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U.S. Department of State

Democratic People's Republic of Korea (North Korea) Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA*

The Democratic People's Republic of Korea (DPRK) is a dictatorship under the absolute rule of the Korean Workers' Party (KWP). Kim Il Sung ruled the DPRK from its inception until his death in July 1994. Since then his son Kim Jong Il appears to have had unchallenged authority, although he has not assumed his father's positions of President of the DPRK and Secretary General of the KWP. Both Kim Il Sung and Kim Jong Il continue to be the objects of intense personality cults. The regime emphasizes "Juche," a national ideology of self-reliance.

The Korean People's Armed Forces is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military forces, including the Worker-Peasant Red Guards and the People's Security Force. These organizations assist the Ministry of Public Security and cadres of the KWP in maintaining internal security. Members of the security forces committed serious human rights abuses.

The State directs all significant economic activity, and only government-supervised labor unions are permitted. The North Korean economy contracted in 1996, as it has each year since the beginning of the decade. This decline is due in part to the collapse of the Soviet bloc and the elimination of Soviet and Chinese concessional trade and aid. It is also due to distribution bottlenecks, inefficient allocation of resources, lack of access to international credit stemming from the DPRK's default on much of its foreign debt, and the diversion of a quarter of the gross national product to military expenditures. For the

last 2 years, flooding damaged crops, forced thousands from their homes, and aggravated an already difficult economic situation. Significantly, North Korea admitted publicly for the first time that it was suffering from food shortages and sought international food aid as well as other forms of assistance. While the Government attributed the food shortages only to flooding, the flood apparently exacerbated structural shortages that have existed for years. Food, clothing, and energy are rationed throughout the country.

*The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would enable them to fully assess human rights conditions there. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the human rights situation in North Korea today.

The Government continues to deny its citizens human rights. Citizens do not have the right peacefully to change their government. There continued to be reports of extrajudicial killings and disappearances. Citizens are detained arbitrarily, and many are held as political prisoners; prison conditions are harsh. The constitutional provisions for an independent judiciary and fair trials are not implemented in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, especially individual rights, as illegitimate and alien social artifacts subversive to the goals of the State and party. The Penal Code is draconian, stipulating capital punishment and confiscation of all assets for a wide variety of "crimes against the revolution," including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing "reactionary" letters, and possessing "reactionary" printed matter. The Government prohibits freedom of the press and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea are constructed to receive North Korean radio broadcasts only; radios obtained from abroad must be altered to work in a similar manner. Under these circumstances, little outside information reaches the public except that approved and disseminated by the Government. The Government restricts freedom of religion, citizen's movements, and worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Defectors report that the regime continued executions of political prisoners, opponents of the regime, repatriated defectors, and others (reportedly including military officers suspected of plotting against Kim Jong Il). The criminal law makes the death penalty mandatory for activities "in collusion with imperialists" aimed at "suppressing the national liberation struggle." Some prisoners are sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and other "counterrevolutionary crimes." In some cases, executions reportedly were carried out at public meetings attended by workers, students, and school children. Executions have also been carried out before assembled inmates at places of detention.

Many prisoners have reportedly died from torture, disease, starvation, or exposure (see Section 1.c.).

In September a North Korean submarine attempting to infiltrate an armed reconnaissance team into

South Korean territory ran aground off the South Korean coast. The 26 North Korean personnel onboard abandoned the vessel. Eleven crew members were apparently killed by the submarine's complement of highly trained infiltrators. In addition, the North Korean commandos killed nine members of the South Korean military, a police officer engaged in the search, and three civilian bystanders.

On December 30, the DPRK made a formal announcement of regret for the incident. The South Korean Government later returned the remains of the North Korean personnel to the DPRK through the Military Armistice Commission in Panmunjom.

b. Disappearance

There is no reliable information on disappearances. However, the Government is reportedly responsible for such cases. According to defector reports, individuals suspected of political crimes are often taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There are also many reports of DPRK involvement in the kidnaping abroad of South Koreans, Japanese, and other foreign nationals. The Japanese press estimates that, over the last 30 years, as many as 20 Japanese may have been kidnaped and are being detained in North Korea. In addition, several cases of kidnaping, hostage-taking, and other acts of violence apparently intended to intimidate ethnic Koreans living in China and Russia have been reported. For example, there is credible evidence that North Korea may have been involved in the abduction of a South Korean citizen working in China as a missionary. The DPRK denies this and other similar reports.

Amnesty International (AI) reports detail a number of cases of disappearances including that of Japanese citizen Shibata Kozo and his wife Shin Sung Suk, who left Japan in 1960 and resettled in North Korea. Shibata was reportedly arrested in 1962 after encouraging a demonstration by former Japanese residents against the poor treatment given them. In 1993 AI claimed that he was still in custody, and in poor health, and that there had been no word about his wife and three children since 1965. In June 1995, AI was informed by North Korean officials that Shibata Kozo, his wife, and children had died in a train accident in early 1990, a few weeks after he was released from nearly 30 years in prison. However, AI reports that Shibata Kozo was still in custody at the time of the alleged accident.

In a case cited by AI in 1993, North Korean officials informed Amnesty in April 1995 that Japanese citizens Cho Ho Pyong, his ethnic Japanese wife Koike Hideko, and their three young children were killed in 1972 while attempting to leave the country. The authorities told AI that Cho had escaped from a

detention center where he was being held for spying, killing a guard in the process.

The cases of three ethnic Korean residents of Beijing, China (16, 18, and 20 years of age), reported by AI in 1995 to have been taken to North Korea against their will, remained unresolved. The three were taken in apparent retaliation for criticism of North Korean human rights violations made by their father, a former prisoner in North Korea, on Japanese television and in the Japanese press. The North Korean authorities deny this allegation, claiming that the three brothers had been deported to North Korea for breaking Chinese law, and that they are now living with relatives. AI has been unable to confirm this account, and at year's end was still concerned about the welfare of the three brothers.

Numerous reports indicate that ordinary citizens are not allowed to mix with foreign nationals, and AI has reported that a number of North Koreans who maintained friendships with foreigners have disappeared. In at least one case, AI reported that a citizen who had disappeared was executed for maintaining a friendship with a Russian national.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While there is no information on recent practices, credible reports indicate that prisoners are ill-treated and that many have died from torture, disease, starvation, or exposure.

Prison conditions are harsh. According to international nongovernmental organizations (NGO) and defector sources, whole families, including children, are imprisoned together. "Reeducation through labor" is common punishment, consisting of forced labor, such as logging and tending crops, under harsh conditions. A small number of people who claim to have escaped from detention camps report that starvation and executions are common. In one prison, clothing was reportedly issued only once in 3 years. Former inmates have produced photographs of an inmate wearing specially designed leg irons that permit walking but make running impossible. AI reports the existence of "punishment cells," too low to allow standing upright and too small for lying down flat, where prisoners are kept for up to several weeks for breaking prison rules. Recent visitors to North Korea report observing prisoners being marched in leg irons, metal collars, or shackles. AI representatives recently were permitted to visit one model "rehabilitation center," but the Government does not normally permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Little information is available on North Korea's criminal justice procedures and practices, and outside observation of its legal system has been limited to "show trials" for traffic violations and other minor offenses.

Family members and other concerned persons find it virtually impossible to obtain information on charges against detained persons. Judicial review of detentions does not exist in law or in practice.

Defectors claim that North Korea detains about 150,000 persons for political reasons, sometimes along with their family members, in maximum security camps in remote areas. An October 1992 report by two former inmates made reference to severe living conditions in what they called "concentration camps." North Korean officials deny the existence of such prison camps but admit that there are "education centers" for people who "commit crimes by mistake."

One credible report lists 12 such prison camps in the DPRK. It is believed that some former high officials are imprisoned in the camps. Visitors were formerly allowed, but currently any form of communication with detainees, including visitors, is said to be prohibited.

In July 1991, a North Korean defector who had been a ranking official in the DPRK Ministry of Public Security, said that there were two types of detention areas. One consists of closed camps where conditions are extremely harsh and from which prisoners never emerge. In the other, prisoners can be "rehabilitated."

The Government is not known to use forced exile abroad. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of people from Pyongyang to the countryside. Often, those relocated are selected on the basis of family background. Nonetheless, there is some evidence that class background is less important than in the past because of the regime's emphasis on the solidarity of the "popular masses."

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law. The Constitution contains elaborate procedural guarantees, and it states that "cases are heard in public, and the accused is guaranteed the right to defense; hearings may be closed to the public as stipulated by law." However, an independent judiciary and individual rights do not exist in the DPRK. The Public Security Ministry dispenses with trials in political cases and refers defendants to the Ministry of State Security for imposition of punishment.

When trials are held, lawyers are apparently assigned by the Government. Reports indicate that defense lawyers are not considered representatives of the accused; rather, they are expected to help the court by persuading the accused to confess guilt. Some reports note a distinction between those accused of political crimes and common criminals and state that the Government affords trials or lawyers only to the latter. The Government considers critics of the regime to be "political criminals."

Numerous reports suggest that political offenses have in the past included such behavior as sitting on newspapers bearing Kim Il Sung's picture, or (in the case of a professor reportedly sentenced to work as a laborer) noting in class that Kim Il Sung had received little formal education. A foreigner hired to work on foreign broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda. He was then imprisoned for 6 more years (with trial) shortly after his release for claiming in a private conversation that his original imprisonment was unjust. While AI has listed 58 political prisoners by name, the total number of political prisoners being held is unknown. Several defectors and former inmates reported that the total figure is approximately 150,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitutional stipulation that "citizens are guaranteed the inviolability of person and residence and the privacy of correspondence" does not reflect reality. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as illegitimate and alien social artifacts subversive to the goals of the State and party. The Government relies upon an extensive, multilevel system of informers to identify critics and potential troublemakers. Whole communities are sometimes subjected to massive security checks. According to Kim Jong Il, North Korean society represents "a new way of thinking" that cannot be evaluated on the basis of "old yardsticks" of human rights imported from abroad. In this context, the DPRK celebrates the closed nature of its society. The possession of "reactionary material" and listening to foreign broadcasts are both considered crimes that may subject the transgressor to harsh punishments. In some cases, entire families are punished for alleged political offenses committed by one member of the family.

The regime justifies its dictatorship with arguments derived from Marxist-Leninist concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the Juche idea," a national ideology of self-reliance promulgated by Kim Il Sung. The North Koreans emphasize that the core concept of Juche is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the Korean context, Juche is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs change and used by the regime as a "spiritual" underpinning for its rule.

As defined by Kim Il Sung, Juche is a quasi-mystical concept in which the collective will of the people is distilled into a supreme leader whose every act exemplifies the State and society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime, is thus in itself opposition to the national interest. The regime therefore claims a social interest in identifying and

isolating all opposition.

Since the late 1950's the regime has divided society into three main classes: "core," "wavering," and "hostile." These 3 classes are further subdivided into over 50 subcategories based on perceived loyalty to the party and the leadership. Security ratings are assigned to each individual; according to some estimates, as much as 50 percent of the population is designated as either "wavering" or "hostile." These loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there are signs that this rigid system has been relaxed somewhat in recent years--for example, children of religious practitioners are no longer automatically barred from higher education--it remains a basic element of North Korean society.

Citizens with relatives who fled to South Korea at the time of the Korean War appear to be still classified as part of the "hostile class" in the DPRK's elaborate loyalty system. This subcategory alone encompasses a significant percentage of the North Korean population. One defector estimated that the class of those considered potentially hostile may comprise 25 to 30 percent of the population; others place the figure at closer to 20 percent. Members of this class are still subject to discrimination, although a defector has claimed that their treatment has improved greatly in recent years.

The authorities subject citizens in all age groups and occupations to intensive political and ideological indoctrination. Even after Kim Il Sung's death, his cult of personality and the glorification of his family and the official Juche ideology remained omnipresent. The cult approaches the level of a state religion.

The goal of indoctrination remains to ensure loyalty to the Kim Il Sung system and his son and heir Kim Jong Il, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination is repeatedly stressed in the writings of Kim Jong Il, who attributes the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination is carried out systematically, not only through the mass media, but also in schools and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he has also called for the intensification of mandatory ideological study and discussion sessions for adult workers.

Another aspect of the State's indoctrination system is the use of mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of people. Celebrations of the 50th anniversary of the founding of the Korean Workers' Party included hours of carefully choreographed demonstration of mass adulation of the leadership, reportedly involving virtually the entire population of Pyongyang and outlying communities. Foreign visitors have been told that nonparticipation by Pyongyang residents in this event was unthinkable.

The Government monitors correspondence and telephones. Telephones essentially are restricted to domestic operation although some international service is available on a very restricted basis (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Articles of the Constitution that require citizens to follow "Socialist norms of life" and to obey a

"collective spirit" take precedence over individual political or civil liberties. Although the Constitution provides for freedom of speech and the press, the Government prohibits the exercise of these rights in practice. The regime permits only activities that support its objectives.

The Government strictly curtails freedom of expression. The authorities may punish persons for criticizing the regime or its policies by imprisonment or "corrective labor." One defector reported in 1986 that a scientist, whose home was bugged through his radio set, was arrested and executed for statements made at home critical of Kim Il Sung. In another case, AI reports that a family formerly resident in Japan was sent to a "reeducation through labor" center because one member of the family allegedly made remarks disparaging the Government.

The Government attempts to control all information. It carefully manages the visits of Western journalists. In July Cables News Network was allowed to broadcast live, unedited coverage of the second year memorial service for the death of Kim Il Sung. Domestic media censorship is strictly enforced, and no deviation from the official government line is tolerated.

The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets are built to receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. Private telephone lines operate on an internal system that prevents making and receiving calls from outside the country. International phone lines are available under very restricted circumstances.

The Government severely restricts academic freedom and controls artistic and academic works. Visitors report that one of the primary functions of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly and association, the Government does not respect these provisions in practice. The Government prohibits any public meetings without authorization. There are no known organizations other than those created by the Government. Professional associations exist primarily as another means of government monitoring and control over the members of these organizations.

c. Freedom of Religion

The 1992 Constitution provides for the "freedom of religious belief," including "the right to build buildings for religious use." However, the same article adds that "no one can use religion as a means to drag in foreign powers" or to disrupt the social order. In practice, the regime discourages all organized religious activity except that which serves the interests of the State.

As late as the early 1980's, foreign visitors were told that there were no churches in the country and only a handful of Buddhist temples. However, in recent years, the regime has allowed the formation of several government-sponsored religious organizations. These serve as interlocutors with foreign church groups and international aid organizations. Some foreigners who have met with representatives of these organizations are convinced that they are sincere believers; others claim that they appeared to know little about religious dogma, liturgy, or teaching.

There are a few Buddhist temples where religious activity is permitted, and three Christian churches--two Protestant and one Catholic--have been opened since 1988 in Pyongyang. Many visitors say that

church activity appears staged. Foreign Christians who have attempted to attend services at these churches without making prior arrangements with the authorities report finding them locked and unattended, even on Easter Sunday.

The DPRK claims that there are 10,000 Christians who worship in 500 house churches, and the Chondogyo Young Friends Party, a government-sponsored group based on a native Korean religious movement, is still in existence. The authorities have told foreign visitors that one Protestant seminary exists, accepting six to nine pupils every 3 years.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The regime strictly controls internal travel, requiring a travel pass for any movement outside one's home village. These passes are granted only for official travel or attendance at a relative's wedding or funeral. Long delays in obtaining the necessary permit often result in denial of the right to travel even for these limited purposes. There are reports that North Korea's recent food shortages have forced the regime to allow citizens increased mobility in order to seek food. As an additional means of control, travelers must produce special "travelers coupons" to buy food on trains or at restaurants or shops. Only members of a very small elite have vehicles for personal use. The regime tightly controls access to civilian aircraft, trains, buses, food, and fuel.

Reports, primarily from defectors, indicate that the Government routinely uses forced resettlement, particularly for those deemed politically unreliable. The Government strictly controls permission to reside in, or even enter, Pyongyang. This is a significant lever, since food, housing, health, and general living conditions are much better in Pyongyang than in the rest of the country.

The regime limits foreign travel to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. In recent years, the number of defectors has increased. The regime reportedly retaliates harshly against the relatives of those who manage to escape. According to the Penal Code, defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) are capital crimes. Defectors and other sources report that involuntarily repatriated defectors are routinely executed. Following the collapse of European communism, the regime pulled back several thousand students from overseas. It no longer allows students to study abroad except in China and a few other places.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none is known to have done so. Many have not been heard from since, and their relatives and friends in Japan have been unsuccessful in their efforts to gain information about their condition and whereabouts.

Although the DPRK has permitted an increasing number of overseas Korean residents of North America, Japan, China, and other countries to visit their relatives in North Korea over the past decade, most requests for such visits are still denied. Many foreign visitors to the April 1995 International Pyongyang Sports Festival reported that they were denied permission to visit or otherwise contact their relatives, even those who lived only a few miles from Pyongyang.

Although the DPRK is a member of the United Nations, it does not participate in international refugee forums, and it is not in contact with the U.N. High Commissioner for Refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right or mechanisms to change their leadership or government. The political system is completely dominated by the KWP, with Kim Il Sung's heir Kim Jong Il in full control. There is very little reliable information available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly, which meets only a few days a year, serves only to rubber-stamp resolutions presented to it by the party leadership.

In an effort to create the appearance of democracy, the DPRK has created several "minority parties." Lacking grass roots organizations, they exist only as rosters of officials with token representation in the Supreme People's Assembly. Their primary purpose appears to be promoting government objectives abroad as touring parliamentarians. Free elections do not exist, and Kim Jong Il has criticized the concept of free elections and competition among political parties as an artifact of capitalist decay.

Elections to the Supreme People's Assembly and to provincial, city, and county assemblies are held irregularly. In all cases there is only one government-approved candidate in each electoral district. According to the media, over 99 percent of the voters turn out to elect 100 percent of the candidates approved by the KWP. The vast majority of the KWP's estimated 3 million members (in a population of 22 million) work to implement decrees formulated by the party's small elite.

Few women have reached high levels of the party or the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. Although a North Korean Human Rights Committee was established in 1992, it denies the existence of any human rights violations in North Korea and is merely a propaganda arm of the regime. However, by offering international human rights organizations an identifiable official interlocutor, the Committee has helped increase their abilit