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1999 Country Reports on Human Rights Practices

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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 led the DPRK from its inception until his death in 1994. Since then his son Kim Jong Il appears to have had unchallenged authority. Kim Jong Il was named General Secretary of the KWP in October 1997. In September 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished leaving the late Kim Il Sung as the DPRK's only president. 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 judiciary is not independent.

The Korean People's Army is the primary organization responsible for external security. It is assisted by a large military reserve force and several quasi-military organizations, 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-controlled labor unions are permitted. The economy continued to function at low capacity, although it showed signs of halting its contraction of recent years. 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 also is due to distribution bottlenecks, an inefficient allocation of resources, a lack of access to international credit stemming from the DPRK's default on much of its foreign debt, and the diversion of an estimated quarter of the gross national product to military expenditures. Since 1995 agricultural production has fallen significantly short of minimum needs. Famine conditions have forced thousands of persons to flee their homes. The Government continued to seek international food aid as well as other forms

*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 assess fully 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. of assistance. Food, clothing, and energy are rationed throughout the country.

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, alien social concepts 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 speech, the press, assembly, and association, and all forms of cultural and media activities are under the tight control of the party. Radios sold in North Korea 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, citizens' movements, and worker rights. There were reports of trafficking in women and young girls.

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 executes political prisoners, opponents of the regime, repatriated defectors, and others (reportedly including military officers suspected of espionage or of plotting against Kim Jong Il). 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 also have been carried out before assembled inmates at places of detention. Border guards reportedly have orders to shoot-to-kill potential defectors (see Section 2.d.).

In August 1998, an unsubstantiated Reuters report stated that following a March coup attempt against Kim Jong Il, authorities arrested several thousand members of the armed forces. Reports indicated that the Government executed numerous persons.

Many prisoners reportedly have died from disease, starvation, or exposure (see Section

1.c.).

According to unconfirmed Japanese and South Korean press reports in 1997, several senior party officials were publicly executed in September 1997. The Kyodo News Network reported that Seo Kwan Hui, Secretary of Agriculture for the KWP, and 17 other senior officials, including some from the army and from the Kim Il Sung Socialist Youth League, were executed for corruption and working for South Korea. In January 1998, Agence France-Presse (AFP) reported that among those executed were a four-star general who ran the Political Bureau of the Korean People's Army and Choe Hyon Tok, a member of the Foreign Affairs Committee of the Supreme People's Assembly. According to the AFP, seven persons in this group were executed by firing squad before thousands of spectators.

A South Korean newsmagazine reported that there were at least 20 public executions during 1997 for either economic offenses, including stealing cattle and electric wire, or for attempting to defect. Amnesty International (AI) reported in January 1997 that at least 23 people had been publicly executed between 1970 and 1992 for offenses that reportedly included "banditry" and "stealing rice from a train." Government officials reportedly told AI in 1995 that only one or two executions had taken place since 1985.

b. Disappearance

The Government is reportedly responsible for cases of disappearance. According to defector reports, individuals suspected of political crimes often are taken from their homes by state security officials late at night and sent directly, without trial, to camps for political prisoners. There also have been reports of DPRK involvement in the kidnaping abroad of South Koreans, Japanese, and other foreign nationals. In 1995 the Japanese press estimated that, in the previous 3 decades, as many as 20 Japanese may have been kidnaped and detained in North Korea. According to Japanese government officials, these abductions took place between 1977 and 1983. 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 July 1995 abduction of a South Korean citizen working in China as a missionary. This missionary subsequently appeared publicly in North Korea and was portrayed as a defector. The DPRK denies that it has been involved in kidnapings.

In November 1997, the South Korean Government arrested several alleged North Korean espionage agents. According to the South Korean Government's report on its investigation, those arrested claimed that three South Korean high school students, missing since 1978, had been kidnaped by the North Korean Government and trained as espionage agents. The three were identified as Kim Young Nam, who disappeared from Son Yu beach, and Yi Myong U and Hong Kyun Pyo, both of whom disappeared from Hong To island beach. According to those arrested, there have been several other kidnapings.

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. The authorities reportedly arrested Shibata in 1962 after he encouraged a demonstration by former Japanese residents protesting 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 1995 North Korean officials informed AI that Shibata Kozo, his wife, and children 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.

North Korean officials informed AI in 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 escaped from a detention center where he was being held for spying, and killed a guard in the escape.

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 were deported to North Korea for breaking Chinese law and that they are now living with relatives.

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 mistreated and that many have died from disease, starvation, or exposure.

In February 1998, a Polish newspaper reported the experiences of a woman who spent 10 years in a North Korean concentration camp before fleeing first to China and then to South Korea. The approximately 1,800 inmates in this particular camp typically worked 16 to 17 hours a day. The woman reported severe beatings, torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen, and chemical and biological warfare experiments allegedly conducted on inmates by the army. South Korean media reported that the DPRK State Security Agency manages the camps through use of forced labor, beatings, torture, and public executions.

Prison conditions are harsh. According to international nongovernmental organizations (NGO's) 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 persons who claimed to have escaped from detention camps reported 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 reported 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.

Visitors to North Korea report observing prisoners being marched in leg irons, metal collars, or shackles.

In April credible witnesses reported on the treatment of persons held in prison camps through the early 1990's. Although their allegations could not be substantiated, the witnesses stated that prisoners held on the basis of their religious beliefs repeatedly were treated worse than other inmates were. One witness, a former prison guard, reported that those believing in God were regarded as insane, as the authorities taught that "all religions are opiates." He recounted an instance in which a woman was kicked hard and left lying for days because a guard overheard her praying for a child who was beaten.

The Government normally does not 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 people at will and to hold them incommunicado.

Little information is available on criminal justice procedures and practices, and outside observation of the 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 between 150,000 to 200,000 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 persons 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 formerly were allowed, but currently any form of communication with detainees, including visitors, is said to be prohibited.

In mid-1999, an ethnic Korean with foreign citizenship was arrested for unauthorized contact with North Koreans. This person was detained for a month before being released.

In May 1998, a foreigner of Korean descent was detained and held incommunicado for nearly 3 months before he was finally released. In September 1998, another foreigner of Korean descent was held incommunicado for more than a month for an unspecified "violation of law" before being released and expelled from the country.

South Korean newspapers reported in 1997 that family members of North Korean defector Hwang Chang Yop, former head of the Juche Research Institute, and a senior advisor to Kim Il Song and Kim Jong Il, who defected to South Korea in that year, were either under

house arrest or incarcerated in political prisons. However, visiting foreigners, have seen some members of his family.

In 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."

In March North Korean officials in Thailand tried to detain a Bangkok-based North Korean diplomat, Hong Sun Gyong, and his family. Hong and his wife escaped from their abductors and then requested asylum. Their son was taken to Laos by North Korean officials but subsequently was allowed to rejoin his parents in Thailand. The North Korean Government requested Hong's extradition, claiming that he had conspired to embezzle state funds. As of October, Hong's asylum request and his extradition case both were pending.

The Government is not known to use forced exile. However, the Government routinely uses forced resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside. There are also reports that physically disabled persons and those judged to be politically unreliable have been sent to internal exile as well. 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," and "united front" efforts with overseas Koreans. According to unconfirmed September 1997 foreign press reports, some 500 senior officials were sent into internal exile.

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; however, an independent judiciary and individual rights do not exist. The Public Security Ministry dispenses with trials in political cases and refers defendants to the Ministry of State Security for imposition of punishment.

The Constitution contains elaborate procedural protections, and it states that cases are heard in public, and that the accused has the right to a defense; hearings may be closed to the public as stipulated by law. 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. The KWP has a special regulation protecting the images of Kim Il Sung and Kim Jong Il. All citizens are required by this regulation to protect from damage any likeness of the two Kim's. Beginning in the 1970's, the "10 Great Principles of Unique Ideology" directed that anyone who tore or otherwise defaced a newspaper photo of either

of the two Kim's was a political criminal and punished as such. Defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kim's. Families must display pictures of the two Kim's in their homes, and if local party officials found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.f.).

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 much larger. Several defectors and former inmates reported that the total figure is approximately 150,000, while South Korean authorities said the total figure is about 200,000.

The South Korean Ministry of National Unification reported to its National Assembly in October 1997 that North Korea held more than 200,000 political prisoners in camps where many had frozen or starved to death, and that famine may have worsened conditions. The report went on to describe the camps as having no electricity or heating facilities. The report claimed that those who attempted to escape were executed immediately. Most camps are located in remote mountain or mining areas. Some reports indicated an increase in the number of political prisoners as North Koreans had begun to complain more openly about the failure of the Government's economic policies.

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

The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The state leadership perceives most international norms of human rights, and especially individual rights, as alien social concepts 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 sometimes are 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. For example, defectors have reported families being punished because children had accidentally defaced photographs of one of the two Kim's. Families must display pictures of the two Kim's in their homes, and must keep them clean. Local party officials have conducted unannounced inspections once a month, and if the inspectors found the family had neglected its photos, the punishment was to write self-criticism throughout an entire year (see Section 1.e.).

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration is submitted, the Ministries of State Security and Public Safety seek to identify the author through handwriting analysis. The suspected individual may be subjected to a thorough investigation and punishment.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of "the *juche* idea." The authorities 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 national 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 three classes are further subdivided into subcategories based on perceived loyalty to the Party and the leadership. Security ratings are assigned to each individual; according to some estimates, nearly half 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 characteristic of KWP political control.

Citizens with relatives who fled to South Korea at the time of the Korean War still appear to be classified as part of the "hostile class" in the DPRK's elaborate loyalty system. This subcategory alone encompasses a significant percentage of the 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 of 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 system and leadership, 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.

In 1997 the Nodong Shinmun newspaper announced that the class indoctrination program would be intensified after Kim Jong Il assumed the office of General Secretary of the KWP. The program was being administered by the KWP's basic-level organizations in all areas of the country. The program stressed two points: That the Kim Jong Il leadership blesses the people, and that the people must do their best for the economy.

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. In September 1998, celebrations of the 50th anniversary of the founding of the DPRK included hours of carefully choreographed demonstration of mass adulation of the leadership. In October 1997, similar celebrations of the 50th anniversary of the KWP reportedly involved 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.

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 under surveillance 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 1996 the Cable News Network was allowed to broadcast live, unedited coverage of the 2nd year memorial service for the death of Kim Il Sung. The regime recently allowed foreign journalists to report on the food situation. Foreign journalists also were allowed to report on the Korean Peninsula Energy Development Organization (KEDO) light-water reactor groundbreaking at Kumho in 1997. Although more foreign journalists have been allowed into North Korea, the Government still maintains the strictest control over the movements of foreign visitors. 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 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 set up an Internet web site, based in Tokyo, Japan, for propaganda purposes. There may be very limited Internet access in North Korea for government officials, according to recent reports.

Late in 1997, the Government published threats against South Korean media for criticizing the North Korean leadership. The first instance was in response to a South Korean newspaper editorial; the second in reaction to a television drama about life in North Korea.

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, the Government does not respect this provision in practice. The Government prohibits any public meetings without authorization.

Although the Constitution provides for freedom of association, the Government does not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations exist primarily as a means of government monitoring and control over the members of these organizations.

c. Freedom of Religion

The 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.

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 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 authorities have told foreign visitors that one Protestant seminary exists, accepting six to nine pupils every 3 years.

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.

Prison inmates who are imprisoned for their religious beliefs or who try to worship in prison reportedly are treated worse than other inmates (see Section 1.c.).

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

In the past, the regime has strictly controlled internal travel, requiring a travel pass for any movement outside one's home village. These passes were granted only for official travel or attendance at a relative's wedding or funeral. Long delays in obtaining the necessary permit often resulted in denial of the right to travel even for these limited purposes. In recent years, it appears that the internal controls on travel have eased or broken down somewhat. There are reports of significant movement of people traveling across the country in search of food. 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.

AI has reported serious human rights abuses involving North Korean workers working in the Far Eastern portion of Russia and North Korean refugees living in Russia. There are about 6,000 DPRK workers in camps in the Russian Far East engaged in farming, mining, and construction. Conditions in these North Korean-run camps are harsh; food is scarce; and discipline is severe. In the past, there have been allegations that discipline includes physical torture such as placing wooden logs between the knees of offenders, after which they were forced to sit down, causing them excruciating pain. In recent years, offenders have been sent back to the DPRK for punishment due to the increased scrutiny that the labor camps have been under since Russian and foreign media began reporting on the conditions in these camps in the early 1990's.

North Korean refugees in Russia comprise two groups: Those who were selected to work in Russia but refused to return to the DPRK and those who have fled into Russia from the DPRK. Until 1993 under a "secret protocol," the DPRK Public Security Service reportedly was allowed to work inside Russia to track down workers who fled the camps. Since 1993 many North Korean refugees have been engaged in business in the Russian Far East.

Many North Korean refugees in Russia face severe hardships due to their lack of any identification. Workers arriving in Russia usually have their passport and other identification confiscated by North Korean border guards.

The DPRK Government reportedly tried to prevent defections in Russia by using diplomatic channels to influence Russian authorities and international organizations. In a number of cases, North Korean authorities reportedly told Russian authorities that a

particular North Korean who had applied for asylum in Russia or elsewhere was a criminal offender in North Korea. An extradition treaty signed by both nations in 1957 requires that defectors with criminal records be returned to their country.

The regime limits foreign travel to officials and trusted artists, athletes, academics, and religious figures. It does not allow emigration. In recent years, there are persistent reports of a steady increase in North Korean defectors arriving in China, Hong Kong, Vietnam, and other Asian countries. 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 have stated that DPRK border guards have received shoot-to-kill orders against potential defectors attempting to cross the border into China. Other defectors have reported that some defectors who have been involuntarily returned have been executed (see Section 1.a.). Following the collapse of European communism, the regime recalled several thousand students from overseas. It no longer allows students to study abroad except in China and a few other places.

According to South Korean media accounts, the DPRK increased controls over the population when Hwang Chang Yop defected in 1997 (see Section 1.d.).

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 were permitted to do so until 1997. Many have not been heard from, and their relatives and friends in Japan have been unsuccessful in their efforts to gain information about their condition and whereabouts.

The DPRK and the Japanese Government held a series of bilateral meetings in Beijing in the second half of 1997, during which the DPRK agreed to allow some Japanese wives resident in North Korea to visit Japan. The first such visit occurred in November 1997 when 15 Japanese wives arrived for a 1-week visit. An additional 12 Japanese wives visited for a week in January and February. In June the DPRK authorities cancelled a visit by Japanese-born women to Japan. In announcing the cancellation, the state-controlled media cited "artificial hurdles and inhuman acts on the Japanese side."

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 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. There is no known policy or provision for first asylum.

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. Very little reliable information is available on intraregime politics following Kim Il Sung's death. The legislature, the Supreme People's Assembly (SPA), which meets only a few days a year, serves only to rubber-stamp resolutions presented to it by the party leadership. In October 1997, Kim Jong Il acceded to the position of General Secretary of the Korean Worker's Party. In September the SPA reconfirmed Kim as the Chairman of the National Defense Commission and declared that position the "highest office of State." The presidency was abolished, leaving the late Kim Il Sung as the DPRK's only President.

In an effort to give the appearance of democracy, the DPRK has created several "minority parties." Lacking grassroots 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 July SPA elections were held for the first time since 1990. According to the government-controlled media, over 99 percent of the voters participated to elect 100 percent of the candidates approved by the KWP. Results of previous SPA elections have produced virtually identical outcomes. The vast majority of the KWP's estimated 3 million members (in a population of 23 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 helped increase their ability to enter into two-way communication with the regime.

In April 1998, during the 54th meeting of the U.N. Commission on Human Rights, the North Korean delegation accused the international community of slandering the DPRK's human rights record, adding that the DPRK Government would not tolerate "any attempt to hurt the sovereignty and dignity of the country under the pretext of human rights."

In 1996 a delegation from AI visited the DPRK and discussed legal reforms and prisoner cases with senior government officials. The Government has ignored requests for visits by other international human rights organizations.

In August 1997, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution criticizing the DPRK for its human rights practices. The DPRK subsequently announced that it would withdraw from the International

Covenant on Civil and Political Rights (ICCPR), calling the resolution an attack on its sovereignty. For more than a decade, the DPRK had failed to report on its implementation of the ICCPR to the U.N. Human Rights Committee. In October 1997, the U.N. Human Rights Committee issued a statement criticizing the attempt by North Korea to withdraw from the ICCPR, noting that countries that had ratified the ICCPR could not withdraw from the covenant. In August 1998, the Human Rights Committee readopted a resolution urging the DPRK to improve its human rights record.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, in practice the Government denies its citizens most fundamental human rights. There was pervasive discrimination on the basis of social status.

Women

There is no information available on violence against women.

The Constitution states that "women hold equal social status and rights with men." However, although women are represented proportionally in the labor force, few women have reached high levels of the party or the Government. In many small factories, the work force is predominantly female. Like men, working-age women must work. They are thus required to leave their preschool children in the care of elderly relatives or in state nurseries. However, according to the Constitution, women with large families are to work shorter hours. There were reports that women were trafficked to China (see Section 6.f.).

Children

Social norms reflect traditional, family-centered values in which children are cherished. The State provides compulsory education for all children until the age of 15. Some children are denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of their parents (see Section 1.f.).

Like others in society, children are the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources report that children from an early age are subjected to several hours a week of mandatory military training and indoctrination at their schools. School children are sometimes sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

In practice children do not enjoy any more civil liberties than adults. In June the U.N. Committee on the Rights of the Child (UNCRC) released its concluding observations on a February 1996 report submitted by the DPRK, detailing its adherence to the International Convention on the Rights of the Child. The UNCRC found that the DPRK "strategy, policies, and programs for children do not fully reflect the rights-based approach enshrined in the convention." The UNCRC also expressed concern over "de facto discrimination against children with disabilities and at the insufficient measures taken by the state party to ensure that these children have effective access to health, education, and

social services, and to facilitate their full integration into society."

According to the World Food Program, the international community is feeding nearly every child under the age of 7 years. In some remote provinces, many persons over the age of 6 years reportedly appear to be suffering from long-term malnutrition. In August 1997, a senior U.N. Children's Fund (UNICEF) official said that about 80,000 children in North Korea were in immediate danger of dying from hunger and disease; 800,000 more were suffering from malnutrition to a serious but lesser degree.

In the fall of 1998, the NGO's Doctors Without Borders (DWB) and Doctors of the World closed their offices in the DPRK because the Government denied them access to a large population of sick and malnourished children. DWB officials said that they had evidence that orphaned and homeless children had been gathered into so-called "9-27 camps." These camps reportedly were established under a September 27, 1995 order from Kim Jong Il to "normalize" the country. North Korean refugees who have escaped from the 9-27 camps into China have reported inhuman conditions.

Information about societal or familial abuse of children is unavailable. There were reports that young girls were trafficked to China (see Section 6.f.).

People with Disabilities

Traditional social norms condone discrimination against the physically disabled. Disabled persons almost never are seen within the city limits of Pyongyang, and several defectors and other former residents report that disabled persons are assigned to the rural areas routinely. According to one report, authorities check every 2 to 3 years in the capital for persons with deformities and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility to buildings or government services for the disabled. In a statement in April, the U.N. Committee on the Rights of the Child criticized "de facto discrimination" in the DPRK against children with disabilities.

Section 6 -- Worker Rights

a. The Right of Association

Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions. Operating under this umbrella, unions function on the classic "Stalinist model," with responsibility for mobilizing workers behind production goals and for providing health, education, cultural, and welfare facilities. Unions do not have the right to strike.

North Korea is not a member of, but has observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Workers have no right to organize or to bargain collectively. Government ministries set wages. The State assigns all jobs. Ideological purity is as important as professional

competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions.

c. Prohibition of Forced or Compulsory Labor

There is no prohibition on the use of forced or compulsory labor, and the Government frequently mobilizes the population for construction projects. Military conscripts routinely are used for this purpose as well. "Reformatory labor" and "reeducation through labor" are common punishments for political offenses. AI reports that forced labor, such as logging and tending crops, is common among prisoners. School children are assigned to factories or farms for short periods to help meet production goals (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment

According to the Constitution, the State prohibits work by children under the age of 16 years. As education is universal and mandatory until the age of 15, it is believed that this regulation is enforced. There is no prohibition on forced labor by children, and school children are assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

e. Acceptable Conditions of Work

No data is available on the minimum wage in state-owned industries. Until the increasing food shortages of recent years, wages and rations appeared to be adequate to support workers and their families at a subsistence level. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, while only token rent is charged. The minimum wage for workers in North Korea's free economic and trade zone (FETZ) is approximately \$80 per month; in foreign-owned and joint venture enterprises outside the FETZ the minimum wage is reportedly close to \$110 per month. It is not known what proportion of the foreign-paid wages go to the worker and what proportion remains with the State. The Korean Peninsula Energy Development Organization (KEDO, the international organization charged with implementation of a light-water reactor and other projects) has concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who are to work on KEDO projects. Unskilled laborers receive about \$110 per month while skilled laborers are paid slightly more depending on the nature of the work performed.

The Constitution states that all working-age citizens must work and "strictly observe labor discipline and working hours." The Penal Code states that anyone who hampers the nation's industry, commerce, or transportation by intentionally failing to carry out a specific assignment "while pretending to be functioning normally" is subject to the death penalty; it also states that anyone who "shoddily carries out" an assigned duty is subject to no less than 5 years' imprisonment.

Even persistent tardiness may be defined as "anti-Socialist wrecking" under these articles, although as a result of food shortages absenteeism reportedly has become widespread as more time must be spent finding food. A DPRK official described the labor force to an

audience of foreign business executives by noting that "there are no riots, no strikes, and no differences of opinion" with management.

In 1994 the authorities reportedly adopted new labor regulations for enterprises involving foreign investments. The regulations on labor contracts set out provisions on the employment and dismissal of workers, technical training, workhours, rest periods, remuneration, labor protection, social security, fines for violations of regulations, and settlement of disputes.

The Constitution stipulates an 8-hour workday; however, several sources report that most laborers work from 12 to 16 hours daily. Some of this additional time may include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Many worksites are hazardous, and the rate of industrial accidents is high.

f. Trafficking in Persons

There are no known laws specifically addressing the problem of trafficking in persons.

There were reports early in the year that women and young girls were sold by their families as wives to men in China. A network of smugglers reportedly facilitates this trafficking.

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