korean escapees 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 is 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 targeting human trafficking rings. Subsequently, organized human trafficking rings have all but disappeared.⁵⁹ As North Koreans’ stays in China have 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 industrialized, women on the farms began to relocate to urban areas or to other foreign lands to earn more income. 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 transaction for “live-in” partners for Chinese men. Some North Korean women knew this before being sold, but most of them would not know where they were being taken, in most cases to a Chinese man, until the end of the deal.

during an interview in Seoul on Nov. 30, 2002.

⁵⁹ “A Workshop for NGOs and Specialists on North Korean Defectors,” sponsored by KINU on Jun. 27, 2005.

Human trafficking is illegal in China, and if detected, those involved are heavily fined. Since the “go-between” would usually receive money for their services, others around them began to keep their distance as soon as they learned of the go-between’s activities. It was reported that the border patrol battalions were conducting intensive investigations on North Korean defectors with particular emphasis on human trafficking and narcotics trade.⁶⁰

In some cases, when a North Korean woman is forcibly married to a Chinese man, the marriage could last for a long period. Often, however, if the marriage encountered trouble due to sexual abuse, violence, gambling or drinking on the part of the husband, the woman would try to run away or would be forcibly deported to North Korea, and the relationship would end. When a North Korean woman becomes pregnant after “living in” with a Chinese man, the Chinese man decides whether or not to have the fetus aborted. If the man wants to continue with the relationship, he will in most cases want the baby to be 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. Even in the case of forced marriage, the husband desiring to continue the relationship with the North Korean woman is usually required to assume various expenses, like river-crossing expenses, not only for the woman but for her family members, as well.

Even if a North Korean woman voluntarily decided to “live in” with a Chinese man after she illegally crossed the border into China, her actual life could be like a forced marriage. Unable to speak Chinese, it would be impossible for her to work at any public places, for example, at a restaurant. Since she lacked proper legal

⁶⁰ Testimony of defector XXX during an interview in Seoul on Jun. 13, 2008.

papers, she would have to stay at home to avoid security checks. Therefore, “living in” would be practically the only safe choice for her.

As North Korean women stayed in China for extended periods of time, they would gradually learn simple Chinese expressions and adjust to life in China, this would then lead to decreases in the number of forced marriages. Even if forced into a marriage, the women could find ways to escape the situation. However, if a child was born to the couple, it became difficult for the mother to abandon her child, so she would continue her forced marriage. If she was lucky enough to marry a Korean-Chinese, the marriage would be easier and likely to last longer. In fact, many Korean-Chinese men encouraged their spouses to have children, so that they could maintain the relationship on a longer term basis. But, as their stay in China is prolonged, many North Korean women chose to move on to a third country or to another location in China, even if they had given birth to a child or children in China.

Also, if a man were to propose living together, the North Korean woman could selectively accept the proposal depending on the person, conditions, etc. It has been reported that many North Korean women have restarted “live-in” relationships with friendly ethnic Koreans or South Korean men they 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.

Many North Korean women who were sold in China are forced to provide sex services at restaurant bars and “sing-along joints.”⁶¹ In order to prevent them from fleeing, the bar operators would withhold their pay, saying they would save money for them.⁶² It is also reported that organized criminals are operating pornographic “computer chatting” businesses in China, using North Korean women escapees.

D. Levels of Punishment for North Korean Escapees

In Article 86 of the 1992 constitution, North Korea defined the most serious crime as treason against the fatherland and the people, and anyone 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 escapees. 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 with two categories: simple acts of crossing or “those crossing the border illegally” would be punished with correctional labor for up to three years (Art. 117); 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

⁶¹ A woman from Sebyol County, North Korea, was forced to provide sexual services in Heilungjiang Province, China, in Dec. 2000. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁶² Testimony of defector XXX during an interview in Seoul on Apr. 6, 2007.

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.” Furthermore, the level of the mandatory sentence for the crime of “illegal going and coming across 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,” the level of punishment was reduced from three years to one year of “correctional labor.”⁶³ 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 that “Even if a person had committed acts of treason against the fatherland and the people, the state would not prosecute the crime if he 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 2004 was a case of kidnapping and inducement, and encouraged them to return home.⁶⁴ Article 118 of the Penal Code of 1999, which

63. 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.”

64. North Korea accused that South Korea and other human rights organizations had systematically organized, induced and kidnapped the North Korean escapees under the direction of the United States, and demanded their repatriation. These

stipulated two to seven years of correctional labor for border patrol guards who illegally aided border-crossings, was revised and relaxed in Article 234 of the 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.⁶⁵ 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

demands came through its front organizations like the Fatherland Unification Committee, the National Reconciliation Council and the North Korean Human Rights Research Association.

⁶⁵ Unlike earlier periods, it is understood that safe border crossing would be possible only if advance arrangements were made between the North Korean and Chinese border guards.

local labor training camp). Once in the hands 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.⁶⁶ 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 out the defector. The agent also makes travel arrangements, sets up precautionary measures against unexpected flight, and notifies the immediate family.

Since 2000, few deportees appear 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. In some cases, however, people were detained in the "revolutionary district" for having had contacts with South Koreans.⁶⁷ However, punishments for defection became heavier in 2009, and it was reported that forcible banishment of

⁶⁶_ NKHR2009000023 2009-04-16.

⁶⁷_ Defector XXX testified that after she was forcibly deported back to North Korea, the interrogating agent told her that she would be released early by stating that she had "contacted South Korean intelligence agents." She was however later sent to the "Revolutionary District" in Yodok Prison, and served as a platoon leader from 2004. In 2004, the inmates locked up there for 3-year terms included Cho XX (Danchon), Kim XX (Eunduck), Choi XX (Hyesan), and Kang XX (Musan). The "revolutionary district" of Yodok Prison was created in 1999 to house defectors and bore the signage "Military Unit No. 0000" (Testimony of defector XXX during an interview in Seoul on Aug. 20, 2008).

families became frequent in the border regions.

The results of personal interviews with defectors in South Korea reveal that the cities of Onsung, Hoeryong, and Musan show the highest rates of border crossing, and other areas (including the cities of Hyesan 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, Hoeryong, and Musan areas. Deportees from the inner Chinese areas come through Dandong (China) to Shinuiju City.

The deportees are investigated at a “first-level” detention facility. The National Security Agency maintains detention centers in the border cities of Onsung, Musan, Hoeryong, and Shinuiju. The detainees go through a “naked search,”⁶⁸ 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 defectors 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.⁶⁹ In the early years of this practice, the inspectors confiscated the items brought in from China, but in

68_ NKHR2009000023 2009-04-16

69_ Defector XXX was detained in a labor training camp in Eorang County in late Mar. 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 defector XXX during an interview in Seoul on Feb. 15, 2003.

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 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; if the detainee planned to move to South Korea; whether they were involved in human trafficking; or whether they watched pornographic videos or South Korean videos of any kind. After these interrogations, the deportees are 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.⁷⁰ The purpose of a preliminary examination is to discover evidence, scientifically examine any proof of the commission of a crime, and charge the suspect for 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 114 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, beatings, as well as abusive

⁷⁰ The Korean Association of North Korean Studies, ed., *Compendium of North Korean Laws under Kim Jong Il* (Seoul: The Korean Association of North Korean Studies, 2005), p. 180.

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. Even if arrested and detained, young people are usually released without any criminal penalty, or turned over to the so-called "515 Unit."⁷¹

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 defectors 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.⁷² In the face of mounting international criticism over the practice of forced abortions of North Korean women who became pregnant in China, as well as cases of willful neglect of newborn babies resulting in their death, North Korea has begun to allow the deported pregnant women to give birth to their child, but

⁷¹ Defector Choi XX said he was released without any penalty in 2001 because he was under-aged at the time. But in 2003 he was turned over to "515 Unit." Testimony of defector XXX during an interview in Seoul on Apr. 7, 2007. In the case of his family, who had been deported, while trying to go to South Korea from Jiang-chun China in 2004, mother was sentenced to correctional labor punishment, but her two children, 9 and 13, were sent to a children's relief center. Testimony of defector XXX during an interview in Seoul on Apr. 29, 2007.

⁷² NKHR2009000010 2009-02-26; NKHR2009000048 2009-07-30; NKHR2009000078 2009-12-10.

it would attempt to hand over the newborn to the Chinese father. In October 2003, there was a case in which a deported woman, at her own expense, invited a midwife into the Onsung Security Agency to assist with the delivery. Reports on forcibly induced abortions and abandonment of newborn babies to die, however, continued through the year of 2004.

A review of sentencing records shows that since 1999 most deportees received labor training sentences. This “labor training” punishment was not an option 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 sentences of labor training and unpaid training, the authorizing agency (courts) must dispatch a copy of the sentence and a confirmation notice to the implementing agency (Art. 43, Sentencing Guidelines).

〈Table V-13〉 Cases of Human Rights Violations against Deported North Korean Pregnant Women

Date of event	Place	Event detail	Date of testimony
1997	Songpyong labor training camp, Chongjin	A 25-year old, 8-month pregnant woman from Chongjin was deported from Shinuiju to Chongjin labor training camp at Kangduckdong. The next month a baby was born before the due date, but he was killed when other inmates put him on his stomach upon birth.	Mar. 10, 2007
1997	Musan labor training camp	Lee XX (18, Samchonri, Musan County) was deported when 8-month pregnant. The agents forced her to run 100 laps around a track because she had a Chinese seed in her. She collapsed after 60 laps, and the baby was aborted.	Apr. 28, 2007
1998	Shinuiju security agency	The agents induced abortion by injection on a pregnant mother nearing delivery date.	Jan. 15, 2005

Date of event	Place	Event detail	Date of testimony
Dec. 1998	Chongjin Prov. Collection center	Woo XX (born in 1980, Musan), Abortion at hospital	Aug. 18, 2008
1999	Shinuiju Collection center	Choi XX (born in 1979), Forced abortion at hospital, No beating. Put to work after 2 days	Jul. 8, 2008
Jan. 1999	Chongjin Prov. Collection center	An 8-month pregnant woman from Shandong, China, gave premature birth to a baby. Another inmate took care and kept the baby alive.	Apr. 28, 2007
Nov. 1999	Hospital in Musan County	Kim XX (33) Who was 6-month pregnant got forced abortion by injection.	Mar. 10, 2007
Apr. 2000	People's Hosp. in Chonnae, Kangwon Prov.	Lee XX (born in 1975) was deported 7-month pregnant. The next month she had forced abortion by injection. Don't know the fate of newborn.	Apr. 29, 2007
Aug. 2000	Chongjin Prov. Collection center	A 35-year old pregnant woman was forced to lift heavy items. She collapsed and sent to hospital.	May 26, 2007
winter 2000	South Hamkyung Prov. Collection centers	Kim XX (born in 1975, Hochon County), Gave birth to a baby at Collection Center, but they put vinyl cover and left to die, accusing the baby was Chinese.	Jul. 8, 2008
2001	Security agency detention center, Hweryong	XXX (24, Namwoon-dong), Abortion	Jun. 25, 2008
Jan. 2001	Shinuiju Collection Point	Hospitalization after abortion through hard labor NKHR2009000039	June 10, 2009
Jan. 2001	Shinuiju Security agency	A woman from Hweryong (8-month pregnant), the agent struck her stomach, she gave premature birth. The agent instructed unit leader to kill the baby. Left the baby face down. The mother experienced mental anguish; released on general amnesty on Feb. 14, 2001.	Aug. 13, 2008
Apr. 2001	Onsung County Labor training camp	A 20-year old woman cheated her pregnancy by 2 months; and gave birth to a Korean/Chinese baby in two months. A nurse at a military people's hospital in Onsung County, N. Hamkyung Prov. gave a shot to the baby.	Jan. 14, 2005
May 2001	Shinuiju Collection center	A woman from Chongjin was found to be pregnant. Sent to hospital for abortion by injection.	Aug. 13, 2008
2001	Hweryong Security agency	An agent struck an 8-month pregnant woman (born in 1978, Jongsong-ku, Onsung county). She gave birth to a stillborn baby.	Aug. 20, 2008

Date of event	Place	Event detail	Date of testimony
2002	Onsung County Labor training camp	Kicking a pregnant woman is a routine scene.	Apr. 26, 2003
2002	Onsung County Labor training camp	An 8-month pregnant woman from Juon, Onsung County was forced to abort a child by way of hard labor.	May 19, 2007
2002	Hweryong County Labor training center	Forced pregnant women to run (in circles), and kicked their stomachs to induce abortion.	Oct. 11, 2008
2002	Onsung County Security agency	Abortions conducted for a 50 won fee if the pregnant woman wanted it done.	Mar. 10, 2007
Feb. 2002	Onsung County Labor training center	A 30-year old woman from Chongjin was forced to take abortion pills.	Aug. 20, 2008
Apr. 20, 2002	Shinuiju Collection center	Lee XX (born in 1979). Shinuiju military hospital injected to induce abortion. When it did not work, they operated on her to abort the baby. Due to infection, she got another operation. Baby's fate unknown. Hospitalized for 15 days. Released after 3 months (Exempted from hard labor).	Aug. 13, 2008
Apr. 2002	Shinuiju Collection center	Ku XX (19, N, Pyongan prov.) 3-month pregnant. Forced abortion with pills. A 21-year old woman was operated on to abort the baby. As a result, she could not even walk properly. Crossed the border more than 10 times.	Aug. 13, 2008
Jul. 2002	Hyesan Hospital	A 22-year old woman was deported from Hubei Prov. China. A security agent at Hyesan labor training camp demanded abortion, and she had to comply.	Mar. 10, 2007
Jul. 2002	Jangseng Security agency	A 6-month pregnant woman (19, Yonsa, N, Hamkyung prov.) Forced abortion because she had lived with a South Korean man.	Aug. 30, 2008
Sept. 2002	Hweryong Security Agency Collection Center	Joo XX (born in 1972), Hospital aborted baby at 7-month pregnancy, because she had lived with a Chinese man.	Sept. 2, 2008
2009. 9	Musan County Security Agency Detention Center	Abortion at a hospital, NKHR2009000042	Jun. 25, 2005
Oct. 2002	Chongjin Prov. Collection Center	Left a newborn to die because it was a Korean/Chinese baby.	Jan. 17, 2005
Oct. 2002	Security agency Hospital at Onsung County	Forced abortion.	Jun. 2, 2007

Date of event	Place	Event detail	Date of testimony
2003	Chongjin Prov. Collection Center	Kim XX (38, Songpyong dist.), Naturally aborted a baby as she was repeatedly beaten.	Jul. 26, 2008
Apr. 2003	Chongjin prov. Collection Center	A 27-year old woman from Kyungsong was 6-month pregnant. She gave birth to a baby prematurely due to hard labor. The baby was left face down to die.	Jun. 25, 2008
May 2003	Nampo Security Agency Detention Center	Kim XX (23, Myongchon, N. Hamkyung prov.), Gave birth to a baby. They took away the baby, but the fate unknown.	Sept. 30, 2008
Jun. 2003	Chongjin Prov. Collection Center	A 25-year old woman from Chongjin aborted the baby due to the agent's beating while working in the vegetable field.	Sept. 30, 2008
Sept. 2003	Chongjin Prov. Collection Center	A 30-year old, 9-month pregnant woman from Kaesong experienced forced abortion due to hard labor and beating.	Jun. 2, 2007
Oct. 2003	Onsung County Security Agency	A woman from Hwanghaedo paid 700 won for a midwife and gave birth to a boy.	Mar. 17, 2007
2003	Hweryong City People's Hospital	Forced abortion NKHR2009000015	Mar. 17, 2007
2004	Oro Correction Center	Shin XX (born in 1972) from Poengin, Onsung County, got forced abortion.	May 19, 2007
Jan. 2004	Chongjin Prov. Collection Center	A pregnant woman in late 20s gave birth to a stillborn baby due to malnutrition.	Jan. 17, 2005
Jan. 2004	Hweryong Labor Training Camp	Inmates beat up a pregnant woman causing abortion.	May 19, 2007
Feb. 2004	Onsung Labor Training Camp	XXX from Namyang, Onsung County got a forced abortion.	Jan. 17, 2005
Feb. 2004	Onsung Labor Training Camp	A woman naturally gave birth to a baby, but the baby was left to die.	Mar. 10, 2007
Mar. 2004	Onsung County Security Agency	Forced abortion.	Jan. 17, 2005
Apr. 2004	Shinuju Collection Center Hospital	Baik XX (30, Sakju, N. Pyongan prov.) was pregnant when she visited hometown with husband. She got a forced abortion, and her husband expelled to China after a 10-day detention.	Apr. 28, 2007
Apr. 20, 2004	Musan County Security Agency	A 30-year old woman (8-month pregnant) aborted a baby at hospital.	Jul. 9, 2008
Jun. 2004	Onsung Labor Training Center	Gave birth to a baby on her way to hard labor. Baby died.	Jun. 11, 2008
Jul. 2004	Hweryong Labor Training Camp	A 32-year old pregnant woman got a forced abortion.	Jan. 15, 2005

Date of event	Place	Event detail	Date of testimony
Nov. 2004	Onsung Labor Training Camp	Would induce abortions. If in the last month of pregnancy, would allow delivery and send home after the delivery.	Mar. 7, 2007
2004	Buryong County Labor-Training Camp	Six-month pregnant; Abortion at a military hospital; the patient paid for the expenses; NKHR2009000005	Jul. 22, 2008
Feb. 2005	Hweryong Security Agency	Lee XX (born in 1967), Hospital aborted her baby because it was "a Chinese seed!"	Sept. 2, 2008
May 2005	Nongpo Prov. Collection Center in Nanam District, Chongjin	A 4-month pregnant woman went to work on a farm in Odaejin, Nanam district. When she could not work due to malnutrition, the agent kicked and beat her. On May 14, inmates forced her to go to work-site for fear of group hazing. Criticized her during a collective session. On May 15, she collapsed at work and died during lunch break.	Mar. 10, 2007
May 2005	Shinuiju Collection Center	An 8-month pregnant woman (26, Musan) and a pregnant woman (20) got forced abortions at hospital.	Aug. 13, 2008
May 2005	N. Pyongan Prov. Collection Center	A pregnant woman deported from China gave birth to a baby at detention center. No one was allowed to approach them, and the baby died.	Apr. 7, 2007
Jun. 2005	XX County Detention Center	Abortion at hospital NKHR2009000032	May 19, 2009
Aug. 2005	Hweryong Security agency	Forced abortion at hospital.	Jun. 12, 2008
Fall 2005	Nongpo Prov. Collection center in Chongjin	A 30-year old woman gave birth to a baby, but the baby was left to die.	May 19, 2007
2005	Onsung Security Agency	Newborn baby left to die NKHR2009000019	Mar. 31, 2009
2006	Manpo sec. Jakang prov. Agency detention center	A 38-year old woman from Jakangdo got forced abortion at hospital.	Jul. 8, 2008
2006	Musan sec. Agency detention center	Chinese babies were unconditionally aborted. Joo XX save her baby by insisting she lived with a Korean Chinese.	Sept. 2, 2008
Jul. 2006	Musan sec. Agency detention center	A 34-year old woman from Sambong aborted a baby as she was beaten with feet and clubs.	Jul. 2, 2008
Apr. 2007	Collection Point, North Hamkyung Province	Abortion at hospital NKHR2008000004	Jul.17, 2008

Date of event	Place	Event detail	Date of testimony
May 2007	Hweryong Safety agency interrogation	Choi XX (24) gave premature birth as a result of kicking in the stomach. The baby was left to die.	Jun, 25, 2008
Jul. 2007	Hweryong City Security Agency	Abortion at hospital NKHR2009000073	Dec. 2, 2009

If the sentence is set during 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. However, most deportees have testified that the term was usually calculated from the date of sentence. Many of them do not know exactly for what they were being punished nor when the sentence would finish. Some deportees are detained in the Border Region Security Agency or its nearby labor-training camps without trials or court sentences. Apparently, these cases occur when the provincial collection center is crowded with inmates and when the “safety agent” from the deportee’s hometown is unduly delayed from taking the convict to the provincial center. The detention period at a provincial collection center will also vary depending on how quickly the hometown “convoy” agent arrives at the center. The detainees whose hometowns are located in the inner-regions, like Hwanghae or Kangwon Provinces, have to stay in the center longer than others, and are exposed to life-threatening situations due to the poor and unsanitary detention facilities, because disease and hunger constantly threaten one’s health.⁷³

One of the reasons the court will order the suspension of

⁷³ NKHR2009000011 2009-03-03.

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, Sec. 3 of the Decision and Judgement Law).” However, many defectors 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 childbirth, the sentence shall be suspended or terminated.” Defectors have testified that when an inmate was dying (from tuberculosis, dehydration, or malnutrition), the sentence was suspended at local safety. However, in most cases, a pregnant woman (before or after 10 months of childbirth) does not have her term suspended.⁷⁴ Quite the contrary, camp guards assigned the detainee hard labor⁷⁵ or 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 a newborn to die by separating it from the mother or they would ask other inmates to look after the baby, saying that she had been released from the camp on a suspended or terminated sentence. Unlike cases where women were impregnated by Chinese men, the agents would not force abortions or kill the baby if the woman could prove that her pregnancy began before leaving North Korea, even if she was

⁷⁴ Defector XXX testified that she was forcibly deported in Apr. 2004 while pregnant. She was released from the security agency after 6 days of interrogation. This was an exceptional case. At the time, Kim Jong-il’s instructions came down, so they did not confiscate any of her possessions except for the cash she carried. (Testimony of defector XXX during an interview in Seoul on Jul. 9, 2008).

⁷⁵ NKHR2009000025 2009-03-30.

forcibly deported from China, or if her husband was working at a stable job.⁷⁶ In one very rare case, a pregnant woman who was deported was able to bribe her way out of the Hyesan collection point.⁷⁷

A defector has testified that if a North Korean woman was accompanied by a baby born in China, or if she gave birth to a baby in a Security Agency detention facility or provincial collection center, the North Korean authorities would try to contact the Chinese father's family and turn the baby over to them.⁷⁸

If a different crime subject to a longer sentence is uncovered while a detainee is serving a labor training term, the inmate is 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 crimes involving border crossings. In some cases the perpetrators are detained in their respective local labor training camps or Social Safety Agency detention centers.

North Korean authorities have relaxed the penalty on simple defectors. Recently though, they have been tightening the penalties again.⁷⁹ Since 2004, heavier penalties have been imposed on those forcibly deported or arrested in the process of border-crossing. If a defecting family was captured as a group, the authorities would file

76_ Defector XXX testified that she was forcibly deported to North Korea on ile 8-months pregnant. She was able to prove that she was pregnant before leaving North Korea, and she escaped a forced abortion. (Testimony of defector XXX during an interview in Seoul on Jul. 9, 2008). Apparently, if a woman is pregnant with a "North Korean baby," she would not be forced to abort the child. NKHR2009000032 2009-05-19

77_ NKHR2009000023 2009-04-16.

78_ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

79_ The sentences for captured or deported defectors have been raised by 5-7 years since Mar. 1, 2007. Good Friends, "North Korea Today," No. 114 (Mar. 5, 2008).

the “attempted defection to South Korea” charges against them.

The punishment of defectors, however, varied considerably from region to region and from person to person according to reports since 2004.⁸⁰ One defector and 15 “river-crossing guides” (2 men, 13 women) were publicly executed in Juwon District, Onsung County on February 20, 2008.⁸¹ In some cases defectors were forced to serve longer terms than that recorded in his sentence.⁸² On the other hand, some defectors were able to bribe their way out early on account of illness or general amnesty. An early release was granted even in a case where the penalty had been increased from labor-training to a heavier correctional labor penalty.⁸³

⁸⁰ If the families were able to pay bribes to the related agencies immediately after deportation, the sentences would be greatly reduced. In Aug. 2006, Kim XX and four others were sentenced to 3-year correctional labor penalties because they were repeat offenders, and were locked up in the No. 9 Correctional Center in Hamhung. NKHR2008000011 2008-08-12.

⁸¹ Good Friends, “North Korea Today,” No. 114 (Mar. 5, 2008).

⁸² Defector XXX testified that in Oct. 2003 he was sentenced to a 1-year labor-training penalty on charges of illegal border-crossing and was detained for 16 months in the Social Safety Agency (current People’s Security Agency) No. 11 (Jeungsan) Training Camp. (Testimony of defector XXX during an interview in Seoul on Aug. 13, 2008.); Defector XXX testified that he and his sister each received a one-year sentence on river-crossing charges at Uiju County, North Pyongan Province, and were sent to the No. 11 Correctional Center. They served for longer than a year, however. (Testimony of defector XXX during an interview in Seoul on Jun. 15, 2008).

⁸³ Defector XXX was arrested while trying to come to South Korea from Qingdao in 2005 because of a whistle-blower (a former defector, Korean), among a total of 13 defectors who were forcibly deported. He was sentenced to a 3-year correctional labor penalty. He was released on general amnesty after serving one and a half years at Jongori Correctional Center. (Testimony of defector XXX during an interview in Seoul on Aug. 30, 2008.) Defector XXX defected with his wife in 2006. When his wife was arrested, however, he returned to North Korea voluntarily. He was, however, sentenced to two years of labor training on family defection charges. He served six months at Oro Training Camp and was released on general amnesty. His wife was sentenced to one-and-a-half years at Jeungsan Correctional Center, and was also released on general amnesty after serving five months. (Testimony of defector XXX during an interview in Seoul on Sept. 6, 2008.) Defector XXX was arrested after returning to North Korea on charges of attempted flight to South Korea. When he learned his penalty would be about 6 years, he bribed the agent-in-charge into burning the essential investigation documents. Subsequently, he

A recent trend is that heavier sentences are being imposed on defector families living near the border region as the number of defectors increased, even though the sentences have been reduced during the deteriorating food crisis. In fact, a great number of families of defectors who used to live near the border regions have been banished to the remote regions away from the borders.⁸⁴ Very rarely, the decision to banish a family at a public trial would be reversed as a result of petitions,⁸⁵ but in most cases the defector families had to move to the designated area and could only return after a certain period of time. If a person were to defect from an area, the official responsible for the area would be dismissed from his position.⁸⁶ For this reason, the defector family would bribe him in the early stages of the incident for a lenient disposition of the case. He would then discard the documents or make necessary changes in the documents to evade his responsibilities and profit from the case, as well.

received a four-month labor-training penalty and served as a “tekgan,” or a “whip” who was responsible for ensuring every inmate at the center reported to work. (Testimony of defector XXX during an interview in Seoul on Jul. 26, 2008).

84_ In Apr. 2004, the family of Kang XX living at Ontan-ku, Onsung County, was banished because Kang was caught crossing the border. The families of Han XX and Kim XX were also banished from Kerim-dong, Hweryong City in 2005. (Testimony of defector XXX during an interview in Seoul on Jul. 8, 2008.) In Nov. 2007, Kim XX was sentenced to a correctional labor penalty and his family was banished from Onsung to Jangjin, South Hamkyung Province. (Testimony of defector XXX during an interview in Seoul on Jul. 2, 2008.) In 2004, 20-30 defector families were banished from Musan County to Kangwon Province. (Testimony of defector XXX during an interview in Seoul on Jun. 25, 2008.) In Aug. 2004, the family of Kim XX was banished from Sechon County, Hweryong City, North Hamkyung Province to a farm in South Hamkyung Province because Kim XX had crossed the river into China. NKHR2008000011 2008-08-12.

85_ Defector XXX received a public trial in Sinuiju while attempting to defect in Jan. 2005. A decision was made to banish his family, but the decision was reversed as a result of petition. (Testimony of defector XXX during an interview in Seoul on Oct. 21, 2008).

86_ NKHR2008000011 2008-08-12.

E. 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 have been publicly executed, and stern warnings have been issued against any and all human trafficking activity.

〈Table V-14〉 Punishment Records for the Crime of Human Trafficking

Date of punishment	Type of punishment	Place of punishment	Name of human trafficking criminal
Fall 1996	Public execution	Musan Mine, N, Hamkyung Prov.	—
Aug. 1997	Public execution	Sambongku, Onsung, N. Hamkyung Prov.	1 woman (61)
Sept. 1997	Public execution	Poongin Mine, Onsung, N. Hamkyung Prov.	Han XX (28), Byun XX (30)
1998	Correctional center	Gaechon Correctional center	—
1998	Correctional center	—	Kim XX (Kangan, Onsung County)
1998	Public execution	Hweryong market	Choi XX (40, Yokjeondong, Hweryong City)
1998	15 years in correctional center	Onsung, N, Hamkyung Prov.	Kim XX (48, Sambong, Onsung County)
1998	15 years in correctional center	Onsung, N, Hamkyung Prov.	Uhm XX (40) (Gangan, Onsung County)
1998	Public execution	Yuson Mine, Hweryong, N. Hamkyung Prov.	Husband and wife
Spring 1998	Public execution	Sambongku, Onsung, N. Hamkyung Prov.	2 women (50s, 60s)

Date of punishment	Type of punishment	Place of punishment	Name of human trafficking criminal
Jul. 1998	Public execution	Market, Hweryong, N. Hamkyung Prov.	1 woman (mid 50s)
1999	Public execution	Yuson Mine, Hweryong, N. Hamkyung Prov.	1 woman, 2 men
1999	8 years in Correctional center	Musan, N. Hamkyung Prov.	Bang XX (55, Musan)
Jun. 1999	Public execution	Hyesan city, Yangkang Prov.	1 woman (45)
Aug. 1999	Public execution	Market, Musan, N. Hamkyung Prov.	—
Aug. 1999	Public execution	Chongjin, N. Hamkyung Prov.	Ahn XX (34)
Fall 1999	Public execution	Susongchon, Chonjin, N. Hamkyung Prov.	Choi XX (45, Chongjin) For human trafficking 17 persons
2000	Public execution	Chongjin, N. Hamkyung Prov.	7 men
2000	Public execution	Market, Musan, N. Hamkyung Prov.	3 men
2000	15 year Correctional penalty	Jongori Correctional center	Park XX (born in 1978, Male, from Sebryol County)
Jan. 2000	Public execution	Market, Hweryong, N. Hamkyung Prov.	1 women (20s)
Jun. 2000	Public execution	Market, Musan, N. Hamkyung Prov.	Uhm XX (53), Lee XX (37)
2001	15 years in Correctional center	Onsung, N. Hamkyung Prov.	Husband of Lee XX above
May 2002	Public execution	Hweryong, N. Hamkyung Prov.	2 women
Winter 2003	Public execution	Mt. Boruck, Poongin Coal Mine	Byun XX (37, Male, Unit 53, Poongin Dist. Onsung County)
2004	Public execution	Sunam market, Chongjin, N. Hamkyung Prov.	1 woman

Date of punishment	Type of punishment	Place of punishment	Name of human trafficking criminal
Nov. 2004	Public execution	Hweryong, N. Hamkyung Prov.	Lee XX (born in 1970, Male, Gyerim-dong, Hweryong City)
2005	Public execution	Mt. Boruck, Yuson Coal Mine, N. Hamkyung Prov.	Han XX (29, Male, soldier at Correction Unit, Hweryong)
Jan. 2005	Public trial; Executed by People's Security Agency	Miners' Hall, Musan, N. Hamkyung Prov.	1 man and 1 woman
May 2005	Public execution Correction Life term	Musan County	Lee XX (born in 1973, Male, Musan, Kangson Dist.) Lee XX (born in 1947, Female, Musan County)
Aug. 2005	11 years in Correctional center	Onsung, N. Hamkyung Prov.	Yoo XX (39, Jongsung, Onsung County)
Aug. 2005	18 months in Correctional center	Onsung, N. Hamkyung Prov.	Kim XX (52, family of a prov. security agent)
Oct. 2005	Firing squad after a "mob trial"	Onsung labor training camp	Lee XX (37, Juon)
Nov. 2005	Public execution	Pohang dist, Chongjin	1 woman
Nov. 2005	Correctional labor	Poyang dist, Chongjin	2 women
Apr. 2006	Secret execution	Musan Detention Center	—
Aug. 2006	Public execution	Namsanri, Onsung County, N. Hamkyung Prov.	Kim XX (55, Changpyongri, Onsung County)
May 2008	Public execution	Hyesan City	Han XX (Hyesan City) ⁸⁷

As Table V-14 shows, North Korea has imposed extremely harsh punishment on human traffickers, but not on simple river-crossing guides. Public executions have been carried out only

87_ NKHR2009000023 2009-04-16.

in cases of human trafficking, dealing in narcotics, or antiques smuggling along the border regions, and mostly in locations of frequent border traffic, such as near the cities of Musan, Hoeryong, 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. Since 1998, North Korea has increased the level of punishment for human trafficking. The fact that North Korea has publicly executed all human traffickers indicates that it has seriously attempted to root out the sources of human trafficking, just as the Chinese have done. In 2007 and 2008, the Central authorities have conducted extensive major inspections concerning missing persons (defectors). Some family members (parents, siblings) of the defectors (missing persons) have been punished on “human trafficking” charges.⁸⁸ It is reported that as recently as 2009 a defector family was forcibly banished on charges of trafficking in persons.

F. North Korean Defectors in South Korea

Since 1994, the number of defectors coming into South Korea has rapidly increased. 312 defectors came to South Korea in 2000, 583 in 2001, 1,139 in 2002, 1,281 in 2003, and 1,894 in 2004. The number in 2005 showed a slight decrease, 1,383 from the previous year. The reasons for this decrease may be attributed to the tightening of control and surveillance activities in China and the less active involvement of individuals and NGOs who

⁸⁸ A report released during the “Hyesan City Anti-Socialist Groupa” on Dec. 27, 2007, contained a list of names of missing persons and human traffickers. Defector XXX testified that he was banished to a coal mine region in Kapsan County, Yangkangdo Province on charges of “selling off (human trafficking)” his daughter, who had in fact fled to South Korea. NKHR2008000020 2008-09-17.

previously assisted defectors' entry into South Korea. However, the increasing trend continued. A total of 2,019 defectors came into South Korea in 2006; 2,553 in 2007; 2,809 in 2008, and 2,927 in 2009. Some defectors came along with their families in 2009 and others who were in North Korea or in China came into South Korea with the help of his/her family already in the South. The planned entry attempts through foreign missions or foreign facilities in China have decreased since 2004. Attempting to travel to South Korea through China would normally take as long as two years, so there were rapid increases in efforts to come to South Korea through Southeast Asian countries such as Thailand.

As the number of North Korean defectors entering South Korea rapidly increased, South Korea became more aware of the changing motivations, defection types, ages, and occupations these North Koreans had. An analysis of the types of defectors who came to South Korea in 2009 showed that a majority of them (77%) were women, in accordance with the continuing trend. Most were farm workers (95%) coming from North Hamkyung Province (85%). In 2009, the cases of defectors entering South Korea by sea were on the rise.⁸⁹

In the past, most were last resort cases under circumstances of extreme background discrimination and/or human rights violations. However, recent the reasons for increases in family defections include (a) the increasing risks due to tightened Chinese surveillance activities, (b) increases in information about South Korean society, (c) economic assistance from defectors who already entered South Korea, and (d) increasing activities of professional intermediaries and business-type agencies. North Korean defectors

⁸⁹ On Oct. 1, 2009, five North Korean men and six women defected to South Korea via the east coast aboard a 3-ton fishing boat.

who have settled in South Korea are increasingly working as “entry-visa” brokers.

As family unit defections increased, the age groups of defectors began to show an even distribution. As usual, some 60% of them are in the 20-30 year-old group, representing the highest ratio among all age groups. There were also cases in which earlier defectors planned and assisted the defection of their families from the North. The cases of North Korean women bringing over children or parents they had left behind in the North are increasing. Defectors’ occupations also vary widely. They range from high officials (such as Hwang Jang-yop), diplomats, and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants.

North Korean defectors who came into South Korea would receive South Korean nationality and settlement support grants from the government. Subsequently, some of them would relocate themselves to the United States, United Kingdom, or a third country and apply for political exile there, and similar cases continued to occur in 2009. Other defectors re-enter North Korea, live with their family in North Korea, re-defect from the North and re-enter the South, whereupon they are arrested and punished for violation of South Korea’s National Security Laws.

G. 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 62⁹⁰ of the DPRK

⁹⁰ Art. 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

Penal Code were waiting for them upon deportation. However, there seem to be some practical difficulties in demanding “mandatory refugee” status for all North Korean defectors in light of the terms defined under the refugee convention and its protocols and in view of North Korea’s history of relaxing punishment⁹¹ for illegal river-crossing for food since 1996, and improving the manner of handling deportees during the deportation process. 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. In addition, there still exists the possibility of excessive penalties and mistreatment during investigations. Indeed, these people should not be treated like ordinary illegal migrants.⁹² 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.⁹³

UN special rapporteur Vitit Muntarbhorn thought the North Koreans crossing the border were, in fact, “refugees sur place” and

over confidential information (to the enemy), shall be sentenced to a ‘correctional labor’ sentence of five years or longer. In particularly serious cases, he will be sentenced to death or an unlimited term with confiscation of all of his/her property.”

91_ Art. 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 less. In serious cases, three years of ‘correctional labor’ sentence shall be given.”

92_ Joel Charny, *Acts of Betrayal: The Challenge of Protecting North Koreans in China*, (Refugee International, Apr. 2005); Hazel Smith, *The Plight of the North Koreans: North Koreans in China*, (Monterey Institute of International Studies, May 2005).

93_ 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.

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 constantly risk being arrested. They are also certain to face heavy penalties if deported. For these reasons, they should be defined as “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.⁹⁴ To be sure, defining the North Koreans who cross the border as “refugees” and extending them protection and free choice would entail an unusually heavy political burden on the host country (in this case China).⁹⁵ 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. 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, certainly endangering their lives.⁹⁶

94_ The UNHCR Beijing office had occasionally helped defectors leave China for a third country. From July 2007, however, the office decided not to receive new applications for protection. It was reported that the office would renew its defector protection program from October 2008 after the closing of the Beijing Olympic Games. (*Voice of America*, Sept. 3, 2008).

95_ In a statement released on October 2, 2008, Boradet Birabakin, a spokesperson for the Thai Foreign Ministry, said, “We have not conducted any consultations with the South Korean Government on the subject of setting up any refugee camps for illegal North Korean defectors in Thailand.” He further added that the Thai Government would handle North Korean defectors illegally entering into Thailand according to the laws regulating illegal entries.

96_ Amnesty International has reported that unlike ordinary citizens Government

If protection for North Koreans as “refugees” is needed, the Republic of Korea is prepared to offer necessary protection. This urgent need to offer “refugee” status is often overlooked. However, if North Koreans attempt to obtain South Korean protection, they would be branded as “political traitors.” Further complicating the issue is if they were officially accorded “refugee status,” this decision would probably trigger mass defections from North Korea. There are realistic constraints in trying to define North Koreans status as “refugee.” Given the circumstances, however, various ways to offer realistic protections urgently need to be devised. According to the International Organization for Migration (IOM), even illegal migrants are entitled to basic 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 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 seems more realistic and effective to ask the Chinese to extend a “minimum protection,” instead of asking them to grant “refugee” status to North Koreans crossing the border into China. The assumption 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

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,” <<http://www.reliefweb.int/w/rwb.nsf/vID/6F7C02087E4E3D5C49256E240017E506?Open Document>>.

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 the human rights of border crossers. This is a realistic alternative that should be considered.

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. Based on a video-tape it has obtained, the 2008 North Korean Human Rights Citizens Campaign announced that up to 17,000 defector children and stateless children inside and outside South Korea were left unattended in the “forgotten zone” without any education or medical attention.⁹⁷ China is known to offer 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.⁹⁸ It would be highly desirable to take a census of these women and their children, and offer them legal status. Since the children born of Chinese and North Korean parents will need to obtain legal status before their school age, more effective and detailed measures should be developed through dialogue and consultation.⁹⁹ In some parts of China, local authorities are known to issue family registries to the children born to North Korean women and Chinese men.¹⁰⁰ However, there are costs involved in obtaining necessary

97_ *Yonhap News*, Sept. 26, 2008.

98_ Kwak Dae-jung, Minutes of the KINU Consultants Meeting, Jun. 24, 2005.

99_ Hazel Smith, *The Plight of the North Koreans: North Koreans in China*.

100_ The founder of the International Education Promotion Fund, Prof. Kate Zhou of University of Hawaii, said at a Radio Free Asia program, “The Huanren Local Government in Liaoning Province, China, has issued ‘temporary resident cards’

documents, such as hospital certificates, when registering a child. Thus poor families in particular would experience some difficulty when attempting to register a newborn child.¹⁰¹

In order to improve the human rights situation of illegal North Koreans in China, the activities of various NGOs should be coordinated so they are able to monitor human trafficking and provide relief measures for the victims. We need to develop effective methods to identify victims of human trafficking and to more immediately come to their aid. As part of this effort, the Chinese authorities could also come up with more effective methods of dealing with other types of human trafficking inside of China. It is also necessary to develop institutional measures to address possible sex crimes committed by “defection brokers” in South Korea against newly arriving defectors, along with various remedial measures for the victims.

As the Special Rapporteur on North Korean human rights reported to the 7th meeting of the UN Human Rights Council in 2008, reuniting the North Korean defectors with their families in North Korea is an important human rights issue that requires serious attention and discussion. Thus far, it has been treated as something that could not be helped, but the principle of “family reunion” should be fully respected as part of protection measures for the defectors living outside of North Korea.¹⁰²

to two North Korean defector women in 2007.” It was reported that this decision was made possible as a result of persuading the local government that permitting North Korean defector women to stay would encourage South Korean and U.S. investments in the locality.

¹⁰¹ Testimony of defector XXX during an interview in Seoul on Apr. 6, 2007.

¹⁰² UN Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, Mr. Vitit Muntarbhorn,” A/HRC/7/20, 15 Feb. 2008.

Appendix: Chronology of Major North Korean Human Rights Events in 2009

- Jan. 8 The UNHCR Beijing Office resumes the work of protecting North Korean defectors.
- Jan. 9 The South Korean Government approves the shipping of “unification rice” to North Korea.
- Jan. 10 The sixth batch of U.S. assistance grain arrives in Nampo, North Korea.
- Jan. 29 Thai Foreign Minister Kasit Pyromia for the first time requests that North Korea stem the tide of defectors to Thailand.
- Jan. 30 The U.S. State Department officially acknowledges, “North Korea’s human rights situation is of serious concern to Secretary Clinton.”
- Jan. 30 South Korea’s UN Committee on the Rights of the Child (Chairman Lee Yang-hee of Sungkyunkwan Univ.) makes public the results of its review of North Korea’s periodic report (sessions held on Jan. 23, Geneva), along with its “recommendations for improvement and concluding observations.”
- Jan. 30 The U.S. State Department provides a grant of \$3 million to “Free North Korea Radio,” “Female North Korean Defectors’ Coalition,” and “People for Successful COrean REunification (CORE).”
- Jan. 30 The Ministry of Unification (South Korea) holds the 13th meeting of the “Abductees Compensation and Assistance Review Committee” (ACARC) (Chair Lee Keum-soon). It decides to disburse 690 million won in consolation funds for victims and designates the 1967 “Nampoong-ho Incident” as a case of North Korean abduction.

- Feb. 1-8 Twenty groups belonging to the Association of Civilian Groups for Inter-Korean Cooperation (Chair Jeong Jeong-seop) conduct discussions in Beijing, China, on various individual projects this year with representatives of North Korea's Association for the People's Reconciliation.
- Feb. 4 The Association of Christians for Social Responsibility for Defectors stages a rally in front of the Chinese Embassy in Seoul, calling on China "to stop the practice of forced deportation of defectors to North Korea."
- Feb. 16 The Citizens Alliance for North Korean Human Rights publishes "Children are the Kings of the Country," a book depicting the realities and rights of North Korean children.
- Feb. 27 The Abductees Compensation and Assistance Review Committee (ACARC) (Chair Lee Keum-soon) holds its 14th meeting.
- Feb. 27 The City of Jeichon resumes its North Korean assistance project.
- Feb. 27 The "March 1 Declaration Implementation Committee of Korean Churches for Peace and Unification" announces a "March 1 Declaration for Peace and Unification."
- Mar. 3 South Korea's "Campus Christians for Christ (CCC)" decides to provide desks and chairs to North Korea as part of its assistance projects.
- Mar. 3 It is confirmed that Mr. Yoo Jong-soo, a crewman abducted by North Korea from the Chunwang-ho, has returned home.
- Mar. 4 The UN Human Rights Council convenes its 10th high-level session at the UN European Headquarters

in Genera.

- Mar. 4 The US House of Representatives increases its North Korean energy-related budget, but stipulates that its implementation is dependent on North Korea's fulfillment of the terms of agreement of the Six Party Talks.
- Mar. 2-27 The UN Human Rights Council holds its 10th meeting in Genera.
- Mar. 20 The Ministry of Unification (South Korea) holds a Civilian-Government Policy Consultative Meeting.
- Mar. 20-21 The Citizens Coalition for North Korean Human Rights sponsors an "International Conference on North Korean Human Rights and Refugees."
- Mar. 21 South Korean Civilian Groups for North Korean Assistance resumes their visit to North Korea.
- Mar. 27 A regional adjustment center for North Korean defectors opens for business on the third floor of the Kongrung Social Welfare Complex.
- Mar. 29 The "Western Kyunggi Hana Center," a defector assistance center, opens for business in Buchon City.
- Mar. 30 The "Daegu Hana Center," a defector assistance center, opens.
- Mar. 31 The Ministry of Unification decides to disburse consolation grants in 7 cases for families of North Korean abductees.
- Apr. 1 The ROK government begins implementation of the "Law Concerning the Return and Treatment of Korean War POWs," which stipulates "adjustment education" for returning former POWs.
- Apr. 10 A "North Korean Defectors' Consultation Center" is

- opened at the Second Kyunggi-do Provincial Office Complex.
- Apr. 26- May 2 A “Freedom Week” event for North Korean human rights is held in Washington, DC.
- May 1 The North Korean Human Rights Committee publishes a human rights report on the issue of trafficking in persons.
- May 3 Mr. Jin Jeong-pal, a former fisherman abducted by North Korea, dies.
- May 5 Four North Korean defectors stage a rally in front of the North Korean delegation’s offices at the UN headquarters in New York, supported by “American Missionaries for Defectors,” the “Freed Abductees Association” and the “Alliance for Abductee Defectors.”
- May 6 The ROK government for the first time registers as an honoree a civilian abducted by North Korea after the Korean War.
- May 19 Ten NGOs (jointly or individually) publish reports on North Korea in preparation for the UN Universal Periodic Review (UPR).
- Jun. 3 The Ministry of Gender Equality (South Korea) conducts human rights education for North Korean defectors in South Korea.
- Jun. 3 A defector family of four are granted the status of refugees and admitted into the United States.
- Jun. 8 A defector assistance center is opened in northern Kyunggi-do Province.
- Jun. 17 The U.S. State Department releases its annual report on human trafficking. The report once again cites North Korea as the worst perpetrator on its human

trafficking watch list.

- Jul. 2 The United States nominates Robert King as special envoy on North Korean human rights.
- Jul. 3 Hanawon, the defector center in South Korea, observes its 10th “Home-Coming Day.”
- Jul. 16 South Korea’s National Human Rights Commission conducts a survey on the victims of North Korean abduction.
- July 21 The 90th meeting of the POW Affairs Committee of South Korea’s Defense Ministry decides to designate “Corporal Ahn” as a POW.
- July 27 Four North Korean defectors enter the South Korean Cultural Center in Beijing and request protection.
- July 31 South Korea begins implementation of the “Law Concerning Protection and Settlement Support for North Korean Defectors.”
- Aug. 7 It is reported that Mr. Suh Kyung-sok, the no. 1 secretary of the Yangkang-do Province Youth Alliance (part of the Kim Il-sung Socialist Youth Alliance), has been admitted to South Korea.
- Aug. 14 A “Consultative Association for Organizations Preparing for the Future of Defectors and North Korea (tentative name)” is launched.
- Aug. 20 The South Korean Red Cross (Pres. Yoo Jong-ha) proposes to the North Korean Red Cross an inter-Korean Red Cross meeting to discuss an inter-Korean reunion of “separated families” over the Chusok holiday (traditional Korean Thanksgiving, Oct. 3).
- Aug. 25 The Association of Families of Abducted Persons files a petition with the South Korean National

- Human Rights Commission.
- Aug. 26-28 An inter-Korean Red Cross meeting is held (at Mt. Keumkang).
- Aug. 28 The South Cholla Province “Hana Center” for North Korean defectors opens in Kwangju City.
- Aug. 29 Four crew members of the Yonan-ho are released by North Korea after 30 days.
- Sept. 1 The Red Cross Societies of South and North Korea exchange their respective requests for the status of missing persons submitted by 200 persons scheduled to meet at the upcoming “family reunion” meeting.
- Sept. 2 The Kyunggi-do provincial government donates 100 million won to the “Campaign for Mutual Help for Korean Compatriots” as part of grain assistance to North Korea.
- Sept. 5 Thailand arrests 10 North Korean defectors including children.
- Sept. 8 South Korean Government turns down a request for rice assistance to North Korea submitted by the “6.15 Farmers Campaign Headquarters.”
- Sept. 8 A South Korean National Assemblyman, Kang Kigap, jointly sponsors a “Draft Bill for Rice Assistance to North Korea.”
- Sept. 14 A second collection of historical documents is published by the “Consultative Family Association of Korean War Abducted Persons.”
- Sept. 24 A “Rescue the Defectors” event is held.
- Sept. 24 The “Freedom for North Korea Coalition” launches rallies in major cities in the U.S., Japan, and South

Korea.

- Sept. 24 Robert King, a former director of the US House of Representatives, is nominated as a special envoy for North Korean human rights.
- Sept. 24 Nine North Korean defectors enter the Danish Embassy in Vietnam.
- Sept. 24-25 The Network for Democratization of North Korea holds the “2009 International Conference on North Korean Human Rights.”
- Sept. 28 North Korea releases its new Constitution. Article 8 of the new Constitution stipulates, “The state shall respect and protect the human rights of working people.”
- Sept. 26-Oct. 1 A reunion of separated families is held at Mt. Keumkang.
- Oct. 1 France appoints Jack Lang as a special envoy for North Korea.
- Oct. 8 Volume 2 of “Historical Materials on Korean War Abduction Incidents” is published.
- Oct. 8 The North Korean Human Rights Center of the Korea Institute for National Unification (KINU) releases the English edition of its White Paper on North Korean Human Rights in Washington, DC.
- Oct. 9 A national prayer meeting for the freedom and human rights of North Korean compatriots is held at Pagoda Park in downtown Seoul.
- Oct. 10 A “Send Radios to North Korea” event is held at the Imjin-gak Pavilion near Panmunjom.
- Oct. 16 A Red Cross working-level meeting is held at the Inter-Korean Economic Cooperation Consultation

- Building.
- Oct. 22 The Third Committee of the UN General Assembly discusses North Korean human rights issues, focusing on a report by UN Special Rapporteur Vitit Muntarbhorn.
- Oct. 23 The Christian Education Research Institute (director Rev. Im Chang-ho) of Koshin University sponsors an academic seminar at the Vision Hall of Sajik-dong Church in Busan City on the subject of “Free North Korea and Christian Education.”
- Oct. 26 The U.S. State Department designates 8 countries as “Countries of Particular Concern (CPC).” These include North Korea, China, Myanmar, Eritrea, Iran, Saudi Arabia, Sudan, and Uzbekistan.
- Oct. 28 South Korea’s National Human Rights Commission decides to give the “Republic of Korea Human Rights Award” to the “North Korea Democratization Network.”
- Oct. 30 The European Union (EU) submits a draft of its North Korean Human Rights Resolution to the Japanese Mission at the United Nations. A total of 49 member states including South Korea and the United States are cosponsors of the resolution.
- Nov. 4 North Korean defectors who had previously served terms in the Yodok Political Concentration Camp submit a list of 187 inmates of the camp to the North Korean Embassy in London.
- Nov. 5 The US Senate Foreign Relations Committee holds a hearing in connection with the appointment of Robert King to be the special envoy on North Korean human rights.
- Nov. 7-8 The Prayer Network for Global Justice (represented

by Rev. Park Jin-hoon) plans to hold a mass prayer rally for the liberation of North Korean compatriots at Seoul Rail Station Plaza.

- Nov. 9 About 100 members of Younknak, Semunan, and Jeongdong Jeil Churches in Seoul join missionaries involved in work on North Korea in a prayer rally for peace and the unification of Korea at Imjingak Plaza.
- Nov. 9-13 Mr. Jack Lang, MP, and France's special envoy on North Korea pay a visit to North Korea.
- Nov. 13-17 Chairman Steve Linton (Korean name: In Se-bin) of the Eugene Bell Foundation (a medical assistance group for North Korea) pays a visit to North Korea.
- Nov. 11 The Ministry of Unification and the Association of Provincial Medical Centers conclude an agreement to provide medical assistance to North Korean defectors in South Korea.
- Nov. 17 Korean Bar Association convenes a public hearing on the draft revisions to the "Law on Settlement Assistance for North Korean Defectors" (at the Bar Association Hall in Seochodong, Seoul).
- Nov. 17-19 The International Parliamentarians' Coalition for North Korean Refugees and Human Rights (IPCKNR) holds its 6th Plenary Session in Chiangmai, Thailand.
- Nov. 19 A U.S. Senate committee approves the recommendation of Robert King to be the US special envoy on North Korean human rights.
- Nov. 19 A Young Defectors Education Center opens for business.
- Nov. 20 The United Nations adopts a resolution on North Korean human rights. (The vote was 96 yeas, 19

- nays, and 65 abstentions.)
- Nov. 23 The US Senate unanimously approves Robert King to be the US special envoy on North Korean human rights.
- Nov. 24 Eleven North Koreans who defected by sea are admitted to Hanawon, the center for newly arriving defectors in South Korea.
- Nov. 27 The Committee for Compensation and Assistance for Abducted Persons and their Families disburses 67 million won to Kim XX (59) of Sokcho City for compensation and medical assistance. This is the first such disbursement for a returned former abductee.
- Nov. 28 The IPCKNR (parliamentarians' conference) holds its 6th plenary session and adopts a joint resolution (at Mercure Hotel, Chiangmai, Thailand).
- Nov. 30 The Ministry of Unification signs a consultative agreement with Kyunggi-do Province, South Korea, and the Consultative Association for Exchanges with Northern Regions.
- Dec. 2 Members of the UNHRC decide to publish questions submitted to its UNHRC website.
- Dec. 4 South Korean National Assembly adopts the "Resolution Calling on North Korea to Return All Former POWs and Abducted Persons."
- Dec. 7 The UNHRC conducts its Universal Periodic Review on the North Korean human rights situation.
- Dec. 9 The Network for the Democratization of North Korea receives the 2009 Republic of Korea Human Rights Award from the National Human Rights Commission.

- Dec. 10 Members of the Committee on Anti-Humanitarian Crimes visit International Criminal Court (ICC) in The Hague, the Netherlands, and submit an “Appeal for Action signed by 100 intellectuals and human rights activists worldwide for the abolition of concentration camps in North Korea and the prevention of North Korea’s anti-humanitarian crimes.”
- Dec. 10 “World Human Rights Day”; “Freedom and Life for all North Korean Compatriots, 2009,” a coalition of groups dedicated to North Korean human rights, holds a news conference in front of Bosinka Pavilion in downtown Seoul calling for the release of all inmates from North Korea’s concentration camps and urging the indictment of Kim Jong-il to the ICC.
- Dec. 10 Defector Kim Seong-min was designated as the recipient of the “2009 Asia Democratic Human Rights Award” from the “Taiwan Association of Democracy Fund.”
- Dec. 18 The Ministry of Unification sends flu vaccines and related aid materials to North Korea via the Kyung-ui railway line.
- Dec. 18 The United Nations officially adopts a resolution calling on North Korea to improve its human rights situation.
- Dec. 25 Robert Park (28), a Korean American and a North Korean human rights activist, enters North Korea without authorization.
- Dec. 28 The Ministry of Unification allocates 26 billion won for humanitarian assistance for North Korea.



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