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# HUMAN RIGHTS IN THE DEMOCRATIC PEOPLES



# REPUBLIC OF KOREA

ASIA WATCH

MINNESOTA LAWYERS INTERNATIONAL HUMAN RIGHTS COMMITTEE

## HUMAN RIGHTS IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

The Government of the Democratic People's Republic of Korea (North Korea) has erected walls of fear around its borders and around each of its citizens. Since 1948 the Government has been dominated by one leader, Kim Il Sung. North Koreans are expected to support Kim enthusiastically; those who do not conform are demoted, and moved with their families to remote mountain areas, where they are required to perform arduous labor. Individuals who oppose the Government have reportedly been imprisoned under very harsh conditions and given starvation rations.

This is the first-ever major survey of human rights conditions in the Democratic Peoples Republic of Korea, and reveals a society that is tightly controlled and isolated from the rest of the world. The DPRK Government has established a comprehensive system which consistently deprives its citizens of basic human rights and freedoms.

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A report prepared by Richard Kagan, Matthew Oh, and David  
Weissbrodt for the Minnesota Lawyers International Human Rights  
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SUMMARY AND RECOMMENDATIONS

A. Summary of the Report

The Democratic People's Republic of Korea (DPRK) has ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the four Geneva Conventions for the Protection of Victims of War. It has thus assured the world and its citizens that it will respect and ensure fundamental human rights. As part of its stated commitment to human rights, the Government should encourage international scrutiny. The Government has, however, sought to evade that scrutiny by closing its borders to international human rights organizations and most other independent observers. Despite this limited access, we have gathered sufficient information to make some tentative conclusions about the DPRK's human rights practices and to recommend certain improvements.

The DPRK Government has established a comprehensive system which consistently deprives its citizens of basic human rights and freedoms. The Government preserves this system by erecting walls of fear around its borders and around each of its citizens. It seeks to prevent its citizens from learning about their rights or about national or international means for vindicating those rights. Few foreigners are permitted to visit the country and even fewer North Koreans are allowed to travel abroad. Most foreign visitors who are allowed into the DPRK are given carefully monitored tours of a few showplaces while being denied access to most of the country.

North Korean citizens are generally afraid to talk about social and political issues with these visitors, with diplomats stationed in Pyongyang, or even amongst themselves. Most maintain secrecy about their lives, their opinions, their emotions, and any potential-

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by controversial subject. There appears to be little individuality, spontaneity, or social interaction. Personal and aesthetic pleasures are strictly circumscribed. North Korea manufactures special radios which permit its citizens to listen only to official broadcasts. The Government controls all television, radio, magazines, and newspapers. Political surveillance is pervasive at the workplace, in the neighborhood, and in housing units as small as twenty families. There is no known political, economic, social, religious, or other group which is independent from governmental control or free from governmental surveillance.

The Government has been dominated by one leader, Kim Il Sung, since at least the promulgation of the first Constitution of the Democratic People's Republic of Korea on 8 September 1948. On 28 December 1972 Kim Il Sung became the DPRK's first President under the revised Constitution of 27 December 1972. He has been re-elected since then by the Supreme People's Assembly, 97% of the membership of which belongs to the Korean Workers' Party. According to the Government, voter participation in elections approaches 100%, and almost all votes are cast in favor of a single slate. The Supreme People's Assembly meets only once or twice a year and has reportedly never deflected a measure proposed by the executive. In addition to his executive powers, the President has the right to proclaim legislation or decrees and to supervise the courts. No judge has a tenure longer than four years.

North Koreans are expected to support enthusiastically their President, Kim Il Sung, together with his son and heir apparent, Kim Jung Il, as well as to conform to their policies. Children are taught from their earliest years to worship Kim Il Sung and his family. The worship of Kim is the principal, if not the only, functioning religion. Most social advances, works of art, architectural designs, and public institutions are attributed to the work of the two Kims or to their guidance.

All North Koreans are classified as to their actual or supposed loyalty to the Kims. Their class status greatly affects hous-

ing, food rationing, employment, health care, and many other aspects of their existence, including the severity of sanctions for ordinary criminal offenses. Those citizens who are deemed most loyal live in the capital, Pyongyang, a showplace city. Among the elite, this loyalty is further rewarded with cars, major household appliances, access to exclusive recreational facilities, and other privileges. Persons who are considered disloyal, disabled, or unhealthily have apparently been excluded from living in Pyongyang. Travel within the country is closely monitored and severely restricted.

The remainder of the country endures a far lower standard of living: food is scarce, health facilities are minimal, housing is inadequate, and clothing is insufficient. Most North Koreans must work very long days. In addition, both workers and students are required to "volunteer" to help construct massive public works projects, to do farm labor, and to undertake similar governmental endeavors. Workers and students must also take regular political classes.

Those citizens who complain, do not conform, or fall out of political favor have been demoted, moved with their families to remote and inhospitable mountain areas, and required to perform arduous labor. Those individuals who are perceived to oppose the Government have reportedly been arrested, beaten, ill-treated, imprisoned, forced to do hard labor, and given starvation rations.

Although the DPRK has a Penal Code, a Code of Penal Procedure, a court structure, and some state-employed lawyers, the Ministry of State Security often bypasses these institutions when handling suspected opponents of the Government. Many are imprisoned or subjected to other sanctions without the benefit of a trial. At least through the 1970s, the Government made examples of certain offenders by bringing them before a crowd and shooting them by firing squad amid the clamor of the crowd.

## B. Recommendations to the Government

We recommend that the DPRK Government:

1. Publish and disseminate broadly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration of Human Rights, and declare its intention to comply with these instruments;
2. Establish institutions to foster compliance with these rights, such as a judiciary with sufficient tenure to assure independence, an independent legal profession which can defend the rights of individuals, procedures for the independent investigation of complaints of human rights violations, a free press, and free elections with a genuine choice for the electorate. While there may be some defects in the Penal Code and the Penal Procedure Code, such as the numerous offenses calling for the death penalty and some offenses that at least theoretically could impose *ex post facto* application of criminal penalties, the basic difficulty is that these legal provisions are not followed in many cases, particularly if political dissent is involved. The Government should assure that its penal laws and procedures are actually implemented in practice;
3. Assure that individuals are not arrested arbitrarily, imprisoned for nonviolent opposition to the government or political criticism, held in *incommunicado* detention or for prolonged periods without trial, tortured or ill-treated, imprisoned for the conduct of others, served inadequate food, or held in inhuman conditions of confinement;
4. Abolish the system of classifying citizens according to their real or supposed loyalty to the Government, allowing instead resources to be allocated on more legitimate grounds, such as need, ability, or a governmental plan for growth;
5. Cease restraints on freedom of movement, freedom to listen to foreign radio broadcasts, freedom to write letters, and freedom of expression generally; and

6. Ratify and comply with other international human rights instruments. The DPRK Government should seek to join the International Labor Organization and ratify its numerous conventions on forced labor, freedom of association, the right to rest, child labor, etc., and should ratify the Convention on Prevention of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention and Protocol Relating to the Status of Refugees, the Convention on the Elimination of All Forms of Discrimination Against Women, the Optional Protocol to the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## C. Recommendations to International Organizations

Although this study breaks new ground, the authors are conscious of the need for further effort by the international community. Indeed, there is some evidence that recent questioning of the decision to make Kim Jung Il the heir apparent has resulted in a renewed series of arrests. These developments underscore the fact that the subject of human rights in the DPRK is not static, but requires continual monitoring.

Because of the severe limits which the DPRK has placed upon access to information about its human rights practices, sustained monitoring efforts will be necessary. Such efforts should use Korean-speaking researchers. They should also include systematic interviews with Koreans living in Dong-bei (China), Japan, Moscow, and the Scandinavian countries; businesspeople from Australia, Austria, Hong Kong, Japan, Norway, Singapore, Sweden, and other countries which trade with the DPRK; travelers and journalists who have visited Pyongyang; diplomats who have been resident in Pyongyang; officials of international organizations who work with North Koreans; Chinese who have worked or studied with North Koreans; South Koreans who have had contacts with the North; people who

have escaped from the DPRK; and others who possess information about the DPRK. Researchers fluent in Chinese, Japanese, and Korean should be encouraged to translate pertinent documents on the DPRK. For example, there is a great deal of literature in Japanese which has not yet become available to English-speaking researchers. The present study suggests some of the most fruitful sources of information, which must be pursued with greater resources and more effort. From these diverse sources of information it should be possible to piece together the mosaic which reflects the reality of life in the Democratic People's Republic of Korea.

Other researchers and human rights organizations should take each of the findings of this report and gather the relevant evidence to confirm, challenge, or modify the results set forth here. The present study represents the first comprehensive effort to gather available information about the human rights situation in the Democratic People's Republic of Korea. It is clear that this study should not be viewed as the last word on the subject. Also, as this study is published, it has become evident that the DPRK Government is beginning to initiate efforts to break out of its self-imposed constraints on relations with other countries and is trying to make contacts with a broader segment of people, including influential persons in the United States. As a result, more information may become available. At the same time, these new visitors to Pyongyang should be aware that previous visitors have generally been allowed to see only elaborately decorated showplaces. The DPRK must allow open visits if a realistic sense of North Korean society is to be obtained.

Concerned organizations and governments should make greater efforts to share their information about the DPRK. Since information about the DPRK is so scarce, there is a tendency for organizations and governments to hoard what limited information they possess lest revelations might reveal confidential sources. In addition, the Government of the Republic of Korea has a propaganda interest in limiting or distorting the information available about

the DPRK. Governments which have diplomatic relations with the DPRK, such as Australia, Austria, Norway, and Sweden, often do not want to release information out of fear that their relations with the DPRK or their interests in the country will be harmed. Even different agencies within a single government -- such as the ministry of foreign affairs, the ministry of defense, and the intelligence service -- seem at times to hoard their scarce information from other agencies within the same government, because of jealousy, mistrust, or lack of a broader view. But the discreet sharing of information would permit a better understanding of the DPRK and would benefit concerned organizations, governments, and ultimately the North Korean people.

The members of the Human Rights Committee responsible for the implementation of the International Covenant on Civil and Political Rights and the members of the Committee on Economic, Social and Cultural Rights under the International Covenant on Economic, Social and Cultural Rights should subject the representatives of the DPRK to intensive questioning about the actual human rights practices of the DPRK. The present study suggests subjects for such questions.

The DPRK should become the subject of scrutiny under intergovernmental procedures addressing consistent patterns of gross violations of human rights, authorized by UN Economic and Social Council resolutions 728F, 1235, and 1503, as well as other human rights procedures of the UN Commission on Human Rights, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, the UN Special Rapporteur on Torture, the UN Special Rapporteur on Summary or Arbitrary Executions, and the UN Special Rapporteur on Religious Intolerance.

Researchers and international organizations concerned with human rights should devote more effort to other countries which have evaded significant human rights scrutiny and which require the same sort of sustained investigation as this study has devoted to the Democratic People's Republic of Korea. Among such countries