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Life & Human Rights
in North Korea



Citizens' Alliance for North Korean Human Rights (NKHR)

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Office of the High Commissioner for Human Rights

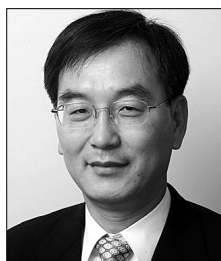
Life & Human Rights in North Korea

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North Korean Human Rights as seen from Geneva*

From this visit to Geneva, the delegation felt that international cooperation is essential for the improvement of North Korean human rights.



Jae-won Lee
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Subcommittee on
North Korean Human
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A delegation from the Korean Bar Association (KBA), with members of the Citizens' Alliance for North Korean Human Rights (NKHR), visited several agencies of the UN and the Permanent Missions to the United Nations in Geneva to lobby them for an improvement of the human rights situation in North Korea. I, as a chairperson of the Subcommittee on North Korean Human Rights and a member of the delegation, accompanied Myung-sook Lee, Executive Director; Tae-hoon Kim, attorney; Ran-joo Gwak, attorney; and Won-hee Jo, Human Rights Director.

The President of the KBA, Pyung-woo Kim, had previously stated his opinion that it is time to actively cooperate with other NGOs and expand our activities to the international level and that it is important to build an international cooperation system and continuously work with them. As a result of these ideas, it then became our focus to send a delegation to the UN in Geneva. We accomplished that between 4th and 8th of October in 2009.

The United Nations Human Rights Council has a unique process

called the Universal Periodic Review (UPR). This involves a review of the human rights records of all 192 UN Member States once every four years. 48 States are reviewed each year. On December 7th, 2009, the human rights' record of North Korea will be reviewed during the 6th Session of the UPR. Thus, before the 6th Session of the UPR starts, we visited Geneva to speak to a few agencies of the UN and also the Permanent Missions to the United Nations to present them with information of the current human rights situation in North Korea. This was in order so that they could appropriately assess the seriousness of the North Korean human rights problems and provide effective improvement of them and allow for better cooperation. We also provided supporting facts and key recommendations for the improvement of human rights in North Korea.

When we arrived in Geneva on October 4th, a prosecutor, Nam-il Kang, came to meet us at the airport. On the way to our hotel, he told us some interesting and useful information about the different international organizations, diplomatic officers, and citizens that are based in Geneva. It was really helpful to us because we did not have any experience in international public relations or with internationally based NGOs.

On October 5th, we met members of the United Nations High Commissioner for Refugees (UNHCR), International Labour Organization (ILO), and International Committee of the Red Cross (ICRC) to appeal to them for help for North Koreans. We also visited the assistants of the UN Special Rapporteurs on Torture, Summary Executions, and the Right to Food to explain about human rights violations in North Korea. We also gave some recommendations on what could be done to rectify the current problems. In the meetings, we emphasized that North Korean defectors living in China should be recognized as refugees, but perhaps because of China's influencing

On December 7th, 2009, the human rights' record of North Korea will be reviewed during the 6th Session of the UPR.

* This essay was published in the Newsletter of Korean Bar Association, No.289 in October 2009.

When some of the officers in the UN Human Rights agency raised an issue of the brokers involved in helping defecting North Koreans, I held the impression that they had a distorted understanding or superficial opinion about the violations of human rights in North Korea.

power over the UN, the UNHCR did not show its will or confidence on this matter. The ICRC devoted more time to explaining the systematic limitations on their organization than to presenting plans to improve the situation. When some of the officers in the UN Human Rights agency raised an issue of the brokers involved in helping defecting North Koreans, I held the impression that they had a distorted understanding or superficial opinion about the violations of human rights in North Korea.

The next day, in the Human Rights Watch office, our schedule started with a briefing to diplomats in charge of human rights on the situation in North Korea. After the testimony of one North Korean defector who came to Geneva with us, Tae-hoon Kim explained the situation of torture in North Korea and the normative legal power of human rights, and then he proposed some appropriate measures that could be taken to improve life in North Korea. Professor Man-ho Heo and Professor Jae-chun Won, both from NKHR, reported about the real situation of political prison camps and requested the diplomats to provide recommendations to the North Korean Government during the process of UPR to abolish the political prison camps.

The delegation then visited the Permanent Mission of the Republic of Korea to the United Nations. Deputy Permanent Representative Han-teak Im and Counsellor Pil-woo Kim informed us of the significance and implementation of the UPR and how to obtain the Consultative Status of the United Nations Economic and Social Council. The Permanent Representative, Sung-joo Lee, invited us to lunch and explained the international communities respect for the continuation of South Korea's advancement of human rights. He also described other States' interest, perception, and opinions on North Korean human rights.

On October 7th, we invited around 50 diplomats in the morning to a public event called "How much has North Korea changed?" We then visited the Office of the High Commissioner for Human Rights (OHCHR) and met the UN Deputy High Commissioner for Human Rights, Kyung-hwa Kang; Human Rights Officer of Asia Pacific Unit, Jong-gil Woo; and the Chairperson of the Committee on the Rights of the Child, Yang-hee Lee. In the afternoon, the delegation divided into two groups and visited several embassies, and that ended our official schedule in Geneva.

From this visit to Geneva, the delegation felt that international cooperation is essential for the improvement of North Korean human rights. We also realized that advanced countries did not regard North Korean human rights as an urgent issue. It was also evident that there was a lack of information on the matter, and thus we should constantly provide information on the seriousness of the North Korean human rights situation.

I also felt that even though KBA's White Paper on Human Rights in North Korea had gained public favor, there is still much more work to be done. We have to interview more North Korean defectors, add more visual materials of life in North Korea, and place more importance on specific descriptions of the human rights violations.

On October 8th, when we were taking off from Geneva airport, we could see snow on the top of the Alps out of the window of the plane. I thought that even though we did not have time to look around the beautiful scenery, the trip had been worthwhile.

Translated by Jisun Kim and Michael Glendinning

From this visit to Geneva, the delegation felt that international cooperation is essential for the improvement of North Korean human rights.

Flowers, Guns and Women on Bikes

Briefing Report on the Situation of Women's Rights in the DPRK



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North Korean Human
Rights (NKHR)

The investigation in this research focuses on the condition of women's rights in North Korea by presenting relevant North Korean law and policies and assessing the changes that have taken place in the situation of women mainly in the period between 2004 and 2008. The report has been prepared as a policy brief in order to highlight major issues of which the governments preparing for review of the DPRK delegation at the 6th Session of the Universal Periodic Review in December 2009 should be aware.

The fundamental problem in North Korea is the institutionalization since the 1960s of a discriminatory caste system based on one's family background, perceived political loyalty, etc. Those policies affect in particular girls and women's educational opportunities, occupation choices, in addition to leading to discrimination in wages and food rationing. Women living outside of Pyongyang are especially affected by this open discrimination. As Pyongyang citizenship is highly restricted, women from the provincial areas, even those with a positive family record, have

limited access both to university level education and to jobs in government ministries or parliament. The Law on Equality of Sexes enacted in 1946 has little impact on the lives of women whose family record is viewed as negative.

The title of this report, *Flowers, Guns and Women on Bikes* refers to the highly inconsistent North Korean policies that have shaped the lives of North Korean women. To begin, North Korea has built upon traditional concepts of femininity, officially reinforcing the image of woman as a flower, with all the feminine qualities of piety, chastity and submissive attitudes which have only confirmed traditional concept of inequality between the genders. The North Korean turn to nationalism and its nationalist historiography created the image of woman with a gun in her hands - a defender of the country against external threats, leading to the conscription of many of North Korean women. The last phrase in the title refers to the irrational policies that prohibit women from wearing trousers and punish them for riding bikes (despite the fact that majority of second economy activities are done by women for whom bicycles are a major means of transportation). Such policies are aimed at maintaining an iron grip on society, which was forced to turn to other means of subsistence after being unable to rely on state for provision of necessities, and subsequently found greater economic freedom and access to information from outside in a way that seems threatening to the regime. These contradictory and chaotic economic policies hinder the enterprising spirit of North Korean women, and are contradicting the notion of development. Not only do North Korean women not receive any official support through micro policies that could instill development in rural areas, but rather their economic efforts are disrupted by the same state that should be helping them. Furthermore, those women who try to

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unsuccessfully escape North Korea into China (looking for means of subsistence), only to be deported back by China face detention, beatings, forced abortions, hard labor; in other words all the types of degrading treatment that push them to leave North Korea for good. That the problems disproportionately affect North Korean women is illustrated by the ratio of North Korean women to men that have settled in South Korea.

Number of North Koreans entering South Korea

	'89	'93	'98	'01	'02	'03	'04	'05	'06	'07	'08	'09.8	Total
Male	562	32	235	563	506	469	626	423	509	570	612	449	5,556
Female	45	2	71	480	632	812	1,268	960	1,509	1,974	2,197	1,443	11,393
Total	607	34	306	1,043	1,138	1,281	1,894	1,383	2,018	2,544	2,892	1,892	16,949

Source: Ministry of Unification, ROK

The report consists of the following chapters: The introduction explains the methodology and purpose of the research, the cultural determinants of the position and role of women in North Korea and cultural taboos that negatively affect North Korean women. The report then introduces the major areas in which women's rights are violated. First and foremost, sexual harassment, violence against women including domestic violence and violence against detained women are addressed. Following this are sections on the access of women to education and their economic rights given the discriminatory policies against women along the axes of family background and region. This section also deals with highly controversial problem of North Korea's export of labor and violation of labor rights and other human rights. In the final section, the report introduces issues related to the family, in particular the problem of divorce (including forced divorced by authorities) and

the lack of support for children and women, women's lack of access to education about family planning, and problems of abortion and maternal care.

The report concludes with practical recommendations addressed directly to the DPRK, as well as to governments and UN agencies, which in their communications with the DPRK authorities are asked to approach such problems as outlined in the report.

I. Introduction

1. Purpose of Research

The research investigation documented in this report was collected between July and September 2009 by the Citizens' Alliance for North Korean Human Rights (NKHR), a South Korean non-governmental organization. The objective of this investigation was to review the situation of women in North Korea, assess any recent improvements or worsening conditions, and analyze possible causes of these changes.

The report was prepared with the aim of providing assistance to various governments, in particular member states of the UN Human Rights Council which will conduct a peer review of North Korea during the 6th Session of the Universal Periodic Review in December 2009. The information included in this report will hopefully provide additional details for the investigation and reporting efforts of Mr. Vitit Muntarbhorn, UN Special Rapporteur on the Situation of Human Rights in the DPRK, who is experiencing difficulty conducting on-site investigations, as North Korean authorities refuse to acknowledge his office and grant him

The report was prepared with the aim of providing assistance to various governments, in particular member states of the UN Human Rights Council.

NKHR conducted an in-depth investigation into women's rights in North Korea, and cultural taboos based upon interviews with 23 defectors from North Korea, out of which 13 interviews were selected as the most relevant for this report.

permission to visit North Korea, as well as aiding other UN Special Procedures experts and UN agencies.

2. Research Method

NKHR conducted an in-depth investigation into women's rights in North Korea, including the areas of education, health care and reproductive rights, violence against women, issues of forced labor, family environment, child care and divorce issues, women's economic rights, and cultural taboos based upon interviews with 23 defectors from North Korea, out of which 13 interviews were selected as the most relevant for this report (12 women and 1 man). This investigation was conducted in the form of face-to-face interviews. Each interview was conducted individually. All interviewees were informed of the purpose of the report and assured that personal details will be withheld. In cases where interviewees were concerned that indication of their place of birth might too easily serve to identify them, such information was not given and only the name of the Province was stated.

The investigation's focus was placed on the qualitative aspect of the testimonies and the primary focus guiding the researchers in selecting the interviewees was to obtain a complete picture of differences not necessarily between regions, but between the women belonging to the elite class in North Korea and those at the bottom level of the North Korean social caste system. Whenever necessary, testimonies of women from the elite class in provincial areas were complemented with the experiences of elite class in Pyongyang.

3. Cultural determinants of the position and role of women:

Flowers and guns

In official North Korean propaganda, North Korean women are

often compared to delicate flowers and are encouraged to maintain traditional feminine qualities including the wearing of traditional Korean dress known as *Chosun ot* or *Hanbok* in North and South Korea respectively. As in other countries where Marxism-Leninism was implanted, the early North Korean Republic made efforts to modernize society from the time when women, according to Confucian philosophy, were submissive in their role as a subservient to the male head of the household, had little rights and were consigned to their homes. The communist revolution, obsessed with class struggle and freedom from feudal or colonial remnants of backwardness through modernization enabled the construction of the new ideal woman, and encouraged their extensive participation in the workforce and in the public life. Accordingly, the Women's League was also established early on and was in charge of women's ideological studies and organizing public work for housewives. However, when the focus turned toward nationalism and a "military first" policy, the concern for women's rights and social progress was placed on a back burner. Women were instead viewed as resources to be used up for the sake of the state, which included conscripting women into the army.

The role of women in building North Korea, however, was not completely ignored, and was still important in its nationalist narrative. Women were viewed as necessary labor to build the country and modernize it, but were in addition expected to maintain their traditional roles at home. Even though North Koreans attempted to reinvent the past through Marxist-Leninist ideals, they could not discard all their traditional values and so the image of women was built in fact on the traditional Confucian ideal of woman with the qualities of Kim Il Sung's wife, Kim Jong Suk added in. As Sheila Miyoshi Jager puts it, women in Korean historiography were viewed

Women were viewed as necessary labor to build the country and modernize it, but were in addition expected to maintain their traditional roles at home.

Furthermore, because of the divided nature of Korea, there is a strong tendency toward gendered narratives of the nation, through a romantic version of historiography.

as those whose “diligent pursuit of unfailing loyalty, sagacity, courage, and piety were portrayed as vital to the foundation of new dynasty.”¹⁾ The “emancipation” of women did not change the traditional subordination of women to men, the traditional values of woman’s chastity, or the traditional role women play in maintaining the family. Rather, in addition to these roles, the additional one of revolutionary mother who cared for the nation by igniting children’s revolutionary spirit and by preparing new generation of people for their duties toward the state and possible future reunification, was added to the list.

Furthermore, because of the divided nature of Korea, there is a strong tendency toward gendered narratives of the nation, through a romantic version of historiography. By preserving a traditional lifestyle and image and maintaining her role as wife and mother, a woman is proudly guarding the continuation of the nation. The image of a woman in North Korea changes only when the state is in confrontation with an external threat. Then, the role that women played in the liberation struggle against Japanese forces and in the early social revolution in North Korea is conjured up. Women defend the body of the nation against ‘rape’ from the outside alongside men and they are expected to do that in times of emergency not by keeping the traditional image of beautiful flower whose beauty might be easily violated but by stepping into the emancipating role of woman-soldier.

The dichotomy of the North Korean woman’s image is also supported by the state in sponsored art campaigns such as the one encouraging women to wear the traditional Korean clothes. Many photos also present North Korean women wearing traditional Korean clothes accompanied by men wearing Western suits which reinforce the idea of a woman as a protector of traditional Korean values, which cannot be undermined by invasive Western cultural

1)

Jager, Sheila Miyoshi, “Women, Resistance and the Divided Nation: The Romantic Rhetoric of Korean Unification”, *The Journal of Asian Studies*, 1996, 55. 1, p.9

forces in contrast to men whose Western wear symbolizes modern values and progress.

4. Cultural taboos: Women on bikes

There are several contradictory regulations in the North Korea that prohibit women from certain behavior or require a certain style of dress. As they believed some activities were relics from the past, and also in an effort to modernize the country, authorities prohibited women from carrying children on their backs or bundles of goods on their heads, which was traditionally done both in North and South Korea. Thus baby carriages have been enforced on women and are in use among a majority in Pyongyang and the region surrounding it although women from other provinces have reported its usage to some extent as well.

At the same time, however, women are expected to conduct themselves in a traditional feminine way, thus certain activities or attire that is viewed as too modern and Westernized is restricted. Women cannot smoke and are urged to wear traditional Korean dress on daily basis, although this is enforced only in Pyongyang.

In terms of clothing, women reported that wearing jeans, too short skirts, sleeveless or decolletage outfits is prohibited. Women also are not permitted to wear trousers in public with the only exception being for women who work in jobs where it is too heavy or inconvenient for them to wear skirts. In the province, this regulation is often transgressed as it is very inconvenient for women who are for the most part involved in peddling or selling goods at markets. Women who lived in Pyongyang reported that wearing trousers is permitted only in the winter. Women serving in the army have to cover the parts of their bodies that are seen as overtly sensual; for example, they are required to bandage their breasts

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In 2005, the CEDAW in Concluding Comments to the DPRK expressed its concern that there was a lack of specific legislation to deal with all forms of violence against women .

under their military uniforms to make them flat. Similar prohibitions were introduced against women riding bikes or obtaining driving licenses. Again, due to lack of transportation and gasoline in the country, women in the countryside often use bicycles as a primary means of transportation; in contrast, in Pyongyang, it is heavily regulated against. Authorities introduced penalties and Public Safety officials in 2006 were imposing 500 won fines on rural women who were riding bikes.²⁾ There is of course a lack of automobiles for private purposes in general, however women reported that only those women whose jobs require driving skills (such as machine or train operators) can hold driving licenses.

II. Violence against Women

1. Sexual harassment and domestic violence

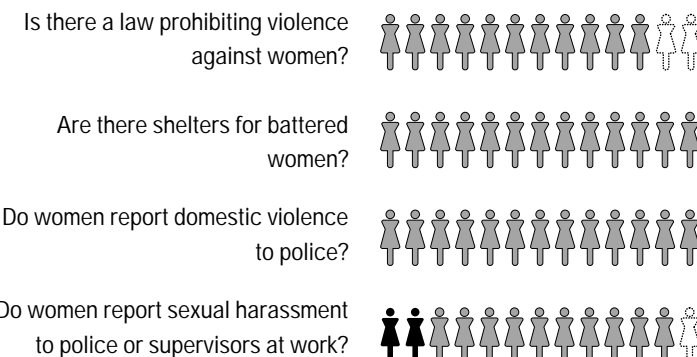
Policies and Laws

In 2005, the UN Committee on the Elimination of Discrimination against Women (CEDAW) in Concluding Comments to the DPRK expressed its concern that there was a lack of specific legislation to deal with all forms of violence against women including domestic violence and there was a lack of prevention and protection measures for such victims. It is a worrying sign that at the time of review, the DPRK delegation was unaware of many cases of domestic violence.³⁾ North Korean Criminal Code provides punishment only for rape.

At the time of this writing it has been unknown whether such a law had been drafted in North Korea. All of the women interviewed claimed that neither such a law nor special measures for battered women existed. The most recent interviewee left North Korea in 2008.

2) At the time, 2 kg of corn cost on average 250 won. It has been reported recently that women started to negotiate with police and either offer small bribery or write self-criticism documents to reduce their fine.

Reality



YES
 NO
 NOT SURE

North Korean women indicated that one of the most prevalent abuses in North Korea is violence both in domestic and public spheres. This includes verbal and physical abuse as well as sexual harassment and assaults. The problem is entrenched both in patriarchal tradition as well as lack of recognition of violence against women as a serious social problem, which means that there is no education on the issue, nor any law enacted to change such traditional habits in society. Moreover, because the most important problem in North Korea is economic survival, such issues are viewed as trivial and hence are overlooked. For example, women reported that sexual assaults such as verbal proposals and the physical handling of women's breasts or intimate parts happened quite often in such places as trains or buses. There exists a tacit approval of the unequal status between men and women and thus girls and women reported that neither will witnesses react in their defense, nor is it acceptable for the woman herself to seek help or redress. Women in such situations are left to defend for themselves, usually by using verbal deterrence. They also reported that no

3) Office of the High Commissioner for Human Rights, Concluding Comments of the Committee-CEDAW: Democratic People's Republic of Korea. 22/07/2005. A/60/38

The area that mostly needs investigation is the situation of women in the army.

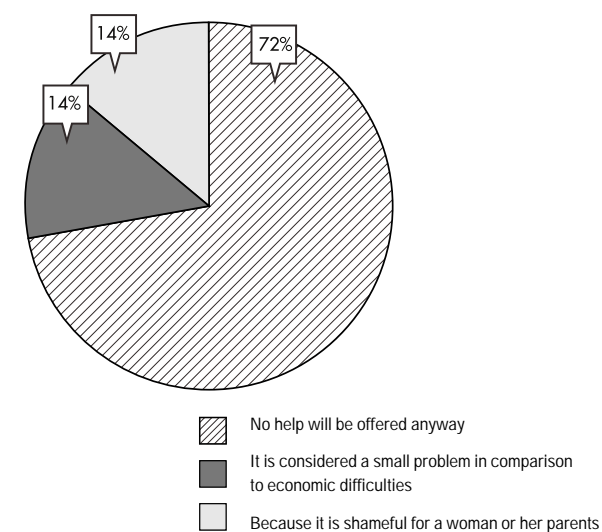
public order officers will react to such complaints and even if a woman would like to report the assault there is no legal basis upon which she could claim she was victimized. Interviewed women also stressed that even if there were relevant laws, women would most likely not use them due to the general culture of shame and stigmatization of women as a provokers of sexual assault. Such attitudes toward women are encouraged by the lack of laws and education on the issue but most of all, by a lack of willingness to punish those offenses and offenders.

The area that mostly needs investigation is the situation of women in the army. Since the North Korean society is heavily militarized and the Marxist revolution elevated women to the front of the revolution, a substantial number of women serve in the army. Because army is a predominantly male institution and the rigid military chain of command uncomfortable; sexual harassment and assault may be underreported and even risky. During the course of the research we were unable to interview enough women who served in the army to draw a substantial conclusion, but even judging from the attitudes toward violence against women in general, one may assume that North Korea is definitely not an exception in terms of violence against women in the army as well. Furthermore, in two cases where the interviewed women had served in the army, the problem was seen by the interviewees as existing and underreported. Additionally, it is important to note that selection to the North Korean army has traditionally been reserved for the elite, as it is a good way to advance one's perspectives for a good future (military service often opens a way to university, or Party positions). In fact, only those who have a good political background are allowed to serve in the army and thus, even if assault should happen, many women choose not to jeopardize their future and their security, as a

discovery would lead to discharge from the army and even downgrading of one's status.

Even if assault should happen, many women choose not to jeopardize their future and their security, as a discovery would lead to discharge from the army and even downgrading of one's status.

Why women do not report about the violence including domestic violence, sexual offenses or harassment?



III. Violence against Women in Detention

Policies and Laws

Detention in North Korea includes a pre-trial detention for the purpose of an investigation which can last up to 2 months, but might be extended in complex cases, as North Korean authorities

explained when appeared in front of the UN Human Rights Committee in 2001. North Korean representatives also stated that there was internal debate on whether it was necessary to conform to international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners. During the same session the authorities explained that reform through labor was the most common sentence. In detention centers prisoners allegedly had access to medical care and those deemed unable to work had a right to rest for up to six days or to be hospitalized. A pregnant woman could not be detained within three months of her expected date of delivery, or for seven months after her child was born.⁴⁾

There are different types of detention facilities in North Korea. The majority of crimes are punishable through short-term labor (*Rodong danryeonhyeong*) and execution of Punishment takes place in short-term labor re-education facilities (*Rodong danryeondae*); more serious crimes are punishable through long term reform through labor (*Gyohwahyeong*)-prisoners are usually confined to the *Gyohwaso* (long term prison with reform through labor). Very serious political crimes are punishable in the political prison camps-colonies (*Gwalliso*) but North Korean authorities deny their existence.⁵⁾ The most common “criminals” are those who illegally cross the North Korean-Chinese border into China. As border-crossing became synonymous with survival, hundreds of thousands of North Koreans-the majority of them women-crossed the border, looking for a way to support themselves. They are mainly working in China, but also import goods and new technology to North Korea. The revised 2004 Criminal Code states that illegal crossing to another country is punishable by less than 2 years of short-term labor (*Rodong danryeonhyeong*) and a maximum 3 years of reform through labor (*Gyohwahyeong*)-Art. 233. Assisting a crossing

attempt is less than 2 years of short term labor, repeated crossing and obtaining of goods is punishable with 2-5 years of reform through labor-Art. 234. Trade in ‘dangerous, demoralizing’ materials like music, dance, pictures, and CD-ROM recordings are punishable from 2 years of short-term labor to 4 years of reform through labor-Art. 193; while similar punishments (with a maximum limit of 5 years) are applied to those who listen to foreign radio broadcasts or collect printed materials directed ‘against the State.’-Art. 195

Reality

The majority of detainees in the *Rodong danryeondae* are women. According to the interviews about 80% of the prisoners and a majority of women are there because they have been deported from China. Others have been there for committing some offenses or misdemeanors. In more severe cases, such as alleged contact with a Christian church or for repeated attempts of escape and repatriation the interviewed women were sent to *Gyohwaso*.

The general problem with the *Rodong danryeondae* short-term labor detention is that these *ad hoc* institutions are created in places where the government sees the need to conduct a public work, such as road construction, agricultural work, or lumber work. After the project is completed, the detention facility disappears and is relocated to another place. It seems that the demand for public free work creates the supply of short-term prisoners-workers. Since these institutions are in constant flux, it is difficult to conduct an ongoing investigation of them. They usually are relocated within 1-2 years. The temporary character of these places also means that there are not proper dwelling places or conditions for hygiene. Prisoners do serve in the places near to their hometown, however, which

In more severe cases, such as alleged contact with a Christian church or for repeated attempts of escape and repatriation the interviewed women were sent to Gyohwaso.

4) Summary record of the 1944th and 1945th meeting: Democratic People's Republic of Korea, Human Rights Committee, 30/10/2001. CCPR/SR.1944 & CCPR/SR.1945.

5) There are also other types of detention facilities such as detention centers and street orphan children facilities. Common crimes belong to the jurisdiction of People's Safety Agency (police) and political crimes to the National Security Agency (secret police). For more information, please see Lee, Young-hwan, The Republic of Torture, NKHR, 2007 and Heo, Manho “North Korean Human Rights in ‘Cooperative Antagonistic Relations’: Intervention and Education”, Sungkok Journal No.35, Sungkok Science and Culture Foundation, 2004

Visibly pregnant women were directed to the external hospitals to enforce abortion even as recently as 2006-2007; one woman reported infanticide on a newborn baby by guards in Chongjin in 2003, another in Onsong in 2004.

sometimes make it easier for some of the detainees to receive help from relatives in form of food and other necessities.

In all interviewed cases the detention happened between 2004 and 2007, after North Korea amended its Criminal Code and Criminal Procedures Code. Among the 12 female interviewees, 8 experienced various forms of detention. Among them 3 women were sentenced to the *Gyohwaso* long-term reform through labor prison for more serious crimes. Their pre-trial detention during which interrogation was performed lasted from 6 to 12 months.

The most serious violations of human rights that were commonly reported by all ex-detainees were the following:

- Being stripped naked upon deportation and having their bodies (including intimate parts) searched by female guard personnel for hidden valuables. Search is conducted on all women and girls and the guards perform the search using the same medical gloves.
- Visibly pregnant women were directed to the external hospitals to enforce abortion even as recently as 2006-2007; one woman reported infanticide on a newborn baby by guards in Chongjin in 2003, another in Onsong in 2004.
- Women reported that in most cases there are no pregnant women in the *Rodong danryeondae*, since visible pregnancies would have been aborted before the sentence, but in one case of Hoeryong City (*Oryu danryeondae*) as of 2006, an interviewee reported that since penalty was usually less than 6 months, there was little possibility of giving birth inside, so there were pregnant women who were assigned the same amount of heavy work as the others which in majority of cases caused miscarriage.
- Women did not receive soap, towels or toothbrushes. They did not have hygienic pads and could not properly wash. In most cases necessities had to be bought by those who had money to

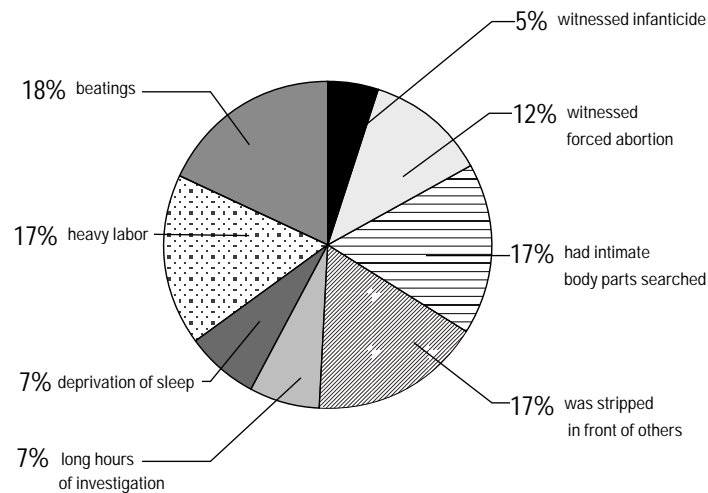
afford them or those who had relatives who could provide for them.

- In most of the short-term and long-term labor detention facilities there is no medical assistance. In one case it was reported that there was a doctor selected among prisoners, but he had been given only basic supplies.
- Food is given 3 times a day in a form of bowl of corn meal. Those who have money or relatives rely on provision of food from outside to increase their chances of survival.
- The interrogation process often includes beatings with wooden or metal sticks or with hand pistols. 3 interviewed women complained of strong headaches, ringing in ears, loss of hearing, stomachache problems as an aftermath of the beatings.
- Sometimes the interrogation took place at night or detainees were deprived of sleep.
- Women with more severe sentences were forced to re-write the self-critical confession statements prepared in advance for a single-trial and could not make changes, even if the account was false.
- During the trial they were not allowed to speak and the attorney's role was to inform them of their wrongdoings. If a woman was married, the spouse would be present during the trial and the judge would order a divorce of the couple.
- Occasionally, the reform institutions came under external control, but the prisoners were not allowed to present complaints and had to reply that they deserved to serve their sentences.
- Official guards or guards selected among prisoners occasionally called out selected women at night under false pretexts and raped them.

The interrogation process often includes beatings with wooden or metal sticks or with hand pistols.

The official policy stipulates that there is no restriction on female access to vocational, technical or social education opportunities, just as there are no restrictions on male access.

Types of violence or degrading treatment against women experienced by previously detained interviewees



IV. Access to Education

Policies and Laws

The official policy stipulates that there is no restriction on female access to vocational, technical or social education opportunities, just as there are no restrictions on male access. Official statistics, however, demonstrated that in 2005 only 34% of women attended universities (DPRK Initial Report to CEDAW). The North Korean delegation being reviewed by the UN Committee on Economic, Social and Cultural Rights in 2003 proclaimed that human rights were taught at the primary, secondary and university levels, but they also indicated that the country has its own “Korean-Style” concept of human rights.

Reality

All women have an access to education in North Korea, but the access is not equal. Since the introduction of the caste system in North Korea in the 1960s, with the division of society into hostile and loyal classes, only those who were born privileged are permitted to continue their education in technical schools, universities or be chosen to serve in the army.⁶⁾ This in turn gives them privileged access to better paid jobs or posts in the low or middle ranks of the Party. Those who work in better jobs are assigned more rations on the food tickets that are distributed every 10 days to each household, as the status of one’s job is associated with food amount assignments. Thus, discrimination in education produces discrimination of income and food distribution.

75% of the women interviewed for this report belonged to the middle or higher categories in the social hierarchy of North Korea and acknowledged the discrimination resulting from “good” or “bad” backgrounds. Women reported that in most cases those who belonged to privileged classes keep company with others from the same privileged circle and do not interact with those of worse background. Since no one has access to his or her personal documentation, being distinguished by teachers and experiencing a lack of obstacles throughout the school years generally means that the girl’s family has a positive personal record and she can think of furthering her education. Those who have problems at school, even if their school grades are good may give up trying to get a good education or employment from the start, because their ‘bad’ family record is an impediment that is not possible to overcome.

However, even those women who belong to better classes face barriers in terms of selection to higher education institutions. In several cases, women reported that the will of their parents or

All women have an access to education in North Korea, but the access is not equal.

6) Three classes-loyal, wavering and hostile and 51 categories were introduced in the 1960s and are the basis of all discriminatory policies, including detention in political prison camps for those classified at the bottom and their families within 3 generations. More on discriminatory policies can be found in Heo Man-ho, “North Korean Human Rights in ‘Cooperative Antagonistic Relations’: Intervention and Education”, Sungkok Journal No.35, Sungkok Science and Culture Foundation, 2004.

Women in the provincial areas have extremely restricted access to top universities, especially those in Pyongyang.

teachers was decisive in determining their area of study and it was decided by the school which higher institution the girl would attend. The person's interest is generally noted, but it will be taken into consideration only if there are enough allocated places by the State. In the majority of cases, the interviewed women studied subjects not in line with their own interests but according to the official policy of allocation of school spots and future jobs. University graduates are allocated jobs by the Cabinet and Ministry of Education while secondary school graduates are allocated jobs by local people's committees.

Women in the provincial areas have extremely restricted access to top universities, especially those in Pyongyang. Only those exceptionally selected with high scholastic aptitude and loyal political background may be selected to take the examination to enter Pyongyang universities. Usually Pyongyang requires the schools in the counties to make an initial selection of 10% of students who will then go through the state exam. However, due to discrepancies among the school levels, the exams are too difficult for the people from provincial areas to succeed. The majority of classmates are thus residents of Pyongyang.⁷⁾ For those women who do come from the provinces, even after graduation, they cannot remain to live and work in Pyongyang unless one marries into a Pyongyang family, which was indicated as highly unlikely; mainly due to the fact that every few years the authorities relegate those from provincial areas back to the countryside with their families.

During the course of the interviews, women were also asked whether education at schools cover such topics as sexual hygiene, sexually transmitted diseases, including HIV/AIDS, pregnancy and birth control. None of them reported exposure to such education,

⁷⁾ During the course of research we met only one person from provincial areas among those with privileged background that was able to study in Pyongyang. She was from Onsong County, North Hamgyong Province and there were 11 more students selected with her from the County. She was the only one woman among them. The State directed her to the technical school.

except for general explanations of the female body and the body's reproductive functions during a special class held for girls only. This class is held during 4th year of secondary school (for at least 14 years old girls) and is aimed at preparing women to be good wives, teaching them, for example, cooking and sewing skills as well as going over briefly women's anatomy and conception.

Case studies

In the 2009 NKHR's report "Child is King of the Country", 30% of interviewed children who inhabited North Korea between 2001 and 2007, testified that the major reason they had to withdraw from school was the fact that their mothers had to enroll in second economy-type of activity to provide food for the family, as their fathers were either working in state enterprises, or in China. In some cases both parents had left for China to find work. 60% of those children were girls. If we take into consideration all the testimonies that reported plummeting rate of attendees all due to the same reason, the initial number rises to 37%.

The highest number of these testimonies was found in the poorest regions of North Hamgyong Province where 7 reported that absence of children at school was caused by the need to work at home or at family gardens and for 5 out of 7 (4 girls and 1 boy) it was the major reason why they had to drop the school.

Kim Myungju (female, escaped in 2002 at the age of 7) from Hoeryong City, North Hamgyong Province was never enrolled in pre-schooling or any school, and instead had stayed at home doing chores or looking after her younger brother who-unlike her-did attend kindergarten.

Lee Juyeon (female, escaped in 2003 at the age of 11) lived in Musan, North Hamgyong Province between 1999-2003 and testified: "I used to skip school to go into the mountains in order to dig up plants

and since I turned 10 years old I started to do baby-sitting at other people's houses".

Park Heaeyeon (female, escaped in 2006 at the age of 12) also from Musan dropped school in 2004 in order to help her mother farm near the house and in the mountains.

Asked about the strong pro-war or negative indoctrination in textbooks and lack of education on human rights, a woman who was a teacher in North Korea replied that the bellicose language used in textbooks improved slightly after the 2000 North-South Korean Summit, but that the positive view that people share about the outside world, in particular the so-called enemy states of South Korea and the U.S.A, comes from the extremely popular but secret circulation of video tapes and DVDs of foreign (mostly South Korean) films and dramas. The indoctrination seems to be stronger in top schools and in areas such as Pyongyang. One interviewee from Pyongyang who graduated from secondary school in 2008 and admitted that despite secretly watching South Korean dramas with her friends, she still believed that South Korea was under the occupation of American forces as she was taught at school and that similar to the North Korean propaganda films the life of common people in the South Korean movies did not resemble the reality of daily South Korean life.

A few women also responded that they came across 'human rights' as a term in textbooks, but it was explained more as the "rights and duties of the citizen toward the state" and not as protection of individual rights of those citizens. A few also admitted that they are still cautious when hearing the term "human rights" because of the misconception the term has acquired in North Korea.

V. Women's Economic Rights

1. Labor rights and households food security

Policies and Laws

Article 3 of the DPRK Law on Sex Equality proclaims that, "Women shall have equal rights with men to labor, pay, social insurance and education." Also, the Constitution provides that, "Citizens work in accordance with the quantity and quality of their work" and article 37 of the Labor Law reads: "Irrespective of their sex, age and race, the working people receive equal remuneration for equal work." North Korean authorities confirmed to the CEDAW Committee that women are free to choose employment in conformity with their technical skills, their knowledge, their aptitude and interest. The State allocates female graduates of various schools to jobs of their choice. Interestingly however, Article 49 of the Regulation on Labor Protection adopted in 1999 stipulates that "Institutions and enterprises shall direct special attention to the labor protection of female workers, give them the jobs suitable to their physiological characteristic and constitution (...)." The North Korean delegation stated that promotion of women was based on ability and increasing the number of women in the workforce could not be forced which caused the CEDAW experts to wonder whether North Korean women are thought to be less capable. The official statistics presented in 2005 shows that there were only 20 women in directorial positions in the ministries and none of them in senior decision-making posts. Women elected to the Supreme People's Assembly and local people's assemblies constitute 20% of all deputies.

The UN Human Rights Committee also expressed its doubts whether several provisions in the North Korean Labor Law are compatible with the International Covenant on Civil and Political Rights and whether they do not constitute a ground for forced labor.

The official statistics presented in 2005 shows that there were only 20 women in directorial positions in the ministries and none of them in senior decision-making posts.

For example Art. 14 of the Labor Law states that labor for the country is every citizen's honor and duty and all the citizens have to participate in labor for the construction of the socialist society, and Art. 18 stipulates that citizens have a duty to fulfill labor regulations and cannot give up one's place of employment at will.

Reality

The concept of emancipation of women in North Korea meant that women were encouraged to enter the workforce and to do jobs normally reserved for men. To certain extent North Korea was successfully able to achieve this goal. According to official North Korean statistics 48% of workforce is female.

One of the most important issues however, is not the discrimination between men and women in terms of access to work and equal pay, but discrimination between women based on their personal background. As aforementioned in the report's section on education, North Korea reserves access to technical schools and university level education for those whose family's personal records shows positive traits, such as correct social origin, loyalty to the Party, and family history. In this sense the upward movement in North Korea is restricted only to the selected upper caste and discrimination is inherited through generations. In the recent years, it is possible to overcome such obstacles because of the culture of corruption spreading through North Korea. However, the extent to which a person can overcome a bad family record is limited. Access to higher and technical education means of course allocation to better work assignments and a higher salary⁸⁾ but most importantly higher allocation of food rations (In our research, women engineers were entitled to 700g-800g of food ration, teachers in technical school 700g, while housewives were allocated only 300g which is even less than the

allowance permitted to elementary and secondary students amounting to 500g and 600g respectively).⁹⁾ Although receiving a food ticket does not necessarily mean that the whole amount will be provided and usually it is not provided, those who work in more important industries reported better access to food distribution. For example, the international food aid was often distributed among middle and senior level managers in factories, and thus in comparison to the average conditions they felt privileged. In addition, female teacher reported that since the government started to allocate land for schools, hospitals or factories since 2003, they were able to receive additional income, instead of food ration tickets, since proceedings from land except for 20% given to the State, are divided among all the staff working in the given institution. The teacher also confirmed that in a majority of cases elementary and secondary school students are those that work the lots.¹⁰⁾

The allocation of jobs is done at the central government level for university graduates and local people's committees for secondary school graduates. Individual interests of students are secondary to the mandated allocations of posts in various industrial sectors. Furthermore, the provision that citizens receive equal pay for equal work regardless of sex is literally translated in North Korea into giving women the same amount of work as men. Our interviewees who worked in the factories or served in the army reported that even carrying very heavy work loads was distributed equally among men and women without considering the physical differences. For example during military training in the army women carried 20-30kg of loads just as did their male colleagues and both men and women were provided with the same amount of food. Even worse conditions are observed in the detention facilities where the majority of detainees are women, mostly those who were detained upon

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The amount of salary is not the principal concern of most of the North Koreans, since in the official economic sectors they are in general too small to cover monthly expenses. Women reported that those with higher education should officially earn from Won 1,600 to Won 1,800. but the official amount of salary is cut by some 40%. The minimal wage was Won 150. Woman engineer earned Won 1,000 until 2006, a teacher in technical school Won 5,000, normal teachers Won 1,500 until 2007. In Shinuiju in 2007, the cost of 1 kg of rice was on average Won 900. In comparison, women who are successful in peddling or trade business reported earning Won 20,000-30,000 per month.

9)

In the Summary record of the 699th meeting of CEDAW, CEDAW/C/SR.699, September 08, 2005, the North Korean authorities briefly explained the rationing system, stating that those performing heavy work receive 800g, those performing lighter work 600 to 700g, and have given the amounts for housewives and children.

10)

The detailed account on the extensive exploitation of child's labor is given in our report on child's rights in North Korea; see Lee, Young-hwan, "Child is King of the Country.", NKHR, 2009

deportation from China. Because men are in shortage the facilities, women shoulder the burden of such work as road construction or logging.

Household food security is the primary concern of poor and underprivileged households. The traditional gender stereotypes in most societies place responsibility on women to feed their families, and North Korea is not an exception to this. If women need to go out to work in order to purchase food, girls are often taken from school, so as to take over their mother's domestic and care work. During the course of research on child's rights in North Korea, this turned out to be an important reason among the children who dropped from school, particularly in the poverty stricken areas of North Hamgyong Province. Helping in the house, and attending to a family business or farming impacted both boys and girls in the poorest areas of North Korea, but the household chores, baby-sitting or attending the house garden seems to be mostly done by girls. Lack of social welfare protection particularly affects those women who either have no breadwinner or cannot work. The situation is similar for those who were punished in reform institutions.

It is well known a fact that in North Korea food production is not sufficient to provide for the whole population.¹¹⁾ International humanitarian food aid was always a matter of controversy, since it has been widely reported that for the most part it reaches the elites and the army and not those at the margins of the society because its distribution is politicized. Under such circumstances North Korean authorities should be more conducive to encourage micro-credits or investments in order to help women's contributions to economy, especially the budding market economy as women's activities play a very important role in its development. North Korean authorities have

11)

North Korea is said to be lacking between 1.3 to 2.2 mln of grains according to various estimates, see for example 2006 UNICEF Report "Analysis of the situation of children and women in the Democratic Republic of Korea." Various reports on food security, diversion of international humanitarian aid and politicization of distribution of food exist; see 2006 Human Rights Watch report, "A matter of survival: The North Korean Government's control of food and the risk of hunger."

been very inconsistent in their economic policies toward women, at one point allowing them to undertake economic activities in times of crises, but then being afraid of losing control over the society and imposing irrational instructions such as prohibition against bike riding (the major form of transport for women conducting private economic activities), imposing age limits on which women are allowed to trade on the markets, and reducing the activities of markets, etc.¹²⁾ Some necessities such as those imported from South Korea via China need to have their labels destroyed: South Korean, Japanese or American movies need to be traded in secret out of fear of severe persecution. Lack of access to food especially for marginalized women and families pushed women toward the labor markets in China, but in the process many women ended up being trafficked into prostitution or forced marriage.¹³⁾ The worst form of persecution is of course that which affects women who escaped to China, despite the fact that in many cases these women's earnings if sent back home contribute to the economic growth of North Korea. Women reported that those who receive financial support from family members in China and South Korea are investing back into developing their own businesses or even dealing in real estate.

2. Women on top positions and in the foreign workforce

Interviewees reported that women in general occupy lower and middle positions in the Party, government ministries or as managers. Although more women were in higher positions from the 1970s and by the Directive 79 of the Administrative Council in 1985 which instructed the government to increase the number of women in senior positions in various ministries to 15% there are still no women at decision-making positions. Asked why there are no

Lack of access to food especially for marginalized women and families pushed women toward the labor markets in China, but in the process many women ended up being trafficked into prostitution or forced marriage.

12)

See for example North Korea Today, Research Institute for North Korean Society, No. 248, November 2008; No. 254, December 2008.

13)

See for example Muico Kang, Norma, "An absence of choice: The sexual exploitation of North Korean women in China", Anti-Slavery, 2005.

“No North Korean man will follow a woman to her posts”, “Traditional cultural stereotype regarding the place of a woman has not been changed.”

women in top positions in the country, in parliament or as ambassadors in foreign countries one former government official (male) replied that “No North Korean man will follow a woman to her posts”, and that, “Traditional cultural stereotype regarding the place of a woman has not been changed.” Similarly, other women replied that it is practically impossible for provincial women to move to Pyongyang to work in the government ministries; these posts are occupied by the top class in Pyongyang.¹⁴⁾

Ever since North Korea started to suffer from economic crises and foreign currency shortages, it began to export its labor force abroad in exchange for the country’s debt repayment (as happened with North Korean loggers in Russia) or as a means to earn foreign currency through a cheap workforce. Many countries accepted North Koreans workers, including the Czech Republic, Poland, Libya and Mongolia. For the most part, the workers are men, but women are generally sent to the light industry factories and were known to work in Czech Republic (although currently this has been discontinued), Mongolia, but also in the Special Economic Zones of Rajin Sonbong (a Chinese investment) and Kaesong Industrial Complex (a South Korean investment).

A former government official who was in charge of the female workforce in the shoe factory in the Czech Republic reported that the employment policy is the same regardless of whether the workers are employed in Kaesong or if they are sent abroad. In general, not everyone can apply for such job; the workers are specially selected among those from a loyal background. Women are selected at the age of 18-25 and can work abroad only for 3 years after which they unconditionally have to return to the country. Furthermore, when citizens work abroad, families cannot accompany them and their contact with relatives is limited and correspondence is under

14) The residence in Pyongyang is strictly restricted and those who came from the countryside and reside temporarily in Pyongyang as students for example possess a different type of identity card than do the native citizens. Every few years the authorities relocate those who came from the province back to the countryside.

surveillance.

Women who worked in Czech Republic were divided into two shifts and if one shift finished in the early afternoon, they had to come back to the place of accommodation and could not leave it without special permission. Such permission was granted only when selected representatives were shopping for groceries for the rest of the workers or in the case of a health emergency. The group of two women was always followed by an agent of the National Security Agency (secret police). Women were not allowed to talk to other foreigners employed with them or in public.

The life in the foreign accommodation is quite impoverished in terms of educational or leisure opportunities. Women were restricted while watching TV, had no access to books, press or movies except for North Korean ones and could not go sightseeing.

The most serious violation of labor rights is pertaining to the fact that despite the reality that their official wage was USD 150-170 the majority of it was taken by the government. Apart from the general cut of 50-70% there are several “funds” that workers are obliged to pay. These included the fund for Kim Jong-il, the fund for flowers for Kim Il Sung, the fund for North Korean newspaper and video tapes, etc. all together the amount of USD 10. After all the deductions women were left with the amount of around USD 20, from which they needed to buy food and make savings. Such policy exposes North Korean employees to subsistence conditions of living and increases the chances of various health hazards.¹⁵⁾

VI. Family Environment

1. Family relations, divorce and child custody

Women are selected at the age of 18-25 and can work abroad only for 3 years after which they unconditionally have to return to the country.

15) Among the 50 workers between 2000-2002, one woman suffered from tuberculosis; several women experienced lack of menstruation cycle and suffered from digestive tract problems.

For example, a woman who is employed receives a ration ticket in her workplace, but if she is a housewife, she will receive a ration tickets only through her husband's workplace.

Policies and Laws

Article 5 of the Law on Equality of the Sexes adopted in July 30, 1946 stipulates “the right of women to legal proceedings to let ex-husband pay for the upbringing of children shall be recognized and the legal proceedings for divorce and the expense of child-upbringing shall be dealt with by people’s courts.” Article 22 of the Family Law further provides that the alimantation should amount to between 10 to 30 percent of the monthly income of the contributor until the child reaches working age. The custody of child is decided by the court in the absence of mutual agreement. Article 21 of the Family Law states that only the child’s best interest is taken into consideration at the dissolution of marriage and in the Initial Report to CEDAW, the North Korean authorities explained that it is not permitted for a married couple to live apart or with another partner without divorce procedures. Cohabitation of unmarried people is also not allowed.¹⁶⁾

Reality

Traditionally Korean women were registered in family registers under their father’s name and married women belonged to their husbands’ households with little rights of their own. North Korea abolished this system with the advance of Sexes Equality Law in 1946 and according to the interviewees, married women in North Korea have their separate registration now and a right to inheritance. Unfortunately, many times the spirit of this law is violated. For example, a woman who is employed receives a ration ticket in her workplace, but if she is a housewife, she will receive a ration tickets only through her husband’s workplace. In both cases the children of the married couple are registered to receive a ration tickets only through their father. Also, it is prohibited by law in North Korea that two people live together without having married or that a

person is involved with another while being married to someone else. In extremely rare cases when an unmarried woman gives birth to a child, the child cannot be registered through the mother to receive the ration tickets. In majority of such cases women perform abortions.

One can easily imagine that these provisions indirectly mirror the traditional notion that a woman and her children belong to the husband, and that these provisions furthermore may make many married women dependent on the fathers of their children, limiting in fact women’s freedom in terms of dissolution of marriage for example. All interviewees furthermore contradicted the statement that divorced women are entitled to alimentations for upbringing of their children because the law has allegedly never been implemented by the judges in practice. This is a serious limitation if we also take into consideration the fact that the children are assigned food tickets through father’s register in his workplace. In many cases, divorce means that neither the woman, nor her children will be provided with necessities and alimantation. The women were also asked whether there exists any social welfare system that allows unmarried or divorced women - particularly with children - to receive support, but the answer in all cases was negative. Women reported that the role of the Women’s League to which all unemployed women have to belong, was generally to procure public work and ideological education sessions for housewives and although in the past, women in need could count on some support from the League, the situation has been completely changed since the 1990s.

The policy enabling divorce has fluctuated over the years. In the early years of the North Korean Republic and with growing influence of the Women’s League in the 1960s, women were

The women were also asked whether there exists any social welfare system that allows unmarried or divorced women - particularly with children - to receive support, but the answer in all cases was negative.

16) There are slight discrepancies between the articles’ numbers and translation of text provided by North Korean authorities in the Initial Report to CEDAW in 2005 and available Korean version of the Family Law amended in 1993. The official North Korean version was used here.

The spouse of the person accused of a crime is compelled to divorce the accused.

encouraged to divorce their husbands in case of an ideological difference or in case the husband was accused of political crime. This continues to be the case even today. The spouse of the person accused of a crime is compelled to divorce the accused. It was reported that the divorce rate has been on the rise since women started to exercise more economic freedom during the time of economic hardship. Women who hadn't left North Korea until 2008 confirmed that it was relatively easy to receive a divorce until then, if a person had valid reasons. Judges usually granted divorce when woman stated continuous domestic violence or a husband's alcoholism. "Irreconcilable differences" are not a valid reason for divorce to be granted in North Korea. However, worried about the rising rate of divorce, authorities are said to have recently introduced regulation that divorcing couples will have to pay an exorbitant amount of money equal to Won 500,000 which can be exchanged for 6 months of labor in a reform institution,¹⁷⁾ but this information could not be confirmed by the time this report went to publication.

Case studies

A woman in her 40s upon deportation from China was accused of having contact with the Christian church. She was interrogated by the National Security Agency for a period of 1 year during which she was kept incommunicado with her husband and family. At the end of the investigation period a short trial was held. On the day of the trial, she saw her husband for the first time and was not allowed to talk to him. During the trial the husband was sitting in the back corner of the room and was asked by the judge to divorce his wife since she had committed a grave crime. The woman stated that it is considered unacceptable to refuse to do so.

17)

"The inner story behind the penalty and labor for divorce", NK Chosun.com (Chosun Ilbo), November 22, 2008

A woman in her 40s, a teacher whose husband had committed a serious political crime testified that she was informed 2-3 months after her husband's arrest and interrogation that he was in detention. She was asked by school authorities to divorce her husband but she objected, knowing that it would be the end of her career. Soon after she was fired from the school and was not provided with any economic support for herself and her daughters despite the fact that her husband was in jail. Eventually she started a private successful business.

"The State provides every citizen with the benefits of complete medical service (...)."

VII. Health

1. Women's contraception, abortion, maternal care and the problem of the disabled

Policies and Laws

Article 9 of the Public Health Law asserts that "The State provides every citizen with the benefits of complete medical service (...)." The North Korean authorities claimed in their Initial Report to CEDAW that the nation-wide public health educational system facilitates family planning, and education about woman's physiology is provided in secondary school. According to Directive No. 16 of the Ministry of Public Health (1996) abortion is restricted as much as possible and permitted only in cases of disease or when the fetus is diagnosed deformed and when pregnancy may bring about social problems because of illegality.¹⁸⁾

The Article 31 of the Labor Law introduces the service of various child care facilities for working mothers as well as special social welfare and labor privileges for mothers with babies and those who possess more than 3 children.

18)

This is official North Korean translation and the ambiguous meaning of illegality was not further elaborated.

Those women among interviewees who gave births in North Korea reported not receiving any special education or pre-natal tests.

Reality

All of the interviewed women confirmed that information on women's physiology and pregnancy was provided to them very briefly in secondary school. During the 4th grade girls are taught a separate subject, "Training for Women," on the role of women at home covering such topics as cooking, sewing as well as going over information about menstruation and conception. Information about birth control methods, sexual hygiene and sexually transmitted diseases is not provided. Only one woman saw leaflets about HIV/AIDS in the local hospital.

Those women among interviewees who gave births in North Korea reported not receiving any special education or pre-natal tests. None of them had an ultrasound test performed. When asked about the contraceptive methods provided, our interviewees reiterated that in the majority of cases women simply perform abortions if they don't want to give birth to more children. One of the interviewees had three abortions and only by the third time did she learn from a doctor that she could undergo sterilization surgery, which she decided to do. She was not informed that male vasectomy is an easier and less invasive technique. 10 interviewees from the provincial areas also confirmed that abortion practices are widely accessible and extensively performed at homes by doctors, but without anesthetics. One woman reported that her father who was a well-connected local Party official in North Hamgyong Province arranged for her abortion at a hospital. There are 2 probable reasons that the practice is usually performed in homes; first abortion is illegal in North Korea in most cases, second because medical personnel have generally become unavailable in hospitals in rural areas and small towns since economic problems began in North Korea. Most doctors reside at home or are involved in second economy activities and are called for by patients and paid for by visit.

Women also reported that before the 1990s care for infants and children was well organized and available for women, however it has changed and recently women rely on their in-laws or older siblings to take care for younger children while they work.

Interviewees were also asked what the consequences would be if a child was born with certain disabilities. All of the interviewees apart from 3 people who resided in Pyongyang stated that they have never seen any disabled children or adults in their neighborhoods, nor had they attended school with children with special needs. Those who resided in Pyongyang stated that the presence of the disabled in the city increased after North Korea's bad practices toward them were exposed by the international community and because Pyongyang has the highest concentration of foreign institutions and foreigners in general. Two of the other interviewees who lived in provincial areas heard about special schools for the blind and deaf and that dwarfs are relocated to mountainous areas. One woman reported that she had been aware that her neighbor had a disabled child but her mother who was a Party member told her not to reveal the fact to anyone, as the authorities would then take the child away.

North Korean authorities should be first and foremost requested to address the issue of all types of violence against women including those in detention.

VIII. Recommendations

North Korean authorities should be first and foremost requested to address the issue of all types of violence against women including those in detention. Since North Korea has been declining the offers of technical assistance from the Office of High Commissioner for Human Rights, the UN Development Fund for Women (UNIFEM) instead could engage with North Korean authorities to provide

Punishment by law from China should be completely abolished together with genocide-like practices of forced abortion and infanticide in detention facilities, beatings and the harsh conditions of labor.

assistance in drafting a separate law regarding violence against women, as it did with other countries.

North Korea is strongly recommended to use the expertise of UNIFEM or internationally acclaimed women rights' NGOs to create the program and conduct nation-wide trainings on violence and discrimination against women. It is particularly important that North Korea allows the trainings to be systematically conducted on the provincial level, not confined to institutions in Pyongyang.

Since North Korea has recently introduced TV commercials in its national TV aimed at promoting local beer industry, the authorities should be encouraged to use the same tool to broadcast educational commercials promoting gender equality and addressing domestic violence and sexual harassment. Similar media campaigns have been successfully conducted in other countries in the world. North Korean authorities may use the experience of other countries to create educational materials modified to their needs.

Special training programs (including study-visits to other countries) should be targeted at the Public Safety Agency officers to actively react in cases of sexual harassment and domestic violence and toward the National Security Agency officers (secret police), prosecutors, judges, attorneys and guards in the reform institutions that deal with women in detention to eradicate practices of inhumane treatment toward women.

In particular, punishment by law of those who were repatriated from China should be completely abolished together with genocide-like practices of forced abortion and infanticide in detention facilities, beatings and the harsh conditions of labor.

The monitoring system of the correctional institutions in North Korea is not focusing on independent assessment of conditions and activities of personnel there, but rather on extorting confession from

the detainees. North Korean authorities must acknowledge that detainees still have their universal human rights. The UN Standard Minimum Rules for the Treatment of Prisoners could be particularly useful for creation of benchmark for internal monitoring of the reform institutions.

The second issues of high priority is that North Korea should abolish the policies of *de facto* caste system; the discrimination based on the investigation of one's personal background which is producing inequalities between women along the vertical axes of the classes (loyal, oscillating and hostile) and prevents women with alleged 'negative background' to equal access to higher education, fair job opportunities and remuneration for work and higher food rations provided by the State.

North Korean authorities have introduced many contradictory policies that particularly affect women who are the most active group in the second economic activities. Since the North Korean authorities allegedly cannot provide necessities to all the citizens, they should abolish the policies that limit private economic activities and introduce policies conducive to the country's economic development. In particular, micro lending which is known to have been successful in targeting women's poverty in other countries should be introduced in North Korea to help the underprivileged women. The greater economic independence of women may also alleviate the citizens' dependence on the State for provision of necessities and the social welfare burden, but by no means should be viewed as a substitute for the responsibilities of the state.

Foreign investments in North Korea and employment of North Korean workers abroad should be encouraged, provided that North Korea respects international labor standards. In particular it should abolish the practice of extorting by state of *de facto* 70-80% of the

The second issues of high priority is that North Korea should abolish the policies of de facto caste system.

It is strongly recommended that North Korean authorities accede to the ILO and ratify major labor conventions.

wages earned in foreign currency. This extortion exposes North Korean workers in foreign countries to subsistence living conditions and health hazards. Their confined accommodation and prohibition of contact with the outside world virtually resemble detention. It is strongly recommended that North Korean authorities accede to the ILO and ratify major labor conventions.

Witness Account

My Life in Bowibu and Gyohwaso*

A testimony of a North Korean woman who was repatriated to North Korea.

I entered the army after graduating from high school at 17. Only three students from my grade including myself could enter the army because of our good family backgrounds and allegiances to the Korean Worker's Party. I worked as a military escort transporting munitions. I had risen to the rank of sergeant when I was finally discharged from military service. After that, I became a party member. From business school, I learned how to trim hair and became a hairdresser, then a barber. Aged 24, I married my husband and he had a decent job because he was also a party member. Shortly after our marriage, I became pregnant. One doesn't get checked for pregnancy in North Korea. To give birth, either we would go to hospital or take care of it at home. I had my first child in the hospital and second in the house. We moved to Bukchang where I lived a good life with my two sons and one daughter. Before leaving for China, I had never heard anything about South Korea.

First Escape

There were a lot of difficulties after Kim Il-Sung's death in 1994.

Mi-ran Kim
Female Refugee,
Entered South Korea
in March 2008

*
Correction: In last Witness Account on introduction of Chul-Yoon Kim, it was misstated that he arrived in South Korea in July 2007. It should instead be 'Arrived in South Korea in April 2008'.

Back then, Kim Jong-Il had a policy to release those who crossed the border to China without severe punishment, so I was released after a month of interrogation at Bowibu.

Although there was almost no supply distribution, my husband and I received our allocation of food, but after 1997 we didn't receive any food supply at all. Things deteriorated between 1996 and 1997 to the stage that the government introduced a scheme for the disposal of the bodies of famine victims. In December 1998, life was getting too difficult so I fled from Onsong via Nanyang to the Chinese border to seek help from my sister who lives in China. I quickly realized that it was difficult for her to help me. I then went to a deacon's house in Yanji. When the deacon said to believe in God, I wondered where God was. The next day when I went there again, there were four pastors from Canada, USA, Korea and Italy. They started praying in tongues with their hands on my head and I thought they were going to make me crazy.

My house was located in the mountains at Shenyang. Due to it being rather rural, I would sometimes get a ride in a car to Xita to sell bean-sprouts. Whenever I missed the car ride I would have to walk. One day I went to a near-by town to sell the remaining three packs of bean-sprouts that I had. There I met a kind-hearted grandma and grandpa who set up a barber shop for me after they had heard that I worked as a hairdresser in the North. I worked in the barbershop until October 2001. It was at that point that I was captured by the Chinese officials and was repatriated. Back then, Kim Jong-Il had a policy to release those who crossed the border to China without severe punishment, so I was released after a month of interrogation at *Bowibu* (National Security Agency, NSA). Although I was beaten in the *Bowibu*, it wasn't severe. Many pregnant women were also repatriated from China and they faced forced abortion.

After release from interrogation, I escaped to Shenyang once again via Onsong Province in November 2001. In July 2003, I went back to North Korea and escaped with my children to China using

the same path. I sent my three children to study at a seminary, but within a month they were all arrested and were repatriated to North Korea. When I went back to North Korea, I met my children. My eldest child was beaten so severely that his front teeth were gone and his ribs were broken. Thinking about it now makes me shudder. My sons were afraid to go back to China because of the severe beating, so I came back with my daughter.

Arrest by the Chinese Police and Repatriation

Since I lived in China for a long time, there were many people that I knew and the church people were especially helpful. I rang people who assisted me previously, and one of the women had asked me to visit her house since she was alone. After staying there for a while, I decided to return back home during the evening. On the 1st of January, 2004, when returning home, I saw a black car. Had it been a police car, I would have run away, but I assumed it was somebody else. When I opened the door and turned the light on, three Chinese officials appeared and asked for my identification. When I told them that I had no identification, a Chinese-Korean appeared and put handcuffs on me and said, "You are North Korean, right?" I was taken right away in my underclothing.

My picture was taken and I was interrogated for three days in the Department of Foreign Affairs by the police. Chinese-Koreans provided interpretation and asked me questions such as "Where did you live in China and North Korea?", "Who assisted in the escape?", "Who provided the money?", and "Did you participate in prostitution?", but I answered no to everything. The interrogation was very simple. When I got on the train to be transferred to Dandong, there were two other female refugees with me. Our legs were strapped with chains to prevent escape and two officers from

When I told them that I had no identification, a Chinese-Korean appeared and put handcuffs on me and said, "You are North Korean, right?" I was taken right away in my underclothing.

As soon as we arrived, we had a body check-up and they took our blood to test to check for diseases.

the Department of Foreign Affairs escorted us. Since I was the weakest, we decided to run in different directions as soon as our hands were removed from the chains in front of the Shenyang train station. But the other two just stood still when I ran away, so I was recaptured and was beaten severely with shoe heels. They didn't even let us go to the bathroom on the trip. I gave up trying to escape since the windows on the train were double glazed. When we arrived at the Dandong border area, the Department of Foreign Affairs kept us there for less than a week before sending us to Sinuiju in North Korea.

There were 11 refugees when we were repatriated to North Korea, along with a van driver and two escorts. One of the escorts took care of the documents. In the middle of the bridge, North Koreans came to check the people and the documents. We were then sent to the North Korean *Bowibu* and the chains were replaced with ropes. From there we walked to the Sinuiju office of the *Bowibu*.

At Sinuiju *Bowibu*

As soon as we arrived, we had a body check-up and they took our blood to test to check for diseases. Females and males were separated, and a female officer came to the female section with a plastic glove and stuck her hands in our uteruses. It didn't matter whether the person was pregnant or not. She even stuck her hand in our anuses. They told us to start "pumping" (sit and stand up repeatedly while naked) 100 times, so that any money that was hidden could be taken away. After all our clothes and pockets were checked for any hidden money, we were sent to the prison cell. Although there weren't any pregnant woman among the people that I went with, there was a pregnant person in the other group. She was

taken outside the *Bowibu* to abort the child.

Eleven people were assigned to each prison cell. Inside of each cell, there was a bathroom and a space where food came in, but there were no steel bars on the door. However, there was a barred window on the outside wall. With my hands tied up, I was sent to a solitary room in the first floor. The room had a single window; the room was just large enough for one person to lie down in. During the afternoon, I had to sit still and put my hands on my legs and was not even allowed to open my fist.

I was curious as to why I was sent to a solitary room, but the next day, the *Bowibu* told me that I was sent there because I believed in God. I told them that I did not believe in God. When I was arrested, I was held with a woman from Chongjin who sold alcohol in Shenyang in China. The woman had told the officers that I went to church in China and she was released because her Chinese husband helped her, but I was sent to the solitary room.

I was interrogated for three days in the Sinuiju *Bowibu*. After eating breakfast, I was interrogated from 8am till 12pm. They asked me "When did you go to China and how did you get there?", "What did you do in China?", "Did you meet any South Korean people?", "Did you meet any foreigners?" and "Did you meet any South Korean National Intelligence Service officers?" If I told them I didn't meet any South Koreans, they might assume I was lying so I told them instead that I met Canadian and American pastors, but couldn't talk to them. I told them that they just bought me some food. After interrogation, I was ordered to sit still. In the Sinuiju *Bowibu*, they didn't hit me. For meals they gave us either grinded corn with rice bran powders or whole corn. I didn't feel like eating, so I just gave it away. Water was given on a regular basis into a hole that they dug in the floor. They also gave us time to catch lice, but in

I was curious as to why I was sent to a solitary room, but the next day, the Bowibu told me that I was sent there because I believed in God.

I was confined in a solitary room for a year until February 2005.

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Continuous torture in Bowibu

Within a week of being at the Sinuiju *Bowibu*, two men came from Pyongsong *Bowibu* (my hometown is Bukchang County, South Hamgyong Province) to pick me up. In case I tried to escape, they chained me to them. It took two days to reach Pyongsong. On the way, we had to spend a night in a motel. I was appalled to find that I had to share a room with one of the male workers.

We reached the Pyongsong *Bowibu* at around one in the afternoon. When we arrived, I didn't eat the food they gave me. As soon as we arrived at the train station, a combat vehicle came to pick us up since there was quite a distance from the Pyongsong station to the *Bowibu*.

I was confined in a solitary room for a year until February 2005. The size of the room was very tiny, but there was a bathroom and a place to wash my face. I was ordered to sit up straight, as I had been in Sinuiju *Bowibu*. I had been made completely naked for uterus and clothes check-up. Every possession, including toothbrush and clothes, were checked and if a person has a long hair, they took the hair band away. On the day of arrival, they gave us food which included corn-rice and thin soup which was boiled with the ends of cucumber and eggplant for dinner. Although the food in Pyongsong was better than Sinuiju, I couldn't eat anything for two days. At five in the morning, we woke up and washed our face and sat up straight. We had breakfast at 7am, lunch at 12pm, and dinner at 6pm. The meals were always the same. They gave us two military blankets; I used the thicker one as a mattress and the thinner one for a blanket, but regardless the cement floor was too cold. At 10pm in the evening, we had to sleep, but in case we tried to commit suicide, we had to lay our hands on top of our blankets. Cells were located on the first floor, whereas the interrogation room

was on the third floor.

When we entered the *Bowibu*, our names were replaced with numbers. I was No. 42. Even though I could not see peoples' faces, I knew there were a lot of us because I could hear their voices. Every morning at 8, they called us and started interrogation. I do not remember how many people there were. If I ever left the prison, then the next person replacing me would be 42. If the prison guard opened the door and say, "42, come out," we were to avoid the guard's eye, look at the floor, and walk outside with our hands behind our back and then sit. If we tried to look, they slapped our faces. In the interrogation room, which was located on the third floor, they asked simple questions. The interrogation room was big and there were a table, chair, and separate portraits of Kim Jong-Il and Kim Il-Sung. I sat in the chair in the corner with my hands handcuffed behind my back. There was a long stick right next to where I was sitting. A person sat in front of the table and read the documents that came from the Sinuiju *Bowibu* and asked "Why did you go to China?" and "Do you believe in God?" When I answered "No, I don't believe in God," they would reply, "You are in trouble" and continue interrogation for three to four hours and finish at 12pm. On the first day, they only asked questions without any beating and sent me to my prison cell. The following day, for a week, they interrogated during the afternoon. On the following week, they interrogated me in the evening half past 9 till 10 - 11.30pm, and from midnight till 3am. It was very tiresome since the interrogation went on without sleep. One year in Pyongsong *Bowibu* felt like 10 years. After the first day, I was beaten during each interrogation. I was overwhelmed with indescribable anxiety each time I was called for interrogation. Although I sat on the chair while talking, they would order me to kneel. While my hands were tied behind my back, they kicked my sides and breasts. I couldn't even feel the pain

When we entered the Bowibu, our names were replaced with numbers.

Every day I received a beating and they would only release me from the chains when I wrote my confessions.

because I was losing my mind. They didn't hit all the time, but only when I denied something; they kicked wherever they wanted to. When they slapped my ears, all I could hear were siren sounds. My ears would start to swell during the evening. I am deaf in one ear now. When they hit my head, I could see stars from my eyes. What made things more difficult was the dark prison cell that I had to stay in after the beating. I did not agree to the reasons that they were accusing me of. Had I agreed, they would have sent me to a political prison camp.

The person who interrogated and beat me was Kim Chang-nam. He was over 50 year-old back then, so he must be over 60 now. As five months passed since the interrogation started, I tried to kill myself by starving to death because I thought I was never going to get out of there alive. At first, I even refused to drink, but it was difficult to pass three days without water. After one week, I had no energy to think about food or even to eat it. Half a month passed and when it reached about the 20th day, I went in to shock. When I opened my eyes, I found myself chained to the hospital bed with insulin attached. Although I wanted to, there was no way to escape. Two guards were positioned outside the room. I thought about jumping off the window, but the chains prevented me from doing anything.

As soon as I opened my eyes in the hospital, I was sent to the *Bowibu* right away. My body was swollen and they did not treat my ears or head injuries. Back then I couldn't feel any pain because of mental distress, but I gradually felt the ear pains. Since then, they started giving me soup. It was corn soup, thin rice gruel, and I started to eat.

Every day I received a beating and they would only release me from the chains when I wrote my confessions. I had to write the confessions exactly identical to the previous one I had written. If there was any slightest change, I received a beating and had to write it again. (In

Sinuiju we had to write the confessions) In the *Bowibu*, confessions were already written and we were told to stamp our fingerprints. It was very difficult as I continuously received beating and interrogation. During those times, I always prayed to God and sang the song that I later wrote into words when I had been sent to *Gyohwaso* (Long-term Prison with reform through labor).

My heart longs for my Father in a prison
Although the road to truth is steep and narrow
A bright future will be revealed when I continue
Without faith, calamity will strike in this road
Allow me to go forth towards the fortress
Although there may be much grief and complications
How could I follow in the footsteps of my God?
With tears my heart longs for my Father in a prison
Father please accept this sinful daughter
Please protect me with mountain fortress and shield
Take me under your wings of peace
Father's voice that comes from the sky
Guide me to your blessings daily

From the *Bowibu* to *Inmin-Boanseong* (People's Safety Agency , PSA)
Visiting was allowed in the *Inmin-boanseong*, but not in the *Bowibu* since the detainees are usually there for political reasons. My family did not even know I was captured. Because I kept insisting that I did not believe in God, they transferred me to the *Inmin-boanseong* on February 10, 2005. Since most of my information was handed over from the *Bowibu*, the interrogation in the *Inmin-boanseong* was simple. A man interrogated me and they didn't check my body. I wasn't sent to a solitary room, but a room full of 15 people. There was

It was very difficult as I continuously received beating and interrogation.

It was forbidden for us to give food to the child as the child was being punished.

a single Chinese woman. Everyone else had been arrested for economic (stolen food) reasons. There was a barred window in the room, similar to the size of my room in my house.

Among the 15 people, there was a child. It was forbidden for us to give food to the child as the child was being punished. There was a CCTV camera, but I didn't know this and I gave my food mixed with the soup to the child. The child wouldn't eat it, but I insisted. The guards then started looking for me after the child had finished eating. I put my hands behind me and walked forward. There was a sill on the window. They told me to kneel on the sill. And they hit my hands with a small stick. Then they told me to stand on a smaller sill. It was difficult to stand so I held onto the barred window, but they again hit my hands because I wasn't supposed to touch anything. I stood on the sill for an hour with my hands behind my back. Everyone in the room cried.

We slept piled up against each other. There were 19 and 20 year-olds who were arrested because they ate a dog and stole some vegetables. Sometimes the guards called out the younger ones and touched their body. When it was dark, the guards called them out to the back door. Although they didn't say anything, we knew through their eyes. Since visiting was allowed, sometimes when the guard told us to strip off, we took our clothes off and gathered it in one corner. If the blanket covered the pile, then the male guards came in the room and searched around the room and the clothes.

When we wanted to go to bathroom, we asked, "Can No. 42 ask a question?" If they said: "What?" I replied, "May I go to the bathroom?" If they said no, then we couldn't go. When they were giving out punishments, we were not allowed to go to the bathroom. When I came to the *Inmin-boanseong*, it smelled bad whenever I went to the bathroom. There was a separate time to use the bathroom. Young ones

who had diarrhea needed to use frequently, and they were the busiest. We sat with the same posture in the *Inmin-boanseong*. My kids didn't know that I had been detained in the *Inmin-boanseong* so they didn't come. I didn't get interrogated so I just sat down. As soon as one arrives, they go through interrogation for three days. And they write confessions as same as before.

There was a public execution in the *Inmin-boanseong*. A group was executed because they stole copper wire and sold it to China. They were 20, 21 and 22 year-olds and they were gunned down. They made us stand in the first row and told us that we had to watch them. During the trial they called out all the crimes they had committed, but the people who were being accused had gags in their mouths. The prison guards put up a post in the field, tied them up to the post, and shot them three times. The last time I saw the public execution was February 2005.

Receiving a Trial

Within 20 days of being transferred to the *Inmin-boanseong* I received my trial. During the trial, they allow family members to attend, and my husband came on the day. They chained my hands when I sat down, but during the trial they took them off. The trial lasted for about 20 minutes. The trial could be either public or non-public, but mine was non-public. There was a panel of 6 judges, 1 recorder, 1 lawyer, 1 prosecutor and 2 jury members. My husband sat behind with the auditors.

During the trial, they only asked a couple of questions such as when I went to China and made their judgment based on that. The defense lawyer is able to argue on behalf of the defendant, but it doesn't affect the decision of the court. The lawyer told me to accept the punishment of the crimes as written in the confessions. Since I was

Within 20 days of being transferred to the Inmin-boanseong I received my trial.

When the final judgment was being made, the judge asked my husband whether he wanted to divorce and he nodded his head saying yes.

in the *Bowibu* for a year, they sentenced me to three years in long-term reform through labor (*Gyohwahyeong*). When the final judgment was made, the judge allowed the lawyer to speak and he said, 'for crimes of escaping' she is sentenced to long-term reform through labor. The judge told me that I was sentenced according to the Article of the related law, I cannot remember which law and Article they were.

When the final judgment was being made, the judge asked my husband whether he wanted to divorce and he nodded his head saying yes. He wasn't left with much choice since if he disagreed to a divorce, the rest of the family members would face many difficulties. I couldn't talk to my husband even after the trial. My husband just looked at me with tears in his eyes. For three days I stayed in the *Inmin-boanseong* and I was then transferred to Jeungsan *Gyohwaso*.

Inhumane life in Jeungsan *Gyohwaso*

Five people were in the prison van and three people, including the driver, escorted us to Jeungsan *Gyohwaso*. It only took a day to arrive. The people who were with me were children who had all received a 3 year sentence for visiting China. If the crimes are petty, then the person is sentenced to 1~2 years in a short-term labor re-education facility in *Rodong-danryenda* (Short-term labor re-education facility). Jeungsan *Gyohwaso* is located next to the ocean.

As we got out the van, our handcuffs were released, and we were led to a room. Stripped off naked, we were told to perform 50 'pumping'. Afterwards, they stuck their hands in our uteruses, just in case the visitors gave us something. As a person who sat in the *Bowibu* prison for a long time, I fainted while pumping. I said, "You guys are not human" If a guard passed by, we had to stand still with our heads down. We got beaten if we walked instead of stopping.

My head was shaved and I wore the same clothes I came in with. I

had to get some clothes from the warehouse since I had nothing else to wear. The visitors could give clothes for us to change. The newbies received training for a month, which consisted of studying the *Gyohwaso* rules and group training sessions.

The day would start off with major cleaning at 5am. Afterwards, we sat still and memorized the rules until we had meals. During the evening, each person had to stand up and recite the rules in order to pass a test. The young ones were good at memorizing, but older adults had difficulty and they often got beaten. From 9 to 10 in the evening, we get training sessions and went to bed. For a month this repeated and then we were placed in different classes.

Gyohwaso was one-story building and there were rooms on either side of the hallway. There were 11 prison cells, 14 medical rooms, a guard room, sewing room and a separate lunchroom. Within the *Gyohwaso* there were 5 different groups including farming, livestock, sewing groups. 45 prisoners were placed in each group, except for livestock group, where there were sometimes 35 prisoners. People who committed petty crimes or those with power were placed in a livestock group.

For meals we received one pound of corn-rice with broth. Small pieces of beans were also included. When we ate, we were separated into groups. Sometimes we ate altogether. There must have been about 200~300 people in total. Even though there were so many people, there was only one lamplight. I wouldn't even know if somebody snatched my food from me. We were separated by gender at meal times. Females and males were separated in the *Gyohwaso*.

To change clothes, we had to exchange with 5 pounds of rice. It was impossible to work without a meal. I exchanged clothes by skipping dinner. There were almost no towels, and no toothbrushes. Towels were cut into small pieces in order to prevent suicide.

There were many people who died in the *Gyohwaso*. I closed the

For meals we received one pound of corn-rice with broth. Small pieces of beans were also included.

If prisoners died in the Gyohwaso, the guards didn't give any notification to their families as they were not regarded as citizens.

eyes of a 26 year-old that died next to me. There was a mountain there called Flower Valley which was used to bury the dead. During winter, they couldn't dig the ground too deep so if the person was too big to bury, they broke their legs and arms and left the grave unmarked. If prisoners died in the *Gyohwaso*, the guards didn't give any notification to their families as they were not regarded as citizens.

If anyone tried to escape from the *Gyohwaso*, the entire prisoners in the cell received punishment. Initially they told us that they would shoot us if we are caught trying to escape, but instead they just extended the period we had to be there. I had seen two incidences in which people tried to escape. Escape was difficult; the walls were high and had electric wires on top. There were also guards on top of the tower.

In the *Gyohwaso*, we woke up at 5am and ate breakfast at 5.30am. After breakfast, we lined up and started to work. At around 9am, they gave us seaweed for brunch. They gave us a basket with a handful of seaweed mixed with flour. At 12pm we returned to the *Gyohwaso* and ate lunch and went back to work at 1pm. We worked at the field until 8 pm in the evening. Again, we had dinner inside and sat down until 10pm for group training sessions.

Inside the prison cell, the floor was cement. If we had winter clothes, we used them as a blanket since we weren't given any. We weren't given anything other than the ones we brought. We didn't even have pillows. The bathroom was located in the *Gyohwaso*, on the side of the hallway. There was a guard in the middle of the hallway, but just in case we tried to escape, we had to report continuously that we needed to use the bathroom. Nobody followed us. We could go anytime we wanted to. We were allowed to take baths once a week and there was a separate place to take baths. People who had visitors used soaps.

In there, I used to trim hair and work on the farm. We went out in groups when we farmed. Each group consisted of 6-7 people and a leader. There was a leader and a vice-leader. We stood in a line and walked while singing Kim Jong-Il song. Two teachers who were about 21-22 years old followed us with guns around their shoulders. All the guards were male. We got crazy and ran after food since we didn't get to eat much. Even if it was a frog or rat, if it passed by, they caught it and ate it. During fall, we went out to pick cucumber or eggplants. If the guards caught us eating, they checked our mouths and made us skip a meal.

The medical room did not have a bed, but had a cement floor like all the other rooms. There was no doctor, but if there was a nurse among the prisoners, then that person did the work. All that person had to know was how to give shots. If a person got injured, they just applied medicines. There were two such people. But if a person got very sick, then they had to die. *Gyohwaso* provided everything including the needles. Medicine was only a temporary measure. They had medicine for anti-indigestion and diarrhea, but they didn't work. Parathyroid fever spread inside the *Gyohwaso* once, and we were isolated. I was infected as well. I suffered with high fever and I couldn't eat or control my bladder. Many people died then on a daily basis. During August 2006, I was sick for about a month. For treatment, they inserted a hose through my nose and throat to give water.

In February 5, 2007, the guards gathered everyone in front of the *Gyohwaso* and called out "1445!" My number was 1445. They didn't say anything other than "release" and on February 8th, I received my release document and was freed from Jeungsan *Gyohwaso*. There were many others who were released also. I was supposed to go back to my hometown and report with my release document to receive the identity of a citizen, but I walked from Hyesan City for a month and escaped to China.

There was no doctor, but if there was a nurse among the prisoners, then that person did the work.

*During March 2008,
I crossed through
Myanmar and
Thailand to South
Korea.*

Freedom Found

After my escape, I stayed in China to get some rest. During March 2008, I crossed through Myanmar and Thailand to South Korea. I didn't want to be repatriated to North Korea again. South Korea is a better place than I had imagined and I am happy now. But I still can't sleep since the day I arrived to Korea. I wake up in the middle of my sleep, shocked with the life in the *Bowibu*. Although in South I was able to talk with people and feel the sunshine, living 1 year in the *Bowibu* prison cell felt like 10 years. It is a miracle to be out here.

I still suffer from *Bowibu* and *Gyohwaso* side effects with chest and ear pains. I can't breathe deeply. The place where they beat me (my back) is still uncomfortable, but it's manageable. I can't eat any oily food since my digestive system is not used to taking too much food. I suffer with diarrhea right after eating. Rice, Kimchi and fish (not fried ones) are what I can eat. I used to eat well, but not anymore.

Even though I'm in a very happy place, when I think about my children back in North Korea, my heart aches. Two of my sons are left in the North and I heard my daughter went to the States in August 2008, but I can't contact her. I just want to meet my children.

I really want to visit a South Korean prison. I heard they were good, but I cannot believe it. I would like to see how it is. I have no regrets about leaving the North.

Translated by Lily Lee and Michael Glendinning

Re: US Policies on North Korean Human Rights and Refugees

Document

Joint Letter to the U.S. Government on North Korea Policy

November 16, 2009

Ambassador Stephen Bosworth
Special Representative for North Korea Policy
U.S. Department of State, Bureau of East Asian and Pacific Affairs
2201 C Street NW, Room 6205
Washington, DC 20520

Dear Ambassador Bosworth:

We write to urge you to take a more proactive role in addressing human rights in the Democratic People's Republic of Korea (North Korea) and the situation of North Korean refugees. We understand that Robert King awaits his confirmation as the new special envoy on North Korean human rights. We look forward to working with both of you on these important matters. In the meantime, we urge the US government to address the plight of North Koreans with more vigor and urgency.

We note that the US has been a generous donor to North Korea since North Korea suffered a famine in the 1990s and through most of the 2000s. In 2004, former US President George W. Bush signed into law the North Korean Human Rights Act, which calls for humanitarian aid, extended radio broadcasts to North Korea, assistance to and resettlement of North Korean refugees, funding of non-governmental organizations focusing on human rights and democracy, and the appointment of a special envoy, among other

For too long has the world sidelined human rights in North Korea while single-mindedly focusing on security issues.

measures.

In addition, we believe the US should be raising human rights issues in future dialogues with North Korea, pressing China to protect and recognize North Korean refugees, and accepting North Korean refugees through a speedier screening process.

Our organizations have conducted research on human rights conditions inside North Korea for many years, including the right to food, workers' rights, treatment of repatriated North Koreans, prison conditions, abductees, and the plight of North Korean refugees, among other issues. Some of us also provide assistance to North Korean refugees in transit or those who are resettling in Japan or South Korea.

Strong Multilateral and Bilateral Diplomacy on Human Rights in North Korea

Human rights conditions in North Korea remain dire. There is no organized political opposition, independent labor unions, free media, functioning civil society, or religious freedom. Arbitrary arrest, detention, torture, inhuman and degrading treatment of detainees, and lack of due process in the criminal justice system are serious and endemic violations. Repression of anyone perceived as potentially a critic of the existing order is so severe that there is not a single publicly known dissident or activist living in North Korea.

For too long has the world sidelined human rights in North Korea while single-mindedly focusing on security issues. One and a half decades later, North Korea's nuclear problem remains unresolved. For a long-term resolution of security issues, one needs to address the repressive system underneath.

With that in mind, we welcome Robert King's statements on November 5 at a Senate panel that the US government should

balance its security efforts with human rights concerns.

The US should press North Korea to include human rights on the agenda in bilateral talks. That agenda should include the following key issues in addition to points on food aid, refugees, and Kaesong, addressed below:

- An immediate and permanent ban of public executions and taking steps to abolish the death penalty. North Korea routinely executes people for stealing state property, hoarding food, and other "anti-socialist" crimes.
- Cooperation with the UN human rights bodies, and opening the country to visits by UN Special Rapporteurs and technical assistance from the Office of the High Commissioner for Human Rights. Of high priority should be facilitating inspection of all types of detention facilities by the United Nations or other independent international experts and implementation of recommendations from such trips.
- Ending the punishment of North Koreans who return home, either voluntarily or forcibly, after leaving the country without state permission.
- Locating families of US citizens of Korean descent, enabling them to freely contact each other, and holding regular family reunion meetings.

Food Aid

Although the country recovered from the 1990s famine that killed millions, North Korea still suffers from widespread hunger. In September 2009, the World Food Programme reported that a third of North Korean women and children are malnourished and that the country will need to import or receive aid of almost 1.8 million tons of food to feed the most vulnerable population.

We believe humanitarian aid should continue and should never

Although the country recovered from the 1990s famine that killed millions, North Korea still suffers from widespread hunger.

Humanitarian aid should reach the most vulnerable, including young children, the elderly, the disabled, and pregnant and nursing women.

be used as a political tool. But we would like to emphasize that it is crucial to monitor the distribution of such aid. Humanitarian aid should reach the most vulnerable, including young children, the elderly, the disabled, and pregnant and nursing women. Donors should make sure that aid is reaching the intended recipients.

The deterioration of the state rationing system as food has become more of a market commodity has made food too expensive for many North Koreans to access in sufficient quantities. Market “trickle down” effects do not ensure that those on the bottom of the economic ladder receive sufficient food. For this reason, we believe that the US should continue to urge the North Korean government to:

- Accept proper monitoring of food aid distribution consistent with international standards of transparency and accountability. These standards include access around the country to determine needs and the ability to make visits to places where food aid is delivered.

Refugees

The plight of North Korean refugees is relatively well known both in the United States and internationally. Hundreds of thousands of North Koreans crossed the border to China since a famine hit the country in the mid-1990s. Although the number of such people decreased significantly, border crossings to avoid wide-spread hunger, earn income, and escape political repression continue to date. China has an obligation to protect and shelter them as refugees, but periodically arrests and repatriates them instead. Those who are forcibly returned face grave human rights abuses, including detention, inhuman treatment, torture, imprisonment in labor and the so-called political prison camps, and even execution.

Despite procedures in the North Korean Human Rights Act to

assist North Korean refugees in transit and resettle them in the US, five years after the act went into effect, the number of North Korean refugees admitted by the US remains fewer than 100.

In his final report earlier this year, Jay Lefkowitz, former special envoy on North Korean human rights, pointed out that the number of North Korean refugees who settled in the US remains small, thanks to the “lengthy and cumbersome” screening process.

He also mentioned that the US diplomatic posts throughout East Asia “still lack clear instructions regarding the need to receive, advise and, if necessary, shelter North Korean refugees in crisis situations... Organizations and individuals aiding the refugees in transit seldom approach US posts, believing they will be turned away or referred to the UN Office of the High Commissioner for Refugees (UNHCR), which has been marginalized, especially in China, where most of the refugees are in hiding.”

We welcome the statement of Robert King, the new special envoy on North Korean human rights, at a Senate panel on November 5 where he said he would press China to stop sending home North Koreans who have fled their country.

We recommend that the US government:

- Approach other governments in the region, particularly China, to ensure that all North Korean refugees who seek refuge at US diplomatic facilities receive prompt assistance to be safely transferred to their desired destination, including the US.
- Send clear instructions to all US diplomatic facilities on the principle of receiving and sheltering North Korean refugees and assisting with their transit. Accelerate the screening process for North Korean refugees who wish to settle in the US.
- Press North Korea to abolish penalties on North Koreans who leave the country without official permission, halting their

Despite procedures in the North Korean Human Rights Act to assist North Korean refugees in transit and resettle them in the US, the number of North Korean refugees admitted by the US remains fewer than 100.

South Korean businesses employ some 40,000 North Korean workers at the Kaesong Industrial Complex in North Korea.

punishment in practice, and enabling international monitoring of those who are repatriated or voluntarily return. The persecution of persons for leaving North Korea creates thousands of refugees *sur place* every year, and deepens regional instability and tension with North Korea's neighbors.

- Press China to stop arresting and repatriating North Korean refugees, and to fulfill its obligations to shelter and protect them under the 1951 Refugee Convention. Press China to allow the United Nations High Commissioner for Refugees access to North Koreans to determine their status, and assist with their safe and speedy settlement in China or transit to a third country.

Kaesong Industrial Complex

South Korean businesses employ some 40,000 North Korean workers at the Kaesong Industrial Complex (KIC) in North Korea. International human rights organizations have never been given access to investigate the protection of workers' rights at the complex, which opened in June 2004. North Korea denied the former special envoy's request to visit the KIC in 2008, despite appeals to North Korea's UN mission in New York to reverse the decision.

Proponents for the KIC argue that the facilities are clean, modern, and the workers earn more money than most other factory workers in North Korea. The KIC Labor Law also guarantees some important labor protections, including paid vacation days, 150 days of maternity leave, restrictions on firing workers, and recognition of the employers' responsibility to protect workers from dangerous work environments.

However, in the KIC Labor Law, many fundamental rights are missing, including the right to freedom of association and collective bargaining, the right to strike, prohibition of sex discrimination and

sexual harassment, and a ban on harmful child labor. In addition, although the KIC Labor Law stipulates that South Korean companies shall pay the North Korean workers directly in cash, South Korean employers are forced to pay workers' salaries to the North Korean government instead. If the North Korean government can force South Korean employers to break a regulation designed to protect the workers, there is no guarantee that other such regulations are respected.

This issue became more relevant for the US, when the US and South Korea signed a free trade agreement (FTA) in June 2007 and pledged to work together to secure legislative approval for the agreement in both countries. The Annex 22-B to the US-Korea FTA creates the possibility that North Korean goods from specially designated outward processing zones could enter the United States duty free under the agreement. Therefore it is incumbent on the US to ensure basic labor rights are maintained in North Korean outward processing zones like the KIC. In August 2007 Human Rights Watch submitted a briefing paper to the Office of the United States Trade Representative on our concerns on the Annex 22-B.¹⁾

We recommend that the US:

- Press North Korea to join the International Labour Organization, accede to its core treaties, and invite ILO officials to investigate and discuss protection and promotion of workers' rights in North Korea.
- Press South Korea so that North Korean outward processing zones fulfill the labor rights requirements, as required under main text of the US-Korea FTA. This means the KIC Labor Law and relevant practices should meet the standards on workers' rights articulated in the ILO Declaration on Principles and Rights at Work, and that workers are aware of and understand these rights.

Therefore it is incumbent on the US to ensure basic labor rights are maintained in North Korean outward processing zones like the KIC.

1) Human Rights Watch, The US-Korea Free Trade Agreement: Annex 22-B: A Missed Opportunity on Workers' Rights in North Korea, August 2007, <http://www.hrw.org/en/reports/2007/08/02/us-korea-free-trade-agreement>

But the US has a chance to help improve human rights conditions for North Koreans inside and outside the country, by increasing pressure on North Korea and its neighbors to improve their human rights record.

- Press South Korea to ensure each North Korean outward processing zone permit an independent, third-party workers' rights monitoring visit by the ILO or an international human rights, workers' rights, or trade union organization, agreed upon by US and Korean authorities. During the monitoring visit to worksites, monitors should randomly select workers to interview anonymously and outside the watch of North Korean supervisors, collect and review relevant employer records, and publicly disclose the results of the visit.

We are fully aware that improving human rights conditions in a country such as North Korea is a daunting task. But the US has a chance to help improve human rights conditions for North Koreans inside and outside the country, by increasing pressure on North Korea and its neighbors to improve their human rights record. We believe it is crucial that the US government take a leadership role in this difficult task.

We would be happy to discuss these matters further with you.

Sincerely,

Sophie Richardson, Asia Advocacy Director, Human Rights Watch

Benjamin H. Yoon, Representative, Citizens' Alliance for North Korean Human Rights

Kato Hiroshi, Executive Director, Life Funds for North Korean Refugees

Miura Kotarou, Secretary General The Society to Help Returnees to North Korea

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Joint Letter to the Japanese Government on North Korea Policy

November 19, 2009

Prime Minister Yukio Hatoyama
Public Relations Office
Cabinet Secretariat
1-6-1 Nagata-cho, Chiyoda-ku
Tokyo 100-8968, Japan

Re: Japanese Policy on North Korean Human Rights and Refugees

Dear Prime Minister Hatoyama:

We write to urge your new government to take a more active and leadership role on human rights issues concerning the Democratic People's Republic of Korea (North Korea) than previous governments.

We note that Japan has played an important role in raising international awareness about North Korea's human rights conditions, especially that of Japanese abduction victims. Japan has co-sponsored many United Nations General Assembly and Commission on Human Rights resolutions condemning human rights violations in North Korea. Japan was also a generous donor of food aid to North Korea during the famine in the 1990s and until the early 2000s.

Since North Korea's leader Kim Jong Il admitted in September 2002 that North Korean agents had abducted 13 Japanese citizens in the 1970s-1980s, Japan has made tremendous efforts to resolve the issue. As a result,

Japan should press North Korea to include human rights in the agenda in bilateral talks.

Japan succeeded in bringing back five of its citizens and their family members. We commend the Japanese government's commitment and resolve to protect its own citizens who, as abductees, had been victims of severe human rights violations.

We urge your government to address the plight of North Koreans with the same urgency. For example, Japan's strong criticism of the human rights situation in North Korea has not in the past led Japan to accept North Korean refugees. Instead, Japan has accepted only those with proven ties with Japan, such as living relatives.

We believe Japan can play a stronger and more proactive role in promoting and protecting the human rights situation in North Korea by raising human rights issues in future dialogues with North Korea, pressing China to protect and recognize North Korean refugees, accepting North Korean refugees who do not have ties to Japan, and continuing to accept former migrants to North Korea who return to Japan.

Strong Multilateral and Bilateral Diplomacy on Human Rights in North Korea

Human rights conditions in North Korea remain dire. There is no organized political opposition, independent labor unions, free media, functioning civil society, or religious freedom. Arbitrary arrest, detention, torture, inhuman and degrading treatment of detainees and lack of due process in the criminal justice system are serious and endemic violations. Repression of anyone perceived as potentially a critic of the existing order is so severe that there is not a single publicly known dissident or activist living in North Korea.

Japan should press North Korea to include human rights in the agenda in bilateral talks. In addition to the resolution of the fate of Japanese citizens, former citizens, former residents, their spouses and children living in North Korea, that agenda should include the

following key issues.

- An immediate and permanent ban of public executions and taking steps to abolish the death penalty. North Korea routinely executes people for stealing state property, hoarding food, and other "anti-socialist" crimes, often in the presence of children.
- Cooperation with the UN human rights bodies, and opening the country to visits by UN Special Rapporteurs and technical assistance from the Office of High Commissioner for Human Rights. Of high priority should be facilitating inspection of all types of detention facilities by United Nations or other independent international experts and implementation of recommendations from such trips.
- Ending the punishment of North Koreans who return home, either voluntarily or forcibly, after leaving the country without state permission.
- Granting exit visas to prisoners of war, South Korean and Japanese abductees and their families who wish to leave North Korea for Japan or other countries. The International Red Cross should independently assess each individual's wishes without the presence of other North Koreans during the interviews.

Food Aid

Although the country recovered from the 1990s famine that killed millions, North Korea still suffers from widespread hunger. In September 2009, the World Food Programme reported that a third of North Korean women and children are malnourished and the country will need to import or receive aid of almost 1.8 million tons of food to feed the most vulnerable population.

We believe humanitarian aid should continue and never be used as a political tool. We also believe it is crucial to monitor the distribution

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The plight of North Korean refugees is relatively well known both in Japan and internationally.

of such aid. Humanitarian aid should reach the most vulnerable, including young children, the elderly, the disabled, and pregnant and nursing women. Donors should make sure that aid is reaching the intended recipients.

The deterioration of the state rationing system as food has become more of a market commodity has made food too expensive for many North Koreans to access in sufficient quantities. Market “trickle down” effects do not ensure that those on the bottom of the economic ladder receive sufficient food. For this reason, we believe that Japan should urge the North Korean government to:

Accept proper monitoring of food aid distribution consistent with international standards of transparency and accountability. These standards include access around the country to determine needs and the ability to make visits to places where food aid is delivered.

Refugees

The plight of North Korean refugees is relatively well known both in Japan and internationally. Hundreds of thousands of North Koreans crossed the border to China since a famine hit the country in the mid-1990s. Although the number of such people decreased significantly, border crossings to avoid wide-spread hunger and earn income continue to date. China has an obligation to protect and shelter them as refugees, but periodically arrests and repatriates them instead. Those who are forcibly returned face grave human rights abuses, including detention, inhuman treatment, torture, imprisonment in labor and the so-called political prison camps, and even execution.

North Korean refugees who arrive at Japan’s borders, embassies or consulates should have their claims for asylum assessed under the provisions of the 1951 Refugees Convention and the 1967 Protocol. Furthermore, under Japan’s 2006 North Korea Abduction and Human

Rights Act, Japan should introduce policies to provide protection and assistance to refugees from North Korea.

We recommend that Japan:

- Press North Korea to abolish penalties on North Koreans who leave the country without official permission, halting their punishment in practice, and enabling international monitoring of those who are repatriated or voluntarily return. The persecution of persons for leaving North Korea creates thousands of refugees *sur place* every year, and deepens regional instability and tension with North Korea’s neighbors.
- Press China to stop arresting and repatriating North Korean refugees, and to fulfill its obligations to shelter and protect them under the 1951 Refugee Convention. Press China to allow the United Nations High Commissioner for Refugees access to North Koreans to determine their status, and assist with their safe and speedy settlement in China or transit to a third country.
- Approach other governments in the region, particularly China, to ensure that all North Korean refugees who seek refuge at Japanese diplomatic facilities receive prompt assistance to be safely transferred to their desired destination, including Japan.
- Send clear instructions to all Japanese diplomatic facilities on the principle of receiving and sheltering North Korean refugees and assisting with their transit.
- Establish a well-defined process of admitting, identifying and settling refugees from North Korea that takes Japan’s security concerns into consideration with coordinated action among local immigration bureaus, Japan Coast Guard, and local

Japan should introduce policies to provide protection and assistance to refugees from North Korea.

Abysmal human rights conditions in North Korea have affected many Japanese citizens, former citizens, former residents, their spouses and children for decades, a fact not widely known outside Japan.

police so that the returnees do not have to depend on their relatives living in Japan to identify them.

Mass migration from Japan to North Korea

Abysmal human rights conditions in North Korea have affected many Japanese citizens, former citizens, former residents, their spouses and children for decades, a fact not widely known outside Japan. More than 93,300 people migrated from Japan to North Korea from 1959 to 1984 under an agreement between the Red Cross Societies of both countries. Migrants included ethnic Koreans brought by force as slave laborers to Japan in 1910-1945, their descendents who were born and lived their entire lives in Japan, and some 6,000 people including ethnic Japanese married to ethnic Koreans and their children.

According to North Korean escapees, including those who migrated from Japan to North Korea, the North Korean government eventually sent not a small number of these people to labor camps, where many died of hunger, lack of medical care and physical abuse. Even those who avoided labor camps were often forced to start their new lives in North Korea with few financial resources, as they were forced to donate most of their belongings to the state.

Many, if not all of those who migrated, moved without knowledge of the repressive policies and poor conditions in North Korea. Within a few years of the initial push in 1959 by pro-North Korea groups to encourage migration, the Japanese government was aware of the hardships the migrants from Japan faced, and had ample opportunities to inform and warn people over the next two decades of migration. Yet it failed to do so.

To date, the Japanese government has paid relatively little attention to the plight of not only former Japanese residents of Korean descent but also their spouses of Japanese nationality (mostly women) and their children who migrated to North Korea, especially compared to its

focus on abduction victims. Many of these migrants are unlikely to have survived, because of old age, illnesses, imprisonment or the famine in the 1990s. However, some may be still living in desperate need of assistance.

The Japanese government has a moral and humanitarian responsibility for this population. We urge you to take strong measures to address this problem, including building a comprehensive database on the identity of this population and vigorously negotiating with North Korea to locate these individuals and enable them to freely contact their families and relatives in Japan. Once such a database is completed, Japan should directly negotiate with North Korea regular reunion meetings between long-separated families and relatives.

The Japanese government requires the North Korean escapees to be identified by their relatives in Japan but there have been cases where the relatives in Japan belonging to a pro-North Korea group refused to help identify them. North Korea considers leaving without official permission as an act of criminal offense, and those loyal to the North Korean government would shun the escapees as traitors. Japan should explicitly state all Japanese citizens, former citizens, former residents, their spouses and children including those who were born in North Korea can restore or gain citizenship, permanent resident status or refugee status, without having to rely on their relatives to identify them.

We recommend that Japan:

- Build a comprehensive database of Japanese citizens, former citizens, former residents, their spouses and children who migrated from Japan to North Korea in 1959-1984.
- Accept the return to Japan of all Japanese citizens, former citizens, former residents, their spouses and children, and restore to them citizenship or permanent resident status, or grant them refugee status.

Build a comprehensive database of Japanese citizens, former citizens, former residents, their spouses and children who migrated from Japan to North Korea in 1959-1984.

Japan has a chance to contribute to alleviating the suffering of Japanese citizens, former residents, their families, refugees and North Korean citizens in general and in increasing pressure on North Korea to improve its human rights record.

- Negotiate with North Korea to locate these migrants and enable them to contact their families and relatives in Japan and hold regular family reunion meetings.
- those who returned from North Korea to Japan and North Korean refugees who settle in Japan language classes, job training and healthcare services, as needed. Alternately, create a fund for NGOs to offer them such services.

We are fully aware that improving human rights conditions in a country such as North Korea is a daunting task. But Japan has a chance to contribute to alleviating the suffering of Japanese citizens, former residents, their families, refugees and North Korean citizens in general and in increasing pressure on North Korea to improve its human rights record. We believe it is crucial that the new Japanese government take a leadership role in this difficult task.

We would be happy to discuss these matters further with you.

Sincerely,

Brad Adams, Asia Director, Human Rights Watch

Benjamin H. Yoon, Representative, Citizens' Alliance for North Korean Human Rights

Hiroshi Kato, Executive Director, Life Funds for North Korean Refugees

Kotarou Miura, Secretary General, The Society to Help Returnees to North Korea

CC

Foreign Minister Katsuya Okada

Ministry of Foreign Affairs Kasumigaseki 2-2-1, Chiyoda-ku Tokyo 100-8919, Japan

Mr. Masahiro Tauchi

Director-General of the Immigration Bureau Ministry of Justice Kasumigaseki 1-1-1, Chiyoda-ku Tokyo 100-8977, Japan

Commandant Hisayasu Suzuki

Japan Coast Guard Kasumigaseki 2-1-3, Chiyoda-ku Tokyo 100-8918, Japan

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Joint Letter to the South Korean Government on North Korea Policy

December 1, 2009

Hyun In-Taek
Unification Minister
37 Sejongno (Doryeom-dong) Jongno-gu, Seoul,
Republic of Korea

Re: South Korean Policies on North Korean Human Rights and Refugees

Dear Minister Hyun,

We write to urge your government to make human rights a central priority in all dealings with the Democratic People's Republic of Korea (North Korea) and to maintain a solid and principled stance on rights issues, irrespective of the state of inter-Korea relations.

Human rights conditions in North Korea remain dire. There is no organized political opposition, independent labor unions, free media, functioning civil society, or religious freedom. Arbitrary arrest, detention, torture, inhuman and degrading treatment of detainees and lack of due process in the criminal justice system are serious and endemic violations. Repression of anyone perceived as a potential critic of the existing order is so severe that there is not a single publicly known dissident or activist living in North Korea.

For too long North Korea's nuclear ambitions have overwhelmed all other issues in bilateral dialogues and relations, sidelining the human

When the leaders of the two Koreas meet to discuss human rights in North Korea, the agenda should include the following key issues, in addition to points on food aid, refugees, abductions, and Kaesong.

rights situation in North Korea. One and a half decades later, North Korea's nuclear problem remains unresolved. For a long-term resolution of security issues, one needs to address the repressive system underneath.

With that in mind, we welcome the November 6 suggestion by President Lee Myung-bak's senior advisers that a future inter-Korea summit place both North Korea's nuclear weapons program and human rights in North Korea on the agenda. We also welcome the fact that the South Korean government has co-sponsored and voted in favor of General Assembly resolutions criticizing human rights violations in North Korea in 2008 and 2009. We note President Lee Myung-bak's statement after a summit with US President Barack Obama on November 19, 2009 that the two leaders "agreed to pay attention to North Korea's humanitarian issues and work together to improve them." President Lee also said in an April 2008 summit with former US President George W. Bush that the two leaders "reaffirmed that nuclear nonproliferation and the promotion of democracy and human rights are all a vital component in making our world a better, safer place."

Our organizations have conducted research on human rights conditions inside North Korea for many years, including on the right to food, workers' rights, treatment of repatriated North Koreans, prison conditions, abductees, and the plight of North Korean refugees, among other issues. Two of our organizations also provide assistance to North Koreans in transit or to those who are resettling in Japan or South Korea. We urge your government to take up the following issues:

Strong Multilateral and Bilateral Diplomacy on Human Rights in North Korea

When the leaders of the two Koreas meet to discuss human rights in North Korea, the agenda should include the following key issues, in

addition to points on food aid, refugees, abductions, and Kaesong, addressed below:

- Advocating for an immediate and permanent ban on public executions and taking steps to abolish the death penalty. North Korea routinely executes people for stealing state property, hoarding food, and other "anti-socialist" crimes.
- Urging cooperation with the UN human rights bodies, and opening the country to visits by UN Special Rapporteurs and technical assistance from the Office of the High Commissioner for Human Rights. Of high priority should be facilitating inspection of all types of detention facilities by United Nations or other independent international experts and the implementation of recommendations from such trips.
- Ending the punishment of North Koreans who return home, either voluntarily or forcibly, after leaving the country without state permission.

Abductees, Prisoners of War and Separated Families

South Koreans abducted by the North Korean government since the 1950-53 Korean War include hundreds of fishermen, eleven crew and passengers of a Korean Air plane hijacked by North Korean agents in December 1969, and a small number of students, teachers, and church ministers. According to the 2009 White Paper on Human Rights in North Korea, published by the Korea Institute for National Unification, 500 South Korean abductees are believed to be still living in North Korea. Only seven people have escaped and returned to South Korea.

The White Paper also estimates that at least 560 South Korean prisoners of war from the 1950-53 Korean War are believed to be still living in North Korea against their will. The figure is based on the

The White Paper also estimates that at least 560 South Korean prisoners of war from the 1950-53 Korean War are believed to be still living in North Korea against their will.

In dealing with North Korea, the South Korean government should prioritize the safe return of all its citizens living in North Korea against their will.

testimonies of dozens of prisoners of war who escaped North Korea to return home between 1994 and 2008. The paper states that the North Korean government forcibly relocated many southern prisoners of war to mines in northeastern North Korea where food is scarce and living conditions are extremely harsh.

In addition, since the Korean War, an estimated one million Koreans have been separated from their families. According to the Ministry of Unification, about 127,600 South Koreans have applied to take part in reunion meetings organized by the two Korean governments since the 1980s. Of them, about 86,400 are still living, but only about 17,000 people have met their families in reunion meetings over the past decade.

In dealing with North Korea, the South Korean government should prioritize the safe return of all its citizens living in North Korea against their will, and assist aging South Koreans to meet their long-separated family members in North Korea. We recommend that the South Korean government:

- Press North Korea to grant exit visas to prisoners of war, South Korean abductees and their families who wish to leave North Korea for South Korea or other countries. The International Committee of the Red Cross should independently assess each individual's wishes in private interviews, without the presence of other North Koreans.
- Press North Korea to agree to regular reunion meetings of long-separated families and allow regular exchanges of letters or phone calls between them on humanitarian grounds. Such meetings should not be held hostage to developments in inter-Korea relations.

Food Aid

Although the country recovered from the 1990s famine that killed

millions, North Korea still suffers from widespread hunger. In September 2009, the World Food Programme reported that a third of North Korean women and children are malnourished and the country will need to import, or receive as aid, almost 1.8 million tons of food to feed the most vulnerable population. South Korea has been a generous donor of food aid to North Korea since North Korea suffered a famine in the 1990s and through most of the 2000s.

We believe humanitarian aid should continue and should never be used as a political tool. But we would like to emphasize that it is crucial to monitor the distribution of such aid. Humanitarian aid should reach the most vulnerable, including young children, the elderly, the disabled, and pregnant and nursing women. Donors should make sure that aid is reaching the intended recipients.

The deterioration of the state rationing system as food has become more of a market commodity has made food too expensive for many North Koreans to access in sufficient quantities. Market "trickle down" effects do not ensure that those on the bottom of the economic ladder receive sufficient food. For this reason, we believe that South Korea should:

- Continue to urge the North Korean government to accept proper monitoring of food aid distribution consistent with international standards of transparency and accountability. These standards include access throughout the country to determine needs and the ability to visit places where food aid is delivered.

Refugees

Hundreds of thousands of North Koreans crossed the border to China since a famine hit the country in the mid-1990s. Although the number of such people decreased significantly, border crossings to avoid wide-spread hunger, earn income, and escape political repression continue to date. China has an obligation to protect and

Donors should make sure that aid is reaching the intended recipients.

A survey by the Ministry of Unification showed that three fourths of all North Koreans who arrived in South Korea between January and August 2008 showed symptoms of post-traumatic stress disorder, depression, or anxiety.

shelter them as refugees, but periodically arrests and repatriates them instead. Those who are forcibly returned face grave human rights abuses, including detention, inhuman treatment, torture, imprisonment in labor and the so-called political prison camps, and even execution.

South Korea has resettled some 17,000 North Korean refugees, mostly in the past decade, and offered them generous subsidies in the form of housing, education, job training, and living expenses to assist their settlement. Most of those who ultimately end up in South Korea go through long and treacherous journeys, which may include weeks or even months in immigration detention centers in transit countries such as Mongolia, Thailand, Vietnam, Laos and Burma. Alarming, some North Korean refugee women and children become victims of sexual assault and exploitation during their flight at the hands of human traffickers, Chinese men they live with, and other men.

A survey by the Ministry of Unification showed that three fourths of all North Koreans who arrived in South Korea between January and August 2008 showed symptoms of post-traumatic stress disorder, depression, or anxiety, mostly because of the threat to their lives and other severe abuse they suffered during their flight. Hanawon, the South Korean government resettlement center, has medical personnel in charge of mental health, but there is no long-term, systematic treatment program for mental illnesses and conditions for North Koreans after they leave Hanawon.

We recommend that the South Korean government:

- Approach other governments in the region, particularly China, to ensure that all North Korean refugees who seek refuge at South Korean diplomatic facilities receive prompt assistance to be safely transferred to their desired destination, including South Korea. Offer to accommodate North Korean refugees, or

pay for the cost of accommodation, while they await their transfer to South Korea.

- Send clear instructions to all South Korean diplomatic facilities on the principle of receiving and sheltering North Korean refugees and assisting with their transit.
- Press North Korea to abolish penalties on North Koreans who leave the country without official permission, halting their punishment in practice, and enabling international monitoring of those who are repatriated or who voluntarily return. The persecution of persons for leaving North Korea creates thousands of refugees *sur place* every year, and deepens regional instability and tension with North Korea's neighbors.
- Press China to stop arresting and repatriating North Korean refugees, including women in de facto marriages with Chinese men, and to fulfill its obligations to shelter and protect them under the 1951 Refugee Convention. Press China to allow the United Nations High Commissioner for Refugees access to North Koreans to determine their status, and assist with their safe and speedy settlement in China or transit to a third country.
- Create a team of experts trained to deal with post-traumatic stress disorder, depression, anxiety and other mental illnesses and conditions to assist North Korean refugees. Such a team should include experts on sexual abuse and exploitation to interview North Korean women and children to assess their condition and implement long-term treatment programs for physical and psychological injuries.

Kaesong Industrial Complex

South Korean businesses employ some 40,000 North Korean workers at

Create a team of experts trained to deal with post-traumatic stress disorder, depression, anxiety and other mental illnesses and conditions to assist North Korean refugees.

If the North Korean government can force South Korean employers to break a regulation designed to protect the workers, there is no guarantee that other such regulations are respected.

the Kaesong Industrial Complex (KIC) in North Korea. International human rights organizations have never been given access to investigate workers' rights at the complex, which opened in June 2004.

Proponents for the KIC argue that the facilities are clean, modern, and the workers earn more money than most other factory workers in North Korea. The KIC Labor Law also guarantees some important labor protections, including paid vacation days, 150 days of maternity leave, restrictions on firing workers and recognition of the employers' responsibility to protect workers from dangerous work environments.

However, in the KIC Labor Law, many fundamental rights are missing, including the right to freedom of association and collective bargaining, the right to strike, prohibition of sex discrimination and sexual harassment, and a ban on harmful child labor. In addition, although the KIC Labor Law stipulates that South Korean companies shall pay the North Korean workers directly in cash, South Korean employers are forced to pay workers' salaries to the North Korean government instead. If the North Korean government can force South Korean employers to break a regulation designed to protect the workers, there is no guarantee that other such regulations are respected.

We recommend that the South Korean government:

- Press North Korea to join the International Labour Organization, accede to its core treaties, and invite ILO officials to investigate and discuss protection and promotion of workers' rights in North Korea.
- Press North Korea to amend the KIC Labor Law to meet the standards on workers' rights articulated in the ILO Declaration on Principles and Rights at Work, and that workers are aware and understand these rights.
- Press North Korea to permit independent, third-party workers' rights monitoring visits by the ILO or an international human

rights, workers' rights, or trade union organization. During monitoring visits to worksites, monitors should randomly select workers to interview anonymously and outside the watch of North Korean supervisors, collect and review relevant employer records, and publicly disclose the results of the visits.

- Ensure that South Korean corporations operating at the KIC respect the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises and in turn ensure that workers in their enterprises are fully informed of their rights and how to exercise them. As a member of the OECD, South Korea has pledged to adhere to the guidelines.

We are fully aware that improving human rights conditions in a country such as North Korea is a daunting task. However, South Korea has a chance to help improve human rights conditions for North Koreans by increasing pressure on North Korea and its neighbors to improve their human rights records. We believe it is crucial that the South Korean government take a leadership role in this difficult task.

We would be happy to discuss these matters further with you.

Sincerely,

Brad Adams, Asia Director, Human Rights Watch

Benjamin H. Yoon, Representative, Citizens' Alliance for North Korean Human Rights

Kato Hiroshi, Executive Director, Life Funds for North Korean Refugees

Kotaro Miura, Secretary General, The Society to Help Returnees to North Korea

CC

Yu Myung-hwan, Foreign Minister, Government of South Korea

South Korea has a chance to help improve human rights conditions for North Koreans by increasing pressure on North Korea and its neighbors to improve their human rights records.

Summary Prepared by the Office of the High Commissioner for Human Rights, in accordance with Paragraph 15 (C) of the Annex to Human Rights Council Resolution 5/1

Democratic People's Republic of Korea*

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review Sixth session
Geneva, 30 November-11 December 2009

*
The present document was not edited before being sent to the United Nations translation services.

1)
The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

The present report is a summary of 12 stakeholders' submissions¹⁾ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

Civil society

GIEACPC Global Initiative to End All Corporal Punishment of Children, London, United Kingdom HRW Human Rights Watch*, Geneva, Switzerland CSW Christian Solidarity Worldwide, New Maldon, United Kingdom LFNKR/HRWF Life Funds for North Korean Refugees, Tokyo, Japan; Human Rights Without Frontiers, Brussels, Belgium ECLJ European Centre for Law and Justice, Strasbourg, France NKHR/KBA Citizens' Alliance for North Korean Human Rights, Seoul, Republic of Korea; Korean Bar Association, Seoul, Republic of Korea ACHR Asia Centre for Human Rights, Seoul, Republic of Korea AI Amnesty International*, London, United Kingdom ODI Open Doors International, AA Harderwijk, The Netherlands CHRP/KWARI Centre for Human Rights and Peace, Daegu, Republic of Korea; Korean War Abductees Research Institute, Seoul, Republic of Korea JC Jubilee Campaign, Fairfax, VA, United States of America CHRC/PN/SARANGBANG Catholic Human Rights Committee/Peace Network/SARANGBANG Group for Human Rights, Seoul, Republic of Korea.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Human Rights Watch (HRW) informed that the Democratic People's Republic of Korea (DPRK) is a party to four main international human rights treaties: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child.²⁾ Christian Solidarity Worldwide (CSW) urged the DPRK to ensure that its policy and practice is reflective of the international treaties which it has bound itself to.³⁾

B. Constitutional and legislative framework

2. According to CSW, the DPRK's Constitution guarantees, in basic form, the human rights identified by the UN and the international system. However, the interpretation of these rights differs from internationally recognised standards. The Government argues that developmental rights take precedence over civil and political rights, and moreover, such rights are guaranteed not as rights, but awarded at the goodwill of the leadership.⁴⁾ CSW recommended that the Constitution be modernised

2) HRW, p. 1.

3) CSW, p. 1, para. 5.

4) CSW, p. 1, para. 6.

further, human rights protected and recognised as equal, innate and inalienable.⁵⁾

3. Amnesty International (AI) noted that fundamental rights and freedoms enshrined in the Universal Declaration of Human Rights and the treaties to which the DPRK is a party remain largely unprotected by domestic legislation.⁶⁾ Citizens' Alliance for North Korean Human Rights/Korean Bar Association (NKHR/KBA) noted that there are still substantial discrepancies between institutional (or legal) stipulations and their practice, whereby discriminative social class policies and socio-political control continue to infringe on basic rights.⁷⁾

4. AI called on the Government to: implement, as a matter of urgency, the recommendations of UN human rights treaty bodies and charter-based bodies, including ensuring that adequate human rights legislation is introduced and implemented; and ratify, incorporate into domestic legislation and implement in policy and practice the Convention Against Torture, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention for the Protection of All Persons from Enforced Disappearances.⁸⁾

5. HRW informed that the DPRK's laws, including its labor laws, are based on the country's state ideologies of "*juche*" (self-reliance), socialism, communism and the policies of the Workers' Party. Guiding principles or instructions from late President Kim Il Sung have legal force that supersedes the Constitution or laws.⁹⁾

C. Institutional and human rights infrastructure

6. Life Funds for North Korean Refugees/Human Rights Without

5) CSW, p. 1, para. 7.

6) AI, p. 3, para. 2.)
NKHR/KBA, p. 10.

7) NKHR/KBA, p. 10.

8) AI, p. 6.

9) HRW, p. 3.

Frontiers (LFNKR/HRWF) informed that there are no national mechanisms for redress of human rights abuses. They added that there does not appear to be a civil society as such in the DPRK.¹⁰⁾

7. Catholic Human Rights Committee/PeaceNetwork/SARANG BANG Group for Human Rights (CHRC/PN/SARANGBANG) proposed that the DPRK make transparent the activities of its domestic human rights regime, including the National Coordination Committee for the implementation of CEDAW and the National Coordination Committee for the implementation of the CRC. They further proposed devising human rights protection functions at these institutions and expected the DPRK to: establish national human rights institutions that are independent according to international standards; participate in exchanging opinions on human rights issues with the High Commissioner for Human Rights, the Human Rights Council and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights; and participate actively in the international community as a member.¹¹⁾

D. Policy measures

8. NKHR/KBA indicated that the implementation of human rights education in the country will have to be positioned as the utmost priority.¹²⁾ CHRC/PN/SARANGBANG expressed hope that the Government will examine the country's human rights situation and improve it.¹³⁾

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

10) LFNKR/HRWF, p. 2.

11) CHRC/PN/SARANGBANG, p. 10.

12) NKHR/KBA, p. 10.

13) CHRC/PN/SARANGBANG, pp. 5-6.

9. AI mentioned that the Government continues to deny access to independent human rights monitors¹⁴⁾ and called on it to grant access to all UN Special Procedures requesting a visit, in particular the Special Rapporteur on the situation of human rights in the DPRK, and independent monitors.¹⁵⁾ Similar information was reported by HRW¹⁶⁾, LFNKR/HRWF¹⁷⁾, Open Doors International (ODI)¹⁸⁾, Jubilee Campaign (JC)¹⁹⁾ and CSW.²⁰⁾

10. AI welcomed the submission of the combined third and fourth periodic report to the CRC Committee by the DPRK and its participation in the Committee's review. However, in previous years, AI has noted with concern that the Government has consistently failed to implement recommendations by this and other treaty bodies or to provide sufficient information on their implementation.²¹⁾

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non discrimination

11. CSW reported that, though less explicitly than in the past, the “*seongbun*” (social status by birth) discriminatory system stands in clear violation of the principle of non-discrimination, in spite of constitutional guarantees.²²⁾ The Asia Centre for Human Rights (ACHR) indicated that discrimination based on the surveillance of the family background and social origins was institutionalized in the 1960s into a legal system that resembles the caste system in other countries.²³⁾ HRW mentioned that the Government divides the population into different categories “core,” “wavering” and “hostile” based on its assessment of an individual's political loyalty.²⁴⁾

12. ACHR noted that this system ultimately creates gaps in the society

in terms of ‘good’ and ‘bad’ citizens and their access to food, health care, university education or occupation.²⁵⁾ According to NKHR/KBA, DPRK authorities deny the existence of any such classification. However, North Korean refugees have repeatedly confirmed both the existence of this system and its continued use.²⁶⁾ ACHR recommended that the DPRK make available to the UN system all secret legal documents and regulations in force that have relevance to the operation of the caste system and that this system be fully abolished.²⁷⁾ A similar recommendation was made by CSW.²⁸⁾

13. CHRC/PN/SARANGBANG indicated that the DPRK has taken action in law and policy to promote women's participation in society by acceding to CEDAW. However, they were still concerned that the DPRK emphasize women's role in child rearing, and does not consider differences in the age for marriage between men and women as discrimination against women. CHRC/PN/SARANGBANG added that these points condone the tradition and national customs, enforcing a discriminatory gender role upon women.²⁹⁾

14. CHRC/PN/SARANGBANG stated that the social pressure on women to give birth to children against their own will is a form of discrimination and hoped that the Government will make efforts in establishing population policies that will improve women's rights to health and self-determination.³⁰⁾

2. Right to life, liberty and security of the person

15. AI mentioned that the death penalty is carried out in secrecy in the DPRK. Executions are typically by firing squad or hanging, and there are reports of public and extrajudicial executions. Public executions, a breach of the DPRK's own penal code, are used to set an example to

25) ACHR, p. 2.

26) NKHR/KBA, p. 10.27) ACHR, p. 5.

28) CSW, p. 2, para. 11.

29) CHRC/PN/SARANGBANG, pp. 8-9.

30) CHRC/PN/SARANGBANG, p. 9.

others, and although there has been a reduction in the number of crimes carrying the death penalty, four of the five remaining offences are essentially political offences with such broad terms that they risk being applied subjectively.³¹⁾

16. CHRC/PN/SARANGBANG considered to be positive the DPRK's intention, stated in its second periodic report to the HR Committee (1999) to completely abolish the death penalty and to prescribe more strictly the elements of crime for death penalty in criminal law. For these organisations, an analysis of the reality is impossible because the number of cases and charges of death penalty are not released. Moreover, DPRK's explanation is necessary regarding several reports on public executions performed, and the death penalty enforced in accordance with decrees or directions, not with the legal procedures like the Criminal Procedures Act. CHRC/PN/SARANGBANG opposed the use of the death penalty as a tool to discipline people based on fear and hoped that the DPRK release information on the number of cases, charges and methods of death penalty and take effective measures to completely abolish it.³²⁾

17. According to CSW, DPRK defectors give testimonies of executions taking place both inside and outside the detention and prison system. Inside, the penalty has reportedly been carried out for acts such as foraging for or stealing food, attempting to escape, rioting, assaulting guards, refusing to abandon religious beliefs and criticizing the country. It has also been used as a punishment for those North Koreans, repatriated from a neighbouring country, who have had contact with South Koreans or Christians. Outside the prison system, the acts subject to execution are often simple efforts such as those to secure food.³³⁾ AI called on the Government to immediately end public

31)

AI, p. 4, para. 6.

32)

CHRC/PN/SARANGBANG,
p. 7.

33)

CSW, p. 3, para. 14.

and extrajudicial executions, and to introduce a formal moratorium on executions as a first step towards abolition of the death penalty.³⁴⁾

18. CSW said that pregnancies are generally disallowed inside prisons, and testimonies suggest that, should efforts by authorities to induce abortion not be successful, babies alive at birth are killed. Women detained for having crossed the border into a neighbouring country have suffered similar treatment. Some accounts even describe prisoners being forced to kill their newly born child.³⁵⁾ Similar information was reported by the Centre for Human Rights and Peace/Korean War Abductees Research Institute (CHRP/ KWARI)³⁶⁾ and LFNKR/HRWF,³⁷⁾ which also indicated that North Korean women who cross the border with a neighbouring country and are found to be pregnant upon their return are commonly forced to undergo abortion.³⁸⁾

19. According to AI, DPRK's policy of abduction and enforced disappearance has continued since the Korean War (1950-53). Tens of thousands of North Koreans, as well as nationals from other countries, have been abducted by the DPRK. North Korean family members of suspected dissidents have disappeared or been punished under the principle of "guilt by association". In the majority of cases, the authorities have refused to acknowledge that these individuals are being detained or to provide information on their fate or whereabouts.³⁹⁾ Similar information was provided by CHRP/KWARI.⁴⁰⁾ AI called on the Government to: publicly condemn and immediately stop all abductions and enforced disappearances; thoroughly and impartially investigate past and current allegations of abductions and enforced disappearances; make public official, accurate and conclusive information on the fate and whereabouts of all persons subjected to abduction or enforced disappearance; and ensure that all persons

34)

AI, p. 7.

35)

CSW, p. 3, para. 13.

36)

CHRP/KWARI, p. 6.

37)

LFNKR/HRWF, p. 2.

38)

LFNKR/HRWF, p. 4.

39)

AI, pp. 5-6, paras. 13-16.

40)

CHRP/KWARI, pp. 7-10.

subjected to abduction or enforced disappearance be free to leave North Korea in accordance with international law, unless they are charged with a recognizable criminal offence.⁴¹⁾

20. JC noted that the Government has no restrictions on its ability to detain, imprison, or hold its citizens incommunicado in practice, despite the fact that under the penal code a prosecutor's approval is required. People are often sent to political camps without fair trial.⁴²⁾ HRW mentioned that arbitrary arrest and detention, lack of due process and torture and other mistreatment remain serious concerns.⁴³⁾

21. NKHR/KBA said that there are various kinds of detention camps, including 6 large colonies for political detainees and facilities for detaining the increasing number of homeless and vagrants resulting from the 1990s famine. The most serious human rights abuses occur in the political prison camps, more exactly, political penal-labor colonies. Their official name is "Management Center" (*Gwalliso*).⁴⁴⁾

22. NKHR/KBA reported that there are two kinds of punishment facility (*Guryujang*) for political detainees. The first is for preliminary examination, while the second is located within the prison camp. Detainees undergo severe physical and mental torture in both facilities, and most of those sent to the latter do not survive.⁴⁵⁾ AI reported that prisoners in general are forced to undertake physically demanding work often for 10 hours or more a day, with no rest days.⁴⁶⁾ CSW⁴⁷⁾ and NKHR/KBA⁴⁸⁾ reported similar information.

23. AI stated that prisoners are punished if suspected of lying, not working fast enough or forgetting the words of patriotic songs. It noted that due to the combination of forced hard labour, inadequate food,

beatings, lack of medical care, unhygienic living conditions, many prisoners fall ill, and some have died in custody or soon after release.⁴⁹⁾ CSW reported similar information.⁵⁰⁾ AI called on the Government to: take immediate action to stop the use of torture and other ill-treatment of prisoners and forced labour in prison camps; ensure that international standards are applied in the treatment of prisoners; and improve conditions in prison camps and detention facilities to meet minimum international standards.⁵¹⁾

24. CHRC/PN/SARANGBANG proposed to the Government to carry out an independent investigation of detention facilities and to release the results. They expected the Government to enhance the supervisory function of detention facilities through an independent national human rights system.⁵²⁾ NKHR/KBA said that as the Government denies the existence of any political prison camp, it has to allow UN representatives and international NGOs to visit the following places: *Gwalliso* no. 14 Kaecheon, *Gwalliso* no. 15 Yodeok, *Gwalliso* no. 16 Hwaseong, *Gwalliso* no. 18 Bukchang, *Gwalliso* no. 22 Haengyong, and *Gwalliso* no. 25 Cheongjin. They recommended that all political prison camps be dismantled, and detainees be released immediately.⁵³⁾

25. According to NKHR/KBA, the procedures of arresting and detaining political criminals are against the principle of "*nulla poena sine lege*". A military who has committed a mistake may be detained, for an undetermined period, in a closed labor facility. There is also a closed detention facility where only anti-government military officers are detained. In these facilities, detainees cannot be protected by the law.⁵⁴⁾

26. NKHR/KBA stated that the arrest and detention procedures are against DPRK domestic laws and the ICCPR. The system of guilt by

41) AI, p. 7.

42) JC, p. 2, para. 5.

43) HRW, p. 1.

44) NKHR/KBA, p. 4.

45) NKHR/KBA, p. 9.

46) AI, p. 3, 4, para. 4.

47) CSW, pp. 2-3, para. 12.

48) NKHR/KBA, p. 8.

49) AI, p. 3, 4, para. 4.

50) CSW, p. 3, para. 12.

51) AI, p. 7.

52) CHRC/PN/SARANGBANG, p. 8.

53) NKHR/KBA, p. 10.

54) NKHR/KBA, p. 7.

association, property confiscation and the withdrawal of a citizen's registration card, which are applicable to lineal family members, are in violation of the Universal Declaration of Human Rights.⁵⁵⁾ CSW mentioned that the Government practices the principle of guilt by association and social classification of the prisoner. Without a legal basis, up to three generations-grandparents, parents and children-related to the accused can be incarcerated.⁵⁶⁾ HRW reported that North Korean children face discrimination and punishment on the basis of the status, activities, opinions or beliefs of their parents, or other family members, and that collective punishment is common for political offenses.⁵⁷⁾

55)

NKHR/KBA, p. 7.

56)

CSW, pp. 3-4, para. 16.

57)

ACHR, p. 5.

58)

HRW, pp. 2-3.

59)

JC, p. 6, para. 18.

60)

CHRP/KWARI, pp. 5-6.

61)

CHRP/KWARI, p. 5.

62)

JC, p. 6, para. 26.

63)

ACHR, p. 4.

27. HRW stated that trafficking of North Korean women and girls to a neighbouring country persists, especially near the border, and that victims are often abducted or duped into marriage, prostitution, or sexual slavery.⁵⁸⁾ According to JC, the Government neither acknowledges the issue of trafficking in general, nor differentiates between trafficking and illegal border crossings for economic or political reasons. The Government appears to make no effort to implement laws that would protect victims of sex and labor trafficking.⁵⁹⁾ Similar information⁶⁰⁾ was provided by CHRP/ KWARI, which noted that the more serious cases of violence against women are mental and physical abuses that female defectors experience when they fall victim to human trafficking.⁶¹⁾ JC recommended that the Government implement a system of identification to protect victims of trafficking and permit NGOs to be in the country to run these projects.⁶²⁾

28. For ACHR, reports presented by the authorities evade reporting on torture or abuse against children carried out by national investigative agencies or in various detention facilities.⁶³⁾ ACHR stated that there were

reports on cases of children being sentenced to death, that DPRK authorities make watching public executions a compulsory participation for children in a hope to prevent juvenile crime, and that there were reports on cases of 11 year-old children sent to forced labor camp for stealing electric wires. Custody facilities serving the purpose of protecting children without parents, or those forcibly separated from their parents, resemble rather a detention facility more than a protection facility, and children in these centres are deprived of education and exploited for labor.⁶⁴⁾

29. ACHR said that, despite the fact that the minimum working age defined by law is 16 years old, it is commonly accepted that children are mobilized for agricultural work from their middle-school years (12 years old). In the poverty-stricken Northern provinces, children are mobilized as early as 8-9 years old. Children also have other "assignments" such as raising rabbits, but also are mobilized for heavy labour, such as flood damage recovery, railway maintenance and road paving.⁶⁵⁾

30. According to the Global Initiative to End All Corporal Punishment of Children (GIEACPC), corporal punishment is lawful in the home and children have limited protection from violence and abuse under the Family Law, the Criminal Law and the Law on Nursing and Upbringing of Children, as these laws are not interpreted as prohibiting all corporal punishment.⁶⁶⁾ Government policy states that corporal punishment should not be used in schools but there is no explicit prohibition in law.⁶⁷⁾ In the penal system, corporal punishment appears to be unlawful as a sentence for crime for young people under 18 years. However, it has yet to confirm that it is not an element of the "public education" measures that may be imposed on children aged 15-16 (Criminal Law, article 49). There was unconfirmed information that corporal punishment appears to be unlawful as a disciplinary measure in penal

64)

ACHR, p. 5.

65)

ACHR, p. 3.

66)

GIEACPC, p. 2, para. 1.1.

67)

GIEACPC, p. 2, para. 1.2.

institutions.⁶⁸⁾ GIEACPC also stated that there is no explicit prohibition of corporal punishment in alternative care settings⁶⁹⁾ and recommended that the Government introduce legislation to prohibit corporal punishment of children in all settings.⁷⁰⁾

31. CHRP/KWARI mentioned that the high frequency in domestic violence may be due to economic difficulties and poor awareness and that it could be improved only after economic growth and efforts to raise public awareness of this issue.⁷¹⁾

3. Administration of justice, including impunity and the rule of law

32. CSW indicated that a tenuous separation of powers ensures that the DPRK judiciary does not function as an independent branch of the Government: all judicial appointments are made by the executive, the judiciary does not engage in judicial review of legislation, and its functions are exercised under the authority of the Supreme People's Assembly.⁷²⁾ It noted that those accused of breaching criminal law are generally subject to formal judicial procedures, while those considered to be political offenders have no recourse to them and that the latter are removed, investigated, typically under torture, and their cases are decided by the State Security Protection Agency. There is no access to legal counsel or the possibility of challenging the legality of detention.⁷³⁾

LFNKR/HRWF stated that there is no judicial mechanism where North Koreans can be heard by an impartial judge, and where allegations of wrongdoing by authorities can be answered.⁷⁴⁾

33. CSW recommended a review of the political, legislative and judicial system so as to ensure a judiciary, which is "competent, independent and impartial", and that all professionals involved in the system of justice be trained on relevant international standards.⁷⁵⁾

4. Right to privacy, marriage and family life

34. ACHR reported that discrimination based on the surveillance of family background and social origins, has been coupled since the 1990s with practices of monitoring the remaining family and children of individuals who have defected or have a history of crossing the border to a neighbouring country. Some children reported that they were compelled to abandon their homes to escape surveillance, and that other children suffered because entire families were exiled to remote mountainous areas as a punishment for the defection or for so called 'anti-socialist' behaviour of other family members.⁷⁶⁾

5. Freedom of movement

35. HRW indicated that since the mid-1990s, hundreds of thousands of North Koreans have crossed into a neighbouring country and that they include those fleeing political and religious persecution, and people who left because of the food shortage or other economic reasons. HRW stated that leaving the country without state permission is considered an act of treason, punishable by lengthy prison terms and even the death penalty. Some children who have crossed the border without permission have been subjected to detention and severe ill-treatment upon return. LFNKR/HRWF⁷⁷⁾, AI⁷⁸⁾, JC⁷⁹⁾ and CSW⁸⁰⁾ reported similar information.

36. HRW recommended the Government to allow all North Korean citizens to travel freely in and out of the country; stop punishing North Koreans who are repatriated; treat migrant and trafficked children as victims and not as criminals, and provide them with the necessary support and counselling for reintegration.⁸¹⁾ CSW recommended that, instead of criminalising the victims, the Government focus on addressing the root causes behind the refugees' plight.⁸²⁾

76)
ACHR, p. 4

77)
LFNKR/HRWF, p. 4.

78)
AI, p. 5, paras. 11-12.

79)
JC, p. 3, paras. 7-8.

80)
CSW, p. 5, para. 25.

81)
HRW, p. 5.

82)
CSW, p. 5, para. 26..

68)
GIEACPC, p. 2, para. 1.3.

69)
GIEACPC, p. 2, para. 1.4.

70)
GIEACPC, p. 1

71)
CHRP/KWARI, p. 6.

72)
CSW, p. 4, para. 19.

73)
CSW, p. 4, para. 20.

74)
LFNKR/HRWF, p. 3

75)
CSW, p. 4, para. 21..

<p>83) HRW, p. 1.</p> <p>84) HRW, p. 3.</p> <p>85) CSW, p. 5, para. 22.</p> <p>86) CSW, p. 5, para. 23.</p> <p>87) ODI, p. 3.</p> <p>88) JC, p. 5, para. 20.</p> <p>89) ECLJ, p. 2.</p> <p>90) ODI, p. 4.</p> <p>91) ODI, p. 4.</p> <p>92) CSW, p. 5, para. 24.</p> <p>93) HRW, p. 1.</p> <p>94) JC, p. 2, para. 3.</p>	<p>6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life</p> <p>37. HRW stated that there is no freedom of religion in the DPRK⁸³⁾ and that the Government has persistently persecuted religious-active people, typically categorizing them as “hostile elements”.⁸⁴⁾ CSW added that, despite stated respect for religious freedom in the Constitution, repression has been brutal⁸⁵⁾, and that, in recent years, the Government has overtly attempted to demonstrate greater religious freedom, establishing some state-controlled religious bodies and allowing a few places of worship to function, albeit under tight restrictions.⁸⁶⁾</p> <p>38. ODI added that the possession of a bible or other religious literature is illegal and that it is forbidden to share one’s religion or to be engaged in proselytizing.⁸⁷⁾ Similar information was provided by JC.⁸⁸⁾ The European Centre for Law and Justice (ECLJ) noted that observers of mono-theistic religions must violate their religious views and worship or face severe punishment.⁸⁹⁾ ODI recommended that the DPRK immediately release all prisoners of conscience and dismantle labour camps,⁹⁰⁾ review the laws regarding religious groups and organizations, and make sure that they comply with the obligations under the ICCPR.⁹¹⁾ CSW recommended that the Government respect the right to freedom of thought, conscience and religion as enshrined in international law.⁹²⁾</p> <p>39. HRW noted that there is no organized political opposition, independent labor unions, free media, or civil society.⁹³⁾ JC indicated that no freedoms of press, assembly, petition, or association were respected in practice even though guaranteed by the Constitution.⁹⁴⁾ AI mentioned that in 2008, long distance telephone calls were reportedly blocked to prevent news of food shortages from spreading and that there were also reports that local authorities arrested individuals who</p>	<p>watched videos from a neighbouring country or were in possession of unauthorised mobile phones.⁹⁵⁾</p> <p>40. According to LFNKR/HRWF criticism of the leadership, whether or not overt, is punished severely.⁹⁶⁾ CHRC/PN/SARANGBANG were concerned that the realization of “Uniform guidance to publication industry” and “Singular guidance”, presented in Article 4 of the Press Law, can repress critical opinions and damage freedom of thought and conscience.⁹⁷⁾</p> <p>41. For LFNKR/HRWF elections are not free: the leadership is approved by a rubber-stamp Parliament, the members of which are chosen by the Workers’ Party. Since there is only one political party which controls all aspects of citizens’ life, dissent is not possible. The lack of freedom of assembly in public and the existence of only Party-controlled media make it impossible to express dissenting opinions; those who do so are punished severely and as a result, there is no meaningful “public life” or “political life” as such.⁹⁸⁾ LFNKR/HRWF urged the Government to allow a variety of media and other non-State-controlled information.⁹⁹⁾</p> <p>7. Right to work and to just and favourable conditions of work</p> <p>42. According to HRW, the State has full control over the labor market, including labor organizations. Under DPRK’s law, there is no concept of an employment contract, as workers are assigned to their jobs by state labor administrative agencies under the control of the Workers’ Party. The state is responsible for providing basic services such as food, health care, education and housing; in return for their labor, workers are paid a small amount of remuneration in cash or coupons to cover items such as supplementary food, clothes and furniture.¹⁰⁰⁾ LFNKR/HRWF reported similar information¹⁰¹⁾ and urged the</p>	<p>95) AI, P6, para. 17.</p> <p>96) LFNKR/HRWF, p. 3.</p> <p>97) CHRC/PN/SARANGBANG, p. 7.</p> <p>98) LFNKR/HRWF, p. 3.</p> <p>99) LFNKR/HRWF, p. 6.</p> <p>100) HRW, p. 4.</p> <p>101) LFNKR/HRWF, p. 3.</p>
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Government to encourage the development of private enterprise.¹⁰²⁾

43. HRW reported that the law governing working conditions in the Kaesong Industrial Complex (KIC) falls far short of international standards¹⁰³⁾ and recommended that the Government amend this law to: explicitly protect workers' right to freedom of association and the right to collective bargaining; explicitly prohibit sex discrimination and sexual harassment; and prohibit the assignment of children under the age of 18 to dangerous or hazardous jobs. It also recommended that the Government enforce existing provisions of Labour Law effectively and allow workers to receive payment directly from their employers.¹⁰⁴⁾

44. HRW said that in some countries where North Koreans have reportedly migrated for employment, concern was expressed for workers' basic rights, including efforts by the DPRK Government to restrict freedom of movement, expression and association, the presence of "minders", and indirect salary payments under which large portions of salaries are allegedly recouped by agencies or by the Government.¹⁰⁵⁾ It recommended that the DPRK join the International Labour Organization, accede to its core treaties, and invite ILO officials to investigate and discuss protection and promotion of workers' rights, and allow thorough on-site investigations abroad, where North Koreans work.¹⁰⁶⁾

8. Right to social security and to an adequate standard of living

45. HRW said that the DPRK has largely recovered from a famine in the mid-late 1990s that killed millions of people, but that serious food shortages persist and vulnerable members of the population, including young children, pregnant and nursing women, the disabled and elderly, still suffer.¹⁰⁷⁾ Non-elite members of the society are almost completely dependent on markets to access food and other necessities, since the

ration system is deficient. They receive rations a few times each year, typically on major national holidays and only a small minority, mostly high-ranking members of the Workers' Party and the security and intelligence forces, still receive regular rations.¹⁰⁸⁾ NKHR/KBA reported similar information¹⁰⁹⁾ and added that the soaring of food prices is causing an enormous conflict between the Government and North Korean residents. Socially powerful groups have food rations and accumulate wealth through embezzling foreign aid.¹¹⁰⁾

46. HRW reported that since the mid-1990s, the DPRK has received a large amount of foreign aid each year, but has consistently limited access to international humanitarian aid workers monitoring aid distribution inside the country.¹¹¹⁾ HRW recommended that the Government: (1) allow international humanitarian agencies, including the UN World Food Programme, to resume necessary food supply operations and to properly monitor aid according to normal international protocols, which include having access to the entire country, being able to make unannounced visits, and being able to select interviewees at random;¹¹²⁾ (2) ensure that its distribution system is both fair and adequately supplied, or permit citizens alternative means to obtain food, including access to markets and aid; (3) end discrimination in government distribution of food in favour of high-ranking Workers Party officials, military, intelligence and police officers; and (4) assist young children, pregnant and nursing women, the disabled, and the elderly as priority recipients of food aid.¹¹³⁾

47. According to CHRC/PN/SARANGBANG, Government's efforts to solve these problems are positive. Yet, the priority given to the military in the distribution of goods is worrisome.¹¹⁴⁾ AI mentioned that the Government has failed to seek international cooperation and assistance

108)
HRW, p. 2.

109)
NKHR/KBA, pp. 3-4.

110)
NKHR/KBA, p. 2.

111)
HRW, p. 2.

112)
HRW, p. 4.

113)
HRW, p. 5.

114)
CHRC/PN/SARANGBANG,
p. 7.

102)
LFNKR/HRWF, p. 6

103)
HRW, p. 4.

104)
HRW, p. 5.

105)
HRW, p. 4.

106)
HRW, p. 5.

107)
HRW, p. 1..

needed to ensure minimum essential levels of food for the whole population.¹¹⁵⁾ The international community and a neighbouring country should provide humanitarian aid that the DPRK should accept without conditions and fairly distribute it, with socially disadvantaged as priorities, according to CHRC/PN/ SARANGBANG.¹¹⁶⁾

48. LFNKR/HRWF stated that access to hospitals and clinics is limited and that medicines and most kinds of medical treatment are unavailable, having a deleterious effect on the health of North Korean children.¹¹⁷⁾ They urged the Government to commit to working with the international community, seeking any necessary outside expertise, so as to ensure that the country has high-quality medical facilities, stocked with suitable supplies, and staffed by qualified medical personnel available to all North Koreans.¹¹⁸⁾

9. Right to education and to participate in the cultural life of the community

49. ACHR mentioned that the discriminatory caste system has a profound impact on the fact that most students, belonging to lower classes, often choose not to continue their education in high school and even if they do so, they are prevented from entering university.¹¹⁹⁾

Children who belong to the privileged class attend top schools and are not required to provide labor as well as miscellaneous fees for their education.¹²⁰⁾ HRW reported similar information.¹²¹⁾ ACHR indicated

that in all other areas, various factors contribute to low school-attendance rates, such as excessive miscellaneous fees and exploitation for labor, both on the state-run farms and as a source of private income for teachers and school authorities.¹²²⁾ LFNKR/HRWF made similar comments.¹²³⁾

Consequently, according to ACHR, it seems that both literacy rates and the overall level of academic achievement of North Korean youth have

decreased in most areas except for Pyongyang and a handful of other areas.¹²⁴⁾ LFNKR/HRWF urged the Government to commit to working with the international community, seeking any necessary outside expertise, to rebuild its educational system and ensure that all North Korean children receive, at minimum, appropriate free and compulsory primary education that is comparable to those of other countries.¹²⁵⁾

50. HRW stated that an ideological education with an emphasis on a “military first” policy takes precedence over academic education. From an early age children are subject to several hours a week of mandatory military training and political indoctrination at their schools.¹²⁶⁾ It recommended that the Government respect and ensure the rights set forth in the Convention on the Rights of the Child without any discrimination and avoid the early militarization of children in schools.¹²⁷⁾

10. Migrants, refugees and asylum-seekers

51. HRW considered that a well-founded fear of persecution upon return turns many North Koreans abroad into refugees *sur place*, even if they left for mere economic reasons.¹²⁸⁾ ACHR indicated that North Korean refugee children confirmed that being accepted to specialized vocational training schools depends upon the parents’ occupation and family background, and it is ultimately decided by the authorities.¹²⁹⁾

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

52. AI welcomed DPRK’s measures to address the needs of persons with disabilities, including the drafting of an Action Plan for Persons with Disabilities for 2008-2010 and the establishment in July 2005 of the

115)

AI, p. 4, para. 9.

116)

CHRC/PN/SARANGBANG,
p. 7

117)

LFNKR/HRWF, p. 4

118)

LFNKR/HRWF, p. 6.

119)

ACHR, p. 2.

120)

ACHR, p. 3.

121)

HRW, p. 3.

122)

ACHR, p. 3.

123)

LFNKR/HRWF, p. 4.

124)

ACHR, p. 3.

125)

LFNKR/HRWF, p. 6.

126)

HRW, p. 3.

127)

HRW, p. 5.

128)

HRW, pp. 2-3.

129)

ACHR, p. 3.

Central Committee of the Korean Federation for the Protection of Persons with Disabilities.¹³⁰⁾

53. CHRC/PN/SARANGBANG gave credit to the DPRK for its effort in trying to improve human rights. According to these organisations, the Government has been emphasizing that its various social security policies, like the health and education systems, have ensured human rights. 'The Law on Sex Equality' was enacted in 1946 to stress the rights of women. However, recent food shortages, the economic crisis, military threats and economic sanctions by the international community have greatly contributed in deteriorating human rights conditions.¹³¹⁾

54. CHRC/PN/SARANGBANG noted that militarism has heightened in the DPRK. They were also concerned over discrimination against groups such as women, the disabled and sexual minorities. The issues of right to food and civil and political rights, which have been raised several times over the years, still need improvement. CHRC/PN/SARANGBANG added that they oppose the politicization of human rights, and that the human rights in DPRK will improve through a humane process.¹³²⁾

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

130)

AI, p. 6.

131)

CHRC/PN/SARANGBANG,

p. 4.

132)

CHRC/PN/SARANGBANG,

p. 4.