COUNTRY OF ORIGIN INFORMATION REPORT

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

REISSUED ON 21 JULY 2009

UK BORDER AGENCY
COUNTRY OF ORIGIN INFORMATION SERVICE

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This Country of Origin Information Report contains the most up-to-date publicly available information as at 15 September 2008. Older source material has been included where it contains relevant information not available in more recent documents.

Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 15 September 2008.

ii This report was re-issued on 21 July 2009 in order to clarify information in Section 28 (paragraphs 28.10, 28.15 and 28.21) on the position of the Republic of Korea (South Korea) authorities with regard to North Koreans as provided by the Foreign and Commonwealth Office. Other than these paragraphs in Section 28 the report remains unchanged since the previous edition, issued on 15 September 2008.

iii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iv The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

v The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

vi The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vii As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this

document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

viii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

ix This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

x COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

xi In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xii The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://www.ociukba.homeoffice.gov.uk

xiii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country

Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://www.ociukba.homeoffice.gov.uk/

xiv Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Background information

1. GEOGRAPHY

1.01 The Democratic People's Republic of Korea (DPRK), also known as North Korea, occupies the northern part of the Korean peninsula and covers an area of 122,762 sq km. It is bordered to the north by the People's Republic of China, for a short section in the north-east by the Russian Federation, and to the south by the Republic of Korea (South Korea). (Europa World Online, accessed 3 July 2008) **[1a] (Location, Climate, Language, Religion, Flag, Capital; Country Statistics – Area and Population)** The border with the Republic of Korea is a Demilitarised Zone (DMZ) which "is a 250-mile long heavily fortified strip of land, running from the east coast to the west, close to the 38th Parallel." (Foreign and Commonwealth Office (FCO), 21 April 2008) **[4a]** On its east and west flanks the DPRK is bordered by water: to the east by the East Korea Bay and the Sea of Japan, and to the west by the West Korea Bay and the Yellow Sea. (Library of Congress, July 2007) **[3]**

1.02 The country "is divided into nine provinces (*do*) - Chagang, North Hamgyong, South Hamgyong, North Hwanghae, South Hwanghae, Kangwon, North P'yongan, South P'yongan, and Yanggang; two province-level municipalities (*chikalsi* or *jikhalsi*) - P'yongyang and Najin-Sonbong; and one special city (*t'ukpyolsi*)-Namp'o. Other cities are under provincial control." The capital and largest city is Pyongyang which, in 2005, had a population of 3.3 million. Other large cities (with populations of more than 300,000) include Namp'o, Hamhung, Ch'ongjin, Kaesong, Sinuiju, and Wonsan. (Library of Congress, July 2007) **[3]** The country's population was estimated to be 23,479,089 in July 2008. (CIA World Factbook, 4 September 2008) **[2]**

1.03 The national language of the DPRK is Korean. "Dialects of Korean, some of which are not mutually intelligible, are spoken throughout the country and generally coincide with provincial boundaries. The written language employs the phonetic-based Han'gul (or Choson'gul) alphabet." (Library of Congress, July 2007) **[3]** Korean spoken in the DPRK is "more formal and with less borrowed Western vocabulary than in [the Republic of Korea]". (FCO, 21 April 2008) **[4a]**

1.04 The DPRK is an ethnically homogenous society with no indigenous minorities, although there are small communities of Chinese (about 50,000) and Japanese speakers (about 1,800) (US State Department (USSD), August 2008) **[10a]** With regard to religious groups, the Library of Congress Profile of the DPRK, updated July 2007, noted that "[t]raditionally, Koreans have practiced Buddhism and observed the tenets of Confucianism. Besides a small number of practicing Buddhists (about 10,000, under the auspices of the official Korean Buddhist Federation), North Korea also has some Christians (about 10,000 Protestants and 4,000 Roman Catholics, under the auspices of the Korean Christian Federation) and some 2.7 million indigenous Ch'ondogyo (Heavenly Way) adherents." **[3]**

For more information on religious groups see Section 18: Religious freedom, sub-section Religious demography

MAP

1.05 Map of the DPRK courtesy of the United Nations **[14c]**:

Further maps of the DPRK can be viewed on Reliefweb and at the website of the Perry-Castaneda Library Map Collection

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2. ECONOMY

2.01 In its Index of World Economic Freedom 2008, undated, the Heritage Foundation ranked the DPRK 157th out of 157 countries reviewed, making it the world's least free economy. The assessment stated that

"Business freedom, investment freedom, trade freedom, financial freedom, freedom from corruption, and labor freedom are nonexistent. All aspects of business operations are controlled and dominated by the government. Normal foreign trade is almost zero. No courts are independent of political interference, and private property (particularly land) is strictly regulated by the state. Corruption is virtually immeasurable and…hard to distinguish from necessity. Much of North Korea's economy cannot be measured, and world bodies like the International Monetary Fund and World Bank are not permitted to gather information… Today, North Korea's economy is supported by South Korea and China. North Korea itself earns money through the counterfeiting of foreign currency, arms sales, and other illicit activities" **[8]**

2.02 The Library of Congress profile of the DPRK, updated July 2007, observed

"North Korea has long had a socialized, centrally planned, and primarily industrialized command economy isolated from the rest of the world. The means of production, which are largely obsolete, are owned by the state through state-run enterprises or collectivized farms. Prices, wages, trade, budget, and banking are under strict government control. Traditionally, poor domestic economic performance was offset with infusions of Soviet aid. But after the collapse of the Soviet Union in 1991, the aid stopped and the economy was adversely affected. This situation was then further complicated by severe food shortages that began in 1995–96 and continued in 2007. Massive international food aid deliveries have allowed North Korea to escape mass starvation since the mid-1990s, but the population remains the victim of prolonged malnutrition and deteriorating living conditions. This situation was brought about by a shortage of arable land, collective farming, weather-related problems, and chronic shortages of fertilizer and fuel. In addition, large-scale military expenditures consume resources needed for investment and civilian consumption." **[3]**

2.03 The CIA World Factbook, updated 4 September 2008, stated that

"Since 2002, the government has formalized an arrangement whereby private 'farmers' markets' were allowed to begin selling a wider range of goods. It also permitted some private farming on an experimental basis in an effort to boost agricultural output. In October 2005, the government tried to reverse some of these policies by forbidding private sales of grains and reinstituting a centralized food rationing system. By December 2005, the government terminated most international humanitarian assistance operations in North Korea (calling instead for developmental assistance only) and restricted the activities of remaining international and non-governmental aid organizations such as the World Food Program. External food aid now comes primarily from China and South Korea in the form of grants and long-term concessional loans. During the October 2007 summit, South Korea also agreed to develop some of North Korea's infrastructure and natural resources and light industry.

Firm political control remains the Communist government's overriding concern, which will likely inhibit the loosening of economic regulations." **[2]**

2.04 The DPRK's dependency on international food aid continued into 2008. (FCO, 21 April 2008) **[4a]** The same sourced noted

"At its peak, the WFP [World Food Programme] fed 6.5 million North Koreans and provided 500,000 tonnes of food annually. In light of DPRK's decision to no longer accept humanitarian aid, the WFP has since May 2006 operated a scaled-back programme to disburse up to 150,000 tonnes over two years, with a small resident staff. But on 16 April 2008 the WFP announced that the food situation in the DPRK was bad and getting worse and that it was increasingly likely that external assistance will be urgently required to avert a serious tragedy." **[4a]**

For more information on the famine see Section 26: Humanitarian Issues

2.05 The FCO Profile of the DPRK also observed that "[a]lthough DPRK's population is predominantly urbanised, agriculture still accounts for around one-quarter of economic activity. Dominance of heavy industry, including steel, cement and machinery, and mining has declined since the 1990s with light industries, especially textiles, growing. Development of the IT sector has enjoyed high-level backing." **[4a]** About 63% of the population worked in industry and services, the remainder in the agricultural sector. The DPRK's principal industries include military products, machine building, electric power, chemicals, mining (coal, iron ore, limestone, magnesite, graphite, copper, zinc, lead, and precious metals), metallurgy, textiles, food processing and tourism. Its main agricultural products are rice, wheat/corn, potatoes, soyabeans, pulses, cattle, pigs and eggs. (CIA, 4 September 2008) **[2]**

2.06 The DPRK does not publish reliable National Income Accounts data so accurate figures for the performance of its economy are difficult to obtain, and are based on estimates. The Gross Domestic Product (GDP) per person, at purchasing power parity, was estimated to be US$1,900 in 2007. (CIA, 4 September 2008) **[2]** Real income per head of population was around US$500 a year. (*The Economist*, 8 May 2008) **[6a]** In 2006 the economy was believed to be shrinking at a rate of -1.1% GDP a year. (CIA, 4 September 2008) **[2]**

2.06 The DPRK's currency is the North Korean Won. One Won is comprised of 100 chon. (www.mapsoftheworld.com, undated) **[7]** There are officially around 224 North Korean Won to the euro, although market rates are much higher. "Foreigners are required to use euros (1.23 to the pound as of April 2008)." (FCO, 21 April 2008) **[4a]** Based on this rate there are approximately 275 Won to one British pound.

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3. HISTORY

3.01 Korea (the geographical area now occupied by North and South Koreas) as a civilisation dates back hundreds of years but the DPRK is a much more recent creation. In 1910 Korea was annexed by Japan and remained under its control until the end of the Second World War. Following Japan's defeat the USA and the Soviet Union divided Korea "into separate occupation zones along the 38th Parallel… The Republic of Korea (ROK) was founded with US support in the south on 15 August 1948 and the Soviet-backed Democratic People's Republic of Korea (DPRK) in the north on 9 September [1948]." (FCO, 21 April 2008) **[4a]**

3.02 After the DPRK's creation "[t]he Soviet Union installed Kim Il-sung, an anti-Japanese resistance fighter, as the new country's leader. In 1950, North Korea invaded South Korea in an attempt to reunify the peninsula under Communist rule. Drawing in the United States and then China, the ensuing three-year conflict killed at least 2.5 million people and ended with a ceasefire rather than a full peace treaty." (Freedom House, 2 July 2008) **[9a]** An armistice "was signed between the DPRK/China and UNC [United Nations Command] on 27 July 1953. The ROK refused to sign but agreed to abide by its terms." (FCO, 21 June 2008) **[4a]** However, "[s]ince then, the two Koreas have been on a continuous war footing, and the border remains one of the most heavily militarized places in the world". (Freedom House, 2 July 2008) **[9a]**

3.03 The Freedom House report, Freedom in the World 2008 (covering events in 2007) (Freedom House Report 2008), released on 2 July 2008, stated that

"Kim Il-sung solidified his control after the war, purging rivals, throwing thousands of political prisoners into labor camps, and fostering an extreme personality cult that promoted him as North Korea's messianic, superhuman 'Great Leader.' For over four decades, Kim Il-sung perfected his totalitarian state by reviving old social and political institutions as well as inventing modern ones. These included self-isolation, a hereditary class structure, extensive slave-labor, metaphysical Neo-Confucianism, emperor worship, and collective punishment for political dissent. Marxism was eventually replaced by the DPRK's 'Juche ideology' (translated as self-reliance), which combined extreme nationalism, xenophobia, and the use of state terror. After Kim Il-sung died in 1994, he was proclaimed 'Eternal President,' but power passed to his son, 'Dear Leader' Kim Jong-il.

"The end of the Cold War and its associated Soviet and Chinese subsidies led to the collapse of North Korea's command economy. Although the severe floods of 1995 and 1996 compounded the problem, the famine of the 1990s, which killed at least a million people, was caused by decades of severe economic mismanagement. As many as 300,000 North Koreans fled to China in search of food, despite a legal ban on leaving the DPRK. In 1995, North Korea allowed the United Nations and private humanitarian aid organizations from Europe, North America, and South Korea to undertake one of the world's largest famine-relief operations. Despite continuing food shortages over the next decade, the DPRK in 2005 instructed the UN World Food Programme (WFP) to either switch from humanitarian relief to development assistance or leave North Korea. The DPRK continues to force the international community

to bear the burden of feeding its citizens while it devotes its resources to its military-first policy.

"The economic breakdown prompted the emergence of black markets to deal with the extreme shortages. The degraded state turned a blind eye, allowing illicit trade to flourish. Meanwhile, the regime instituted halting economic reforms in 2002, which included easing price controls, raising wages, devaluing the currency, and giving factory managers more autonomy. More extensive changes, which could ultimately undermine the dictatorship's grip on power, were rejected.

"Kim Jong-il's regime was kept afloat by Chinese and South Korean aid, as both neighbors feared that a state collapse could lead to massive refugee outflows, military disorder, the emergence of criminal gangs and regional warlords, and a loss of state control over nuclear weapons." **[9a]**

3.04 The same sourced added that

"The DPRK had withdrawn from the Nuclear Non-Proliferation Treaty in 2003, and it raised alarm in the region by testing ballistic missiles and a nuclear device in 2006. However, the country was more cooperative in 2007. In February [2007], it reentered the Six-Party Talks with its neighbors and the United States, having boycotted the nuclear negotiations since September 2005. The resulting 'February 13 Agreement' sought to denuclearize North Korea in three phases, with a reward for the DPRK at the completion of each phase. In one early concession that spring, the U.S. Treasury Department allowed Macao's Banco Delta Asia to return [US]$25 million in North Korean assets to the DPRK; the funds had been frozen because of North Korea's currency-counterfeiting and other illicit activities. In October [2007], North Korea announced that it would disable its nuclear facilities and disclose all of its nuclear programs by the end of 2007. In return, it would receive one million tons of fuel oil or its equivalent in aid. At year's end, however, the DPRK stalled the completion of the disabling and disclosure process, citing delays in the delivery of economic aid and other concessions by the other five countries. Also in October [2007], Kim Jong-il hosted South Korean president Roh Moo-hyun for a three-day summit. The two Koreas concluded plans for a number of a joint development projects, and agreed in principle to work toward a formal peace treaty. Whether the agreements would be sustained by Lee Myung-bak, a conservative leader who was elected as South Korea's new president in December [2007], remained to be seen. Lee had been critical of North Korea's lack of reciprocity. Separately, severe floods hit North Korea again in the summer of 2007, raising expectations of more acute food shortages." **[9a]**

For further detail on the DPRK's history see the Library of Congress profile of the country, the USSD Background Note – North Korea, and the BBC News Profile of North Korea.

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4. RECENT DEVELOPMENTS

4.01 By the end of 2007 the DPRK failed to meet the deadline on declaring its nuclear activities. In January 2008 China urged it to honour its commitments while in February 2008 Republic of Korea's (RoK) new President, Lee Myung-

bak, stated that aid was dependent on nuclear disarmament and human rights improvement in the north. During March and April 2008 relations between the two Koreas deteriorated: the DPRK expelled South Korean managers from a joint North-South industrial complex, test fired short-range missiles and accused President Lee of having sent a warship into DPRK waters. (BBC News, updated 7 August 2008) **[11a]**

4.02 In May 2008 the USA restarted deliveries of food aid to the DPRK, which was believed to be facing famine. This was the first time in three years that aid had been sent and coincided with the DPRK authorities handing over documents detailing its past nuclear activities to the US Government (though the US Government denied that aid was connected to disarmament negotiations). (BBC News, 16 May 2008) **[11b]** BBC News reported on 26 June 2008 that the DPRK authorities had handed over details of its nuclear programmes to the Chinese Government – a declaration that was six months overdue. The US Government cautiously welcomed this action: President Bush stated that the US would look to take the DPRK off its list of state terrorism sponsors if the declaration was complete. **[11c]**

4.03 However the USA stated it would not remove the DPRK from its list of states sponsoring terrorism until certain non-disclosed details could be verified by on-the-ground inspections of nuclear facilities. There were delays between six countries involved in the discussions (DPRK, Republic of Korea, Russia, China, Japan and the USA) in reaching an agreement on how to verify the details and as a result the DPRK stopped dismantling facilities at its Yongbyon plant, and in early September had reportedly begun to reassemble the facilities there. (BBC News, 3 September 2008)

For further information on current events in the DPRK go to the BBC News, North Korea: Secretive State, the New York Times website, The Economist website, the English language websites of the South Korean newspapers Chosun Ibo and the Korea Times; and English language Japanese newspaper, The Japan Times

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5. CONSTITUTION

5.01 The DPRK adopted a new constitution on 27 December 1972, which was amended in April 1992 and September 1998. (Europa World Online, accessed 3 July 2008) **[1a] (The Constitution)** The same source summarised the main provisions of the constitution thus:

"The Democratic People's Republic of Korea is an independent socialist state; the revolutionary traditions of the State are stressed (its ideological basis being the *juche* (self reliance) idea of the Korean Workers' Party), as is the desire to achieve national reunification by peaceful means on the basis of national independence. The Late President Kim Il Sung is the Eternal President of the Republic.

"National sovereignty rests with the working people, who exercise power through the Supreme People's Assembly and Local People's Assemblies at lower levels, which are elected by universal, equal and direct suffrage by secret ballot.

"The foundation of an independent national economy, based on socialist and *juche* principles, is stressed. The means of production are owned solely by the State and socialist co-operative organizations.

"Culture and education provide the working people with knowledge to advance a socialist way of life. Education is free, universal and compulsory for 11 years.

"Defence is emphasized, as well as the rights of overseas nationals, the principles of friendly relations between nations based on equality, mutual respect and non-interference, proletarian internationalism, support for national liberation struggles and due observance of law.

"The basic rights and duties of citizens are laid down and guaranteed. These include the right to vote and to be elected (for citizens who are more than 17 years of age), to work (the working day being eight hours), to free medical care and material assistance for the old, infirm or disabled, and to political asylum. National defence is the supreme duty of citizens." **[1a] (The Constitution)**

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6. POLITICAL SYSTEM

6.01 The DPRK is a communist one-man dictatorship led by Kim Jong-il. (CIA, 4 September 2008) **[2]** Mr Kim inherited power from his father "Kim Il-sung [who] ruled North Korea from 1948 until his death in July 1994. Kim [Il-sung] served both as Secretary General of the [Korean Workers' Party] KWP and as President…" (USSD, August 2008) **[10a]** and despite being deceased has been declared "eternally" President. (BBC News, 30 June 2008) **[11d]**

6.02 The country has a highly "centralized government under the rigid control of the communist Korean Workers' Party (KWP), to which all government officials belong. A few minor political parties are allowed to exist in name only." (USSD Background Note, August 2008) **[10a]** The same source added that

"Little is known about the actual lines of power and authority in the North Korean Government despite the formal structure set forth in the constitution. Following the death of Kim Il-sung, his son Kim Jong-il… was named General Secretary of the KWP in October 1997, and in September 1998, the Supreme People's Assembly (SPA) reconfirmed Kim Jong-il as Chairman of the National Defense Commission and declared that position as the 'highest office of state.' However, the President of the Presidium of the Supreme People's Assembly, Kim Yong-nam, serves as the nominal head of state." **[10a]**

6.03 The USSD Background Note on North Korea, updated August 2008, continued

"The constitution designates the Central People's Committee (CPC) as the government's top policymaking body. The CPC makes policy decisions and supervises the cabinet, or State Administration Council (SAC). The SAC is headed by a premier and is the dominant administrative and executive agency.

"Officially, the legislature, the SPA, is the highest organ of state power. Its members are elected every four years. Usually only two meetings are held annually, each lasting a few days. A standing committee elected by the SPA performs legislative functions when the Assembly is not in session. In reality, the Assembly serves only to ratify decisions made by the ruling KWP." **[10a]**

6.04 The unicameral SPA, or Ch'oego Inmin Hoeui, contains 687 seats. Members are elected by popular vote to serve five-year terms. The KWP "approves a list of candidates who are elected without opposition; [though] some seats are held by minor parties". The cabinet (the 'Naegak'), with the exception of the Minister for the People's Armed Forces, is appointed by the SPA. (CIA, 4 September 2008) **[2]**

For information on political rights see Section 14: Political affiliation

Personality cult of Kim Jong-il

6.05 The personality cult surrounding the 'Dear Leader', Kim Jong-il, has ideologically underpinned the regime and at times resembled a state religion. (USSD, 14 September 2007) **[10c] (Section II)** The same source, the US State

Department International Religious Freedom Report 2007, Democratic People's Republic of Korea (USSD IRF Report 2007), released 14 September 2007, added that

"Faced with famine and the succession process [Mr Kim replaced his father, Kim Il-song, as leader of the country in 1994] in the mid-1990s, Kim Jong-il's regime increasingly emphasized a 'military-first' policy to gradually replace juche (often translated as extreme self-reliance) as the de facto ruling logic. However, juche remained an important ideological concept. Indoctrination was intended to ensure loyalty to the system and the leadership, as well as conformity to the state's ideology and authority. Refusal on religious or other grounds to accept the leader as the supreme authority, exemplifying the state and society's needs, was regarded as opposition to the national interest and sometimes resulted in severe punishment. NGOs reported that citizens are exhorted to glorify Kim Jong-il." **[10c] (Section II)**

6.06 On the same subject, the US Commission on International Religious Freedom (USCIRF), in its annual report for 2008 (USCIRF Report 2008), released May 2008, noted that

"The North Korean government forcefully propagates an ideology known as '*Juche*' or '*KimIlSungism*' centered on the personality cult surrounding Kim Il Sung and Kim Jong Il. Pictures of the 'Great Leader' (Kim Il Sung) and the 'Dear Leader' (Kim Jong Il) hang on the walls of every house, schoolroom, and workplace. The only exception is in the churches of Pyongyang, where crosses hang in the place of the portraits. Under threat of fines and other penalties, North Koreans are required to maintain and display the portraits of their leaders. Every North Korean wears a lapel pin of the Great Leader. Schools are required to study and memorize the 'Ten Principles for the Establishment of the One-Ideology System of the Party.' On several occasions throughout the past year, North Korean media sources quoted Kim Jong Il's instructions that ideological education must take precedence over academic subjects in the nation's schools. North Korean refugees report that each village contains a 'Kim Il Sung Research Center' where they are required to attend weekly meetings. One scholar estimated that there may be as many as 450,000 such centers, including one in the infamous Yodok prison camp. Meetings include watching inspirational films on the Dear Leader's life, indoctrination sessions on the principles of *Juche*, and public self-criticism sessions." **[20a] (p 143)**

6.07 A Freedom House report, Concentrations of Inhumanity, dated May 2007, also observed that

"An extreme cult of personality was organized around Kim Il Sung and his family, going back to his great grandfather, and extending toward his son, Kim Jong Il, as dynastic succession was reintroduced. Kim Il Sung was revered and venerated as the founder of a new dynasty, comparable to the founders of the previous Koryo and Chosun dynasties. Kim was even elevated into the status of a Korean messiah, destined to liberate the virtuous, though abused, Korean people from the consecutive and seamless evils of Japanese colonialism and American imperialism. Portraits or statues of the Kim's were required in every house. Everybody was required to affix a Kim button to his or her lapel. Hallowed, church-like 'Kim Il Sung revolutionary thought study halls' (Kim Il Sung Wonsu hyukmyeong hwaldong yeongusil) were set up in every

factory, farm, school and office and the entire population was required to attend weekly sessions to master KimIlSungism. Failure to attend these propaganda classes or to show sufficient respect to the portraits or the Great Leader and Dear Leader risks consignment to the camps.

"The extreme ideological orthodoxy effectively criminalized 'wrong thought' or 'wrong knowledge' as well as 'wrong-doing.' A strong gloss of religiosity coats the extreme North Korean ultra-orthodoxy… North Korea is like a giant religious cult. Thinking that is not in accord with the thinking of the cult is simply not allowed, and, if suspected, is punished severely." **[9c] (The DPRK Gulag System, p 18)**

See also Section 14: Political Affiliation, Section 18: Freedom of Religion and Section 15 Freedom of speech and media

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Human Rights

7. INTRODUCTION

7.01 The US State Department Country Report on Human Rights Practices 2007, Democratic People's Republic of Korea (USSD Report 2007), released on 11 March 2008, stated in its introductory section that

"The government's human rights record remained poor, and the regime continued to commit numerous serious abuses. The regime subjected citizens to rigid controls over many aspects of their lives. Articles of the constitution that require citizens to follow 'socialist norms of life' and to obey a 'collective spirit' took precedence over individual political and civil liberties. Citizens did not have the right to change their government. There continued to be reports of extrajudicial killings, disappearances, and arbitrary detention, including of political prisoners. Prison conditions were harsh and life-threatening, and torture occurred. Pregnant female prisoners underwent forced abortions in some cases, and in other cases babies were killed upon birth in prisons. The judiciary was not independent and did not provide fair trials. Citizens were denied freedom of speech, the press, assembly, and association, and the government attempted to control all information. The government restricted freedom of religion, citizens' movement, and worker rights. There continued to be reports of severe punishment of some repatriated refugees. There were widespread reports of trafficking in women and girls among refugees and workers crossing the border into China." **[10b]**

7.02 The Human Rights Watch (HRW) report, World Report 2008, North Korea, Events of 2007 (HRW Report 2008), released on 31 January 2008, observed that

"Human rights conditions in the Democratic People's Republic of Korea (North Korea) remain abysmal. Authorities continue to prohibit organized political opposition, independent news media, and civil society activities. Arbitrary arrests, lack of due process, and executions remain of grave concern.

"The government denies citizens the right to leave the country. In 2007 authorities increased border patrols and repeatedly warned of harsher punishments for those who attempt to leave without state permission, which is virtually impossible to obtain. [Though the report acknowledged that access to the country is limited and reliable evidence is hard to obtain.]" **[12a]**

7.03 The Freedom House Report 2008, commenting on basic human rights in the DPRK, noted that

- the DPRK is not an electoral democracy;
- though the constitution provides for freedom of speech and press these are nonexistent in practice;
- freedom of religion is guaranteed under the constitution but in practice does not exist;
- there is no independent judiciary;
- "The UN General Assembly has recognized and condemned severe DPRK human rights violations including the use of torture, public executions,

extrajudicial and arbitrary detention, and forced labor; the absence of due process and the rule of law; death sentences for political offenses; and a large number of prison camps";

- "The regime subjects thousands of political prisoners to brutal conditions, and collective or familial punishment for suspected dissent by an individual is also a common practice"; and
- that there is no freedom of movement; "forced internal resettlement is routine". **[9a]**

7.04 Amnesty International, in its annual report, State of the World's Human Rights 2008, released in May 2008 and covering events in 2007, (Amnesty Report 2008), stated that "Systemic violations of human rights continued, including capital punishment, torture and the political and arbitrary use of imprisonment. Dissent of any kind, including leaving the country without permission and unauthorized assembly or association, was severely punished and national and international media were strictly controlled. Access by independent human rights monitors continued to be denied." **[13a]**

7.05 In a resolution adopted on 28 February 2008 on the situation in the DPRK, the UN General Assembly stated that it was very seriously concerned by the continuation of reports of widespread and grave violations of economic, social, political and cultural rights in the DPRK, which included

"(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; and the existence of a large number of prison camps and the extensive use of forced labour;

"(ii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard urges all States to ensure respect for the fundamental principle of non-refoulement and to treat those who seek refuge humanely;

"(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families;

"(iv) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families;

"(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, inter alia, women, children and the elderly;

"(vi) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination and violence;

"(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

"(viii) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child" **[14b] (paragraph 1, pages 2 and 3)**

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8. SECURITY FORCES

8.01 In the Security and Foreign Forces section, updated 27 January 2007, of the Jane's report Sentinel Country Risk Assessment, North Korea (Jane's Report), it was reported that

"The primary missions of the DPRK's internal security organisations are to protect the government and Korean Workers Party (KWP) from domestic threats and to prevent or neutralise any foreign intelligence collection or subversion activities against the DPRK. Secondary missions include maintenance of domestic tranquillity, normal police and civil defence activities, the protection of natural resources, the industrial security, transport and communication networks, coast and border security, and acquisition of foreign capital." **[15a]**

8.02 Though the same source noted that in theory there are separate "missions" for internal and external security services in fact "the reality of the situation is somewhat more ambiguous. Various agencies often have overlapping areas of responsibility and compete with one another. Moreover, all agencies have an internal security responsibility to some degree, and internal security agencies have conducted positive intelligence operations within... [South Korea] and overseas." **[15a]**

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POLICE

8.03 The Jane's Report, Security and Foreign Forces section updated 27 January 2007, noted with regard to policing in the DPRK that

"The Ministry of People's Security (formerly the Ministry of Public Security) functions primarily as the national police and civil defence force for the DPRK. Like the State Security Department it is also responsible for conducting political surveillance. The Ministry of People's Security maintains a large organisation of provincial, county, town and city forces which conduct routine checks of travellers to insure they possess appropriate travel documents. It maintains checkpoints and security posts to inspect buses, trucks and trains and performs normal police and civil defence duties. It also maintains organisations responsible for protecting the DPRK's railroads, key government facilities and officials. The ministry is also responsible for the construction and security of sensitive and national infrastructure projects… The total personnel strength of the Ministry of People's Security is unclear. Several sources suggest that it is approximately 130,000. Including 30,000 in administration, civil defence, law enforcement, and security, and around 100,000 in the construction bureaus." **[15a]**

Arbitrary arrest and detention

8.04 The USSD Report 2007 observed that though the law prohibits arbitrary arrest the Government did not adhere to this in practice. The report further noted that

"Members of the security forces arrested and transported citizens suspected of committing political crimes to prison camps without trial.

"There were no restrictions on the government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other concerned persons found it virtually impossible to obtain information on charges against detained persons or the lengths of their sentences. Judicial review of detentions did not exist in law or in practice.

"In some cases entire families, including children, were imprisoned when one member of the family was accused of a crime." **[10b] (Section 1e)**

See also paragraph 8.08: Disappearance

Torture

8.05 On the subject of torture by the authorities generally, not just by police under the Ministry of People's Security, the USSD Report 2007 stated

"The penal code prohibits torture or inhumane treatment; however, many sources continued to confirm its practice. According to an April [2007] report by Freedom House, prisoners in political prison camps were regularly subjected to beatings and sometimes more systematic torture for infractions of prison camp regulations. Methods of torture and other abuse reportedly included severe beatings, electric shock, prolonged periods of exposure to the elements, humiliations such as public nakedness, confinement for up to several weeks in small 'punishment cells' in which prisoners were unable to stand upright or lie down, being forced to kneel or sit immobilized for long periods, being hung by the wrists, being forced to stand up and sit down to the point of collapse, and forcing mothers recently repatriated from China to watch the infanticide of their newborn infants. Defectors continued to report that many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes." **[10b] (Section 1c)**

8.06 In his report to the UN Human Rights Council dated 15 February 2008, the Special Rapporteur on the human rights situation in the DPRK, Vitit Muntarbhorn, noted with regard to harsh conditions in the prison system that there were many abuses committed, "including torture and other cruel, inhuman and degrading treatment." **[14a] (paragraph 26)**

See general comments on the human rights situation in Section 7: Human Rights; for detail on the treatment of North Koreans returning from China see Section 27: Freedom of movement and Section 28: Koreans outside the DPRK, subsection China; and conditions in detention, see Section 12: Prison conditions

Extra-judicial killings

8.07 The USSD Report 2007 recorded that

"There were numerous reports that the regime committed arbitrary and unlawful killings. Defector and refugee reports indicated that in some instances the regime executed political prisoners, opponents of the regime, repatriated defectors, and others, including military officers suspected of espionage or of plotting against Kim Jong-il. The law prescribes the death penalty for the most 'serious' or 'grave' cases of 'anti-state' or 'anti-nation'

crimes, including: participation in a coup or plotting to overthrow the state; acts of terrorism for an anti-state purpose; treason, which includes defection or handing over state secrets; suppressing the people's movement for national liberation; cutting electric power lines or communication lines; and illegal drug transactions.

"In the past border guards reportedly had orders to shoot to kill potential defectors, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps, but it was not possible to determine if this practice continued during the year… Religious and human rights groups outside the country alleged that some North Koreans who had contact with foreigners across the Chinese border were imprisoned or killed." **[10b] (Section 1)**

Also see Section 12: Prison conditions for further information about extra-judicial killings in political prison camps and Section 13: Death penalty

Disappearance

8.08 There was evidence that the Government was responsible for enforced disappearances. The USSD Report 2007 noted that

"In recent years defectors claimed that state security officers often apprehended individuals suspected of political crimes and sent them, without trial, to political prison camps. There are no restrictions on the ability of the government to detain and imprison persons at will and to hold them incommunicado. The penal code states that a prosecutor's approval is required to detain a suspect; however, the government ignored this law in practice….Japan continued to seek further information about the cases of 12 officially designated Japanese nationals believed to have been abducted by DPRK government entities, despite the DPRK's insistence that the 12 were either dead or were never in North Korea…In the past, credible reports indicated that the government also kidnapped other nationals from locations abroad, including citizens from Romania, Thailand, and possibly elsewhere… The South Korean government estimated that approximately 480 of its civilians who were abducted or detained by the DPRK since the end of the Korean War [Armistice signed in 1953] remained in the DPRK." **[10b] (Section 1)**

8.09 The Amnesty Report 2008, released in May 2008, noted with regard to enforced disappearances that

"Hundreds of North Koreans forcibly returned from China were unaccounted for. The families of several people who left the country without permission disappeared. They were believed to be victims of enforced disappearance, a form of collective punishment for those associated with someone deemed hostile to the regime ('guilt-by-association'). The North Korean authorities have also abducted nationals of other countries, including South Korea and Japan. The government failed to acknowledge any enforced disappearances." **[13a]**

8.10 A Freedom House report, Concentrations of Inhumanity, dated May 2007, based on interviews of defectors and which presented an analysis of repression in political penal labour camps, or *Kwan-li-so*, stated that

"Perceived wrong-doers or wrong-thinkers and/or their family members are subjected to 'enforced disappearance.' These persons are picked up by police from the DPRK State Security Agency, which thereafter refuses to acknowledge the deprivation of freedom and refuses to provide information on the fate or whereabouts of those persons with the intent of removing those persons from the 'protection of law' for a prolonged period of time. The abducted persons are subjected to deportation or forcible transfer from the area in which they were lawfully present… The abducted and deported persons are deposited at distant, remote, penal labor colonies or encampments, called kwan-li-so (literally translated as 'managed place' or 'controlled place') where they are subjected to 'imprisonment or severe deprivation of physical liberty in violation of fundamental rules of international law. These abductions, deportations and the subsequent imprisonments all take place without any judicial process whatsoever. There is no arrest, charges, trial, conviction or sentence whatsoever, as these processes are detailed in the DPRK Criminal Code and the DPRK Criminal Procedures Code." **[9c] (Executive summary, p 12)**

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ARMED FORCES

8.11 The Library of Congress profile of North Korea dated July 2007 observed that

"The armed forces, known collectively as the Korean People's Army (KPA), totaled about 1,170,000 personnel in 2006. Components are the army (approximately 1 million, including 87,000 special operations troops), navy (60,000), and air force (110,000, including 7,000 special forces troops). There also are paramilitary security troops, including border guards and public safety personnel, who number around 189,000. The armed forces are under the direction and control of Kim Jong Il, who is supreme commander of the KPA with the title of grand marshal, general secretary of the Korean Workers' Party (KWP), and chairman of the state National Defense Commission. The KWP Military Affairs Committee and the National Defense Commission hold coordinated authority over the armed forces. North Korea is a heavily militarized state with the fourth largest population under arms, after China, the United States, and India. The active military structure is supported by a 7.7 million-strong reserve component, of which 620,000 personnel are assigned to training units, 420,000 are in paramilitary units, and approximately 6.6 million are members of the Workers and Peasants Red Guards, Red Guard Youth, and college training units. An estimated 27 percent of gross national income in 2003 went for defense expenditures." **[3] (page 18)**

For information on arbitrary arrests and detention, torture and extra-judicial killings committed by the armed forces see paragraphs 8.03 to 8.08 above.

See also Section 9: Military Service

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OTHER GOVERNMENT FORCES

8.12 Beside the Ministry of People's Security the "internal security apparatus includes the State Security Department, the National Security Agency, the National Security Police, and the Korean Workers' Party (KWP). The entire conventional and secret police apparatus is tightly controlled by the KWP." (Library of Congress, July 2007) **[2] (p 19 and 20)**

8.13 The Jane's Report, Security and Foreign Forces, updated 27 January 2007, provided details of a number of state security agencies. The principal organisations included

"The State Security Department [which] functions as both an intelligence agency engaged in active operations overseas and a domestic political security force (secret police)… comparable to… the former Soviet KGB… It is responsible for security (physical and political) within the DPRK's embassies, missions and delegations located throughout the world. The State Security Department and the Guard Command are the agencies most directly responsible for the security of Kim Jong-il and only he is reportedly exempt from their scrutiny." **[15a]**

8.14 The same source also noted that the Ministry of the People's Armed Forces (MPAF), Security Command, which in practice is controlled by the State Security Department, "is responsible for the internal security within the [Korean People's Party] KPA" and "seeks out and exposes elements which are corrupt, disloyal or which present a threat for a coup d'etat… [and] is known to conduct investigations, surveillance and wire-tapping of high-ranking general officers…It has authority to make arrests on evidence of criminal activity or political unreliability. The bureau regularly produces a report which includes the ideological trends, friendships and daily activities of general grade officers." In addition another body, also part of the MPAF, known as the Guard Command "is responsible for the personal security of Kim Jong-il and high ranking officials." **[15a]**

Paramilitary Forces

8.15 In addition to the security services there are several paramilitary forces. The Library of Congress profile of the DPRK, updated July 2007, noted

"The Ministry of People's Security has an estimated 189,000 troops, including border guards and police. Approximately 3.5 million North Koreans also are members of the Red Guard Youth (ages 14 to 17) and Workers and Peasants Red Guards (ages 40 to 60). These militia-type forces are organized at the provincial, town, and village levels into brigades, battalions, companies, and platoons. Some militia units have small arms and mortars; others have no weapons. Together with college training units, Workers and Peasants Red Guards and Red Guard Youth make up the majority of the 7.7 million reserve forces of North Korea." **[2] (p 19)**

Informants

8.16 An essay in *Footnotes,* the newsletter of the Foreign Policy Research Institute, dated May 2007, reported that

"The state controls all institutions. The Ministry of People's Security (police) serves as watchers/controllers. The State Security Department… employ[s] civilian informants to spy on their neighbors… In short, everybody watches everybody, and nobody knows whom to trust, even among friends, or who reports to whom. Even the security organizations watch each other.

"The Kim regime has perfected the ancient Chinese system of 'household watch' or the 'five-family system.' In every apartment building, neighborhood, and town, households are grouped together. A local party official appoints a resident (usually an older retired woman) to watch over her neighbors and report any suspicious behavior (missing work, entertaining strangers, going out at unusual times, etc.). North Korean officials who travel overseas are always accompanied by at least one State Security or party official to watch over them; their immediate family members are kept in North Korea as hostages." **[19]**

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9. MILITARY SERVICE

9.01 The Library of Congress profile of the DPRK, updated July 2007, observed that "Conscription starts at age 17 for at least 10 years, usually to age 30, followed by part-time compulsory service in the Workers and Peasants Red Guards until age 60. All men are eligible for service; some women also serve in the armed forces." **[2] (p 19)** However the DPRK Government reported to the UN in 2003 that the legal minimum age for enlistment was 16 years old, though in practice military service began at 17 once pre-service military education had been completed. In the report to the UN the Government also claimed that those selected "were educated in full-time military or technical educational institutes for one to two years before being posted to units as servicemen on active duty. It emphasized that enlistment was on a voluntary basis and that there was no system of forced conscription." (Child Soldiers, April 2008) **[5]**

9.02 The Child Soldiers Global Report 2008 (Global Report 2008), released in April 2008, noted however that another report indicated that "all men between the ages of 18 and 24 were liable for military service. Women were not liable for regular military service, but had to undergo annual and other military training until they were 40. Another source gave the conscription age as 20–25, followed by part-time compulsory service in the Worker-Peasant Red Guards until the age of 60." While a further report stated that 10 years military service was compulsory for all conscripts according to a directive issued in April 1993, revised in October 1996, so that military service was required from "the age of 30 for men and 26 for women." **[5]**

9.03 The Global Report 2008 also stated that is was

"claimed that due to a decrease in the number of volunteers for work involving heavy labour, the government had introduced 'labour service', whereby an individual could be exempted from military service in return for six to seven years' labour. Another source stated that all able-bodied men who did not go to college were conscripted into the military and that some were conscripted immediately after middle school, making them 17 or 18 years old. According to the same source, the duration of service depended on supply and demand and if the authorities determined there were insufficient new conscripts those who had already completed their terms were required to stay on.

"A reserve military training unit, of men aged 17–45 and unmarried women aged 17–30, consisted of approximately 1.7 million personnel. Together with members of the Worker-Peasant Red Guards and Young Red Guards, the total number of available reserve personnel was estimated at 7 million." **[5]**

9.04 In its profile of North Korea, undated, accessed on 20 August 2008, Hands Off Cain noted that defectors, amongst a number of different perceived dissenting groups, had been condemned to death. **[16a]**

See Section 8: Security Forces, subsections Armed forces and Paramilitary forces

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10. JUDICIARY

ORGANISATION

10.01 Europa World Online, accessed 18 August 2008, reported that

"The judicial organs include the Central Court, the Court of the Province (or city under central authority) and the People's Court. Each court is composed of judges and people's assessors.

"Procurators supervise the ordinances and regulations of all ministries and the decisions and directives of local organs of state power to ensure that they conform to the Constitution, laws and decrees, as well as to the decisions and other measures of the Cabinet. Procurators bring suits against criminals in the name of the State, and participate in civil cases to protect the interests of the State and citizens." **[1] (Judicial System)**

10.02 The Library of Congress profile of the DPRK, updated July 2007, stated in its section on the judicial and legal system that

"The three-level judicial system is patterned after the Soviet model. The Central Court is the highest court and has judges appointed by the Supreme People's Assembly (SPA). According to the constitution, the Central Court is accountable to the SPA, and the penal code subjects judges to criminal liability for handing down 'unjust judgments.' The legal system does not acknowledge individual rights. The Ministry of People's Security [which operates the police and civil defence forces, see paragraph 8.03] routinely dispenses with trials in political cases and refers prisoners to the Ministry of State Security for punishment. In addition to the Central Court, there are provincial courts at the intermediate level, and 'people's courts' at the lowest level. Prosecutors are grouped under separate, parallel chains of command subordinate to the Central Procurator's Office, which supervises local procurators' offices at provincial and county levels." **[3] (ps 14 and 15)**

INDEPENDENCE AND FAIR TRIAL

10.03 On the subjects of fair trial and independence of the judiciary the USSD Report 2007 stated "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 did not exist. The constitution mandates that the central court is accountable to the Supreme People's Assembly, and the criminal code subjects judges to criminal liability for handing down 'unjust judgments.' Furthermore, individual rights are not acknowledged." The same source continued "The [Ministry of People's Security] MPS dispensed with trials in political cases and referred prisoners to the [State Security Department] SSD for punishment. Little information was available on formal criminal justice procedures and practices, and outside access to the legal system was limited to show trials for traffic violations and other minor offenses." It further noted "The constitution also states that the accused has the right to a defense, and when trials were held, the government reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed that the government

offered trials and lawyers only to the latter. There was no indication that independent, nongovernmental defense lawyers existed." **[10b] (Section 1e)**

10.04 The Freedom House Report 2008 also observed that an independent judiciary did not exist in the DPRK. **[9a]** While the UN General Assembly in its resolution of 28 February 2008 expressed its "very serious concern" about widepsread human rights violations including "the absence of due process and the rule of law… fair trial guarantees and an independent judiciary". **[14b] (paragraph 1(a)(i), p 1)**

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11. ARREST AND DETENTION – LEGAL RIGHTS

11.01 There were no restrictions on the Government from detaining and imprisoning persons at will and judicial review of detentions did not exist in law or in practice. (USSD 2007, March 2008) **[10b] (Section 1d)**

See also Section: 8 Security forces, subsection Arbitrary Arrest and Detention

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12. PRISON CONDITIONS

12.01 The USSD Report 2007 in its section on prison conditions recorded that

"NGO, refugee, and press reports indicated that there were several types of centers and camps, including forced labor camps and separate camps for political prisoners. Using commercial satellite imagery to bolster their assertions about the existence of the camps and point out their main features, defectors claimed the camps covered areas as large as 200 square miles. The camps appeared to contain mass graves, barracks, work sites, and other prison facilities.

"Those sentenced to prison for nonpolitical crimes were typically sent to reeducation prisons where prisoners were subjected to intense forced labor. Those who were considered hostile to the regime or who committed political crimes, such as defection, were sent to political prison camps indefinitely. Many prisoners in political prison camps were not expected to survive. The government continued to deny the existence of political prison camps.

"Reports indicated that conditions in the political prison camps were harsh. Systematic and severe human rights abuses occurred throughout the prison and detention system. Detainees and prisoners consistently reported violence and torture. According to refugees, in some places of detention, prisoners received little or no food and were denied medical care. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing.

"The government did not permit inspection of prisons or detention camps by human rights monitors." **[10b] (Section 1e)**

12.02 Once imprisoned in a political labour camp, or Kwan-li-so, most detainees remain there for the rest of their lives. The few who are released are subject to discrimination. (Freedom House, May 2007) **[9c] (Executive summary, p 12)** The same source, the Freedom House report, Concentrations of Inhumanity, dated May 2007, observed that

"Once cut off from former family and friends, and any contact with the country or world outside of the prison camp, the imprisoned persons are subjected, usually for a lifetime, to forced labor under extremely severe circumstances, beginning with the provision of below subsistence level food rations… The political penal camp system itself is entirely outside the DPRK legal framework or DPRK laws. North Korean laws and courts do not cover or reach the prison camps, which are thus 'extra-judicial.' The prisoners have been precisely 'removed from the protection of the law' for the duration of the imprisonment, which for most prisoners is a lifetime. Actions that should be subject to the law and legal proceedings even when a person is deprived of his or her physical liberty, such as the execution of prisoners, are carried out 'extra-judicially'… Prisoners are regularly subjected to beatings and sometimes more systematic torture for infractions of prison camp regulations… Not always, but on numerous occasions, the prisoners who have been compelled to observe the executions (which are carried out publicly to demonstrate to other prisoners the severe consequences of escape attempts and/or non-compliance with

camp regulations) are also compelled to pass close by and defile the hanging or slumped-over corpse of the just-executed prisoner. This practice constitutes an 'other inhumane act…causing great suffering and injury to… mental health.'" **[9c] (Executive summary, p 13)**

12.03 The report continued that

"Prison camp officials and guards are regularly able to exact sexual relations with female prisoners under circumstances that have been judged to constitute rape or sexual violence… The high rates of deaths in detention [result] from combinations of malnutrition, starvation, exhaustion (from forced labor) and disease… The high rate of deaths-in-detention is accompanied by a prohibition on procreation by prisoners. Young men and women sent to, or growing up in the prison camps, are not allowed to marry or have children. Such pregnancies as inevitably occur are terminated by involuntary abortion. It is the clear and stated intention of the political prison camp system to terminate the families, up to three generations, of these traitors to the nation and betrayers of the Great Leader and Dear Leader, Kim Il Sung and Kim Jong Il, respectively. The prevention of births intended to bring about the deliberate ending of the family lineage of the scores of thousands of prisoners in the gulag camps' populations… With the exception of the crime of apartheid, which is defined as systematic, institutionalized, racial oppression, virtually all of the particular criminal acts included within the various iterations of crimes against humanity in modern international law are committed in North Korea." **[9c] (Executive summary, p 13)**

12.04 The HRW Report 2008 in a section considering the treatment of North Koreans on return to the DPRK who had left without permission observed that "many prisoners are still routinely subjected to inhuman and degrading treatment. Lack of food and medicine in detention facilities lead to illness and sometimes death." **[12a] (Treatment of Suspects and Prisoners)** While the Freedom House Report 2008 noted that the "regime subjects thousands of political prisoners to brutal conditions". **[9a]** And the Amnesty Report 2008 stated that conditions were "appalling" in a range of detention centres and prisons. The report added that

"North Koreans forcibly returned from China faced torture or ill-treatment and up to three years imprisonment. Their punishments depended on their age, gender and experiences. Women and children were generally sentenced to two weeks in a detention centre, although longer sentences of several months in labour camps were also common. People who confessed to meeting South Koreans or missionaries were punished particularly harshly. Summary executions and long sentences of hard labour were enforced. The authorities often released prisoners close to death, who died shortly after release." **[13a] (Prison conditions)**

12.05 In his report dated 15 February 2008, Vitit Muntarbhorn, Special Rapporteur to the DPRK, observed that

"Overhaul of the prison system is long overdue and the harsh conditions imposed by the criminal justice system and related detention give rise to plethora of abuses, including torture and other cruel, inhuman and degrading treatment. The transgressions are often multiple and repeated, including not only torture committed against people in detention, but also malnutrition linked

with starvation, and even defiling and degrading treatment of those who are dead." **[14a] (paragraph 26, p 10)**

See Section 8: Security Forces, sub-section Torture; and Section 14: Political affiliation

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13. DEATH PENALTY

13.01 The NGO Hands Off Cain, in their profile of the DPRK dated 2008, accessed 20 August 2008, stated that the death penalty was retained as a form of punishment; executions were by hanging or firing-squad. There were reportedly five capital offences: "conspiracy against the state power, high treason, terrorism, anti-national treachery and international murder." In addition, in March 2006 the DPRK issued a decree calling for the death sentence as the maximum penalty for manufacturing and trafficking of drugs. **[16a]** The HRW Report 2008 stated that "[t]he death penalty appears to apply to treason, sedition, and acts of terrorism, as well as to lesser crimes such as selling illegal substances or stealing state property (everything from electrical cables to coal is deemed state property)." **[12a] (Treatment of suspects and prisoners)**

13.02 The Hands Off Cain profile further noted that

"North Korea said its use of the death penalty was based on 'special domestic circumstances and the need to prevent crimes'. People were reportedly condemned to death for such 'crimes' as 'ideological divergence', 'opposing socialism', and 'counterrevolutionary crimes'. Political prisoners, peaceful opponents, deserters or repatriated defectors, those who listened to foreign radio broadcasts and those found in possession of so-called 'reactionary' material have been shot…. North Korea had revised its criminal code on April 29, 2004. Under the new code, North Koreans found guilty of organizing insurgencies against the government would be sentenced either to death or to life in one of the country's notorious labour camps. Previously, the penalty was 10 years of hard labour or the death sentence. Defectors, defined as those 'who betray the fatherland and run away to other states,' were previously jailed for up to 10 years. That ceiling had been lifted and they could be jailed for life or executed, though they must be sentenced to a minimum of five years under the new law… Defectors said that refugees who are sent home to North Korea face detention in labour camps for 'anti-state' criminal acts, and even the death penalty." **[16a]**

13.03 The same source continued that "[t]hough public executions have declined in latter years due to strong criticism by the international community, executions continue to take place with the same frequency as before, but are now confined to prisons or camps run by the security services." **[16a]** The Amnesty Report 2008 observed that "there were reports of executions of political opponents in political prisons and of people charged with economic crime and political crimes". **[13a] (Death penalty)** Though executions were carried out secretly and were not reported even at a local level at least 13 people were known to be executed in 2007, and in February 2008 reportedly 22 people were executed for trying to defect to South Korea. (Hands Off Cain, undated, accessed 20 August 2008) **[16b] (The most important facts of 2007)** However some executions were in public as the UN Special Rapporteur, Vitit Muntarbhorn, noted in his report dated 15 February 2008: it was "[p]articularly disquieting… [to see] the continuing use of public executions to intimidate the public, despite various law reforms in 2004 and 2005 which claim to have improved the criminal law framework and related sanctions." **[14a] (paragraph 26, p 10)**

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14. POLITICAL AFFILIATION

14.01 The UN Special Rapporteur to the DPRK observed in his report dated 15 February 2008 that

"Civil and political rights are severely constrained in the country due to the repression imposed by the regime, coupled with intimidation and an extensive informant system, creating insecurity among the general population. In this context, the authorities tend to divide the population into three different groups: those close to the regime (the core mass), the group in the middle (the basic mass), and those considered hostile to the regime (the complex mass). The first group is the ruling elite, which is well endowed with privileges, such as access to special schools and hospitals. They are allowed to own private phones and read foreign publications. The second is the majority of the population, such as farmers and workers. They are provided with food rations, although dwindling in recent years due to the Government's experimentation with the market economy and a reduction in the State-sponsored public distribution system. The third group is considered to be the enemies of the State and is persecuted accordingly. They include the landed class before the communist takeover of the country, public officials under Japanese rule, religious groups, and those who assisted South Korean forces during the Korean war (1950-1953). They are denied access to college education and are discriminated against in their access to basic necessities such as housing, medical care and education. Many land up in the appalling prisons… When people are punished for political reasons, there is also the use of collective punishment or guilt by association against families." **[14a] (paragraph 24, p 9)**

14.02 The Freedom House Report 2008 also noted on civil and political liberties generally that "[t]he government operates a semi hereditary system of social discrimination whereby all citizens are classified into 53 subgroups under overall security ratings - core,' 'wavering,' and 'hostile' - based on their family's perceived loyalty to the regime. This rating determines virtually every facet of a person's life, including employment and educational opportunities, place of residence, access to medical facilities, and even access to stores." **[9a]**

14.03 On the subject of political rights, the USSD Report 2007 observed that

"Citizens do not have the right to change their government peacefully. The [Korean Workers' Party] KWP and the [Korean People's Army] KPA, with Kim Jong-il in control, dominated the political system. Little reliable information was available on intraregime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented by the party leadership.

"The government justified its dictatorship with nationalism and demanded near deification of both Kim Jong-il and Kim Il-sung. All citizens remained subject to intensive political and ideological indoctrination, which was intended to ensure loyalty to the leadership and conformity to the state's ideology and authority." **[10b] (Section 3)**

For information on the structure and organisation of the executive see Section 6: Political System and on the *juche* ideology and status of Mr Kim, subsection: Personality cult of Kim Jong-il

FREEDOM OF POLITICAL EXPRESSION, ASSOCIATION AND ASSEMBLY

14.04 Opposition of any kind to the state was not tolerated. (Amnesty Report, May 2008) **[13a] (Freedom of expression)** The Government prohibited organised political opposition (HRW, January 2008) **[12a]** and "[p]olitical participation in the democratic sense is non-existent, with the ruling party dominating completely." (UN Special Rapporteur, 15 February 2008) **[14a] (paragraph 15, p 9)** Although "[t]he government has created several 'minority parties'… they existed only as rosters of officials with token representation in the [Supreme People's Assembly] SPA. The government regularly criticized the concept of free elections and competition among political parties as an 'artifact' of 'capitalist decay.'" (USSD, March 2008) **[10b] (Section 3)**

14.05 On freedom of association and assembly, the USSD Report 2007 stated that "[t]he constitution provides for freedom of assembly; however, the government did not respect this provision in practice and continued to prohibit public meetings [which had not been given] prior authorization." And further noted that "[t]he constitution provides for freedom of association; however, the government failed to respect this provision in practice. There were no known organizations other than those created by the government. Professional associations existed primarily to facilitate government monitoring and control over organization members." **[10b] (Section 2)** On the same subjects the Amnesty Report 2008 noted that "[a]ny unauthorized assembly or association was regarded as a 'collective disturbance', liable to punishment." **[13a] (Freedom of expression)** While the Freedom House Report 2008 noted that "[f]reedom of assembly is not recognized, and there are no known associations or organizations other than those created by the state. Strikes, collective bargaining, and other organized-labor activities are illegal." **[9a]**

14.06 The USSD Report 2007 also observed that the use of detention against political opponents was a widespread practice. It recorded that

"An estimated 150,000 to 200,000 persons were believed to be held in political prison camps in remote areas. The government considered critics of the regime to be political criminals. Reports from past years described political offenses as including sitting on newspapers bearing Kim Il-sung's or Kim Jong-il's picture, mentioning Kim Il-sung's limited formal education, or defacing photographs of the Kims. The number of political prisoners and detainees remained unknown." **[10b] (Section 1e)**

14.06 The Freedom House Report 2008 noted that the Government "subjects thousands of political prisoners to brutal conditions, and collective or familial punishment for suspected dissent by an individual is also a common practice." **[9a]**

For more information on restrictions on freedom of expression see Section 15: Freedom of Speech and Media and Section 18: Freedom of Religion; on the treatment of political opponents also see Section 12: Prison conditions; and the conduct and actions of the state security apparatus see Section 8: Security Forces

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15. FREEDOM OF SPEECH AND MEDIA

15.01 The USSD Report 2007 observed that though freedom of speech and press was provided for in law the Government prohibited these rights in practice. It

"sought to control virtually all information. There were no independent media. The government carefully managed visits by foreigners, especially foreign journalists… Domestic media censorship continued to be enforced strictly, and no deviation from the official government line was tolerated. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets, unless altered, received only domestic programming; radios obtained from abroad must be altered to operate in a similar manner. The government continued to attempt to jam all foreign radio broadcasts. In 2006 the government condemned the activities of a defector-run broadcasting station in South Korea and unsuccessfully petitioned ROK authorities to shut down the organization." **[10b] (Section 2)**

15.02 The Freedom House draft report, Freedom of the Press 2008, North Korea, (Freedom of Press 2008) released 29 April 2008, stated that

"North Korea remained the most repressive media environment in the world in 2007. The one-party regime of top leader Kim Jong-il places severe restrictions on media freedom, attempts to regulate all communication, and rigorously limits the ability of North Koreans to access information. Although the constitution guarantees freedom of speech, in practice constitutional provisions for obeying a 'collective spirit' restrict all reporting not sanctioned by the government. All journalists are members of the ruling party, and all media are mouthpieces for the regime. Journalists are punished harshly for even the smallest errors. The North Korean media portray all dissidents and the foreign media as liars attempting to 'destabilize the government,' and the government severely restricts the ability of foreign journalists to access information by claiming their cell phone upon arrival and preventing them from talking to people in the street, all the while monitoring their movements. Under the penal code, listening to foreign broadcasts and possessing dissident publications is a 'crime against the state' and carries harsh punishments, including hard labor, prisons sentences and the death penalty. The aid group Good Friends reported that in October 2007, a man was publicly executed for having made a large number of international phone calls.

"Newspaper, television, and radio reports typically consist of praise of Kim Jong-il, often focusing on his daily activities. Radios must be registered with the police and are preset to government frequencies. However, the emergence of black markets in the past decade has provided some alternative sources of information, especially for those near the South Korean or Chinese borders. Some entrepreneurs carry cell phones, and a significant portion of North Koreans are aware of the outside world through short-wave radios and pirated DVDs of South Korean dramas smuggled in from China. Surveys of defectors show that a growing, though still unclear, proportion of North Koreans have access to broadcasts by Radio Free Asia (RFA), the South Korean public radio station KBS, or Free North Korea (FNK), a radio station run by North Korean refugees living in the South. In an attempt to curb the growing access to outside information, throughout 2007, the authorities took

measures such as raiding homes in search of illegal DVDs and players, confiscating television remote controls, and re-soldering radios and television sets that had been unsealed. They also renewed efforts to jam South Korean and other foreign radio broadcasts audible from the North, including one aimed at possibly surviving Japanese abductees." **[9b]**

15.03 The same source continued that

"All media in North Korea are owned by the state. However, in 2007, a Japanese journalist and several North Korean refugees launched the first news magazine to be based on independent reporting from inside the country, collected by undercover journalists previously trained and using hidden cameras. The first issue of the bi-monthly Rimjingang, which aims to cover general views of North Koreans, as well as their reactions to unfolding events within the country, was published in November 2007, with plans to distribute it in both North and South Korea." **[9b]**

15.04 On access to the internet, the USSD Report 2007 noted

"Internet access for citizens was limited to high-ranking officials and other designated elites, including select university students. This access was granted via international telephone lines through a provider in China, as well as a local connection that was linked with a German server. NGO and press reports claimed that there was an 'intranet,' available to a slightly larger group of users, including an elite grade school; selected research institutions, universities, and factories; and a few individuals. The Korean Communication Corporation acted as the gatekeeper, downloading only acceptable information for access through the intranet." **[10b] (Section 2)**

15.05 Also reporting on internet access, the Freedom of the Press 2008 report noted that "[i]nternet access is restricted to a handful of high-level officials who have received state approval and to 200 or so foreigners living in the capital, Pyongyang; all foreign websites are blocked by the state. For most North Koreans with computer access, web surfing takes place only on the state-run intranet called Kwangmyong, which restricts access to a few dozen government-sponsored websites." **[9b]**

15.06 Vitit Muntarbhorn, the Special Rapporteur to the DPRK, noted in his report dated 15 February 2008 that "[t]here is rigid control over the media, and people are not allowed to own mobile phones and computers without permission from the authorities. There are also reports of a crackdown on cellphones. Yet, some inhabitants watch clandestinely video and TV programmes from the Republic of Korea. TV and radio sets are pre-tuned to government programmes (of the North), and people are punished for disobedience on this matter." **[14a] (paragraph 15, p 9)**

For more information on restrictions on freedom of expression see Section 14: Political affiliation and Section 18: Freedom of Religion

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16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

16.01 There are no organisations or associations, at least known, other than those created by the state. (Freedom House, 2 July 2008) **[9a]** The USSD Report 2007 noted that "There were no independent domestic organizations to monitor human rights conditions or to comment on the status of such rights. The government's North Korean Human Rights Committee has denied the existence of any human rights violations in the country. The government ignored requests for visits from international human rights NGO". The same source added that "The government emphasized that it had ratified most UN human rights instruments but continued to refuse cooperation with UN representatives." **[10b] (Section 4)**

For information about treatment of those who expressed criticism of the regime see Section 14: Political affiliation; Section 19: Freedom of Religion; and Section 15: Freedom of Speech and Media

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17. CORRUPTION

17.01 The Freedom House Report 2008 noted that "North Korea was not ranked in Transparency International's 2007 Corruption Perceptions Index, though corruption is believed to be endemic at every level of the state and economy". **[9a]** On the same subject the USSD Report 2007 stated that "[r]eports of diversion of food aid to the military and regime officials and of official quid-pro-quo bribery were indicative of corruption in the security forces." **[10] (Section 1)** The same source continued that "[i]t is not known whether the law provides criminal penalties for official corruption, whether the government implemented any such laws effectively, and how often officials engaged in corrupt practices with impunity…whether public officials are subject to financial disclosure laws and whether a government agency is responsible for combating corruption. There are no known laws that provide for public access to government information." **[10b] (Section 3)**

See also Section 2: Economy

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18. FREEDOM OF RELIGION

OVERVIEW

This section should also be read in conjunction with Section 6: Political System and for information on the pseudo-religious role that Mr Kim has in the DPRK see subsection Personality cult of Kim Jong-il; also see Section 14: Political affiliation and Section 15: Freedom of Speech and Media for more information on political rights, and freedoms of expression, conscience and thought.

18.01 The DPRK constitution provides for "'freedom of religious belief'" but "[g]enuine religious freedom did not exist". (USSD, March 2008) **[10b] (Section 2)** The same source observed that "in practice the government severely restricted religious freedom unless supervised by officially recognized groups linked to the government." **[10b] (Section 2)** The Freedom House Report 2008 noted that "[a]lthough freedom of religion is guaranteed by the constitution, it does not exist in practice. State-sanctioned churches maintain a token presence in Pyongyang, and some North Koreans living near the Chinese border are known to practice their faiths furtively. However, intense state indoctrination and repression preclude free exercise of religion as well as academic freedom." **[9a]**

18.02 The USSD IRF Report 2007 observed in its introductory section that

"There was no change in the status of respect for religious freedom by the Government during the period covered by this report, and government policy continued to interfere with the individual's ability to choose and to manifest his or her religious belief. The regime continued to repress the religious activities of unauthorized religious groups. Recent refugee, defector, missionary, and nongovernmental organization (NGO) reports indicate that religious persons engaging in proselytizing in the country, those who have ties to overseas evangelical groups operating across the border in the People's Republic of China (China), and specifically, those repatriated from China and found to have been in contact with foreigners or missionaries, have been arrested and subjected to harsh penalties. Refugees and defectors continued to allege that they witnessed the arrests and execution of members of underground Christian churches by the regime in prior years. Due to the country's inaccessibility and the inability to gain timely information, the continuation of this activity during the time period covered by this report remained difficult to verify. The Government allowed foreigners to attend government-sponsored religious services." **[10c]**

18.03 The US Commission on International Religious Freedom (USCIRF) Report 2008 in its section on North Korea, noted that dissent against the Government is not tolerated and that

"Freedom of thought, conscience, and religion or belief does not exist, as the government severely represses public and private religious activities and closely controls the government-sanctioned religious practice. Unfortunately, there is no evidence that religious freedom conditions have improved in the past year. The government continues to view religious belief and practice as a potential competitor to the officially propagated cult of personality centered on North Korean leader Kim Jong Il and his late father, Kim Il Sung. In the past

several years, North Korean government officials have reportedly arrested, imprisoned, tortured, and sometimes executed individuals discovered engaging in clandestine religious activity. In addition, North Korean refugees repatriated from China are frequently harassed, ill-treated, and imprisoned, particularly if it is discovered that they have had contact with South Koreans or converted to Christianity while in China, both of which are considered political offenses. Although the DPRK has claimed to various UN human rights treaty bodies that it protects religious freedom, there is little evidence that any real religious activity exists, except underground." **[20a] (p 140)**

18.04 The same source added, based on the testimonies of defectors collected in a USCIRF commissioned report (see following paragraph), that "Buddhist, Christian, and traditional religious practices, such as Shamanism, exist in North Korea, though practiced either clandestinely or under tightly controlled conditions in the capital city of Pyongyang." **[20a] (p 141)**

18.05 A report commissioned by the USCIRF, A Prison Without Bars, dated March 2008, based on interviews with 38 North Korean defectors and which followed up an earlier USCIRF report, Thank You Father Kim Il Sung, stated that religious freedom does not exist in the DPRK. The interviewees indicated that there were three mutually reinforcing reasons for the lack of religious freedom. These were

"First, anti-religious propaganda is ubiquitous and reinforced through the educational system, mass media, and the workplace. Second, it is widely known that there are severe penalties meted out against those discovered practicing banned religions. Many interviewees testified that they had heard about or witnessed severe persecution of persons caught engaging in religious activity. Third, all understood that veneration of the Kim family, or KimIl-Sungism, was the official state ideology, and the only belief system allowed to exist in North Korea." **[20b] (p 9)**

18.06 The same source stated that

"Several interviewees noted that Buddhist practice, as limited as it is, and Shamanistic fortune-telling, as widespread as it is, are both regarded as superstitions that do not threaten or rival KimIlSungism as an ideological system. Protestant Christianity, on the other hand, because of its historical connection to 'American imperialism' and present- day connection to Koreans from south of the 38th parallel, is seen as a direct ideological challenge to the Kim family ideology inasmuch as, in the recent words of an historian of Korea, 'Kim Il Sung had virtually become a deity.'" **[20b] (p 2)**

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Religious demography

18.07 The USSD IRF Report 2007 recorded that "[t]he number of religious believers was unknown but was estimated by the Government to be 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics. Estimates by South Korean and international church-related groups were considerably higher. In addition, the Chondogyo Young Friends Party, a government-approved group based on a traditional religious movement, had approximately 40,000 practitioners, according to the Government." **(Section I)** The same source also stated that

"Some NGOs and academics estimate there may be up to several hundred thousand underground Christians in the country. Others question the existence of a large-scale underground church or conclude that no reliable estimate of the number of underground religious believers exists. Individual underground congregations are reportedly very small and confined to private homes. At the same time, some NGOs report that the individual churches are connected to each other through well-established networks. The regime has not allowed outsiders the access necessary to confirm such claims." **[10c] (Section I)**

See also Section 1: Geography, paragraph 1.04

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RELIGIOUS GROUPS

Official religious bodies

18.08 In its section on the DPRK the USCIRF Report 2008 observed that

"In the 1980s, the North Korean government established 'religious federations' for Buddhists, Chondokyists (referring to Chondokyo, or 'Eastern Learning,' a syncretic belief largely based on Confucianism but which also incorporates elements of Taoism, Shamanism, Buddhism, and Catholicism), and Christians. According to defector testimony, these federations are led by political operatives whose goal is to implement the government's policy of control over religious activity, as well as to gain foreign humanitarian assistance and maintain religious sites as cultural centers. For example, the official Korean Buddhist and Christian Federations restrict religious activities at monasteries, temples, and churches in North Korea. Although the religious federations maintain offices in Pyongyang and their delegates on occasion travel abroad, they have no presence in any other city or region in the country. The federations also operate churches, temples, and shrines in North Korea." **[20a] (p 141)**

18.09 There were four Christian churches (two Protestant, one Catholic and one Russian Orthodox) in Pyongyang and reportedly 500 "'family worship centers'", part of the state-controlled Korean Christian Federation. (USSD, 14 September 2007) **[10c]** The participants at these 500 "house churches", some outside of Pyongyang, were "individuals whose families were Christians before 1950" but "[t]he number or size of house churches allowed to operate in North Korea is impossible to verify. Those who have attended such gatherings report that they are very small gatherings of family members, are closely monitored by police, and operate without materials or trained leaders." (USCIRF, May 2008) **[20a] (p 142)**

18.10 In addition Buddhism retained a presence and there were believed to be 300 Buddhist shrines in the country. (USSD, 14 September 2007) **[10c] (Section II)** "Refugees have testified that quasi-functioning Buddhist shrines and temples are maintained as cultural heritage sites by caretakers (*gwalliwon*) who do not perform any religious functions. There is some testimony describing the role of government-employed monks who give lectures, lead tours, and meet foreign dignitaries." There was also, reportedly, a Chondokyist shrine in Pyongyang. (USCIRF, May 2008) **[20a] (p 142)**

'Underground' religious faith

18.11 There were reports "that underground religious activity, or that which takes place outside of government sanction and control, is growing, despite pervasive suppression." (USCIRF, May 2008) **[20a] (p 142)** Some NGOs and academics estimated there could be several hundred thousand Christians practicing their faith clandestinely in the DPRK. (USSD, September 2007) **[10c] (Section I)** While there continues to be an official Buddhist presence "recent refugee testimony has not provided much evidence of underground Buddhist activity. There are some indications that some kind of informal Buddhist practice remains, though evidence of this is scarce." (USCIRF, May 2008) **[20a] (p 141)**

18.12 The USCIRF report, A Prison Without Bars, March 2008, based on interviews of 38 defectors, observed that "the widespread re-emergence of the Shamanistic remnant practice of divination or fortune-telling that, while not legal, re-emerged during the famine crisis… fortune-tellers operated semi-openly almost everywhere outside of Pyongyang. Indeed, many [interviewees] reported that they or their family members visited fortune tellers, as did North Korean officials and police." The report also noted that Buddhist practice and Shamanistic fortune-telling are regarded by the state as superstitions and not a threat to "KimIlSungism", whereas Protestant Christianity was seen as an ideological challenge to the Kim family ideology. **[20b] (p 2)**

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TREATMENT OF RELIGIOUS BELIEVERS

18.13 Not much is known about the daily lives of religious persons in the DPRK. Members of the official, state controlled religious groups did not appear to suffer discrimination. However the Government dealt harshly with "opponents", including those whose religious faith was considered unacceptable by the regime. (USSD, September 2007) **[10c] (Section II)** The same source noted that

> "Religious and human rights groups outside of the country have provided numerous, usually unconfirmed, reports in previous years that members of underground churches have been beaten, arrested, tortured, or killed because of their religious beliefs. An estimated 150,000 to 200,000 persons were believed to be held in detention camps in remote areas, many for religious and political reasons. Prison conditions were harsh, and refugees and defectors who had been in prison stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates… there have been unconfirmed reports from a few defectors alleging the testing on human subjects of a variety of chemical and biological agents up through the early 1990s. Some accounts have alleged that political or religious detainees were specifically selected for this testing… NGOs, defectors, and refugees have reported that the Government executed opponents of the regime in recent years… [reportedly including] some targeted for religious activities such as proselytism and contact with foreigners or missionaries while in China… the regime has increased its repression and persecution of unauthorized religious groups in recent years, but access to information on current conditions was limited… Reports from NGOs, refugees, defectors, and missionaries indicated that many persons engaging in religious proselytizing, those who had ties to overseas evangelical groups operating across the border in China, and,

specifically, those repatriated and found to have contacted foreigners, including Christian missionaries, outside the country have been arrested and subjected to harsh punishment." **[10c] (Section II)**

18.14 The USCIRF Report 2008 noted on the same subject that

"According to the testimony of refugees, anyone discovered taking part in unauthorized religious activity, which includes carrying religious literature in public, distributing religious literature, or engaging in public religious expression and persuasion, is subject to severe punishment, such as long-term imprisonment in labor camps, torture, and possible execution. There continue to be reports of torture and execution of religious believers… The practice of imprisoning religious believers is reportedly widespread. However, neither the State Department nor any other official or non-governmental source has been able to document the number of religious detainees or prisoners. The most compelling and reliable information about prison conditions and prisoners comes from North Korean refugees who migrated through China to South Korea. According to some reports, an estimated 6,000 Christians are incarcerated in 'Prison No. 15' located in the northern part of the country. According to testimony at the Commission's January 2002 hearing, prisoners held on the basis of their religious beliefs are treated worse than other inmates, a fact confirmed by refugees interviewed for both of the Commission's reports. For example, religious prisoners are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith. When they refuse, they are often beaten and sometimes tortured to death. North Korean refugees and refugee assistance organizations report a growing number of Christian adherents in the prison system due to a spread of Christianity from cross-border proselytizing by South Korean and Chinese missionaries in the border area." **[20a] (ps 142-143)**

18.15 Christian Solidarity Worldwide's report, 'North Korea: A Case to Answer, A Call to Act', released 20 June 2007 observed that "[p]ersecution of Christians has been particularly harsh, with serious abuses committed against them and multiple executions and transfers to political prisons camps." **[21] (p 53)** The same source continued that

"While religious persecution wiped out virtually all religious believers and their family line, very harsh persecution of religious believers continues to occur today. Defectors systematically report Christians discovered will be sent to political prison camps or executed. Consistent accounts describe how, when religious activity has been discovered by the authorities in their locality, the 'offenders' disappeared, followed subsequently by their family members. Christians seeking to share their faith who have been converted in China or are found in possession of a Bible from overseas are in particular danger… [there are recent accounts] of the execution of Christians… families of religious believers are held in political prison camps… Christians are particularly harshly treated in the camps, both because the guards target them and because the other prisoners demean and ostracise them, treating them as deranged because of their faith." **[21] (p 53)**

See also Section 12: Prison conditions

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19. ETHNIC GROUPS

19.01 The country is ethnically homogenous and officially there are no minorities (USSD, March 2008) **[10b] (Section 3)** though there are reportedly about 50,000 Chinese speakers and 1,800 Japanese speakers. (USSD, August 2008) **[10a]** The COI Service was unable to find information on the status and treatment of the few ethnic minorities in the DPRK.

See also Section 1: Geography, paragraph 1.04

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20. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

20.01 Available information on the rights and treatment of LGBT persons in the DPRK is extremely limited.

20.02 Homosexuality was reported to be legal in the DPRK but there was no information about transgendered people or transsexuals. (Amnesty International, July 2006) **[13b]** The USSD Report 2007 observed that "The constitution grants equal rights to all citizens. However, the government has never granted its citizens most fundamental human rights in practice…" but added that "[n]o information was available on other societal abuses and discrimination, such as societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS." **[10b] (Section 5)**

20.03 The English language website of the DPRK Government, on its page of questions and answers about the country, undated, accessed on 20 August 2008, stated

"Due to tradition in Korean culture, it is not customary for individuals of any sexual orientation to engage in public displays of affection. As a country that has embraced science and rationalism, the DPRK recognizes that many individuals are born with homosexuality as a genetic trait and treats them with due respect.

"Homosexuals in the DPRK have never been subject to repression, as in many capitalist regimes around the world. However, North Koreans also place a lot of emphasis on social harmony and morals. Therefore, the DPRK rejects many characteristics of the popular gay culture in the West, which many perceive to embrace consumerism, classism and promiscuity." **[17]**

20.04 An article in Radio Free Asia dated 14 April 2008, reported that "North Korea has a well-earned reputation as one of the most tightly closed and rigorously controlled countries on Earth. But when it comes to the privacy of the bedroom, even the all-powerful North Korean Workers' Party is largely hands-off, according to North Korean defectors… adultery, premarital sex, and cohabitation have become more prevalent among ordinary young people in North Korea, although homosexual relationships are still discouraged." The article continued that "The famine of the 1990s, which forced thousands of defectors across the border into China every year in search of jobs and food, brought in its wake greater openness about sexuality, but also a thriving trade in trafficking and prostitution." **[18a]**

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21. DISABILITY

21.01 On disability, the USSD Report 2007 noted that

"A law enacted in 2003 mandates equal access for persons with disabilities to public services; however, implementing legislation has not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been sent out of Pyongyang into internal exile. According to a report released in 2006 by the World Association of Milal, approximately 3.4 percent of the population was disabled. According to the report, more than 64 percent of persons with disabilities lived in urban areas. In 2006 a citizen who defected in 2005 reported that 'there are no people with physical defects in North Korea' because babies born with disabilities were killed in a practice encouraged by the government. It is not known whether the government restricts the right of persons with disabilities to vote or participate in civic affairs." **[10b] (Section 5)**

21.02 The same source reported that "[t]he UN Committee on the Rights of the Child has repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services." **[10c] (Section 5)**

21.03 However an article in Radio Free Asia, dated 5 March 2008, indicated that there may be improvements in the treatment of the disabled. It observed that

"North Korea is still one of the least hospitable societies for people with a disability, but charity workers say attitudes to the disabled are slowly changing as the government begins to build facilities and request specialized equipment for them… Long rejected and marginalized by a regime that has only recently begun to acknowledge their existence, disabled North Koreans live under effective house arrest and are routinely expelled from the capital, Pyongyang, according to reports from defectors and aid groups in recent years.

"Defectors living overseas have described a society that routinely uses derogatory language about the disabled, and an almost total lack of rehabilitation facilities or social services for them." **[18b]**

21.04 The same article, quoting a missionary from a US-based charity for the disabled that had been allowed to operate in North Korea, further stated that the

"'perception of the disabled is changing… Rehabilitation centers for the disabled are beginning to appear in North Korea, together with facilities for the elderly… When the North Korean authorities build a rehabilitation center, religious groups such as the Shalom Disability Ministries engage in re-construction to improve these facilities, and also bring in the much needed physical therapy and rehabilitation equipment… Assistance for people with disabilities is now part of social welfare policy in North Korea, and the officials of the North Korean Federation for the Protection of the Disabled have no choice but to accept the assistance that we provide'." **[18b]**

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22. WOMEN

OVERVIEW

This section should be read in conjunction with Section: 23 Children and Section 24: Trafficking. For information on political and civil rights, and freedom of expression of all DPRK citizens, including women, see Section 14: Political affiliation; Section 15: Freedom of speech and media; and Section 18: Freedom of religion

22.01 The DPRK signed the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) in February 2001. (UN, 22 July 2005) **[14d] (paragraph 20)**

22.02 In its concluding comments dated 22 July 2005, the UN Committee on the Elimination of Discrimination against Women observed some positive aspects in the DPRK's treatment of women. These were:

- the Law of Sex Equality as an indication of the Government's commitment to gender equality;
- the establishment of the National Coordination Committee (NCC) for the Implementation of the CEDAW to monitor the "implementation of the Convention, harmonize the country's human rights system with international standards and discharge the reporting obligations";
- "11 years of compulsory free universal education, from which women have benefited in particular and which has resulted in full literacy"; and
- "the availability of such support services as nurseries, kindergartens, children's wards, kitchens in workplaces and breastfeeding breaks for working mothers, as well as the use of temporary special measures to increase the number of women in certain management positions." **[14d] (paragraphs 29 to 32)**

22.03 However the same source also identified a number of areas of concern. These included, amongst other things:

- "existing discriminatory legal provisions, particularly that which establishes a minimum marriage age for females at 17 and for males at 18… existing protective legislation, which in some cases is based on the socially perceived characteristics of women and men and which may perpetuate inequality and discrimination against women." (para 41)
- that the "people's committees", which regulate people's lives, did not "address women's rights and needs on an equal basis with those of men. It is also concerned about the apparent lack of effective remedies for complaints of violations of the rights of women." (para 43)
- "instances of indirect and hidden discrimination against women, as evidenced by the fact that women do not choose to take on management positions because they have no time and are unwilling to participate in public and social life owing to ascribed duties in the family…the prevailing perception that the public and social spheres are 'men's spheres'" (paragraph 45);

- that the NCC does not have "sufficient visibility, decision-making power or financial and human resources to promote effectively the advancement of women and gender equality." (para 49)
- "the persistence of traditional and stereotyped assumptions and attitudes in respect of the roles and responsibilities of women and men, which are discriminatory against women and have a pronounced impact, particularly in the areas of education and employment as well as in other areas of their lives… such expectations of women have serious consequences, preventing them from accessing rights and entitlements on an equal basis with men and creating a dependency on men, husbands and family for housing, food entitlements and other services…" (para 53);
- the Government was not "aware of the existence of domestic violence and that, as a result, there is a lack of specific legislation to deal with all forms of violence against women, including domestic violence, and a lack of prevention and protection measures for victims" (paragraph 55);
- though "women make up approximately 20 per cent of the deputies to the eleventh Supreme People's Assembly, and 30 per cent of the local people's assemblies" women were underrepresented in decision-making positions in society (paragraph 61); and
- "the lack of women's (human rights) organizations and of an independent human rights institution to monitor the implementation of the State party's obligations under the Convention." (para 69) **[14d]**

22.04 In the overview section, undated, of the United Nations Children's Fund (UNICEF) DPRK website, accessed 28 August 2008, it was reported that "[w]omen have equal status with men in law but they also shoulder a double burden of holding down full-time employment and carrying all household responsibilities." **[14e]**

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Socio-economic indicators

22.05 On its overview section, the UNICEF DPRK website, undated, reported that "[t]he 2002 nutrition assessment found that 32 percent of the mothers examined were malnourished, an important factor contributing to the continuing very high level of stunting in children. The maternal mortality ratio was estimated to be 105 per 100,000 live births in 1998 despite low fertility (average of 2 children per family) and high average age of women at marriage (24-26 years)." **[14e]**

22.06 The UNICEF Report 2006 noted that

"Where as women's nutritional and health status improved steadily from 1946 to the early 1990s, many of these gains have been reversed over the past decade... The 2002 nutrition assessment found that one third of the mothers measured were malnourished (as measured by adequacy of mid-upper arm circumference) and a similar number were anaemic. The 2004 nutrition assessment showed no change in the situation, recording 34.7 per cent of women to be anaemic… It is worth noting that there are multiple causes of anaemia that include inadequate absorption of dietary iron due to the largely cereal-based diet, frequency of infection and inadequate rest and care, particularly during pregnancy and lactation." **[14f] (p 65)**

22.07 The same report noted that "[i]n spite of the government's efforts, reproductive health-related problems, such as access to services, low quality of services, etc, remain the biggest cause of morbidity and mortality amongst women." **[14f] (p 67)**

Further limited socio-economic statistics on women in the DPRK can be found on the UNICEF website. Also see Section 25: Medical issues for information on health care and Section 26: Humanitarian issues for detail on the famine of the mid-1990s and continuing food shortages

LAW AND POLICIES ON WOMEN

22.08 The UNICEF report, Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea, dated June 2006 (UNICEF Report 2006), stated that

"Women's equality is promoted through a series of interrelated laws on labour, the civil code, public health, nursing and child rearing, and the family, as well as in the Constitution. These all have special provisions intended to protect and promote women's rights. There exists a considerable amount of overlap between the various policies and no notable inconsistencies between them.

"The commitment to women's equality was first articulated in the Law on Sexual Equality in 1946. The law served as the legal foundation for women's equal status stipulating women's rights in marriage and divorce, and to alimony and child support. It protects women from sexual exploitation by prohibiting any form of prostitution, concubinage and polygamy. Equal inheritance and voting rights were also given to women.

"Key to promoting women's rights was to bring them into the workforce. Targets and norms for this began to evolve as early as 1958, although actual codification of major standards came about with the enactment of the Socialist Labour Law of 1978. This guaranteed protective standards during pregnancy including restriction from performing heavy and strenuous work harmful to health and prohibition of night labour. Women with infants were restricted from working late hours.

"Policies surrounding maternity leave have progressed considerably since 1978. The original provision was for 35 days before and 42 days after delivery. Since then maternity leave has been extended to a total of 150 days, of which 60 days might be taken before delivery. Should maternity leave be extended to 180 days to be taken after delivery, it would certainly facilitate the State recommendation that undisrupted, exclusive breast-feeding be practiced for six months from birth.

"The Law on Nursing and Children's Upbringing (1976) does entitle women to leave the workplace for breast-feeding, but the practicality of exercising the entitlement remains undocumented. According to this law (Article 20), wages, provisions and shares of distribution for the period of maternity leave are borne by the State or by the social cooperative organizations and would, therefore, be dependent on affordability. Operationally, policies promoting women's equality are supported by an extensive health care network, counselling centres (under the authority of local people's committees) and childcare institutions." **[14f] (p 23)**

22.09 The same source noted that "[t]he social security system was developed as a means of promoting equality among urban and rural populations resulting in relatively equitable extension of services throughout the country" and add that the strength of the policy framework

"lies in its comprehensiveness, integration and consistency in addressing the interests of children and women. It has been aligned with the collective production system. The government has proactively broadened and updated its laws and policies on an ongoing basis also making an effort to harmonize with international innovations and standards. While government spending on social services is low, the government has, nevertheless, kept its commitment to social entitlements, particularly those for children and women. This was reaffirmed in the enactment of the economic reforms begun from 1 July 2002 with the continuation of social welfare for 30 categories of recipients. This includes subsidies to education, the health system and care for children. The government also continues to guarantee a minimum ration of food staples, the scale of which will be determined by food availability." **[14f] (p 22)**

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TREATMENT OF WOMEN

22.10 The UNICEF Report 2006 considered the practical impact of the Government's attempt at reaching gender equality. It reported that

"Progress towards promoting gender equality has been significant since 1946, when the equality of the sexes was first promulgated in the DPRK… Gender equality has been proactively facilitated by reducing women's individual reproductive responsibilities for childcare, thereby enabling their effective participation in the productive and public spheres. Women are accorded equal social status and rights with men in the Constitution... This commitment is backed by a series of protective measures and entitlements, including maternity leave (up to the child attaining three months of age) and a reduced work regime for mothers of multiple children, for example. The other significant stream for promoting gender equality relates to the establishment of a network of maternity hospitals, nurseries and kindergartens, and other measures.

"The DPRK made substantial gains in bringing women into the labour force; by 1993 women accounted for 40.4 per cent of the total labour force. This country is also one of the rare examples of complete pay equality between men and women. The government's deliberate attempt to feminize sectors, such as public health (67.3 per cent) and education, demonstrates the success of its effort, though there does still exist some gender hierarchy with men occupying higher-skilled (and thus more lucrative) positions than women, as well as the appearance of the housewives category with the emerging unemployment/under-employment.

"The trend in political decision-making is similar. The ratio of women to men decreases with the level of decision-making from the periphery to the centre." **[14f] (ps 63-64)**

22.11 However the UN Special Rapporteur to the DPRK, Vitit Muntarbhorn, noted in his report dated 15 February 2008, that women did not have access to key decision-making positions and the issue of violence against women had not been addressed in the country. This violence included both domestic and state-linked. Mr Muntarbhorn continued that

"Of particular concern is the group of women who are not part of the elite. Those who are seen as enemies of the regime are subject to persecution and marginalization. Those who do not necessarily fall into the category of enemies are often disadvantaged in their access to food and other necessities. The situation has thus become critical in recent years in the face of food shortage, compounded by other deprivations, such as lack of medicines and clean water.

"Attention should be paid to those women who leave the country in search of asylum and/or greener pastures elsewhere. They are often subjected to human trafficking and smuggling. The Special Rapporteur has talked directly with many of these women, some of whom had been sold into forced marriage in a neighbouring country, before moving on to seek refuge elsewhere. The reasons why criminals prey on this group were already referred to in the Special Rapporteur's previous reports, e.g. the pretext of family reunion, the belief that women fulfil their promise to pay up more seriously than men and that they are less likely to be prosecuted for illegal entry into another country." **[14a] (paragraphs 36-38, p 12-13)**

22.12 The USSD Report 2007 also observed that violence against women was a problem and though rape was believed to be criminalized there was no information on the detail or implementation of the law. Women in prison camps were reportedly raped and pregnant women were forced to have abortions. The same source added that reportedly prostitution was illegal and could result in imprisonment in a labour camp. **[10c] (Section 5)**

See also Section 12: Prison conditions

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23. CHILDREN

OVERVIEW

This section should be read in conjunction with Section 22: Women, particularly with regards to the position of girls, and Section 24: Trafficking. For information on political and civil rights, and freedom of expression of all DPRK citizens, including children, see Section 14: Political affiliation; Section 15: Freedom of speech and media; and Section 18: Freedom of religion

23.01 The DPRK signed and ratified the UN Convention on the Rights of the Child (UNCRC) in 1990 (source updated February 2008) and ratified the optional protocol on the sale of children, child prostitution and child pornography in November 2001 (source updated August 2008). It has not signed or ratified the optional protocol on the involvement of children in armed conflict (source updated April 2007). (UN, Office for the UN High Commissioner for Human Rights) **[14g]**

23.02 The UNICEF Report 2006 recorded that the

"DPRK has been vigilant about children's rights. It signed and ratified the CRC and has subsequently submitted two reports, the most recent in May 2002 [the concluding observations of the UN Committee on the CRC in response to this submission were dated 1 June 2004]. The DPRK has revised some 50 laws, including formulation of the Family Law and the Civil Law, in order to ensure compliance with the provisions of the Convention. It has also formulated its second National Programme of Action for the Well-being of Children 2001–2010." **[14f] (p 24)**

23.03 Also commenting on the Government's approach to children, Vitit Muntarbhorn, the UN Special Rapporteur on the situation of human rights in the DPRK, noted in his report dated 15 February 2008 some positive developments including:

"The range of new plans and laws which have come into being in recent years, such as the 2005 Law on Tobacco Control which prohibits sale of tobacco to minors; the revisions of the Criminal Code and Criminal Procedure Code in 2004 and 2005 to offer clearer categorization of criminal offences; the 2004 Family Law affording protection to mothers and children. The country has formulated a National Programme of Action for the Well-being of Children 2001-2010, reflecting some of the Millennium Development Goals. International agencies indicate good cooperation from the authorities on some fronts, such as vaccination against measles and the development of a gravity-fed water purifying system." **[14a] (paragraph 40, p 13)**

23.04 But Mr Muntarbhorn added that "[t]here remains the challenge of implementation of the [National Programme of Action for the Well-being of Children]… while existing policies manipulate child development as part of the survival strategy of the regime in power. Of particular importance is to assess the implementation of child rights considering the hierarchical and stratified nature of the political system." **[14a] (paragraph 41, p 13)**

23.05 The UNICEF Report 2006 noted that the UN Committee on the CRC, in its observations of June 2004, had expressed concern over the:

- "Reduction of relative spending on social sectors such as health and education
- Lack of involvement of civil society in promoting children's rights
- Absence of reliable, relevant, gender and age disaggregated data
- Persisting disparities of children with disabilities, different social groups and rural areas in accessing basic services
- Suffering of girls from prejudicial traditional stereotypes
- Constraints on child participation and lack of respect for the views of the child
- Persistence of corporal punishment
- Quality of institutionalized care for children
- 24-hour nursery and kindergarten systems that deprive children of parental care
- High numbers of children separated from their parents and living in institutions
- Low number of cases of child abuse reported
- Children's survival in health, particularly the high rate of malnutrition and stunting
- Insufficient attention given to adolescent health issues, including developmental, mental and reproductive health concerns
- Quality of education
- Child migrants and returnees" **[14f] (p 24)**

23.06 The UNICEF website country page on the DPRK, accessed on 28 August 2008, noted that despite improvements in recent years the numbers of malnourished and underweight children remained high; food shortages remained a concern and threatened to undermine a decade of progress against malnutrition; there were widespread shortages of essential medicines, textbooks, school materials and fuel for heating during freezing winters; "[a]bout 20% of children under the age of two suffer from diarrhoeal diseases caused by contaminated water and poor hygiene practices"; and "[l]earning methods have not evolved in step with international standards. Combined with the shortages of textbooks and materials, this is negatively affecting the quality of education." **[14h] (Background)**

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Basic facts

23.07 There are approximately 6.7 million children under the age of 18 in the DPRK; 1.6 million under the age of 5. (UN, UNICEF, undated) **[14h] (Statistics)** Children are legally defined as persons below the age of 17 (UN, UNICEF, June 2006) **[14f] (p 23)** and can 'vote' at the same age. (CIA, 21 August 2008) **[2]** Women may marry at 17 years old, men at 18 (UN, UNICEF, June 2006) **[14f] (p 64);** and military service officially can start at 16 years old but, according to the DPRK Government, in practice did not begin before persons reached 17 years old (Global Soldiers, April 2008) **[5]**

Limited basic statistics on health, education, demography and nutrition are available at the UNICEF website, country profile of the DPRK, undated. **[14h]**

See also Section 1: Geography for general information about demography; and Section 11: Military service

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ABUSE OF CHILDREN

23.08 There was no information about widespread societal or domestic abuse of children, though there were reports of trafficking of girls to China (USSD, March 2008) **[10b] (Section 5)** Nor is there documentation of widespread sexual abuse of children, or of abortions, pregnancies or sexually transmitted diseases but there are inevitable vulnerabilities for children, particularly with the onset of puberty. In part "[t]he tight-knit social organization and lifestyles within the DPRK do reduce vulnerability from [sexual exploitation]. Nevertheless, vigilance is essential, since continued economic hardships could, as in other countries, lead to the exploitation and wider abuse of children." However the UN Committee CRC did report in June 2004 that it was concerned about the widespread use of corporal punishment against children. (UN, UNICEF, June 2006) **[14f] (p 58)**

23.09 Vitit Muntarbhorn, the Special Rapporteur to the DPRK, reported on 15 February 2008 with regard to the rights and treatment generally of children that

"[those] who are not part of the elite are more susceptible to discrimination. This includes the range of abandoned children and street children, hungry for help and sustenance - the Khojetbis. Matters are made more complicated if they leave the country of origin for refuge elsewhere. The report recently submitted by the Democratic People's Republic of Korea to the Committee on the Rights of the Child (CRC/C/PRK/4) is decidedly thin in regard to the special protection measures needed to address the specific concerns of children in difficulties, such as refugee children, children of political dissidents, children of minorities, abused/neglected children, and children who are in conflict with the authorities. There is an urgent need to improve the criminal justice system affecting children, bearing in mind juvenile justice standards of a universal kind. This is interrelated with the question of prisons and detention facilities…" **[14a] (paragraph 40, p 13)**

See also Section 12: Prison conditions

EDUCATION

23.10 The UNICEF Report 2006 observed that "boasting universal literacy and 100 per cent official enrolment, the DPRK has successfully established an extensive primary and secondary school system as well as institutions for higher learning… [and has] resulted in the development of an extensive infrastructure." **[14f] (p 53)** Education is compulsory and free for all children from 4 to 15 years old in state run schools. (Library of Congress, July 2007) **[2] (Education and Literacy)** It comprises of two main consecutive stages: "11-year compulsory education and post-compulsory education. The initial 11 years comprise: the upper class of kindergarten (the lower one being optional); primary school (four years); and secondary school (six years). Beyond compulsory education, there are higher specialized colleges (two to three

years), and colleges and universities (four to six years)." (UN, UNICEF, June 2006) **[14f] (p 52)**

23.11 The Library of Congress profile of the DPRK, dated July 2007, reported that "according to North Korean-supplied figures provided in 2000, there were 1.5 million children in 27,017 nursery schools, 748,416 children in 14,167 kindergartens, 1.6 million students in 4,886 four-year primary schools, and 2.1 million students in 4,772 six-year secondary schools. Nearly 1.9 million students attended more than 300 colleges and universities." **[2] (Education and Literacy)** There were also 17 boarding schools for the 4,610 orphans aged 7 to 17 years. (UN, UNICEF, June 2006) **[14f] (p 52)**

23.12 The Library of Congress profile reported that "[d]ata on teachers are much older. In 1988 the United Nations Educational, Scientific, and Cultural Organization (UNESCO) reported that North Korea had 35,000 pre-primary, 59,000 primary, 111,000 secondary, 23,000 college and university, and 4,000 other postsecondary teachers." **[2] (Education and Literacy)** While the UNICEF Report 2006 noted that

"Class size is relatively small for a developing country. The National Report on Education for All (EFA), 2000, reported that the mean teacher-student ratio in primary schools was 1:23 and in secondary schools was 1:21. Updated data from the Ministry of Education (MoE) show that although there has been a slight increase in the number of primary and secondary schools, the teacher-to-student ratio remains virtually unchanged from 2000 at 1:24 for primary school and 1:21 for secondary school." **[14f] (p 53)**

23.13 The UNICEF Report 2006 also observed that

"Education in the DPRK encompasses experiential learning based on practical action and labour as part of a course of study. The education policy promotes socialist pedagogy and engenders participation in public life and production. A notable trait of the education system relates to the streaming of children into specific tracks that lead towards certain types of employment…Some aspects of school curricula for boys and girls differ. There is greater emphasis on physical education for boys and on home economics for girls." **[14f] (p 53)**

23.14 The same source stated that

"with universal enrolment, the ratio between girls and boys is absolutely equal. 'Despite these remarkable achievements in education, a number of recent issues have begun to challenge and even reverse some of the impressive gains of the past three decades. Increased household hardships over the past several years are having a negative effect on school attendance – particularly in some vulnerable families. Ministry of Education reports that fluctuating attendance is greatest in the north and north-east regions, especially during the winter months when the last of school heating prevents regular class activities in extreme weather. Field reports from international agencies confirm this. Overall, the national picture is of almost universal enrolment and very high attendance but a more detailed analysis is needed to identify the extent of the problem, especially for girls, who are known, by international experience, to suffer disproportionately in these types of situations and the context of hardship.'" **[14f] (p 54)**

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CHILD CARE

23.15 Information is limited on the availability of child care facilities such as social services, orphanages and foster homes. On child care instiitutions the UNICEF Report 2006 recorded that

"Institutional care during early childhood is the norm in the DPRK. The Law on Nursing and Upbringing of Children was adopted in 1976. It articulates the State's commitment to the financing of early childcare and defines the basic requirements of satisfactory/humane nursery conditions. The government's conceptual approach towards early childhood care is multi-sectoral, although nurseries fall under the umbrella of the Ministry of Public Health. Nurseries accept children from the age of three months to four years. Attendance is optional. Kindergartens, which come under the Ministry of Education (MoE), cater to children aged five to six years… Nurseries and kindergartens are attached to factories, enterprises and cooperative farms, and are supported financially by the concerned units. The total number of children enrolled in nurseries and kindergartens in 2002 was 2,192,342 suggesting near total enrolment in early childcare programmes. It is, however, possible that there is someover-reporting of enrolment, and certainly enrolment does not match attendance throughout the year. Many field reports indicate decreasing numbers of children attending nurseries, particularly in the winter months. Practically, the economic hardships faced by cooperatives, state enterprises and social organizations have obviously influenced the amount of food and financial resources available to nurseries and other childcare institutions. Whereas individuals and families might adopt coping strategies, such as kitchen gardening and individual terracing, it remains unclear how institutions for the care of children are adapting to hardships.

"The 2000 situation analysis noted that caregivers are under a significant amount of stress. This remained a point of concern in the analysis published in 2003. In 2005, the caregiver-to-child ratio in baby homes was sufficient, but remained low in nurseries. Improving the overall environment and quality of care in childcare institutions certainly remains a challenge in promoting the healthy development of young children.

"In addition to the nurseries, the State also maintains 14 baby homes for orphans and other children for whom their parents are unable to care. In 2002, these numbered 2,371 children aged 0 to 4 years… Children whose mothers are sick and unable to care for them are also kept in the baby homes. Comments related to nurseries also apply to baby homes, which may be even less financially stable, given that they have no connection with any productive enterprise but are fully dependent on the State for their funding. Field observations indicate that there is considerably more malnutrition in baby homes than in nurseries, and more malnutrition in children Centres/orphanages than in kindergartens, though some attempts are made at the rehabilitation of severely malnourished children in baby homes." **[14f] (p 43)**

23.16 The same report noted that there were also 17 boarding schools for 4,610 orphans aged 7 to 17 years. **[14f] (p 52)**

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HEALTH ISSUES

23.17 For information about general health indicators and a general overview of children's health see the Overview above. Information about the health service generally can be found in Section 25: Medical issues.

23.18 Regarding mental health, the UNICEF Report 2006 noted that "[l]ittle is known also on mental health and how children and adolescents with mental retardation (and/or other disabilities) are approached in the DPRK. As in many other countries, chronic mental health problems are probably linked to institutions. However, especially for children and adolescents, community-based approaches and services can significantly improve the quality of lives." **[14f] (p 58]** The USSD Report 2007 noted that "[t]he UN Committee on the Rights of the Child has repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services." **[10c] (Section 5)**

See also Section 21: Disability and see Section 26: Humanitarian issues for information about the famine of the mid-1990s and current food shortages

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TRAFFICKING

Additional information on the illegal cross-border movement of people, including those who were trafficked, can be found in Section 27: Freedom of movement; and Section 28: Koreans outside the DPRK, subsection China

24.01 Poor economic and humanitarian conditions, a lack of basic rights and a repressive regime have led many North Koreans to flee the country. Many have fled to China, "where tens of thousands of North Koreans may now reside illegally, more than half of whom are women. With conditions in their home country making North Koreans ripe for exploitation, the Tumen and Yalu River borders are 'hot spots' for the trafficking of mostly North Korean women and girls." (USSD, 4 June 2008) **[10d] (Topics of Special Interest)** While the HRW Report 2008 observed that

"The trafficking of North Korean women and girls in China persists, especially near the border. Many are abducted or duped into marriage, prostitution, or sexual slavery. Some North Korean women live with Chinese men in de facto marriages, though doing so does not ensure legal residence for them or their children and they remain vulnerable to arrest and repatriation. In 2007 officials of a small district in northeast China reportedly granted some North Korean women formal permission to reside within the district, but the policy apparently has not been adopted elsewhere." **[12a]**

24.02 The USSD Report 2007 observed that

"There were no known laws specifically addressing the problem of trafficking in persons [though see paragraph 24.04 below – the USSD TIP Report 2008 stated that Article 150 of penal code criminalises, inter alia, trafficking of children], and trafficking of women and young girls into and within China continued to be widely reported. Some women and girls were sold by their families or by kidnappers as wives or concubines to men in China; others fled of their own volition to escape starvation and deprivation. A network of smugglers facilitated this trafficking. Many victims of trafficking, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes. Traffickers sometimes abused or physically scarred the victims to prevent them from escaping. Officials facilitated trafficking by accepting bribes to allow individuals to cross the border into China." **[10b] (Section 5)**

24.03 The USSD Trafficking in Persons Report 2008 (USSD TIP Report 2008), released 4 June 2008, stated that the DPRK

"is a source country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. The most common form of trafficking involves North Korean women and girls who cross the border into the People's Republic of China (P.R.C.) voluntarily. Many of them are from North Hamgyong province, one of the poorest provinces in the country, located near the Chinese border. Once in the P.R.C., they find themselves in difficult legal and financial circumstances, are picked up by traffickers, and sold as brides to PRC nationals, usually of Korean ethnicity. In other cases, North Korean women and girls are lured out of North Korea to escape poor social and economic conditions by the promise of food, jobs, and freedom,

only to be forced into prostitution, marriage, or exploitative labor arrangements once in the P.R.C. While many women trafficked into China are sold as brides, some North Korean women in China are forced into prostitution, usually in brothels. The illegal status of North Koreans in the P.R.C. and other Southeast Asian countries increases their vulnerability to trafficking for purposes of forced labor and sexual exploitation. NGOs estimate that tens of thousands of North Koreans presently live in China, more than half of whom are women; however, there is no reliable information on how many of these North Koreans are or have been trafficked. Within the D.P.R.K., forced labor continues to be part of an established system of political repression… The D.P.R.K. regime recruits an estimated 10,000 to 15,000 North Korean contract workers to fill highly sought-after jobs overseas for D.P.R.K. entities and foreign firms. While there is no evidence of force, fraud, or coercion in the recruitment process, there are continued reports that North Koreans sent abroad may be employed in harsh conditions, with their freedom of movement and communication restricted. There are concerns that this labor may be exploitative, since their salaries are deposited into accounts controlled by the North Korean government. Countries in which North Koreans work through such arrangements reportedly include Russia, Romania, Libya, Bulgaria, Saudi Arabia, Angola, Mongolia, Kuwait, Yemen, Iraq and China." **[10d] (Country Narrative, H through to R)**

24.04 The USSD TIP Report 2008 continued

"The North Korean government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government does not acknowledge the existence of human rights abuses in the country or recognize trafficking, either within the country or transnationally. The D.P.R.K. government does not differentiate between trafficking and other forms of illegal border crossing, such as illegal economic migration or defection. The government also contributes to the problem of trafficking through forced labor prison camps, where North Koreans live in conditions of servitude, receiving little food and little, if any medical care. There also remain concerns about the government's contract labor arrangements abroad, with the D.P.R.K. government keeping most or all of the foreign exchange paid for workers' salaries." **[10d] (Country Narrative, H through to R)**

PROSECUTION

24.05 With regard to the prosecution of traffickers the USSD TIP Report 2008 observed that the DPRK

"made no effort to combat trafficking in persons through law enforcement efforts. There were no reported prosecutions or convictions during the reporting period. Little information is available on North Korea's internal legal system, and it is unlikely that North Korean laws are adequate to address the trafficking problem. Article 150 of the Penal Code criminalizes the abduction, sale, or trafficking of children, but there are no known laws that address the trafficking of adults for labor or sexual exploitation. The penal code criminalizes crossing the border without permission and defection; these laws are used against both traffickers and trafficking victims. However, the question of how laws are applied in North Korea is usually more important than their terms. Fair and transparent trials do not occur in the D.P.R.K., so it is unclear

under what provisions of the law, if any, traffickers are prosecuted. The government sends political prisoners and some criminals to prison camps where they are forced to engage in harsh labor. The regime's claimed crackdowns on 'trafficking networks' are likely a result of its desire to control all activity within its borders, particularly illegal emigration, rather than to combat trafficking in persons. The laws invoked against traffickers are those that seek to limit all cross-border migration, including refugee outflows, and often wind up harming trafficking victims." **[10d] (Country Narrative, H through to R)**

PROTECTION AND PREVENTION

24.06 On the availability of protection for victims of trafficking the USSD TIP Report 2008 noted that

"The North Korean regime not only does not recognize trafficking victims and fails to make any effort to provide protection or assistance to victims; through invocation of the same cross-border migration laws used to punish trafficking offenders, it regularly punishes victims for acts committed as a result of being trafficked by failing to differentiate them from other border-crossers. North Koreans forcibly repatriated from China, including a significant number of women believed to be trafficking victims, are often jailed and forced into prison camps, where they may undergo torture and other severe punishment. The North Korean government places priority on controlling all activities within its borders; protecting individuals from mistreatment, exploitation, and retribution are not government priorities." **[10d] (Country Narrative, H through to R)**

24.07 The same report observed that the Government made little attempt to prevent trafficking of its nationals. It stated

"[t]he North Korean government does not acknowledge the existence of human rights problems, including trafficking in persons. The government purports to attack trafficking networks, but in reality, this appears to be an effort to stem human smuggling into China, and a part of its effort to control all activities within and across its borders and limit the movement of its people. There is no evidence that the government operated, administered, or promoted any public awareness campaigns related to trafficking in the country. There are no known indigenous NGOs, and the few international NGOs permitted to operate in the country work under intense government scrutiny. North Korea has not ratified the 2000 UN TIP Protocol." **[10d] (Country Narrative, H through to R)**

See also Section 22: Women; and Section 23: Children

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25. MEDICAL ISSUES

25.01 The Library of Congress profile of the DPRK, updated July 2007, reported that

"North Korea has a national medical service and health insurance system. As of 2000, some 99 percent of the population had access to sanitation, and 100 percent had access to water, but water was not always potable. Medical treatment is free. In the past, there reportedly has been one doctor for every 700 inhabitants and one hospital bed for every 350 inhabitants. Health expenditures in 2001 were 2.5 percent of gross domestic product, and 73 percent of health expenditures were made in the public sector. There were no reported human immuno-deficiency virus/acquired immune deficiency syndrome (HIV/AIDS) cases as of 2007. However, it is estimated that between 500,000 and 3 million people died from famine in the 1990s, and a 1998 United Nations (UN) World Food Program report revealed that 60 percent of children suffered from malnutrition, and 16 percent were acutely malnourished. UN statistics for the period 1999–2001 reveal that North Korea's daily per capita food supply was one of the lowest in Asia, exceeding only that of Cambodia, Laos, and Tajikistan, and one of the lowest worldwide. Because of continuing economic problems, food shortages and chronic malnutrition prevail in the 2000s." **[2] (Health, p 8)**

25.02 The UNICEF Report 2006 noted

"The DPRK has a very extensive network of health care institutions and providers. This comprises section (or household) doctors attached to each work team, one per 130 families; clinics, polyclinics and hospitals in each ri and dong; a hospital and anti-epidemic station in each county or urban district; hospitals attached to significant urban factories; and specialized institutions, including maternity and paediatric hospitals in each province and municipal city. There are also tertiary institutions in Pyongyang. Health care is by law provided completely free of charge. The existence of this network is a major achievement and an advantage in the provision of health services to children. However, over the past decade or so, the system has become increasingly vulnerable due to the economic difficulties faced by the country. This has led to a general rundown of infrastructure and especially shortages of medicines and other supplies.

"The DPRK previously produced its own drugs but, like other parts of the industrial economy, these factories now run well below their potential. Most essential drugs to treat basic respiratory infections and diarrhoeal diseases in children have been provided by external agencies." **[14f] (p 40)**

25.03 The same source noted that

"The health care system in the DPRK demonstrates impressive outreach. The strength of the system is embedded in the government's commitment to the simultaneous development of health infrastructure and policy. The State guarantees universal and free health care in the Constitution (Article 72) and in the Public Health Law of 1980. The latter decrees a health system that is equally prophylactic and curative noting specifically deep concern and care for the protection of women and children (Article 10). The establishment of the

public health care system was undertaken... Unlike most developing countries, urban-rural disparities are minimal, at least in terms of access.

"There is a high ratio of doctors to population: 317/100,000, compared with 162/100,000 in China and 48/100,000 in Viet Nam.116 At the ri/dong level, a 'section' or family doctor serves about 130 households for all aspects of health... There is also an extremely high doctor to nurse ratio (1:1.1117), which suggests a bias towards medical treatment in hospitals over other care factors. However, the multiple roles of section doctors… [but] Hospital-based care would clearly improve with greater availability of nursing staff. Towards this end, the government has developed a national strategic plan for nursing and midwifery development, 2004–2010.

"The gains made in reducing morbidity and mortality remain fragile. Serious shortages in essential medicines as well as basic medical equipment and supplies persist. Estimates suggest that less than 50 per cent of essential drug needs are covered.

"The risk of epidemics, such as severe acute respiratory syndrome (SARS) that emerged in 2003, and the potential risks surrounding an epidemic of a human form of avian influenza highlight the extreme vulnerability of the health system. The depleted capacity of the health care system, which has been virtually devoid of new investment since the early 1990s, severely compromises the ability to deal with potential large-scale health problems. 'The lack of adequate water and sanitation facilities, shortages of electricity and the lack of minimum physical facilities make it difficult to uphold proper hospital infection controls.' Surveillance and control of communicable diseases requires vast improvements…. Indeed, the quality of health care might be improved by reversing the limited contact and virtual isolation from external public health resources and international best practices. However, the improvement of the quality of health care is also embedded in tackling the problems of water supply and sanitation, as well as the limited electrical power supply." **[14f] (p 76)**

MENTAL HEALTH

25.04 Information on mental health issues and their treatment is limited.

25.05 The World Health Organisation's Mental Health Atlas 2005, noted that "[m]ental health is a part of primary health care system. Actual treatment of severe mental disorders is available at the primary level. Regular training of primary care professionals is carried out in the field of mental health. There are community care facilities for patients with mental disorders….The country has specific programmes for mental health for disaster affected population, elderly and children." **[22]**

25.06 The same source listed the following therapeutic drugs, which were considered to be generally available at the primary care level: chlorpromazine, diazepam and fluphenazine. **[22]**

See also Section 21: Disability and Section 24: Children, subsection Health issues

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26. HUMANITARIAN ISSUES

26.01 Following "decades of government mismanagement of the agricultural sector, years of natural disasters, and an abrupt end to barter trade with the Soviet Union, North Korea's chronic food shortage developed into a full-fledged famine". (HRW, 28 February 2008) **[12b]** The famine of the mid-1990s is estimated to have killed between 600,000 and one million people (3-5% of the total population), and prompted tens of thousands to flee to China. (Alertnet, 10 July 2008) **[23a] (At a glance)** A HRW article originally published in the Washington Post on 28 February 2008 reported that

"Since 1995, the World Food Programme and individual countries including the United States, Japan, China and South Korea have sent food aid, but the North Korean government continued to impose severe restrictions on the monitoring of aid distribution by limiting the areas aid workers could visit, how often they could, and requiring at least a week of advance notice prior to such visits. Some humanitarian agencies accused the North Korean government of diverting aid to the military, instead of feeding the most vulnerable populations as intended. It's true, however, that even North Korean soldiers could not avoid hunger." **[12b]**

26.02 The HRW Report 2008 observed that

"North Korea is still recovering from the 1990s famine, which is believed to have killed about a million people and left many children permanently stunted. The government continues to provide state food rations to elites - including high-ranking members of the Workers' Party and the security and intelligence forces - before all others. Several non-elite North Koreans told Human Rights Watch that they had not received adequate food rations since the early 1990s, and blamed the preferential treatment given to elites as well as corruption among food distribution officials. Many say they receive rations only a few times each year, typically on major national holidays such as Kim Jong Il's birthday.

"Rice, corn, and potato prices continued to rise through 2007. Many attribute the ongoing food shortage to South Korea's suspension of fertilizer and food aid in 2006, and to flooding in the summers of 2006 and 2007. North Korean interviewees describe seeing more homeless people at train stations and markets, including whole families living on the street after trading their homes for food as a last resort." **[12a]**

26.03 In July 2008 the World Food Programme (WFP) warned that parts of North Korea, particularly the northeast, were experiencing the worst levels of hunger since the famine of the mid 1990s and could fall into a humanitarian emergency during the autumn harvest. The shortfall in food was worsened by flooding in 2007, high oil and commodity prices, and a decline in aid, particularly from South Korea. The WFP was seeking food aid to assist 6.4 million people. (Alertnet, 30 July 2008) **[23b]**

See also Section 2: Economy and Section 3: History. Also basic socio-economic information see Section 22: Women, Socio-economic indicators; and Section 23: Children

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27. FREEDOM OF MOVEMENT

27.01 Though DPRK citizens are legally allowed the "'freedom to reside in or travel to any place'" the Government did not respect this in practice in 2007. (USSD, 11 March 2008) **[10b] (Section 2)** The Freedom House Report 2008 stated that "[f]reedom of movement does not exist, and forced internal resettlement is routine." **[9a]** In his report dated 15 February 2008 the Special Rapporteur on the DPRK, Vitit Muntarbhorn, observed that

"Since its inception, the regime in power has regulated migration stringently as an instrument of State control. Generally the population is not allowed to move freely within the country and they are only able to travel abroad with official permission. However, in recent years the policy of immobility has been diluted, since many people have been displaced for political reasons and/or economic reasons. On the one hand, a large number of those who are persecuted by the regime have sought refuge outside the country. On the other hand, people are also on the move within the country and across the border in search of basic necessities to overcome hunger and improve their livelihood. It has thus become more difficult for the authorities to exert full control over the migration factor. On another front, there is an incipient stream of workers and migrant labourers who travel to special economic zones within the country and/or across the border to other countries as part of bilateral arrangements on labour importation." **[14a] (para 28, p 10)**

27.02 An article on migration from North Korea dated January 2008 on the website of the Migration Information Source stated that

"North Korea imposes very strict migration controls on the entries and exits of foreigners and of its citizens. Despite being a signatory to the International Covenant on Civil and Political Rights since 1981, North Korea does not uphold Article 12(2) of the law, which states, 'Everyone shall be free to leave any country, including his own.'

"Instead, North Korea has long regarded unauthorized departure as an act of treason. Individuals who are caught emigrating or helping others to cross the border illegally are detained in political penal-labor colonies, known as kwan-li-so. Prisoners serve anywhere between two to seven years in these camps, where rates of torture and death are notoriously high." **[26]**

See also Section 26: Trafficking for more information about the forced movement of women and children in particular to China and discussion of bilateral arrangements on North Koreans working abroad. Also see Section 28: Koreans outside the DPRK, subsection China for information about movement and status of North Koreans in China

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INTERNAL TRAVEL

27.03 The Government continued to attempt to control internal movement during 2007. Only those belonging to the small elite class and those who received remittances "had access to personal vehicles, and movement was hampered by the absence of an effective transport network and by military and police

checkpoints on main roads at the entry to and exit from every town. Use of personal vehicles at night and on Sundays was restricted." (USSD, 11 March 2008) **[10b] (Section 2)**

27.04 DPRK citizens' "[a]ccess to Pyongyang, where the availability of food, housing, and health care is somewhat better than in the rest of the country, is tightly restricted." (Freedom House, 2 July 2008) **[9a]** On the same subject the USSD Report 2007 noted

"The government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country… It is not known whether the laws prohibit forced exile; the government forced the internal exile of some citizens. In the past the government engaged in forced internal resettlement to relocate tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses, although social engineering was also involved. For example, although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, have been sent out of Pyongyang into internal exile." **[10c] (Section 2)**

EXTERNAL TRAVEL

27.05 The Government tightly controlled foreign travel, and limited the issue of exit visas to officials, trusted businessmen, artists, athletes, academics and religious figures. In addition "short-term exit papers were available for some residents on the Chinese border to enable visits with relatives or to engage in small-scale trade." Emigration was illegal, although it was reported that "officials in border areas reportedly took bribes from, or simply let pass, persons crossing the border into China without required permits. In prior years official media reported periodic crackdowns on this practice, with a stepped-up military presence along the border." (USSD, 11 March 2008) **[10b] (Section 2)** Leaving the country without state permission is treason and punishable with severe penalties. North Korean police have reportedly interrogated and sometimes tortured returnees who were forcibly repatriated to the DPRK. (HRW, 31 January 2008) **[12a]**

27.06 An extended essay released by HRW, originally published in the Washington Post on 28 February 2008, noted

"Since late 2004, North Korea also threatened harsher punishment for those leaving the country without state permission. The government announced repeatedly that the 'violators' would be sent to prison for several years, instead of several months as before. This new policy has certainly helped boost the bribes that border guards pocket from 'illegal' border crossers, and the number of border crossers dropped significantly in the past couple of years, but it still has not stopped them completely. Merchants with financial resources still go to China by bribing border guards, while human traffickers continue to bring desperately poor North Korean women and girls as young as 16 to Chinese farmers as brides." **[12b]**

See Section 28: Koreans outside the DPRK, subsection China for information about movement and status of North Koreans in China

Defection

27.07 The USSD Report 2007 stated that

"The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of 'labor correction.' In 'serious' cases defectors or asylum seekers are subject to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily were imprisoned under harsh conditions. Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners. In 2006 China reported it had repatriated a North Korean asylum seeker known as Kim Chun-hee, despite requests from the international community to treat her humanely. Kim's whereabouts remained unknown. In 2006 Chinese police arrested and deported to North Korea nine relatives of South Korean POWs; one NGO reported that the nine were likely in prison, but their whereabouts remained unknown." **[10b] (Section 2)**

Differential treatment of returnees

27.08 In response to a question on whether the treatment of North Korean returnees varied depending on their reasons for leaving the country the Foreign and Commonwealth Office (FCO) stated in a letter dated 2 August 2007

"The North Korean authorities seem to go through a cycle in which treatment of illegal 'border crossers' goes through lenient and then harsh periods. (Several NGOs suggest that it has been harsh since 468 defectors arrived in Seoul from Vietnam in 2004.). The response below is largely based on recent research into the treatment of economic migrants conducted in the border area with China.

"Article 233 of the DPRK's 2004 Penal Code states that 'A person who unlawfully crosses the frontier of the Republic shall be sentenced to a labour training institution for up to two years' (introducing a new institution). Several NGOs operating in the border region with China have confirmed that the authorities draw a distinction between those driven to cross the border for economic, as opposed to political reasons, and that punishments seemed to be less severe than in the past. However, the situation should be monitored further to assess whether there is genuine, systematic mitigation rather than ad hoc reductions of sentencing. There is little evidence of pardoning, although we have heard of cases where individuals have been able to bribe their way free or buy a more lenient sentence.

"However, even with such changes, forcible repatriation can still have very serious consequences for those caught crossing the border, including invasive body searches, frequent interrogations and beatings. Living conditions in the pre-trial facilities (NSAs) can be very cramped, and prisoners can be required to sit in rows from morning till night without moving or speaking, with very few breaks. The average pre-trial detention period for border crossers is 2-4 months. However, some individuals have been detained for up to a year.

"National security agents are particularly interested to learn if the border crossers have had contact with e.g. South Koreans, US citizens, Christian groups or foreign journalists, or if they have attempted to defect to a third country. There is some evidence that contact with the 'wrong' people results in harsher treatment or sentencing. Those caught at a Chinese border area with a third country, e.g. Mongolia or Vietnam, invariably undergo a more intense and extended interrogation process. Again, they risk harsher penalties. Either instance described above could ultimately result in incarceration in a political prisoner camp, where it is widely accepted that prisoners are subjected to torture, or possibly execution in 'serious' cases." **[4b]**

27.09 In the same letter the FCO also commented, in response to the question of whether there are particular groups which are more vulnerable, that

"Repatriated individuals who left the DPRK with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of 'labour correction.' In 'serious' cases defectors or asylum seekers are subject to indefinite terms of imprisonment and forced labour, confiscation of property, or death. It isn't clear what constitutes a 'serious' case, but likely crimes are denouncing the regime, or contact with journalists, Christian groups, South Koreans or other foreigners, particularly US citizens." **[4b]**

27.10 On the same subject, the USSD Report 2007 recorded that

"In the past, reports from defectors indicated that the regime differentiated between persons who crossed the border in search of food (who might be sentenced only to a few months of forced labor or in some cases merely issued a warning) and persons who crossed repeatedly or for political purposes (who were sometimes sentenced to heavy punishments). The law stipulates a sentence of up to two years of 'labor correction' for the crime of illegally crossing the border. For example, a defector reported during the year that he and six others were sent to a political prison camp after being repatriated in 1999. At least one of the seven persons died in the camp following seven months of torture after her repatriation. According to the UN special rapporteur's 2005 report, there was a new policy to enable persons leaving the country for nonpolitical reasons to return with the promise of a pardon under the penal code.

"During the year Human Rights Watch reported that the government had reversed a policy in place since 2000, under which punishment imposed on border-crossers had been relatively lenient. According to the report, between 2000 and 2004, many border-crossers were either released after questioning or served a few months at labor reeducation facilities, unless they had contact with missionaries or South Koreans. Several recent border-crossers reported in 2006 that upon their return to the country citizens caught crossing the border or repatriated from China were punished with longer sentences in more abusive prisons. Under the new policy, the government warned that everyone would be sent to prison. This trend continued during the year [2007]." **[10b] (Section 2)**

27.11 Vitit Muntarbhorn, the Special Rapporteur to the DPRK, observed, in his report dated 15 February 2008, that

"There have been reports of greater leniency of treatment of returnees on some fronts. For example, in the case where those who exit the country because of hunger are returned to the country, they would tend to be questioned by the authorities rather than imprisoned. However, other cases, such as those who repeatedly exit the country without permission, those with political affiliations seen as hostile to the authorities or those who seek the help of missionaries in neighbouring countries are subjected to punishment, ranging from re-education to forced labour and incarceration." **[12b] (paragraph 29, ps 10-11)**

See also Section 12: Prison conditions and Section 28: Koreans outside of the DPRK

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28. KOREANS OUTSIDE OF THE DPRK

28.01 During the late 19th and early 20th centuries as neighbouring countries sought to control Korea (modern-day North and South Koreas), which Japan eventually annexed in 1910, there was large-scale migration of Koreans to China, Russia and Japan. This flow of people marked the beginning of an ethnic Korean presence in North-East Asia beyond the boundaries of the Korean peninsula. In more recent years the economic, political and social conditions prevailing in the DPRK have instigated another migration of North Koreans again to China and Russia but also to South Korea, South-East Asia, USA and Europe. (Migration Information Source, January 2008) **[26]**

CHINA

CHINESE KOREANS

See also the current COI Service Country Report on China, Section 22: Ethnic groups and Section 33: Foreign refugees

28.02 There are approximately 1.9 million ethnic Koreans in China (who are Chinese nationals), based on the Chinese census of November 2000. (Europeworldonline, undated, accessed 2 September 2008) **[1b] (Area and population)** The majority of ethnic Koreans live in Yanbian Chaoxian (Korean) Autonomous Region of Jilin province but there are also populations in Heilongjiang and Liaoning provinces. (Canadian Immigration and Refugee Board, 12 February 2003) **[27a]**

28.03 An article in the Asia Times, dated 14 August 2007, reported that there are North Korean citizens, the *chogyo*, "who permanently [lawfully] reside in China. This is a relatively small group, some 5,000-10,000 people (well below 1% of the ethnic-Korean community in China), but their economic and social role is out of proportion to their numbers." **[32]**

RECENT NORTH KOREAN MIGRANTS/REFUGEES

28.04 The HRW Report 2008 noted that "[s]ince the mid-1990s, hundreds of thousands of North Koreans have fled to China. Many still live in hiding there because the Chinese government categorically labels them illegal economic migrants and routinely repatriates those it arrests." **[12a]** A Migration Information Source report (MIS Report 2008) dated January 2008 stated that "total North Korean refugee outflows to China are difficult to gauge, but the US State Department places the figure between 30,000 and 50,000, while other organizations have estimated anywhere between 100,000 and 300,000." **[26]** On the same subject the USSD Report 2007 observed that "[s]ubstantial numbers of citizens have crossed the border into China over the years, and NGO estimates of those who lived there during the year ranged from tens of thousands to hundreds of thousands. Some settled semi-permanently in north-eastern China, others travelled back and forth across the border, and still others sought asylum and permanent resettlement in third countries. A few thousand citizens gained asylum in third countries during the year [2007]." **[10b] (Section 2)**

28.05 The Chinese Government treated North Koreans seeking protection in the country as illegal economic migrants, rather than refugees and did not provide protection. (USSD, 11 March 2008) **[10e] (Section 2d)** The same source, the US State Department Country Report on Human Rights Practices 2007, China (released 11 March 2008), noted that during 2007 the Chinese Government

"continued to detain and forcibly return North Koreans to North Korea, where many faced persecution and some may have been executed upon their return. Some North Koreans were permitted to travel to third countries after they had entered diplomatic compounds or international schools in the country. There were numerous reports of harassment and detention of North Koreans in the country. The children of some North Korean asylum seekers and of mixed couples (i.e., one Chinese parent and one North Korean parent) reportedly did not have access to health care or education. The government also arrested and detained journalists, missionaries, and activists, including some citizens, who provided food, shelter, transportation, and other assistance to North Koreans. In February [2007] police reportedly arrested a foreign national who arranged for five North Korean asylum seekers to travel to South Korea. According to reports, activists or brokers helping North Koreans were charged with human smuggling, and the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated within the country to forcibly repatriate North Korean citizens." **[10e] (Section 2d)**

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JAPAN

28.06 In its section on North Koreans in other countries, the Migration Information Source (MIS) Report 2008, quoting a specialist in Japanese politics, society, and history, stated:

"During its colonial period [between 1910 and 1945], Japan brought over hundreds of thousands of (mostly South) Koreans primarily to fill its labor needs. Then, beginning in the late 1950s, many of them left Japan for North Korea.

"Under a closely coordinated mass repatriation program… Japan and North Korea, among other actors, were involved in 'repatriating' 93,340 people - most of whom were originally from South Korea - from Japan to North Korea between December 1959 and 1984. Of the remaining 'returnees,' approximately 6,700 were Japanese, who were mainly married to Koreans, and six were Chinese… Official accounts state that 'returnees' - many of whom did not share the communist ideology of North Korea or knew anything about the country - made a declaration of free will to relocate to North Korea. But other factors also influenced the mass movement of Koreans and Japanese living in Japan…One reason was Japan's treatment of Koreans. In conjunction with the implementation of the San Francisco Peace Treaty, Japan stripped Korean and Taiwanese residents of their Japanese nationality in April 1952, making them ineligible for many social benefits, such as public housing and public employment... [and made it difficult to return as] after losing their Japanese nationality, Koreans and Taiwanese lost the right to enter Japan based on family reasons." **[26]**

28.07 The same source added that

"Korean nationals in Japan make up the bulk of Special Permanent Residents, a status awarded by the government to 'any foreign national whose Japanese nationality was taken away as the result of the peace treaty concluded with Japan and to those who lived in Japan before the end of war, as well as descendants of such foreign nationals.'

"The Korean population in Japan today, which numbered 598,219 in 2006, largely has its roots in South Korea, but some have maintained political ties with North Korea for ancestry and other reasons. The General Association of Korean Residents in Japan, or Chongryun, is a de facto embassy of North Korea in Japan, while the Mindan organization serves primarily those affiliated with South Korea." **[26]**

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REPUBLIC OF KOREA (SOUTH KOREA)

For further detailed information on the Republic of Korea and the circumstances of North Koreans in the south see the current COI Service Republic of Korea Key Documents

28.08 The Republic of Korea (RoK) has had a "longstanding policy of accepting refugees from the DPRK, who are entitled to ROK citizenship. The government resettled 1,990 North Koreans from January to October [2007], resulting in a total of approximately 11,700 North Koreans resettled in the country." (USSD, 11 March 2008) **[10f] (Section 2d)** The RoK accepts North Koreans as its citizens "under its constitution that defines the entire Korean Peninsula as South Korean territory. In the past decade, it has admitted around 10,000 North Koreans." (HRW, 31 January 2008) **[12a]** The MIS Report 2008 observed that "[t]he South Korean constitution affirms that South Korea consists of the entire Korean Peninsula and, as such, that North Koreans are citizens of South Korea. North Korean refugees, though not officially recognized as such by the South Korean government, therefore have a right to be resettled to South Korea." **[26]** On the same matter, the UN Special Rapporteur for the DPRK, in a report dated 15 February 2008, stated that under RoK law North Koreans are, in principle, RoK citizens. **[14a] (paragraph 31, p 11)** A reponse by the Canadian Immigration and Refugee Board (IRB) dated 3 June 2008 reported that

"An official from the Embassy of the Republic of Korea (South Korea) in Ottawa stated in a 20 May 2008 interview with the Research Directorate that it is the policy of the South Korean government to offer protection and support to 'dislocated' North Koreans… The Embassy Official referred the Research Directorate to the South Korean Ministry of Unification's '2005 Unification White Paper' which states the following:

"'In the case of North Korean refugees residing in a third country who file an application for protection, the South Korean government will provide temporary protection through its consulate in the third country and assist them in entering South Korea. Upon entry into South Korea, the government will decide on his/her protection based on the results of a joint investigation by relevant government agencies…'" **[27b]**

28.09 The Canadian IRB response dated 3 June 2008 also reported that

> "… according to the [South Korean] Embassy Official, North Koreans are not automatically accepted as South Korean citizens… North Koreans must demonstrate that they possess the 'will and desire' to live in [South] Korea and must present themselves to an embassy or consulate of the Republic of Korea to request protection… Following this, the citizenship process begins… The Embassy Official noted that certain persons are not eligible for South Korean citizenship: 'bogus' defectors; persons who have resided in a third country for an extended period of time; and international criminals such as persons who have committed murder, aircraft hijacking, drug trafficking or terrorism…" **[27b]**

28.10 However the information provided by the RoK official in the Canadian IRB response may conflate RoK law on North Korean entitlement to RoK citizenship and access to a protection package which consists of financial and social assistance. In a letter dated 20 March 2009 the Foreign and Commonwealth Office (FCO) provided an informal view on the Act of Protection and Settlement Support of Residents Escaping North Korea of July 2007 (the Special Act) based on informal conversations with RoK officials. The FCO letter stated that "The [Special] act is about a support package for those already determined to be North Korean. It does not affect the basic constitutional concept that anybody resident on the Korean Peninsular is entitled to South Korean citizenship." The letter further observed that North Korean criminals or those determined to be North Korean who had spent an extended period outside the DPRK would not be denied South Korean citizenship but may not be eligible for the support package provided by the Special Act. **[4c]** Detail on the laws on citizenship and protection is provided in the following pararagraphs.

LEGISLATION

28.11 There are three pieces of legislation that are relevant to the status of and assistance given to North Koreans in the RoK:

- the Constitution;
- the Nationality Act; and
- the Act on the Protection and Settlement Support of Residents Escaping from North Korea (also known as the Special Act)

28.12 The Constitution and the Nationality Act describe the geographical boundaries of the RoK and who is entitled to RoK citizenship respectively, while the Special Act legislates on the issue of assistance given to North Korean 'defectors'. (Details of the laws and their provisions, ascribed to the relevant sources, are in the following paragraphs).

Republic of Korea Citizenship/Nationality

28.13 The Constitutional Court of the RoK has recorded on its website (accessed 2 September 2008) that Article 3 of the RoK Constitution states that "[t]he territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands." **[28]** The Korean Culture and Information Service, part of the RoK Ministry of Culture, Sports and Tourism, in an undated entry on its website described Korea as being "situated on the Korean Peninsula, which spans 1,100 kilometers north to south. The Korean Peninsula lies on the

north-eastern section of the Asian continent, where Korean waters are joined by the western-most parts of the Pacific. The peninsula shares its northern border with China and Russia [i.e. the border with North Korea]. To the east is the East Sea, beyond which neighboring Japan lies. To the west is the Yellow Sea. In addition to the mainland, Korea includes some 3,200 islands." **[25] (About Korea; Facts and Figures; Geography)**

28.14 Article 2 of the RoK Constitution refers to nationality, and states that "Nationality in the Republic of Korea shall be prescribed by Act". (Constitutional Court of Korea, undated) **[28]** The legal basis of RoK nationality is therefore set out in the Nationality Act (the Act), first promulgated in 1948 soon after the creation of the country. The Act has been amended on a number of occasions, most recently in March 2008 (full text of the Act is provided in Annex B). Articles 1 and 2 define the purpose of the Act and attainment of nationality by birth, respectively:

"Article 1…The purpose of this Act is to prescribe requirements to become a national of the Republic of Korea.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 2 … (1) A person falling under any of the following subparagraphs shall be a national of the Republic of Korea at birth:
"1. A person whose father or mother is a national of the Republic of Korea at the time of the person's birth;
2. A person whose father was a national of the Republic of Korea at the time of the father's death, if the person's father died before the person's birth; and
3. A person who was born in the Republic of Korea, if both of the person's parents are unknown or have no nationality.
"(2) An abandoned child found in the Republic of Korea shall be considered as born in the Republic of Korea. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]" (Korea Legislation Research Institute (KLRI), undated) **[29a]**

Protection and assistance for North Koreans in RoK

28.15 As indicated in paragraph 28.08 above, the RoK has had a "longstanding policy" of accepting North Korean defectors, and providing them with protection and assistance. The policy of providing protection is underpinned by law: the Act on the Protection and Settlement Support of Residents Escaping from North Korea (the Special Act) which legislates on the social and financial assistance given to North Korean defectors/settlers, and was most recently amended in July 2007. (KLRI, undated) **[29b]** In a letter dated 20 March 2009, the FCO stated, based on informal conversations with RoK officials,,that the Special Act "is about the support package for those already determined to be North Korean. It does not affect the basic constitutional concept that anybody resident on the Korean Peninsular is entitled to South Korean citizenship." **[4c]**

28.16 The full text of the Special Act can be found in Annex C.

28.17 Article 1 of the Special Act defines its purpose as "to provide such matters relating to protection and support as are necessary to help North Korean residents escaping from the area north of the Military Demarcation Line (hereinafter referred to as 'North Korea') and desiring protection from the Republic of Korea, as quickly as possible to adapt themselves to, and settle

down in, all spheres of their lives, including political, economic, social and cultural spheres."(KLRI, undated) **[29b]**

28.18 Article 2 of the Special Act defines "residents from North Korea" as "persons who have their residence, lineal ascendants and descendants, spouses, workplaces, and so on in North Korea, and who have not acquired any foreign nationality after escaping from North Korea". Article 3 states that the Special Act applies to all North Koreans expressing a desire to be protected by South Korea and, Article 4 on basic principles, states

"(1) The Republic of Korea shall provide persons subject to protection with special protection on the principle of humanitarianism.

(2) The Republic of Korea shall make all of its diplomatic efforts to protect and support residents escaping from North Korea, who are presently staying in foreign countries". (KLRI, undated) **[29b]**

28.19 Article 7 of the Special Act describes where assistance can be sought by North Koreans:

"(1) Any person who has escaped from North Korea and desires to be protected under this Act, shall apply for protection himself/herself to the head of an overseas diplomatic or consular mission, or the head of any administrative agency (including the commander of a military unit of various levels; hereinafter referred to as the 'head of an overseas diplomatic or consular mission, etc.'): Provided, That where there exist the grounds prescribed by the Presidential Decree, which make it difficult for the person to apply for protection himself/herself, the same shall not apply. <Amended by Act No. 8269, Jan. 26, 2007>" (KLRI, undated) **[29b]**

28.20 The Special Act creates provision to exclude some categories of North Korean from assistance and protection. Article 9 states

"In determining whether or not to provide protection pursuant to the provisions of the main sentence of Article 8 (1), persons prescribed in any of the following subparagraphs may not be determined as persons subject to protection: <Amended by Act No. 8269, Jan. 26, 2007>

"1. International criminal offenders involved in aircraft hijacking, drug trafficking, terrorism or genocide, etc.
2. Offenders of non-political, serious crimes such as murder, etc.
3. Suspects of disguised escape [i.e. spies];
4. Persons who have earned their living for not less than ten years in their respective countries of sojourn; and
5. Such other persons as prescribed by the Presidential Decree as unfit for the designation as persons subject to protection." (KLRI, undated) **[29b]**

28.21 The FCO noted in a letter dated 20 March 2009, based on informal conversations with RoK officials, that "North Korean criminals would not be denied South Korean citizenship and its basic protections, but may not be eligible for the support package and may be subject to criminal proceedings." The FCO also stated that:

"[i]f a North Korean had been outside the DPRK for an extended period of time, it would take time for the Consultative Council [the governmental body that decides which persons receive the assistance package] to reach a determination and the individual may need the support of a third country/international organisation in the interim. If an individual was eventually determined to be North Korean, again they would not be denied South Korean citizenship and its basic protections, but may not be eligible for the support package." **[4c]**

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TREATMENT OF NORTH KOREANS

Government assistance

28.22 The Special Act describes the criteria for providing protection and assistance to North Koreans, Article 5 states

"(1) The criteria for provision of protection of and support for persons subject to protection shall reasonably be determined in consideration of their age, members of a family, school education, personal career, self- supporting ability, health conditions and personal possessions …(3) Persons required to be protected shall be provided with protection at settlement support facilities within one year and at the place of residence for five years: *Provided*, That where there exist special grounds, the respective periods of protection may be curtailed or extended following the deliberations by the Consultative Council on Residents Escaping from North Korea as prescribed in Article 6. <Amended by Act No. 6056, Dec. 28, 1999; Act No. 8269, Jan. 26, 2007>" (KLRI, undated) **[29b]**

28.23 The Special Act also sets out a number of provisions to be undertaken by the RoK Government, including establishing support facilities to assist the integration of North Korean settlers (Article 10); to recognise academic and non-academic qualifications (Articles 11 and 12); to provide "social adaptation education" (Article 15); to provide vocational training (Article 16); (limited) employment protection (Article 17); farming settlement support (Article 18); to provide accommodation support (Article 20); payment of settlement monies (Article 21); to provide educational support (Article 24); and medical assistance (Article 25). **[29b]**

28.24 A New York Times article dated 25 June 2006 reported that after arriving in the RoK, North Korean defectors spend a month in the custody of the National Intelligence Service before being taken to the Government's main resettlement centre, Hanawon, 50 miles south of Seoul. There the North Koreans receive "a three-month crash course on life south of the demilitarized zone." Those who complete the resettlement course receive a "[US] $20,000 stipend and are provided with low-cost public housing. They are also entitled to welfare benefits in case of unemployment and cash incentives for job training". **[30]**

28.25 An essay in a US Committee for Human Rights in North Korea report, North Korean Refugee Crisis: Human Rights and the International Response, entitled 'Bitter Taste or Paradise; North Korean Refugees in South Korea', by Dr Andrei Lankov, released in 2006, observed that in 2005 the amount of

settlement money given to defectors was reduced and fixed at 10 million won (then about US$9,000) for an individual (families were paid more depending on the number of members). A further 10 million won was offered to defectors to pay for deposits on housing and additional payments were available for vocational training. There were also "special prize" payments although these were paid to "only a handful of the most important refugees". The essay continued that in addition to financial assistance defectors receive debriefings by South Korean agencies and then training at the "'Center for supporting the adaptation of North Korean defectors'", commonly known as Hanawon, to prepare them for "life in a capitalist society". **[31] (pages 61 – 62)**

28.26 The UN News Service reported on 25 January 2008 that the UN Special Rapporteur on the human rights situation in North Korea, Vitit Muntarbhorn, "welcomed" the efforts the RoK Government had made to assist people fleeing North Korea. Mr Muntarbhorn praised the support given by the RoK Government to

"over 10,000 nationals from the DPRK it has accepted for settlement while inviting 'longer-term facilities to help them adapt to their new lives, and social, educational, employment and psychological back-up, with family and community based networks; more family reunion possibilities; more protection to be afforded to those who do not receive the protection of other countries; and a more active information campaign using success stories of those who have settled in the Republic of Korea to ensure a positive image and nurture a sense of empathy for those who exit from the DPRK in search of refuge elsewhere.'" **[14i]**

28.27 The article noted that Mr Munterbhorn had "praised increased support for these persons, such as through longer term protection periods, the provision of pensions, and employment and other opportunities. He also hailed a new law allowing DPRK nationals to file for divorce from a spouse in their home country if the location of that person cannot be identified." In addition, he was "'encouraged by educational and training programmes for the young generation from the DPRK, complemented by caring neighbours who help them adapt to society'." But Mr Muntarbhorn also highlighted the need for longer-term care for torture victims and older North Koreans who had escaped. He called for more attention to be given to issues surrounding mixed marriages, where a North Korean has a relationship and a child with a national of a third country. **[14i]**

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Annex A: Chronology of major events

A chronology of key events as reported by BBC News, Timeline: North Korea, updated 7 August 2008 **[11a]**

1945 After World War II, Japanese occupation of Korea ends with Soviet troops occupying the north, and US troops the south.

1946 North Korea's Communist Party (Korean Workers' Party - KWP) inaugurated. Soviet-backed leadership installed, including Red Army-trained Kim Il-sung.

1948 Democratic People's Republic of Korea proclaimed. Soviet troops withdraw.

1950 South declares independence, sparking North Korean invasion.

1953 Armistice ends Korean War, which has cost two million lives.

1972 After secret North-South talks, both sides seek to develop dialogue aimed at unification.

1980 Kim Il-sung's son, Kim Jong-il, moves up party and political ladder.

1991 North and South Korea join the United Nations.

1992 North Korea agrees to allow inspections by International Atomic Energy Agency (IAEA), but over next two years refuses access to sites of suspected nuclear weapons production.

1994 Death of Kim Il-sung. Kim Jong-il succeeds him as leader, but doesn't take presidential title. North Korea agrees to freeze nuclear programme in return for $5bn worth of free fuel and two nuclear reactors.

1995 US formally agrees to help provide two modern nuclear reactors designed to produce less weapons-grade plutonium.

1996 Severe famine follows widespread floods.

Pyongyang announces it will no longer abide by the armistice that ended the Korean War, and sends troops into the demilitarised zone.

1998 The late Kim Il-song declared 'eternal president', while Kim Jong-il's powers widened to encompass head of state.

UN food aid brought in to help famine victims.

North launches rocket which flies over Japan and lands in the Pacific Ocean. Pyongyang insists it fired a satellite, not a missile.

2000 Summit in Pyongyang between Kim Jong-il and South Korean President Kim Dae-jung. North stops propaganda broadcasts against the South.

Senior journalists from South Korea visit the North to open up communication.

Reopening of border liaison offices at the truce village of Panmunjom, in the no-man's-land between the heavily fortified borders of the two countries.

South Korea gives amnesty to more than 3,500 prisoners.

One hundred North Koreans meet their relatives in the South in a highly-charged, emotional reunion.

2001 May - A European Union delegation headed by Swedish Prime Minister Goran Persson visits to help shore up the fragile reconciliation process with South Korea. The group represents the highest-level Western diplomatic mission ever to travel to North Korea.

June - North Korea says it is grappling with the worst spring drought of its history.

August - Kim Jong Il arrives for his first visit to Moscow after an epic nine-day, 10,000-kilometre train journey from Pyongyang. Kim apparently dislikes flying.

2002 January - US President George W Bush says North Korea is part of an 'axis of evil', along with states such as Iraq and Iran. Pyongyang says Mr Bush has not stopped far short of declaring war.

June - North and South Korean naval vessels wage a gun battle in the Yellow Sea, the worst skirmish for three years. Some 30 North Korean and four South Korean sailors are killed.

September - Japanese Prime Minister Junichiro Koizumi visits, the first Japanese leader to do so. He meets Kim Jong-il who apologises for the abductions of Japanese citizens in the 1970s and 1980s.

October-December - Nuclear tensions mount. In October the US says North Korea has admitted to having a secret weapons programme. The US decides to halt oil shipments to Pyongyang. In December North Korea begins to reactivate its Yongbyon reactor. International inspectors are thrown out.

2003 January - North Korea withdraws from the Nuclear Non-Proliferation Treaty (NPT), a key international agreement aimed at preventing the spread of atomic weapons.

April - Delegations from North Korea, the US and China begin talks in Beijing on North Korea's nuclear ambitions, the first such discussions since the start of the nuclear crisis.

July - Pyongyang says it has enough plutonium to start making nuclear bombs.

Six-nation talks

August - Six-nation talks in Beijing on North Korea's nuclear programme fail to bridge gap between Washington and Pyongyang.

October - Pyongyang says it has reprocessed 8,000 nuclear fuel rods, obtaining enough material to make up to six nuclear bombs.

2004 April - More than 160 killed and hundreds more injured when train carrying oil and chemicals hits power line in town of Ryongchon.

June - Third round of six-nation talks on nuclear programme ends inconclusively. North Korea pulls out of scheduled September round.

December - Row with Japan over fate of Japanese citizens kidnapped and trained as spies by North Korea in 70s, 80s. Tokyo says eight victims, said by Pyongyang to be dead, are alive.

2005 February - Pyongyang says it has built nuclear weapons for self-defence.

September - Fourth round of six-nation talks on nuclear programme concludes. North Korea agrees to give up its weapons in return for aid and security guarantees. But it later demands a civilian nuclear reactor.

2006 February - High-level talks with Japan, the first since 2003, fail to yield agreement on key issues, including the fate of Japanese citizens abducted by North Korea.

July - North Korea test-fires a long-range missile, and some medium-range ones, to an international outcry. Despite reportedly having the capability to hit the US, the long-range Taepodong-2 crashes shortly after take-off, US officials say.

October - North Korea claims to test a nuclear weapon for the first time.

2007 February - Six-nation talks on nuclear programme resume in Beijing. In a last-minute deal, North Korea agrees to close its main nuclear reactor in exchange for fuel aid.

May - Passenger trains cross the North-South border for the first time in 56 years.

June - International inspectors visit the Yongbyon nuclear complex for the first time since being expelled from the country in 2002.

July - International Atomic Energy Agency inspectors verify shutdown of the Yongbyon reactor.

August - North Korea appeals for aid after devastating floods.

October - Pyongang commits to disable three nuclear facilities and declare all its nuclear programmes by year-end.

The presidents of North and South Korea pledge at a Pyongyang summit to seek talks to formally end the Korean war.

November - North and South Korea's prime ministers meet for the first time in 15 years.

2008 January - US says North Korea has failed to meet end-of-2007 deadline on declaring nuclear activities. China urges North Korea to honour its commitments.

February - The New York Philharmonic performs a groundbreaking concert in Pyongyang - a move seen as an act of cultural diplomacy.

South Korea's new conservative President Lee Myung-bak says aid to North conditional on nuclear disarmament and human rights progress.

March-April - North-South relations deteriorate sharply. North Korea expels Southern managers from joint industrial base, test-fires short-range missiles and accuses President Lee Myung-bak of sending a warship into Northern waters.

June - In what is seen as a key step in the denuclearisation process, North Korea makes its long-awaited declaration of its nuclear assets.

July - Soldier shoots South Korean woman in the Mount Kumgang special tourism area of North Korea, prompting further tensions.

Foreign Minister Pak Ui-chun and US Secretary of State Condoleezza Rice hold talks on Pyongyang's nuclear disarmament, the first such meeting for four years.

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Annex B: Text of the Republic of Korea Nationality Act 2008

The full text of Republic of Korea Nationality Act amended March 2008, translated into English from Korean by the Korea Legislation Research Institute. A copy of the text was obtained by the Foreign and Commonwealth Office in August 2008. **[29a]**

NATIONALITY ACT

Wholly Amended by Act No. 5431, Dec. 13, 1997
Amended by Act No. 6523, Dec. 19, 2001
Act No. 7075, Jan. 20, 2004
Act No. 7499, May 24, 2005
Act No. 8435, May 17, 2007
Act No. 8892, Mar. 14, 2008

Article 1 (Purpose)
The purpose of this Act is to prescribe requirements to become a national of the Republic of Korea.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 2 (Attainment of Nationality by Birth)
(1) A person falling under any of the following subparagraphs shall be a national of the Republic of Korea at birth:
1. A person whose father or mother is a national of the Republic of Korea at the time of the person's birth;
2. A person whose father was a national of the Republic of Korea at the time of the father's death, if the person's father died before the person's birth; and
3. A person who was born in the Republic of Korea, if both of the person's parents are unknown or have no nationality.
(2)An abandoned child found in the Republic of Korea shall be considered as born in the Republic of Korea.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 3 (Attainment of Nationality by Acknowledgement)
(1) Where a person who is not a national of the Republic of Korea (hereinafter referred to as a "foreigner") is acknowledged by his/her father or mother who is a national of the Republic of Korea, and meets each requirement of the following subparagraphs, the person may attain nationality of the Republic of Korea upon reporting to the Minister of Justice:
1. The foreigner shall be a minor under the Civil Act of the Republic of Korea; and
2. At the time of the foreigner's birth, his/her father or mother was a national of the Republic of Korea.
(2) A foreigner who makes a report under paragraph (1) attains nationality of the Republic of Korea at the time of reporting.
(3) Procedures for reporting under paragraph (1) and other necessary matters shall be determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 4 (Attainment of Nationality through Naturalization)
(1) A foreigner who has never attained nationality of the Republic of Korea may attain nationality of the Republic of Korea by obtaining permission for naturalization from the Minister of Justice.
(2) The Minister of Justice shall, after determining whether a foreigner meets the requirements for naturalization under Articles 5 through 7, allow naturalization only to a person who meets such requirements.
(3)A foreigner who becomes naturalized under paragraph (1) attains nationality of the Republic of Korea at the time when the Minister of Justice grants permission for such.
(4)Necessary matters for application procedures and the screening thereof under paragraphs (1) and (2) shall be determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 5 (Requirements for General Naturalization)
A foreigner shall meet each of the following requirements in order to become naturalized, except where prescribed by Articles 6 and 7:
1. He/she shall have sustained a domicile in the Republic of Korea for at least five consecutive years;
2. He/she shall be an adult under the Civil Act of the Republic of Korea;
3. His/her conduct shall be orderly;
4. He/she shall be able to support himself, relying on his/her own assets, ability or family he/she lives with; and
5. He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language skills and understanding of Korean customs.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 6 (Requirements for Simple Naturalization)
(1) A foreigner who falls under any of the following subparagraphs and has sustained a domicile in the Republic of Korea for three consecutive years may become naturalized, despite not meeting the requirements under subparagraph 1 of Article 5:
1. His/her father or mother was a national of the Republic of Korea;
2. He/she was born in the Republic of Korea and his/her father or mother was born in the Republic of Korea; and
3. He/she was adopted by a national of the Republic of Korea and was an adult, under the Civil Act of the Republic of Korea, at the time of adoption.
(2)Where a foreigner whose spouse is a national of the Republic of Korea falls under any of the following subparagraphs, he/she may become naturalized, despite not meeting the requirements under subparagraph 1 of Article 5:
1. He/she has sustained domicile in the Republic of Korea for at least two consecutive years, being married to the said spouse;
2. Three years have lapsed, since he/she got married to the said spouse, sustaining a domicile in the Republic of Korea for at least one year consecutively;
3. Although having failed to fulfill requirements for the period under subparagraph 1 or 2, he/she was unable to sustain marriage due to the death or disappearance of his/her spouse or other causes unattributable to him/her while sustaining a domicile in the Republic of Korea and being married to the said spouse, fulfilled the requirements for period of domicile under subparagraph 1 or 2, and is considered reasonable by the Minister of Justice; and
4. Although he/she has failed to satisfy the requirements under subparagraph 1 or 2, he/she is taking care of, or shall take care of a minor born within the marriage relationship with the said spouse, meets the domicile period requirements under subparagraph 1 or 2, and is considered reasonable by the Minister of Justice.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 7 (Requirements for Special Naturalization)
(1)A foreigner who falls under any of the following subparagraphs and has sustained a domicile in the Republic of Korea may be naturalized without meeting the requirements under subparagraph 1, 2 or 4 of Article 5:
1. His/her mother is a national of the Republic of Korea: Provided, That a person who was adopted as an adult under the Civil Act of the Republic of Korea shall be excluded; and
2. He/she has contributed greatly to the Republic of Korea.
(2)Where the Minister of Justice allows naturalization for a person who falls under paragraph (1) 2, the Minister shall obtain approval of the President.

Article 8 (Concurrent Attainment)
(1)Where a foreigner applies for naturalization, his/her minor child under the Civil Act of the Republic of Korea may concurrently apply for such nationality.
(2)A minor child who applies for nationality under paragraph (1) shall attain nationality of the Republic of Korea at the time when the Minister of Justice allows naturalization to his/her father or mother.
(3)Application procedures under paragraph (1) and other necessary matters shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 9(Attainment of Nationality through Reinstatement of Nationality)
(1)A foreigner who has been a national of the Republic of Korea may attain nationality of the Republic of Korea by obtaining permission for the reinstatement of nationality from the Minister of Justice.
(2)The Minister of Justice may not allow the reinstatement of nationality to a person who falls under any of the following subparagraphs, after screening such person who has applied for the reinstatement of nationality:
1. He/she has inflicted harm on the State or society;
2. His/her conduct is disorderly;
3. He has lost or renounced his/her nationality of the Republic of Korea in order to evade military service; and
4. The Minister of Justice regards the reinstatement of his/her nationality as inappropriate, for the purposes of national security, sustainment of order or public welfare.
(3)A person whose nationality is reinstated under paragraph (1) attains nationality of the Republic of Korea at the time when the Minister of Justice allows permission therefor.
(4)Necessary matters concerning application procedures and screening under paragraphs (1) and (2) shall be determined by Presidential Decree.
(5)The provisions of Article 8 shall be applied mutatis mutandis to the concurrent attainment of nationality, as a result of the reinstatement of nationality.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 10 (Obligation to Renounce Foreign Nationality)
(1)A foreigner who has attained nationality of the Republic of Korea but retains a nationality of a foreign country shall renounce the nationality of the foreign country within six months after the attainment of nationality of the Republic of Korea.
(2)A person who does not abide by paragraph (1) shall lose nationality of the Republic of Korea upon the completion of the time specified therein: Provided, That this may not apply to a person who is under circumstances making it difficult to comply with paragraph (1), despite his/her intention, and falls under any case as determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 11 (Re-Attainment of Nationality)
(1)When a person who has lost nationality of the Republic of Korea pursuant to Article 10 (2) renounces nationality of foreign country within one year after the loss of nationality of the Republic of Korea, he/she may re-attain nationality of the Republic of Korea upon reporting to the Minister of Justice.
(2)A person who has reported under paragraph (1) attains nationality of the Republic of Korea at the time of such reporting.
(3)The procedures for reporting under paragraph (1) and other necessary matters shall be determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 12 (Obligation of Dual National to Choose One Nationality)
(1)A person who has nationalities of both of the Republic of Korea and a foreign country by birth or pursuant to this Act (hereinafter referred to as a "dual national") before fully turning twenty years of age shall choose one nationality before fully turning twenty-two years of age; and a person who becomes a dual national fully turning twenty years of age shall choose one nationality within two years from such time pursuant to Articles 13 and 14: Provided, That anyone who is enlisted in the first militia service under Article 8 of the Military Service Act shall choose one nationality within three months from the time of enlistment, or within two years from the time he/she falls under any subparagraph of paragraph (3).
(2)A person who did not choose a nationality under paragraph (1) shall lose nationality of the Republic of Korea after fully turning twenty-two years old under paragraph (1) or the lapse of two years.
(3) Any person who was born while his lineal ascendent stays abroad without the intention of permanently residing in any foreign country may make a declaration of renouncement of his

Korean nationality as provided for in the provisions of Article 14, when the person falls under any of the following subparagraphs, with respect to his obligation for military service:

1. When he has completed, or is deemed to have completed, his active military service, full-time reserve service or replacement status;
2. When he is exempt from military service; and
3. When he is enlisted in the second militia service.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 13 (Procedures for Choosing Nationality of Republic of Korea)
(1) A dual national intending to choose nationality of the Republic of Korea shall renounce his/her foreign nationality within the period as prescribed in Article 12 (1), and declare his/her intention of choosing nationality of the Republic of Korea to the Minister of Justice.
(2) Requisites for the acceptance and procedures for declaration pursuant to paragraph (1) and other necessary matters shall be deter-mined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 14 (Procedures for Renunciation of Nationality of Republic of Korea)
(1)A dual national intending to choose nationality of a foreign country may declare his/her intention to renounce nationality of the Republic of Korea to the Minister of Justice within the period pursuant to Article 12 (1): Provided, That anyone who is prescribed in the proviso to Article 12 (1) or paragraph (3) of the same Article may make such declaration within the period or from the time the relevant grounds arise.
(2)A person who has declared the renunciation of nationality pursuant to paragraph (1) shall lose nationality of the Republic of Korea at the time of declaration.
(3)Procedures for declaration under paragraph (1) and other necessary matters shall be determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 15 (Loss of Nationality by Attainment of Foreign Nationality)
(1)A national of the Republic of Korea who has voluntarily attained nationality of a foreign country shall lose nationality of the Republic of Korea at the time of attainment of the foreign nationality.
(2)A national of the Republic of Korea who falls under any of the following subparagraphs shall be deemed to have lost his/her nationality of the Republic of Korea retro-actively at the time of attainment of the foreign nationality, if he/she fails to declare his/her intension to retain nationality of the Republic of Korea to the Minister of Justice within six months after attainment of the foreign nationality:

1. He/she has attained the same nationality as his/she spouse, through marriage to a foreigner;
2. He/she has attained nationality of an adoptive father or mother through adoption by a foreigner;
3. A person who has attained nationality of a father or mother through acknowledgement by a foreign father or mother; and
4. A minor or the spouse of a person who has lost nationality of the Republic of Korea through the attainment of a foreign nationality, and has concurrently attained the foreign nationality under laws of the foreign country.

(3)With respect to a person who has lost nationality of the Republic of Korea due to the attainment of that of a foreign country, where the date of attainment of nationality of the foreign country is unknown, the date his/her foreign passport was first issued is presumed to be the date.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 16 (Administration on Person who has Lost Nationality)
(1)A person who has lost his/her nationality of the Republic of Korea (except a person who has declared the renunciation of nationality under Article 14) shall report the loss of nationality to the Minister of Justice.
(2)Where a public official finds, in the course of performing his/her duties, a person who has lost nationality of the Republic of Korea, the public official shall notify the Minister of Justice without delay.

(3)Where the Minister of Justice finds, in the course of performing his/her duties or has received the report or notification of the loss of nationality under paragraphs (1) and (2), a person who has lost the nationality of the Republic of Korea, the Minister shall notify the family register office and resident registration office.
(4) Procedures for reporting and notification and other necessary matters under paragraphs (1) through (3) shall be determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 17 (Public Notification in Official Gazette)
(1)Where the attainment or loss of nationality of the Republic of Korea has occurred, the Minister of Justice shall publicly notify such fact in the official gazette.
(2)Matters to be notified in the official gazette pursuant to paragraph (1) shall be determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 18 (Alteration of Rights of Person who has Lost Nationality)
(1) A person who has lost nationality of the Republic of Korea may not have the rights afforded only to nationals of the Republic of Korea, from the time of such loss of nationality.
(2)Where a person has attained transferable rights under paragraph (1) when he/she was a national of the Republic of Korea, he/she shall transfer them to a national of the Republic of Korea within three years unless otherwise prescribed by Acts and subordinate statutes related to rights.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 19 (Reporting by Legal Representatives)
With regard to application or reporting under this Act, where a person intending to file an application or report is under the age of fifteen, a legal representative shall act on behalf of the person.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 20 (Adjudication of Nationality)
(1)Where it is unclear whether a person has attained or is holding nationality of the Republic of Korea, the Minister of Justice may determine such fact upon review.
(2)Procedures for screening and determination, and other necessary matters under paragraph (1) shall be determined by Presidential Decree.
[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 21 (Revocation of Permission, etc.)
(1) The Minister of Justice may revoke permission or adjudication of a person who has obtained permission of naturalization, reinstatement of nationality or adjudication of nationality by false or other wrongful means.
(2) Standards and procedures for revocation pursuant to paragraph (1), and other necessary matters shall be determined by Presidential Decree.
[This Article Newly Inserted by Act No. 8892, Mar. 14, 2008]

ADDENDA

Article 1(Enforcement Date)
This Act shall enter into force six months after the date of its promulgation.

Article 2(Transitional Measures on Application for Naturalization)
With regard to a person who has applied for naturalization, reinstatement of nationality, or renunciation of nationality under the former provisions before this Act enters into force, the former provisions shall govern.

Article 3(Transitional Measures on Reinstatement or Re-Attainment of Nationality)
(1)The amended provisions of Article 9 shall apply to the procedure through which a person who has lost or renounced nationality of the Republic of Korea before this Act enters into force.

(2)The amended provisions of Article 11 shall apply to a person who has lost nationality of the Republic of Korea, among those under paragraph (1), by reason that he/she failed to renounce a foreign nationality within six months after attaining nationality of the Republic of Korea.

Article 4 (Transitional Measures on Obligation to Renounce Foreign Nationality for Person who has Attained Korean Nationality)
The amended provisions of Article 10 shall apply to a person who has attained nationality of the Republic of Korea before this Act enters into force and for whom six months have not passed since the date of attainment until this Act enters into force.

Article 5 (Transitional Measures on Choosing, and Procedures of, Nationality for Dual National)
The amended provisions of Articles 12 through 14 shall also apply to a person who has held the nationalities of both the Republic of Korea and a foreign country before this Act enters into force (except those who have obtained permission for the renunciation of nationality): Provided, That, with regard to a person who is over twenty years of age as of the date this Act enters into force shall be the starting date for the period of choosing nationality under Article 12 (1).

Article 6 (Transitional Measures on Administration and Alteration of Rights of Person who has Lost Nationality)
The amended provisions of Articles 16 and 18 shall also apply to a person who has lost his/her nationality of the Republic of Korea before this Act enters into force.

Article 7 (Special Cases of Attainment of Nationality for Persons of Maternal Line by Adoption of Jus Sanguinis to Both Lines of Parents)
(1)A person who falls under any of the following subparagraphs among the persons who were born to a mother who was a national of the Republic of Korea between June 14, 1978 and June 13, 1998 may attain nationality of the Republic of Korea by December 31, 2004 by reporting to the Minister of Justice as determined by Presidential Decree: <Amended by Act No. 6523, Dec. 19, 2001>

1. The person's mother is currently a national of the Republic of Korea; and
2. The person's mother was a national of the Republic of Korea at the time of her death, if she has died.

<This paragraph which has been declared as unconstitutional in the Constitutional Court on Aug. 31, 2000 is revised by Act No. 6523, Dec. 19, 2001>
(2)With regard to reporting under paragraph (1), where a person who intends to attain nationality is under the age of fifteen, the person's legal representative shall act on behalf of such person. <Amended by Act No. 6523, Dec. 19, 2001>
(3)A person who failed to report within the period under paragraph (1) due to natural disaster or other unavoidable causes may attain nationality of the Republic of Korea through reporting to the Minister of Justice within three months after such cause ceases to exist.
(4)A person who has reported under paragraph (1) or (3) shall attain nationality of the Republic of Korea at the time of reporting.

Article 8 Omitted.

ADDENDUM <Act No. 6523, Dec. 19, 2001>
This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 7075, Jan. 20, 2004>
(1)(Enforcement Date) This Act shall enter into force on the date of its promulgation.
(2)(Applicability) The amended provisions of Article 6 (2) 3 and 4 shall also apply to any foreigner who has married to a national of the Republic of Korea during the period from June 14, 1998 to no later than the enforcement date of this Act.

ADDENDA <Act No. 7499, May 24, 2005>
(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.
(2) (Applicability concerning Declaration of Renouncement of Korean Nationality by Dual Nationals) The amended provisions of Article 12 (1) (proviso) (3), and Article 14 (1) (proviso)

shall apply, starting with the first person who makes a declaration of the renouncement of the person's Korean nationality after this Act enters into force.

ADDENDA <Amended by Act No. 8435, May 17, 2007>
Article 1 (Enforcement Date)
This Act shall enter into force on January 1, 2008. (Proviso Omitted).
Articles 2 through 9 Omitted.

ADDENDUM <Amended by Act No. 8892, Mar. 14, 2008>
This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 21 shall enter into force six months after the date of its promulgation.

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Annex C: Text of the Act on the Protection and Settlement Support of Residents Escaping from North Korea, 2007

The full text of Republic of Korea Act on the Protection and Settlement Support of Residents Escaping from North Korea amended July 2007, translated into English from Korean by the Korea Legislation Research Institute. A copy of the text was obtained by the Foreign and Commonwealth Office in December 2007. **[29a]**

ACT ON THE PROTECTION AND SETTLEMENT SUPPORT OF RESIDENTS ESCAPING FROM NORTH KOREA

Act No.5259, Jan.13,1997
Amended by Act No.5681, Jan.21,1999
Act No.6056, Dec.28,1999
Act No.6474, May24,2001
Act No.8269, Jan.26,2007
Act No.8435, May17,2007
Act No.8541, Jul.23,2007

Article 1(Purpose)

The purpose of this Act is to provide such matters relating to protection and support as are necessary to help North Korean residents escaping from the area north of the Military Demarcation Line (hereinafter referred to as "North Korea") and desiring protection from the Republic of Korea, as quickly as possible to adapt themselves to, and settle down in, all spheres of their lives, including political, economic, social and cultural spheres.

Article 2 (Definitions)

For the purpose of this Act,

1. The term "residents escaping from North Korea" means persons who have their residence, lineal ascendants and descendants, spouses, workplaces, and so on in North Korea, and who have not acquired any foreign nationality after escaping from North Korea;

2. The term "persons subject to protection" means residents escaping from North Korea who are provided protection and support pursuant to this Act;

3. The term "settlement support facilities" means facilities set up and operated to provide protection of and settlement support for persons subject to protection pursuant to the provisions of Article 10 (1); and

4.the term "protection money or articles" means money or goods paid, delivered or lent to persons subject to protection pursuant to this Act.

Article 3 (Scope of Application)

This Act shall apply to residents escaping from North Korea who have expressed their intention to be protected by the Republic of Korea.

Article 4 (Basic Principles)

(1) The Republic of Korea shall provide persons subject to protection with special protection on the principle of humanitarianism.

(2) The Republic of Korea shall make all of its diplomatic efforts to protect and support residents escaping from North Korea, who are presently staying in foreign countries. *<Newly Inserted by Act No. 8269, Jan. 26, 2007>*

(3) Persons subject to protection shall strive to lead a healthy and cultural life by adapting themselves to the free and democratic legal order of the Republic of Korea.

Article 5 (Criteria for Protection, etc.)

(1) The criteria for provision of protection of and support for persons subject to protection shall reasonably be determined in consideration of their age, members of a family, school education, personal career, self- supporting ability, health conditions and personal possessions.

(2) The protection and settlement support prescribed in this Act shall, as a matter of principle, be provided on the basis of respective individuals, but may, where it is deemed necessary, be given on the basis of the family under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 6056, Dec. 28, 1999>*

(3) Persons required to be protected shall be provided with protection at settlement support facilities within one year and at the place of residence for five years: *Provided*, That where there exist special grounds, the respective periods of protection may be curtailed or extended following the deliberations by the Consultative Council on Residents Escaping from North Korea as prescribed in Article 6. *<Amended by Act No. 6056, Dec. 28, 1999; Act No. 8269, Jan. 26, 2007>*

Article 6 (Consultative Council on Residents Escaping from North Korea)

(1) There shall be established under the Ministry of Unification the Consultative Council on Residents Escaping from North Korea (herein- after referred to as the "Consultative Council") to deliberate on and coordinate policies on residents escaping from North Korea and to deliberate on such matters relating to their protection and settlement support as prescribed in the following subparagraphs: *<Amended by Act No. 6056, Dec. 28, 1999>*

1. Matters relating to protection and the curtailment or extension of the period of settlement support as prescribed in the proviso to Article 5 (3);

2. Matters relating to such decision on whether or not to grant protection as prescribed in the main sentence of Article 8 (1);

3. Matters relating to protection and to the suspension or termination of settlement support as prescribed in Article 27 (1);

4. Matters relating to measures such as correction, etc. as prescribed in Article 32 (2); and

5. Such other matters relating to the protection of and settlement sup- port for persons subject to protection as prescribed by the Presidential Decree.

(2) The Consultative Council shall be comprised of members not exceeding 25 persons including one Chairman. *<Amended by Act No. 8269, Jan. 26, 2007>*

(3) The Chairman shall be the Vice Minister of Unification and exercise overall control and supervision of the affairs of the Consultative Council. *<Amended by Act No. 6056, Dec. 28, 1999>*

(4) Such other matters as are necessary for the composition and operation of the Consultative Council shall be determined by the Presidential Decree.

Article 7 (Application for Protection, etc.)

(1) Any person who has escaped from North Korea and desires to be protected under this Act, shall apply for protection himself/herself to the head of an overseas diplomatic or consular mission, or the head of any administrative agency (including the commander of a military unit of various levels; hereinafter referred to as the "head of an overseas diplomatic or consular mission, etc."): *Provided*, That where there exist the grounds prescribed by the Presidential Decree, which make it difficult for the person to apply for protection himself/herself, the same shall not apply. *<Amended by Act No. 8269, Jan. 26, 2007>*

(2) The head of an overseas diplomatic or consular mission, etc. who receives such application for protection as prescribed in paragraph (1) shall without delay inform the Minister of Unification and the Director General of the National Intelligence Service via the head of the central administrative agency to which he/she belongs of the fact. *<Amended by Act No. 5681, Jan. 21, 1999; Act No. 6056, Dec. 28, 1999>*

(3) The Director General of the National Intelligence Service notified pursuant to the provisions of paragraph (2) shall take provisional protective measures or other necessary steps and shall without delay inform the Minister of Unification of the result. *<Amended by Act No. 5681, Jan. 21, 1999; Act No. 6056, Dec. 28, 1999>*

Article 8 (Decision on Protection, etc.)

(1) When the Minister of National Unification receives a notice as pre- scribed in Article 7 (3), he/she shall decide on the admissibility of the application for protection following the deliberations of the Consultative Council: *Provided*, That in the case of a person who is likely to affect national security to a considerable extent, the Director General of the National Intelligence Service shall decide on the admissibility of the application, and inform or notify the Minister of Unification and the protection applicant of the decision without delay. *<Amended by Act No. 5681, Jan. 21, 1999; Act No. 6056, Dec. 28, 1999>*

(2) Where the Minister of Unification has decided on the admissibility of an application pursuant to the provisions of the main sentence of paragraph (1), he/she shall without delay inform the head of an overseas diplomatic or consular mission, etc. via the head of the relevant central administrative agency of the decision, and the head of an overseas diplomatic or consular mission, etc. informed as such shall without delay notify the applicant of the decision. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 9 (Criteria for Protection Decision)

In determining whether or not to provide protection pursuant to the provisions of the main sentence of Article 8 (1), persons prescribed in any of the following subparagraphs may not be determined as persons subject to protection: *<Amended by Act No. 8269, Jan. 26, 2007>*

1. International criminal offenders involved in aircraft hijacking, drug trafficking, terrorism or genocide, etc.
2. Offenders of nonpolitical, serious crimes such as murder, etc.
3. Suspects of disguised escape;
4. Persons who have earned their living for not less than ten years in their respective countries of sojourn; and
5. Such other persons as prescribed by the Presidential Decree as unfit for the designation as persons subject to protection.

Article 10 (Setting up of Settlement Support Facilities)

(1) The Minister of Unification shall set up and operate settlement support facilities to provide protection and settlement support for persons subject to protection: *Provided*, That in respect of the persons for whom the Director General of the National Intelligence Service has decided to provide protection pursuant to the provisions of the proviso to Article 8 (1), the Director General may set up and operate separate settlement support facilities. *<Amended by Act No. 5681, Jan. 21, 1999; Act No. 6056, Dec. 28, 1999>*

(2) Matters necessary in relation to the types, management and operation of settlement support facilities shall be determined by the Presidential Decree.

Article 11 (Protection, etc. at Settlement Support Facilities)

(1) The head of the institution that sets up and operates settlement sup- port facilities as prescribed in Article 10 (1) shall provide protection to persons subject to protection until they move into the place of residence as prescribed in Article 22 (1).

(2) The head of the institution referred to in paragraph (1) above may, under the conditions as prescribed by the Presidential Decree, grant protection money or articles to the persons subject to protection taken care of at settlement support facilities.

(3) The head of the institution as referred to in paragraph (1) above may, while the persons subject to protection are taken care of at settlement support facilities, confirm their identity and the motive for escape from North Korea, conduct medical checkup or take other measures necessary for settlement support.

Article 12 (Personal Identification Registry)

(1) The head of the institution setting up and operating settlement sup- port facilities pursuant to the provisions of Article 10 (1) shall, when he/she has decided to provide protection pursuant to the provisions of Article 8 (1), administer and keep a personal identification registry on which are centered necessary particulars such as place of registration basis, family relationships and personal career, etc. of persons subject to protection under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 8435, May 17, 2007>*

(2) The Minister of Unification shall administer and keep an integrated personal identification registry combining all other registries. For the purpose of this, the Director General of the National Intelligence Service shall inform the Minister of National Unification of particulars centered
in the personal identification registry which he/she administers and keeps pursuant to the provisions of paragraph (1) above. *<Amended by Act No. 5681, Jan. 21, 1999; Act No. 6056, Dec. 28, 1999>*

Article 13 (Recognition of Academic Qualifications)

Persons subject to protection may, in accordance with the determination of the Presidential Decree, be granted recognition of the academic qualifications corresponding to their respective levels of school education received in North Korea or foreign countries.

Article 14 (Recognition of Qualifications)

(1) Persons subject to protection may, in accordance with the determination of relevant Acts and subordinate statutes, be granted recognition of the qualifications corresponding to all or part of those which they acquired in North Korea or foreign countries.

(2) The Minister of National Unification may conduct the supplementary education or the re-education that are necessary for applicants for the recognition of their qualifications under the conditions as pre- scribed by the Presidential Decree. *<Newly Inserted by Act No. 8269, Jan. 26, 2007>*

(3) Where it is deemed necessary to implement the provisions of paragraphs (1) and (2), a committee mandated to examine whether or not to grant the recognition of qualifications may be set up under the conditions as prescribed by the Presidential Decree. *<Newly Inserted by Act No. 8269, Jan. 26, 2007>*

Article 15 (Social Adaptation Education)

The Minister of Unification may, pursuant to the determination of the Presidential Decree, offer persons subject to protection with education deemed necessary for them to settle down in the Republic of Korea. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 16 (Vocational Training)

The Minister of Unification may provide persons subject to protection or persons who have been subject to protection desiring to receive vocational training with training under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 6056, Dec. 28, 1999; Act No. 8269, Jan. 26, 2007>*

Article 17 (Protection, etc. of Employment)

(1) The Minister of Unification shall provide the protection of employment
to any person subject to protection for two years from the date on which such person is first employed under the conditions as prescribed by the Presidential Decree after he/she is relocated from settlement support facilities to the place of his residence: *Provided*, That where it is necessary to extend the period for the protection of employment for the socially vulnerable strata and long-term workers, etc. who fall under the grounds prescribed by the Presidential Decree, the period for the protection of employment for them may be extended within the scope of one year. *<Amended by Act No. 8269, Jan. 26, 2007>*

(2) The period for the protection of employment referred to in the pro- visions of paragraph (1) shall be determined on the basis of the number of actual employment days. *<Newly Inserted by Act No. 8269, Jan. 26, 2007>*

(3) The Minister of Unification may provide an employment support payment to any business operator who has employed any person subject to protection described in paragraph (1) (hereinafter referred to as the "per- son subject to protection of employment") within the limit of 1/2 of the wage paid to the person subject to protection of employment under the conditions as prescribed by the Presidential Decree.

(4) Any business operator who intends to employ the person subject to protection of employment shall make efforts to employ the person subject to protection of employment taking into account the position, duties in charge and experiences he/she had in North Korea prior to fleeing that country.

(5) The Minister of Unification may provide any business operator who has set an example of hiring the person subject to protection of employment with the support that includes the preferential purchase of goods he/she produces under the conditions as prescribed by the Presidential Decree.

(6) The Minister of Unification may arrange employment for the person subject to protection under the conditions as prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 6056, Dec. 28, 1999]

Article 17-2 (Limit to Protection of Employment)

The Minister of Unification may where the person subject to protection of employment falls under any case of the following subparagraphs, limit the protection of employment for him/her for a fixed period under the conditions as prescribed by the Presidential Decree notwithstanding the provisions of Article 17 (1):

1. Where the person subject to protection of employment who is required to work at the place of business for which the Minister of Unification has arranged fails to do so without any justifiable reasons;

2. Where the person subject to protection of employment quits the place of business without any justifiable reasons after working only for a period that falls short of the period prescribed by the Presidential Decree; and

3. Where the person subject to protection of employment is dismissed from the place of business after having being disciplined for neglect of duty, delinquency of duty or illegal act, etc.

[This Article Newly Inserted by Act No. 6056, Dec. 28, 1999]

Article 17-3 (Support for Farming Settlement)

The Minister of Unification may provide the person subject to protection who hopes for farming with support for settlement in farming, giving educational and training programs, etc. for farming and on-the-spot study programs, etc. in rural areas under the conditions as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6056, Dec. 28, 1999]

Article 18 (Special Appointments)

(1) Persons subject to protection who, as former public officials of North Korea, desire to be named as public officials of the Republic of Korea may on a selective basis be appointed as state public officials or local public officials in consideration of their positions held, duties charged and personal career before escaping from North Korea.

(2) Persons subject to protection who, as former soldiers of North Korea, desire to be reassigned to the armed forces of the Republic of Korea may be granted special appointment in consideration of their former rank, positions held and personal career before escaping from North Korea.

(3) Matters necessary in relation to such special appointments as pre- scribed in paragraph (1) or (2) shall be prescribed by the Presidential Decree.

Article 19 (Special Cases of Establishment of Family Relationship Registration)

(1) The Minister of Unification shall, in respect of a person subject to protection for whom the registration of family relationship has not made in the area south of the Military Demarcation Line (hereinafter referred to as "South Korea"), help him/her determine a place of registration basis at his/her own will and file an application form for permission to establish family relationship registration to the Seoul Family Court.

(2) To the application form for permission to establish family relationship registration as prescribed in paragraph (1) shall be attached a transcript of the personal identification registry of the person subject to protection which is kept pursuant to the provisions of Article 12 (1), and an identity card which is kept by reference to the method recorded in the family relationship register.

(3) When the Seoul Family Court receives an application form for per- mission to establish family relationship registration pursuant to the provisions of paragraph (1), it shall decide without delay on its admissibility, and when it permits the establishment of family relationship registration, it shall send off a transcript of the permission therefore to the head of a *Si* (referring to a *Si* not having any *Gu*; hereafter the same shall apply in this Article)/*Gu*/*Eup*/*Myeon* exercising administrative jurisdiction over the place of registration basis in question.

(4) When the head of a *Si*/*Gu*/*Eup*/*Myeon* receives the transcript of the permission for establishing family relationship registration pursuant to the provisions of paragraph (3), he/she shall prepare a family relation- ship register without delay, and inform, by attaching a certificate for the recorded matters of family relationship, the reported matters on family relationship

registration to the head of a *Si*/*Gun*/*Gu* exercising administrative jurisdiction over the domicile of the person subject to protection.

[This Article Wholly Amended by Act No. 8435, May 17, 2007]

Article 19-2 (Special Cases of Divorces)

(1) Anyone who has his/her spouse in North Korea among persons who have established their family relationship registration pursuant to the provisions of Article 19 may, where it is not clear whether or not his/her spouse lives in South Korea, file an application for a divorce. *<Amended by Act No. 8435, May 17, 2007>*

(2) Anyone who is registered as the spouse of the person who has established his/her family relationship registration pursuant to the provisions of Article 19 shall become the party to the judicial divorce. *<Amended by Act No. 8435, May 17, 2007>*

(3) Anyone who intends to file a divorce petition pursuant to the provisions of paragraph (1) shall file a divorce petition, accompanied by a written statement of the Minister of Unification, which certifies that his/ her spouse does not fall under the person who is subject to protection, to the Seoul Family Court.

(4) The competent court referred to in the provisions of paragraph (3) shall, when it intends to make a service delivery to the spouse of the
divorce claimant; deliver the service by public notice provided for in the provisions of Article 195 of the Civil Procedure Act. In this case, the first service by public notice shall take effect after the lapse of two months from the date on which the first service by public notice is delivered: *Pro- vided*, That the later service by public service that is delivered to the same party shall take effect beginning on the date following the date on which the later service by public notice is delivered.

(5) The period referred to the provisions of paragraph (4) shall not be shortened.

[This Article Newly Inserted by Act No. 8269, Jan. 26, 2007]

Article 20 (Accommodation Support, etc.)

(1) The Minister of Unification may provide accommodation support for persons subject to protection under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 6056, Dec. 28, 1999>*

(2) A person subject to protection who is provided with accommodation support as prescribed in paragraph (1) shall neither transfer the ownership, lease on a deposit basis, or lease (hereinafter referred to as the "ownership, etc.") acquired as a result of the accommodation support nor settle mortgage on the property within the period of two years from the date of the moving-in declaration for residents registration, save in the case of permission of the Minister of Unification. *<Amended by Act No. 6056, Dec. 28, 1999>*

(3) The Minister of Unification shall, by proxy of persons subject to protection, apply for the registration of ownership, etc. as prescribed in paragraph (2). In this case, there shall be entered in the registration application form the purport that transfer or settlement of mortgage shall be prohibited in respect of the ownership, etc. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 21 (Payment of Settlement Money, etc.)

(1) The Minister of Unification may dispense settlement money or goods equivalent to their value (hereinafter referred to as the "settlement money and goods") taking into account settlement conditions of persons subject to protection and their ability to earn a living. *<Amended by Act No. 6056, Dec. 28, 1999; Act No. 8269, Jan. 26, 2007>*

(2) The Minister of Unification may grant persons subject to protection due compensation for the information or equipment (including goods) which they have offered or brought, by grading them according to their practical value. *<Amended by Act No. 6056, Dec. 28, 1999>*

(3) Matters necessary in relation to the criteria for and procedure, etc. of the payment of the settlement money and goods and compensation as prescribed in paragraphs (1) and (2) shall be determined by the Presidential Decree. *<Amended by Act No. 8269, Jan. 26, 2007>*

(4) The settlement money referred to in the provisions of paragraph (1) shall not be transferred, provided for any security or seized. *<Newly Inserted by Act No. 8269, Jan. 26, 2007>*

Article 22 (Protection of Place of Residence)

(1) The Minister of Unification may provide persons subject to protection with protection necessary for the settlement of grievances which may arise in the course of their settling down and making a living on their own after moving into the place of residence from settlement support facilities and for their self-support and settlement. *<Amended by Act No. 6056, Dec. 28, 1999>*

(2) The Minister of Unification may, after consultation with the Minister of Government Administration and Home Affairs, delegate the protection service as referred to in paragraph (1) above to the head of the local government (hereinafter referred to as the "local government head") exercising administrative jurisdiction over the place of residence of the person subject to protection. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 23 (Obligation to Report)

The local government head shall report the actual situation of settlement involving persons subject to protection as prescribed by the Presidential Decree half-yearly to the Minister of Unification via the Minister of Government Administration and Home Affairs. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 24 (Educational Support)

The Minister for National Unification may provide persons subject to protection with support necessary for education in consideration of their age, academic aptitude and other educational conditions as prescribed by the Presidential Decree. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 25 (Medical Care Assistance)

Medical care assistance may be provided to persons subject to protection and their family members as prescribed by the Medical Care Assistance Act. *<Amended by Act No. 6474, May 24, 2001>*

Article 26 (Support for Minimum Living Standards)

Notwithstanding the provisions of Article 3 of the Protection of Minimum Living Standards Act, any person who runs into difficulty in earning a living after the termination of such protection as prescribed in Article 11 may, upon his application, be provided within the period of five years with such protection as prescribed in Articles 7 through 14 of the same Act.

Article 26-2 (Special Case for National Pension)

(1) Any person subject to protection who is between the age of not less than 50 but less than 60 at the time when his protection is determined pursuant to the provisions of Article 8 shall be entitled to receive the national pension starting with the date falling under any of the following subparagraphs notwithstanding the provisions of Article 61 of the National Pension Act: *<Amended by Act No. 8541, Jul. 23, 2007>*

1. A person who has been insured with the national pension for a period of not less than 5 years but less than 10 years before he/she turns 60: The date on which he/she turns 60; and

2. A person who has been insured with the national pension for a period of not less than 5 years after he/she turns 60: The date on which he/she is disqualified as a pension insured.

(2) The amount of the national pension referred to in paragraph (1) shall be an amount that derives from the addition of the amount of payable pension to an amount equivalent to 250/1,000 of the basic pension amount: *Provided*, That in case that the insured period is in excess of 5 years, an amount equivalent to 50/1,000 of the basic pension amount shall be added every excess year (every month of less than one year shall be calculated as 1/12 year).

(3) Matters concerning the national pension of the person subject to protection shall be dealt with according to the National Pension Act except as otherwise provided in this Act.

[This Article Newly Inserted by Act No. 6056, Dec. 28, 1999]

Article 26-3 (Support for Livelihood)

The State, local governments and public organizations shall, where they intend to grant permission for or entrust the establishment of convenience business and facilities within facilities under their management, give preferential consideration to any request from the person subject to protection under this Act as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6056, Dec. 28, 1999]

Article 27 (Suspension and Termination of Protection)

(1) The Minister of Unification may, where a person subject to protection is involved in any of the following subparagraphs, suspend or terminate protection and settlement support subject to the deliberations of the Consultative Council: *<Amended by Act No. 6056, Dec. 28, 1999>*

1. In cases where he/she is sentenced to imprisonment with or without prison labor for not less than one year and his sentence is made irrevocable;

2. In cases where he/she intentionally provides false information contrary to the interest of the State;

3. In cases where he/she is judicially declared dead or missing;

4. In cases where he/she attempts to go back to North Korea;

5. In cases where he/she violates this Act or an order issued under this Act; or

6. Other cases coming under such grounds prescribed by the Presidential Decree.

(2) The local government head may request to the Minister of Unification via the Minister of Government Administration and Home Affairs the suspension or termination of protection of or settlement support for persons subject to protection as prescribed in paragraph (1) above or the curtailment or extension of the period thereof as prescribed in the proviso to Article 5 (3). *<Amended by Act No. 6056, Dec. 28, 1999>*

(3) The Minister of Unification shall, where he/she suspends or terminates protection and settlement support as prescribed in paragraph (1) above or curtails or extends the period thereof as prescribed in the proviso to Article 5 (3), specify the grounds and notify them to the person subject to protection involved, and inform the Minister of Government Administration and Home Affairs and the local government head of the fact. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 28 (Obligation to Report, etc.)

A person subject to protection shall, where there occurs a change in his domicile, occupation or place of work within the period of five years from the date of moving into the place of first residence, report it in writing to the local government head concerned within fourteen days from the date when such change occurred, while the local government head re- ported to as such shall submit a copy of the written report to the Minister of Unification via the Minister of Government Administration and Home Affairs. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 29 (Bearing of Expenses)

(1) All expenses incurred to provide protection and settlement support pursuant to this Act shall be borne by the State.

(2) The State shall every year grant the local government concerned the expenses incurred for the protection service pursuant to the provisions of Article 22 (2), and additionally grant or recover the amount that is deficient or overpaid.

Article 30 (Association of Supporters for Residents Escaping from North Korea)

(1) The Association of Supporters for Residents Escaping from North Korea (hereinafter referred to as the "Supporters' Association") shall be established to undertake the project falling under any of the following subparagraphs: *<Amended by Act No. 6056, Dec. 28, 1999>*

1. A project designed to support stable life and social adaption of the residents fleeing North Korea;

2. A project designed to support the employment of the residents fleeing North Korea; and

3.A project entrusted by the Minister of Unification to the Supporters' Association out of the need to support the settlement and protection of the residents fleeing North Korea.

(2) The Minister of Unification may provide financial assistance, etc. necessary for the sound operation of the Supporters' Association. *<Amended by Act No. 6056, Dec. 28, 1999>*

(3) The Supporters' Association shall be incorporated as a juristic person.

(4) The provisions relating to the incorporated foundation under the Civil Act shall apply *mutatis mutandis* to the Supporters' Association.

Article 31 (Delegation or Entrustment of Powers)

(1) A part of the powers bestowed by this Act upon the Minister of Unification may be delegated to the head of an agency attached to his Ministry or to the head of local government under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 6056, Dec. 28, 1999>*

(2) A part of the powers bestowed by this Act upon the Minister of Unification may be entrusted to the head of another administrative agency or to a related juristic person or organization under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 32 (Application for Objection)

(1) Any person subject to protection who has an objection with respect to a disposition on protection and support provided under this Act may apply for an objection to the Minister of Unification in writing within 90 days from the date of receiving the notice of the disposition. *<Amended by Act No. 6056, Dec. 28, 1999; Act No. 8269, Jan. 26, 2007>*

(2) When the Minister of Unification receives an application for an objection as prescribed in paragraph (1), he/she shall examine it without
delay, and where the disposition is considered unlawful or unjust, he/ she may require correction thereof or take other necessary measures. In this case, prior deliberations of the Consultative Council are required. *<Amended by Act No. 6056, Dec. 28, 1999>*

Article 33 (Penal Provisions)

(1) Any person who, by resorting to trick or other wrongful means, receives protection and support provided under this Act or helps any other person receive such protection and support shall be punished by imprisonment for not more than five years or by a fine not exceeding ten million won.

(2) Any person who, without just cause, takes advantage of the information or materials which he/she comes to know in the course of executing the affairs pursuant to this Act for purposes other than those connected with this Act shall be punished by imprisonment for not more than one year or by a fine not exceeding two million won.

(3) Any property or proprietary gains obtained by resorting to such means as prescribed in paragraph (1) or (2) above shall be confiscated. When it is not feasible to confiscate the gains, the corresponding value thereof shall punitively be collected.

(4) A person who attempts to commit an offence prescribed in paragraph (1) above shall be punished.

ADDENDA
Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Act Repealed)

The Act on the Protection of North Korean Repatriates (hereinafter referred to as the "Repatriates Protection Act") shall be repealed.

Article 3 (Transitional Measures relating to Deliberations of Consultative Council)

The agenda under deliberation at the time when this Act enters into force by the Committee for the Protection of North Korean Repatriates established under the provisions of Article 13 of the Repatriates Protection Act shall be considered by the Consultative Council established under the provisions of Article 6 of this Act.

Article 4 (Transitional Measures on Registration)

Persons registered as North Korean repatriates pursuant to the Repatriates Protection Act at the time when this Act enters into force, shall be regarded to be registered as persons subject to protection under this Act.

Article 5 (Transitional Measures on Social Adaptation Education and Vocational Training)

Persons registered as North Korean repatriates to the Repatriates Protection Act at the time when this Act enters into force, may receive such social adaptation education and vocational training as prescribed in Articles 15 and 16.

Article 6 (Transitional Measures on Settlement Money and Compensation)

The settlement money and compensation which have been decided to be granted pursuant to the Repatriates Protection Act at the time when this Act enters into force, shall be dispensed by the Minister for National Unification according to the previous provisions.

Article 7 (Transitional Measures on Accommodation Support)

Persons who have been decided to be entitled to receive accommodation support pursuant to the Repatriates Protection Act at the time when this Act enters into force, shall be supported by the Minister for National Unification in accordance with the previous provisions.

Article 8 (Transitional Measures on Educational Protection)

Persons who are receiving, or have been decided to be entitled to receive, educational protection pursuant to the Repatriates Protection Act at the time when this Act enters into force, shall be granted such protection by the Minister for National Unification in accordance with the previous provisions.

Article 9 (Transfer of Budget)

Any head of the central administrative agency concerned who is, at the time when this Act enters into force, implementing a project prescribed in the Repatriates Protection Act, shall transfer the project budget to the Minister for National Unification on the enforcement date of this Act.

Article 10 (Preparation for Establishment of Association of Supporters)

(1) The Minister for National Unification shall, within two months from the enforcement date of this Act, commission organizing members not more than five persons (hereinafter referred to as "organizing members") selected from among the directors of the Association of Supporters for North Korean Repatriates established under the Repatriates Protection Act (hereinafter referred to as the "Association of Supporters for North Korean Repatriates") to take charge of the affairs relating to the establishment of the Supporters' Association and the nomination of directors and auditor at the time of establishment.

(2) The organizing members shall draw up articles of association and obtain authorization from the Minister for National Unification.

(3) The president of the Supporters' Association under establishment shall be appointed by the Minister for National Unification.

(4) The organizing members shall, when they have obtained authorization as prescribed in paragraph (2) above, file without delay registration of incorporation for the Supporters' Association under their joint signature and transfer their duties to the president.

(5) The organizing members shall, when the transfer of duties is completed as prescribed in paragraph (4) above, be regarded as being decommissioned therefrom.

(6) The expenses defrayed until the Supporters' Association is organized shall be borne by the Association of Supporters for North Korean Repatriates.

Article11 (Transitional Measures relating to Association of Supporters for North Korean Repatriates)

(1) The Association of Supporters for North Korean Repatriates shall, notwithstanding the provisions of Article 2 of the Addenda, continue to exist until the Supporters' Association pursuant to this Act is established.

(2) At the time when this Act enters into force, the Association of Supporters for North Korean Repatriates may, on the basis of a decision of its board of directors, apply to the Minister for

National Unification for the succession of all of its rights and obligations by the Supporters' Association to be established under this Act.

(3) The Association of Supporters for North Korean Repatriates shall, when it obtains approval from the Minister for National Unification on an application for succession as prescribed in paragraph (2) above, be regarded to be dissolved upon the establishment of the Supporters' Association under this Act, while all of the rights and obligations vested in the Association of Supporters for North Korean Repatriates shall be succeeded to by the Supporters' Association.

(4) The value of the properties that the Supporters' Association is entitled to succeed to as prescribed in paragraph (3) above shall be deter- mined on the basis of the book price thereof as assessed on one day before the date of registration of its incorporation.

Article 12 (Transitional Measures relating to Penal Provisions)

Previous provisions shall apply to a penalty applicable to a conduct committed before this Act enters into force.

Article 13 Omitted.

ADDENDA<*Act No. 5681, Jan. 21, 1999*>
Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation.
Articles 2 through 4 Omitted.

ADDENDA<*Act No. 6056, Dec. 28, 1999*>
(1) (Enforcement Date) This Act shall enter into force on January 1, 2000.

(2) (Retroactive Application concerning Protection of Employment) The amended provisions of Article 17 and Article 17-2 shall also apply to any resident escaping from North Korea after December 12, 1993. In this case, the period for the protection of employment for such residents shall reckon from the date on which they are employed for the first time after the enforcement of this Act.

(3) (Transitional Measures concerning Special Case for National Pension) The amended provisions of Article 26-2 shall also apply to any resident escaping from North Korea whose protection is determined under the provisions of Article 8 during a period from April 2, 1999 to the date preceding the enforcement date of this Act.

ADDENDA<*Act No. 6474, May 24, 2001*>
Article 1 (Enforcement Date)

This Act shall enter into force on October 1, 2001.

Articles 2 through 13 Omitted.

ADDENDA <*Act No. 8269, Jan. 26, 2007*>
(1) (Enforcement Date) This Act shall enter into force one month after the date of its promulgation.

(2) (Retroactive Application of Provisions concerning Special Case of Divorce) The amended provisions of Article 19-2 shall apply to residents escaping from North Korea who have acquire their permanent domiciles on or after March 18, 2003 on which the established rules governing the family registration No. 644 of the Supreme Court entered into force.

ADDENDA<*Act No. 8435, May 17, 2007*>
Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2008. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA*<Act No. 8541, Jul. 23, 2007>*
Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)
Articles 2 through 43 Omitted.

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Annex D: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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