

## CHAPTER 4

### THE LAST WORST PLACE ON EARTH: HUMAN RIGHTS IN NORTH KOREA

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In most of the world over the past 40 years, a government's legitimacy, even survival, has become dependent upon respect for the fundamental rights of its people. Just 20 years ago, the stability and integrity of a government were measured by how well it could control its citizens; today, the very need to exert such control is a hallmark of instability and desperation.

But since 1961, the people of the Democratic People's Republic of Korea (North Korea) have been denied contact with the rest of the world. And they have been denied even the most basic of their human rights. Since 1990, despite harsh conditions and consequences, as many as 500,000 North Koreans have escaped their homeland.<sup>1</sup> Between 1995 and 1998, North Korea lost three million of its 26 million people to famine, food shortages, and related disease.<sup>2</sup> The DPRK may have the only government in the world that is willing and capable of simultaneously repressing its citizens and starving them.

An understanding of the human rights conditions prevailing in North Korea is essential to grasping the worldview of the governing elite and to appreciating the conditions endured by the people of North Korea. And such an understanding is crucial to developing a long-term strategy for dealing with North Korea.

## Overview.

Gathering data on North Korea is notoriously difficult. Anyone with the intention of researching anything will be denied entry or will not see much. The government of the DPRK does not allow international inspection; it does not respond to inquiries from independent human rights organizations; it does not report to United Nations (UN) commissions, as it is obliged to do. There is no one place where an independent, comprehensive review of human rights in North Korea can be found. This article summarizes what can be said from the sources available.

North Korea has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, Cultural Rights, and the four Geneva Conventions. The DPRK therefore owes its own citizens and the world community a commitment to the provisions of those documents.

But the government of the DPRK regards international human rights, particularly individual rights, as alien and illegitimate. With the exception of the ruling elite, all of the people of North Korea have been deprived of their basic human rights. It is said that the paramount leader, Kim Jong Il, is the only free North Korean.<sup>3</sup> The government keeps the world from North Korea and the citizens of North Korea from each other.

Those who are assumed to be disloyal to the regime are arrested, imprisoned, tortured, starved, and executed. North Korean citizens do not have the right to propose or influence a change of government. The government forcibly resettles politically suspect families. Religious practice is confined to state-sponsored Christian and Buddhist services. Travel within the country is severely restricted, and attempting to leave it is likely to result in beatings, imprisonment, and, in some cases, execution. A government human rights commission does not respond to requests for information or investigation.<sup>4</sup>

The governments of the People's Republic of China (PRC) and the Russian Federation are delivering North Korean refugees to DPRK authorities against their will, in clear violation of the Convention Relating to the Status of Refugees (1951).

Dissidents who have successfully fled report widespread crime and a constant struggle for survival. Members of the armed forces are reportedly stealing food, livestock, and household utensils. Hundreds of thousands are moving in search of food, despite official restrictions.<sup>5</sup>

### Human Rights Inside North Korea.

The DPRK currently holds at least 200,000 people for political reasons.<sup>6</sup> It is estimated that about 400,000 prisoners have died in the camps since they were established by Kim Il Sung in 1972.<sup>7</sup>

Such prisoners may be held in any one of a variety of facilities: detention centers, "No. 69" labor rehabilitation centers, juvenile centers, maximum security prisons, relocation areas, and sanitoriums.<sup>8</sup> "Reeducation through labor" means forced labor, usually logging or mining, under brutal conditions. Entire families are detained because of supposed political deviation by one relative. Families, including children, may be imprisoned together. Under the concept of "collective retribution," children are punished for the political sins of their parents, denied education, and socially ostracized.<sup>9</sup>

In a 1988 report by the Minnesota International Lawyers Committee for Human Rights, and Asia Watch, No. 69 labor rehabilitation centers were found to exist in nearly every city and county, each center containing between 100 and 200 people. The same report cited the existence of 12 to 16 labor camps with a population of 500 to 2500 in each camp.<sup>10</sup>

Amnesty International has said of these people:

Many of those named in this report are “forgotten prisoners,” whose fate remains unknown after decades of official silence. Some of those named may have died in prison. Others may still be detained, after 30 years or more. Some of the prisoners were last seen alive in 1990, others have not been heard of for decades. Amnesty International is concerned that they may be prisoners of conscience, arbitrarily imprisoned in violation of international human rights standards.<sup>11</sup>

DPRK laws do not prohibit torture, and most political prisoners are tortured. Methods of torture include whipping; humiliations such as public nakedness; severe beatings; electric shock; force-feeding water, then jumping on the prisoner’s abdomen to make the water come out again; and prolonged periods standing on ice outside in winter. A common method is called “the airplane,” where prisoners are hung upside down, spun, and beaten. “Punishment cells,” constructed so that a prisoner cannot stand up or lay down, are used as a consequence for breaking prison rules. Many prisoners have died from starvation and illness.<sup>12</sup>

There are more than 47 provisions in the Penal Code which call for the death penalty, including “crimes against state sovereignty” and “crimes against the state administration.” Prisoners are executed in public, sometimes for offenses as trivial as petty theft, occasionally in front of large crowds which include young children.<sup>13</sup>

The government detains and imprisons people at will. There have been “disappearances”—people taken from their homes and sent directly to prison camps.<sup>14</sup> Judicial review does not exist, and the criminal justice system operates at the behest of the government. The Public Security Ministry decides who will be punished; the Ministry of State Security decides on the penalty. The accused is entitled to representation, but the lawyer’s primary role is to persuade the accused to confess.<sup>15</sup>

All forms of information are controlled by the government. Indoctrination is supported by neighborhood

associations and schools at all levels.<sup>16</sup> The opinions of all North Koreans are monitored by government security organizations, and electronic surveillance is used in many private homes.<sup>17</sup> Radios available to most North Koreans receive only government broadcasts; loudspeakers in gathering places broadcast government programs. Mass demonstrations have been staged involving as many as 500,000 people. All organizations in North Korea have been created by the government; independent public gatherings are not allowed. The General Federation of Trade Unions is used to monitor the political opinions of workers. The government monitors telephone calls and mail; telephones are not equipped to receive calls from abroad. Listening to broadcasts from abroad is forbidden.<sup>18</sup>

Apart from a few Buddhist and Christian services sponsored and monitored by the government, all religious activity is discouraged. There is no artistic freedom; all art must gild the myth of Kim Il Sung and Kim Jong Il.<sup>19</sup>

The government of the DPRK divides the entire society into three classes: core, wavering, and hostile; there are further subdivisions based on an assessment of loyalty to the regime. The regime classifies 27 percent of the population as hostile, and an additional 45 percent as wavering. As a result, approximately 15 million people are denied access to decent education, employment, housing, and medical care, and they get less to eat. Children are denied adequate education and are punished because of the loyalty classification of members of their family.<sup>20</sup>

The government has forcibly relocated hundreds of thousands from Pyongyang to the rural areas, including people with disabilities or deformities.<sup>21</sup> The UN Committee on the Rights of the Child has found that the DPRK denies its children basic rights, and pursues "de facto discrimination against children with disabilities."<sup>22</sup>

The government of the DPRK does not allow freedom of movement. Leaving the country is considered treason, punishable by long prison terms or execution. Government

regulations and practical difficulties make travel within the country all but impossible. As a result, most North Koreans live, work, and shop in self-contained housing units.<sup>23</sup>

Perhaps the most damaging human rights violation by the DPRK is its deliberate withholding of food and medical care from millions of people. Since 1995, floods, droughts, mismanagement, and the end of food aid from the Soviet Union resulted in severe food shortages and famine. From 1995 to 1998, several thousand children died each month. Researchers from the World Food Program, the United Nations Children's Fund (UNICEF), and the European Union found that 62 percent of children under 7 years have stunted growth; international assistance is feeding almost every North Korean child under that age. UNICEF has estimated that about 80,000 children are likely to die from hunger and disease, and 800,000 more are suffering from serious malnutrition.<sup>24</sup>

The DPRK has refused to allow human rights and humanitarian aid organizations to assess the full extent of the crisis. In September 1998, Medecins Sans Frontières, the largest aid group in North Korea, pulled out because of government interference in the distribution of food and the suspicion that food aid was being diverted to the military. Other independent nongovernmental organizations (NGOs) have reported that food was being distributed on the basis of loyalty to the state, effectively leaving out those most in need.<sup>25</sup>

With a negative economic growth rate over the last 10 years, famine, and the disintegration of the Soviet Union, North Korea has been forced into a position of submitting to negotiation in exchange for food. American demands to inspect suspected underground nuclear weapon construction sites were met by North Korean insistence on \$300 million in cash and food aid for the privilege. U.S. recovery of the bodies of Korean War MIAs was halted when North Korea demanded new humanitarian

assistance, including construction of factories. In mid-June 2000, North Korea announced plans to ask donor countries for \$250 million to relieve hunger and to attain self-sufficiency in food production.<sup>26</sup>

Refugees.

Article 47 of the Criminal Code of North Korea states:

A citizen of the Republic who defects to a foreign country or to the enemy in betrayal of the country and the people . . . shall be committed to a reform institution for not less than 7 years. In cases where the person commits an extremely grave offense, he or she shall be given the death penalty.

The vast majority of North Korean refugees are located in the Northeast provinces of the PRC; several thousand are in the Russian Federation. Estimates of the total refugee population in the PRC vary wildly, from the 10,000 reported by the Chinese government to the 300,000 estimated by local NGOs. The most rigorous field surveys suggest a number of 140,000 to 150,000 North Korean refugees in China.<sup>27</sup>

The border between North Korea and China stretches 850 miles and offers many opportunities for a safe crossing. Most crossings happen on winter nights over frozen rivers. Most refugees cross the Tumen River; some cross the Yalu River or through the forests around the Changbai mountains. People usually travel in small groups of two to five; some cross by paying commercial carriers or by bribing North Korean border guards.<sup>28</sup>

Most refugees seek protection and housing from the Korean-Chinese communities in the Yanbian Korean-Chinese autonomous district. Others (slightly less than half of the total refugee population) live in the three Northeast states of Liaoning-sheng, Jilin-sheng, and Heilongjiang-sheng.<sup>29</sup>

Some may find shelter and assistance with relatives or acquaintances, and ethnic Koreans unknown to them often provide food, medicine, and small sums of money in return for performing household chores. Many of these people go on to perform work arranged by these hosts.<sup>30</sup>

The vast majority of refugees in China (perhaps 95 percent) left North Korea in search of food and are unwilling to return until the food supply and distribution improves.<sup>31</sup> While North Koreans may be driven to China by hunger, the government of the DPRK regards them as traitors for leaving; their return means political persecution.

Most refugees are single adults between the ages of 18 and 30, with no dependents. They are likely to be from shattered families that have lost at least one member to food shortage or famine. Most are from urban areas, although refugees from rural areas and areas far from the border are increasing. Few refugees have been in China for more than 2 years; some return to North Korea with food; others have been forcibly repatriated.<sup>32</sup>

The men are usually laborers with a high school education; they perform the kind of work no one else will do—cutting rock, mining, moving human waste. Women work in restaurants, do housekeeping, attend to patients; they also work in “entertainment,” from which they are often forced into prostitution. Many are able to stay in China by virtue of marriage to a Chinese national. Some women are married by introduction, others are sold by human traffickers; some escape, but most stay on in order to be fed.<sup>33</sup>

Perhaps as many as 50,000 North Korean refugee women have been sold by Chinese criminals to Chinese purchasers, many for the purpose of sexual slavery. These women frequently become the victims of confinement and sexual abuse. Unwanted pregnancies often result in poorly performed abortions; proper follow-up care is rarely possible.<sup>34</sup>

Most refugee children are male, over 10 years old, who have lost at least one parent. Most roam around and beg for food or money, sleeping in streets and public squares. Very young children cross the border in groups and stay together as they move from village to village. Such groups are easily detected and returned; about half the North Korean children in China have arrived and been returned two or three times. All of these children exhibit profound physical and psychological damage.<sup>35</sup>

Chinese police have markedly increased expulsions of North Koreans; the number has more than doubled this year to about 2,000 per month. In January, the United Nations Office of the High Commissioner for Refugees (UNHCR) granted refugee status to seven North Koreans, but China sent them back anyway. The PRC does not permit the UN or other international groups to investigate conditions on the border, although China is party to treaties that should permit such investigation.

North Korean refugees arrested in China are sent first to a Chinese detention camp or prison where they remain for a week to a month. In April 2000 about 100 North Koreans in a detention center in Tumen rioted and held guards hostage to protest China's program of forced repatriation.<sup>36</sup>

Refugees are returned to North Korea where they are interrogated at an intelligence agency office at the border. They are then sent to a detention camp near the border, and from there to another detention center in or near their hometown. An intelligence agency office in the region of their hometown determines punishment.<sup>37</sup>

They are then sent to one of four places: home, labor camps, prisons, or camps for political offenders. Women, children, and the elderly are usually "re-educated" in their home areas through 3 to 7 days of violent language and beatings. Young people over 16 are most often sent to labor education camps. Those accused of smuggling or trafficking receive prison terms ranging from 1 to 15 years. Those accused of meeting South Koreans are sent to camps for

political offenders. All detention and imprisonment are accompanied by wretched conditions, beatings, ill-treatment, and torture.<sup>38</sup>

There are approximately 6,000 North Korean refugees in camps in the Russia. They come largely from logging sites run by the DPRK in the Khabarovsk and Amur regions of the Russian Far East. Most were sent to work legally, but left the sites with the intention of not returning to North Korea. Some made their way illegally into Russia directly or from China. After the collapse of the Soviet Union, loosened controls resulted in higher numbers of North Korean workers leaving their sites for other parts of Russia.<sup>39</sup>

At the larger sites there appear to be two prisons, one for criminals and one for political offenders. Political infractions include criticizing North Korea and challenging camp authorities. Food is inadequate; discipline is severe and includes ill-treatment such as shackles and leg weights.<sup>40</sup>

Russia is pursuing a policy of tolerating North Korean refugees without granting them refugee status or living permits. Refugees must still fear being arrested as illegal aliens by Russian law enforcement, as well as apprehension by the North Korean Public Security Service. North Korean agents also pursue people who have helped the refugees. North Korean security forces, sometimes on the territory of the Russian Federation, have executed apprehended refugees. The prospect of being returned to North Korea has led some refugees to desperate acts: perpetrating crimes in order to be sentenced to Russian prisons and committing suicide.<sup>41</sup>

South Korea has a policy of accepting and assisting refugees from the North. Despite this, there are fewer than 1,000 refugees in the South, fewer than 120 in Seoul.<sup>42</sup> There are several reasons for this: the stigma attached to South Korea in the minds of North Koreans; the likely danger to family members remaining in the North; the increased time and procedures for acceptance; and the

long-term record of difficulty for refugees in adjusting to life in the South. The vast majority of refugees (perhaps 90 percent) would rather stay in China than live in South Korea.<sup>43</sup>

### Strategy and Action Recommendations.

In the past year, North Korea has taken a number of steps toward ending its isolation. Diplomatic relations were resumed with Italy in January, and with Australia after a lapse of 25 years. Similar overtures have been made to Britain and Canada. On May 29-31, Kim Jong Il made a secret visit to Beijing (his first since 1983) to meet with Chinese President Jiang Zemin. Jiang is likely to visit North Korea before the end of the year 2000. U.S. and North Korean officials have been engaged for 6 years in a series of talks on tracing U.S. soldiers missing in action during the Korean War, and on North Korea's civilian atomic power plants and intentions regarding nuclear arms manufacture. Similar meetings are taking place with Japan. The DPRK has agreed to allow Hyundai of South Korea to develop a tourist facility in the Diamond Mountains, for \$906 million over 6 years. North Korea showed a likelihood of participating in ASEAN meetings on defense and strategic issues in Bangkok in July 2000, and the DPRK has expressed interest in joining the Asian Development Bank.<sup>44</sup> Reuters reported that Kim Yong-nam, president of the presidium of the Supreme People's Assembly, would represent North Korea at the UN Millennium Summit in September.<sup>45</sup>

- The open countries of the world, especially Japan, the United States, and South Korea, should seize this opening to extend their ties with the DPRK. Such contact, over the long term, offers the best chance of bringing change to the government and to the people of North Korea. At the same time, there must be a greater sense of urgency for improving the human rights of the people of North Korea.

- The United States should pursue a strategy of securing constant improvement in the human rights performance of the DPRK. Development and implementation of such a strategy should be accomplished in conjunction with other open countries important to the leadership of the North Korea: Japan, France, Italy, the United Kingdom, and Australia.

- The basic message of negotiations should be: We can do business with you, but it will be a good deal easier if you would undertake the reforms necessary to assure respect for human rights. In negotiating with the DPRK on human rights issues, the United States should maintain the forward position: economic favor should follow political reform; the rights of the North Korean people should not be held hostage to an endless series of economic demands.

- Relevant North Korean officials, especially the Ambassador to the UN, should have the opportunity for frequent contact with the Assistant Secretary of State for Democracy, Human Rights and Labor.

- Offers of international humanitarian aid should be made, but should be contingent upon independent monitoring of its distribution. Such aid should be given in-kind rather than in currency.

- The UN should take primary responsibility for long-term monitoring of the human rights situation in North Korea, and in areas of China and Russia adjacent to the North Korean border. Priority should be given to arranging a meaningful fact-finding mission by an independent, international human rights organization.

- The Secretary General of the UN should make it clear that, since the DPRK has ratified the International Covenant on Civil and Political Rights, adherence to its principles is not a casual consideration.

- The World Trade Organization and other international trade and labor groups should make it clear that forced labor of any kind is unacceptable. The World

Bank and the International Monetary Fund should make future loans contingent upon measurable improvement in the protection of human rights.

- At a minimum, the government of North Korea should:

- ... make a meaningful commitment to implementing the rights and procedures guaranteed in the North Korean Penal Code;

- ... amend Article 47 of the Criminal Code to bring it into conformity with international standards;

- ... ensure that no form of torture occurs anywhere;

- ... provide the information about individuals, groups, and prisons requested by human rights groups;

- ... discontinue the harassment, imprisonment, and ostracism of North Korean refugees abroad, and returned refugees at home.

- The PRC is the key on the status of refugees. The UNHCR should press the DPRK to fulfill its obligations under the 1951 Convention Relating to the Status of Refugees, accord displaced North Koreans in China refugee status, and press the PRC to protect and provide for North Korean refugees in China. The government of the RPC should alter its policy of forced repatriation of North Korean refugees, and adopt guidelines consistent with the 1951 Convention Relating to the Status of Refugees. The Chinese government should provide special protection and support to North Korean refugee women and children, and act to prevent the sexual slave trade on the border.

- Russian authorities should bring an immediate end to North Korean Public Security Service (PSS) operations in Russian territory. No North Korean workers who are at risk in the DPRK should be forcibly returned by Russia. Russian authorities should take responsibility for preventing ill-treatment of North Koreans at all work sites.

## Conclusion.

For peace and freedom in East Asia; for continued rapprochement among the United States, the PRC, and Russia; and for further reduction of nuclear weaponry, a stable and secure North Korea is essential. A regime is stable and secure only when its assumption of legitimacy is matched by its protection and promotion of fundamental human rights. Kim Jong Il's regime must be regarded as fundamentally unstable. The economy is so ruined that North Koreans flee to China to seek a better life. The people suffer famine and a chronic shortage of food. Military spending and priority cannot be sustained. The entire citizenry is repressed, and political prisoners are held in vast numbers.

*The Economist* recently remarked:

To contemplate North Korea is to stare into the abyss. There are those who argue that if North Korea fails to reform, its regime will collapse. Others retort that, on the contrary, collapse will follow directly from reform. Probably both are right.<sup>46</sup>

One of the greatest ideas of the philosopher, Confucius, regards the nature of power. He said that there was only one legitimate purpose of power, whether you use it as a leader, a parent, or simply a human being—to work for the well-being of the powerless. Confucius believed that any other use of power constituted an abuse that would result in the loss of power.<sup>47</sup> Work to secure human rights for the people of North Korea is good policy: politically, strategically, and morally.

## ENDNOTES-CHAPTER 4

1. U.S. Department of State, "Democratic People's Republic of Korea," *1999 Country Reports on Human Rights Practices*, Washington, DC: U.S. Department of State, February 25, 2000.

2. Elizabeth Rosenthal, "In North Korean Hunger, Legacy is Stunted Children," *New York Times*, December 10, 1998.

3. Cho Hyuk, "Addressing North Korean Issues," *Life and Human Rights in North Korea*, Seoul: Citizens Alliance for Political Prisoners in North Korea, Autumn 1999, pp. 8-18.

4. U.S. Department of State.

5. *The Economist*, July 10, 1999.

6. U.S. Department of State.

7. Sung-Chol Choi, ed., *The International Community and Human Rights in North Korea*, Seoul: Center for the Advancement of North Korean Human Rights, 1996, p. 11.

8. David Weissbrodt et al., *Human Rights in the Democratic People's Republic of Korea*, Minneapolis: Minnesota Lawyers International Human Rights Committee, 1988, pp. 101-108.

9. U.S. Department of State.

10. Weissbrodt, pp. 100-101.

11. Amnesty International, *New Information About Political Prisoners*, London: Amnesty International, June 1994.

12. Testimony of Sun Ok Lee and other former detainees. See especially Larry Diamond, *Voices from the North Korean Gulag*, Seoul: Life and Human Rights Press, 1998.

13. Amnesty International, *Democratic People's Republic of Korea; Public Executions: Converging Testimonies*, London: Amnesty International, January 22, 1997.

14. U.S. Department of State.

15. Weissbrodt, pp. 88-95.

16. U.S. Department of State.

17. Weissbrodt, pp. 117-118.

18. U.S. Department of State.

19. *Ibid.*

20. *The Economist*, July 10, 1999.

21. U.S. Department of State.
22. United Nations Committee on the Rights of the Child, Report dated February 1996.
23. Weissbrodt, pp. 121-123.
24. U.S. Department of State.
25. Amnesty International, "Democratic People's Republic of Korea," in *Annual Report, 1999*, London: Amnesty International, April 2000.
26. Reuters, June 2, 2000.
27. Haruhisa Ogawa et al., *North Korean Refugees/Defectors*, Seoul: Life and Human Rights Press, 1999. Ven. Pomnyun et al., *Report on Daily Life and Human Rights of North Korean Food Refugees in China*, Seoul: Center for Peace, Human Rights and Refugees, June 1999.
28. Ogawa, pp. 9-11.
29. Ven. Pomnyun, p. 7.
30. Ogawa, pp. 22-23.
31. *Ibid.*, p. 13.
32. Ogawa, p. 12.
33. Ven Pomnyun, p. 25.
34. *Ibid.*, p. 23.
35. *Ibid.*, p. 28.
36. *Chosun Ilbo* (daily newspaper), Seoul, April 22, 2000.
37. Ven. Pomnyun, p. 32.
38. *Ibid.*
39. Amnesty International, *Democratic People's Republic of Korea: Human Rights Violations Behind Closed Doors*, London: Amnesty International, December 1995.
40. *Ibid.*

41. *Ibid.*

42. Ogawa, p. 64.

43. *Ibid.*, p. 18.

44. Bill Tarrant, "North Korea in Another Step to End Cold War Isolation," *Reuters*, May 8, 2000.

45. *Reuters*, June 2, 2000.

46. *The Economist*, July 10, 1999.

47. William Theodore De Barry, *Asian Values and Human Rights: A Confucian Communitarian Perspective*, Cambridge: Harvard University Press, 1999. Quoted from Confucius, *The Analects*.