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HUMAN RIGHTS IN THE DEMOCRATIC PEOPLE'S

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 People's 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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HUMAN RIGHTS IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

A report prepared by Richard Kagan, Matthew Oh, and David Weissbrodt for the Minnesota Lawyers International Human Rights Committee and Asia Watch.

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TABLE OF CONTENTS

SUMMARY AND RECOMMENDATIONS i
PREFACE ix
ACKNOWLEDGMENTS xi

I. INTRODUCTION 1
II. HISTORICAL INTRODUCTION 13
III. INTERNATIONAL LEGAL OBLIGATIONS . . 29
IV. FREEDOM AND EQUALITY (Universal declaration of Human Rights Articles 1, 2, 6, 7) 31
V. LIFE (Art.3) 59
VI. TORTURE AND INHUMAN TREATMENT (Art. 5) 71
VII. PROCEDURAL FAIRNESS IN THE CRIMINAL PROCESS AND THE COURTS (Arts. 8, 9, 10, 11) 77
VIII. DETENTION AND IMPRISONMENT (Art. 9) 97
IX. PRIVACY (Art. 12) 117
X. MOVEMENT 121
A. . . Travel (Art. 13) 121
B. . . Asylum (Art. 14) and Nationality . . . . (Art. 15). 124
XI. FAMILY (Art. 16) 127
XII. PROPERTY (Art. 17) 133
XIII. RELIGION (Art. 18) 137
XIV. FREEDOM OF EXPRESSION (Art. 19) 151
XV. FREEDOM OF ASSOCIATION AND ASSEMBLY (Art. 20) 165

XVI. POLITICAL PARTICIPATION AND VOTING (Art. 21) 169
XVII. ECONOMIC, SOCIAL AND CULTURAL RIGHTS 181
A. . . Social Security (Art. 22) 181
B. . . . Work (Art. 23), Rest (Art. 24), and Slavery . . . . (Art. 4) 182
C. . . . Food (Art. 25) 189
D. . . Clothing (Art. 25) 199
E. . . Housing (Art. 25) 201
F. . . . Health (Art. 25) 203
XVIII. EDUCATION (Art. 26) 207
XIX. CULTURE (Art. 27) 213
XX. INTERNATIONAL ORDER (Art. 28) 219
XXI. LIMITATIONS ON RIGHTS (Arts. 29, 30) . . 223

APPENDICES

APPENDIX 1: EXCHANGE OF CORRESPONDENCE WITH DPRK GOVERNMENT
APPENDIX 2: CATEGORIES OF DPRK RESIDENTS
APPENDIX 3: LIST OF AUTHORITIES
APPENDIX 4: STATEMENTS
APPENDIX 5: SELECTED BIBLIOGRAPHY
APPENDIX 6: PHOTOGRAPHS

INDEX

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-

ly 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 defeated 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 unhealthy 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

which might be the subject of special research projects are Albania, Malawi, Mongolia, and Saudi Arabia.

PREFACE

Aside from efforts to call attention to the plight of particular victims of abuses of human rights and, thereby, to try to generate pressure to alleviate their suffering, the principal method that is now used by groups attempting to promote human rights internationally is to publish documented reports on the human rights situation in particular countries. As a consequence, a small library of such country studies has been produced by a variety of organizations during the last two decades. To the best of our knowledge, that library has not previously included an entry for the Democratic People's Republic of Korea, or North Korea.

The reasons for the omission, of course, relate largely to the difficulty in producing such a report. It has been a daunting task. Yet it seems clear to the groups sponsoring this report that the purpose of producing it is not just to demonstrate that it could be done. The main reason for undertaking this effort has been to ameliorate human rights conditions within North Korea.

Despite its self-imposed isolation, the Government of North Korea has made clear over the years -- from the period a generation ago when it published double-page advertisements in *The New York Times* about its glorious achievements under President Kim Il Sung up to its recent efforts to share in the glory of the Olympic Games held in the Republic of Korea (South Korea) -- that it cares about its international image. In today's world every nation is aware that its record on human rights is important in shaping that image. Accordingly, virtually every government in the world today at least *pretends* to respect human rights.

All too often, of course, there are vast discrepancies between a government's pretenses and its practices with respect to human rights. A documented country report calls attention to those dis-

crepancies. Such a report may persuade a government to narrow the gap between its pretenses and its practices.

In publishing this report, the Minnesota Lawyers International Human Rights Committee and Asia Watch seek to encourage the government of North Korea to change its human rights practices. Because North Korea is such a closed society, it may be more difficult to detect change there than elsewhere. Nevertheless, we will attempt to determine whether this report has any impact, and if it does, to what degree. By maintaining our efforts to monitor human rights developments, we hope to open the closed door of North Korea, at least a crack.

Arych Neier
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Human Rights in the Democratic People's Republic of Korea (North Korea)

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I. INTRODUCTION

A. Objectives

We undertook this study out of a desire to examine a society that had largely evaded international scrutiny of its human rights practices. Many human rights organizations, including our own, have devoted scant attention to the Democratic People's Republic of Korea * because of the tremendous difficulty of acquiring information. We found this inattention troubling. Because the credibility of human rights organizations depends in large measure on their willingness to apply human rights standards to all countries of the world, we feared that the failure to address human rights conditions in countries like the DPRK, albeit for practical reasons, might call that credibility into question.

We began this study with an optimism that, even as to the DPRK, a sustained effort could overcome the many obstacles to human rights monitoring. Now that the study has been completed, we must concede that we have succeeded only in part. Although we believe that we have unearthed substantial evidence of a pattern of gross human rights violations in the DPRK, we at times have been required to state our conclusions in relatively tentative terms. For example, as explained more fully in the next section on methodol-

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* In this study we have tried wherever possible to use the proper name for the Democratic People's Republic of Korea. Since that name is somewhat cumbersome -- particularly if used repetitively or as an adjective -- we have also used DPRK and North Korea. By using such terminology, this study does not express any political or ideological position.

ogy, we were denied access to the DPRK, and thus were forced to rely on accounts by former residents now outside the DPRK and foreign travelers. As a result, the information we managed to acquire was often less comprehensive, or more dated, than we would have liked, limiting our ability to make unequivocal assertions of fact.

We believe, nonetheless, that the conclusions we do reach are sound. There remains the possibility, however, that further research will require modification or updating of our findings. We welcome such research, and, indeed, hope that this study will serve as a springboard to further monitoring efforts. Only ongoing attention will reveal the full dimensions of the serious human rights violations plaguing the DPRK. In the meantime, we feel justified in assigning responsibility to the DPRK Government for inaccuracies that its policies of enforced secrecy might have caused.

B. Methodology

1. Obstacles

We faced several obstacles in our research. The first, which we did not really expect, was a widespread indifference to human rights in the DPRK based on a sense that the problem was so overwhelming that efforts at change were futile. One very visible human rights leader told us that he was initially uninterested in our study because, he believed, everyone knows that "there are no human rights in North Korea; the people are so repressed that there is no dissent and no one in prison." But while human rights in the DPRK are, indeed, severely repressed, we believe that there is a distinct value in documenting that repression in order to illustrate the emptiness of the DPRK's professed respect for human rights, with the aim of encouraging greater respect for international human rights norms.

A second, and rather similar, unexpected obstacle came from some Asian scholars who believe the DPRK is so unique that com-

paring its human rights situation to that of any other country is useless. This study, like the rest of our work, does not engage in such comparisons, but assesses the record of the DPRK against established international standards to which the Government of the DPRK has agreed to be bound. On 14 September 1981 the DPRK acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. By this action, the Government indicated its willingness to be bound by the fundamental human rights guarantees protected by those two multilateral treaties and related international human rights instruments.

We also anticipated a number of barriers to our research which often plague human rights monitoring efforts.* These included:

a. A climate of fear that would prevent individuals from reporting violations because of an inordinate risk of reprisal. As explained more fully in chapter XIV, the DPRK Penal Code contains a number of provisions which effectively forbid the transmission of information about human rights violations abroad. The Penal Code and the policies of the DPRK Government have created a climate of fear which makes it almost impossible to obtain information directly from North Korean citizens currently living in the DPRK. Diplomats and many who have visited Pyongyang report being isolated from ordinary residents of the DPRK because of their extreme reluctance to talk to foreigners. At best, many DPRK residents simply repeat their Government's line that they live in the ideal society, even when faced with direct evidence to the contrary.

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* Cf. Human Rights in Africa: Hearings Before the Subcomm. on Africa and in International Organizations of the House Comm. on Foreign Affairs, 98th Cong., 1st Sess. (1979) (testimony prepared by Stephanie Grant).

b. A lack of popular awareness of human rights norms or expectation that basic rights should be respected. The DPRK Government has taken many measures, explained more fully in chapter XIV, to prevent North Koreans from learning about their international human rights or receiving any information that the Government does not wish them to hear. Article 53 of the DPRK Constitution provides: "Citizens have freedom of speech, the press, assembly, association and of demonstration." In reality, however, these constitutional rights are not known to most North Koreans and are practiced only with specific permission of the DPRK authorities.

c. The lack of an independent judiciary which could respond to reports of human rights violations from an independent bar. As discussed more fully in chapter VII, there is very little evidence of an independent judiciary or an independent legal profession in the DPRK. Lawyers and judges are, in any case, too frightened to provide information to international human rights organizations or to challenge the Government in any way.

d. The lack of domestic organizations which concern themselves with human rights. Because no such human rights organizations exist in the DPRK, there is no natural source of human rights information or publicity of human rights violations. *See* chapter XIV.

e. The inability of the local media to report human rights matters. We have monitored DPRK newspapers and radio for several years and have found no reporting on human rights matters, even though the media does provide some indirect information that gives an indication of human rights problems. The newspapers, radio, and all other forms of media are controlled completely by the Government. No foreign journalists are known to be accredited to Pyongyang, although a few have traveled to the DPRK for very brief and closely monitored visits. *See* chapter XIV.

f. The unreliability of human rights information that does become available. Because the Government is nearly the only source of information from within the DPRK, it emits a steady stream of

self-congratulatory statements which almost certainly are unreliable. Indeed, visitors are frequently presented with obviously fraudulent statements, materials, and demonstrations. For example, a Latin American visitor to the 1987 meeting of the Non-aligned Movement in Pyongyang told of being taken past stores with fully stocked windows. When the meeting adjourned at an unscheduled hour, the delegate passed the same stores to find that the food had been removed before any North Korean shopper could have had access. Another visitor was shown a "typical" apartment with many electrical appliances. The visitor noted, however, that the apartment lacked electrical outlets to accommodate the appliances. A tall Scandinavian visitor was surprised to find that a Pyongyang newspaper photograph of Kim Il Sung and him had been cropped and altered to make it appear that the visitor was not much taller than Kim Il Sung. Many visitors have indicated that their guides made statements which the visitors thought to be absurd and unbelievable; the guides were apparently unwilling to retract these statements even if shown obvious evidence to the contrary.

The Republic of Korea (South Korea) has also engaged in a systematic pattern of issuing misinformation and inaccurate information about the DPRK, often providing inaccurate data to outsiders and then quoting their reports as if they were independent. As a result, any material which derives directly or indirectly from South Korean sources must be checked and rechecked against independent data.

g. A language with which human rights researchers tend not to be familiar. Many human rights organizations do not employ Korean-speaking researchers to investigate abuses in the Korean peninsula. The language barrier has been overcome in the case of South Korea because the country is relatively open to foreign travel, journalists, and to human rights investigators. But since the flow of information from the DPRK is so limited, the lack of Korean-speaking human rights investigators can severely hamper research capacity.

h. The lack of communication links (*e.g.* , telephone, letters, business travel, etc.) with the outside world. As discussed in chapters X and XIV, the DPRK is almost completely isolated from the Western countries where most international human rights organizations and international media are located. The diplomats stationed in Pyongyang represent mainly socialist and Third World countries. Other visitors are often confined to highly regulated show tours which prevent them from seeing more than the Government wishes them to see. Some business travel into North Korea has begun to occur in recent years, but most business visitors are afraid to talk lest their business relations be severed by the Government. And it appears that correspondence with the DPRK is monitored by government censors.

i. The difficulty of relying on a refugee or expatriate community. Much of the information about the DPRK comes from refugees who, because they must continually justify their decision to flee, may not always be the most trustworthy source of information. Since the end of the Korean Conflict in 1953, there have been somewhat less than 1,000 people who have escaped from North to South Korea. The Government of the Republic of Korea (South Korea) has developed a practice of isolating escaped North Koreans for a period varying from a few weeks to two years so as to debrief them thoroughly and ensure that they are not spies. Because these escaped North Koreans are often indoctrinated during this period, evidence gleaned from them must be carefully scrutinized and cross-checked. Some North Koreans, however, have escaped via Japan, Singapore, and other countries, so that they can provide somewhat more reliable information.

j. The impossibility of sending a fact-finding mission to the country. As discussed above, no international human rights organization has been able to send a fact-finding mission to the DPRK. Asia Watch and the Minnnesota Lawyers International Human Rights Committee sought on several occasions during the past two years to obtain permission to visit the DPRK. The DPRK did not answer

any of the letters requesting visits and failed to respond substantively to oral requests tendered to DPRK diplomats at the United Nations. The DPRK Government has been willing to receive various visitors -- many of whom we interviewed -- including selected scholars, journalists, church leaders, and Korean-Americans. But these visits are strictly controlled, and visitors are encouraged to write adulatory comments about what they see. Scholars and others know that strongly negative portrayals of life in North Korea will jeopardize their future access to the country. Some visitors and Asian scholars also have political leanings which may limit the trustworthiness of their reports on the DPRK.

2. Research Steps

These considerable obstacles make understandable the failure of international human rights organizations to undertake more fact-finding and reporting about the DPRK. We hoped to overcome these obstacles through a concentrated effort by a group of scholars who, unlike many human rights researchers, would work only on this single country.

First, the most important step in conducting this study was to recruit a Korean-speaking researcher. We were very fortunate to have a Korean-speaking lawyer who had no previous involvement or apparent bias on issues relating to the DPRK or the Republic of Korea.

Second, we undertook a very thorough survey of the available secondary information on the DPRK, of which we found a tremendous quantity. Although much of this information is in the English language, the most valuable material was in Korean and Japanese. There was additional material in German, Russian, Swedish, and other languages.

Third, we subscribed to the Foreign Broadcast Information Service (FBIS) and other journals that allowed some monitoring of recent information about events in the DPRK.

Fourth, we notified over one hundred scholars and other potential sources of information that we were undertaking the research. We received written responses and obtained documentary information from a large number of these scholars, and we interviewed many of them as well as other secondary informants.

Fifth, we gathered the reports which the DPRK Government has issued about its own human rights performance. For example, the Government has submitted reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, pursuant to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Sixth, we traveled to and/or gathered relevant information from the People's Republic of China, Denmark, France, Japan, the Republic of Korea, Sweden, the Union of Soviet Socialist Republics, and other countries. For example, there are over several thousand Koreans in Japan who have visited relatives in the DPRK. These Korean-Japanese are a substantial resource for information on the DPRK. Very few scholars and human rights organizations have systematically interviewed these visitors. We visited Japan several times to gather information. There also exists a rather insular community of Koreans in Dong-bei, which is the region of the People's Republic of China adjoining the DPRK. We undertook some research in that area, but additional resources and time would yield far more information than we were able to obtain.

Seventh, we interviewed a number of North Koreans who had escaped from their country, as well as foreigners who had previously lived in North Korea but have now left. It would have been best primarily to have interviewed persons whose first place of residence outside the DPRK was not South Korea, as such persons might provide somewhat more reliable information. Unfortunately, we had only limited sources in this regard, as most of the ex-residents of North Korea whom we interviewed came first to live in the South. Nonetheless, we took measures to attempt to guard against

bias. Rather than solicit generalities, the interviews concentrated on personal experiences and observations, daily life, and other concrete matters. Informants were politely cross-examined and the information provided was cross-checked with other sources. We undertook these interviews without the presence of any translator or other person who might have made the interviewed individual reluctant to speak freely. We have summarized several of the interviews in appendix 4, but we have omitted the names of the persons interviewed to protect them and their families from reprisals. The individuals were assured that their identities would be held in confidence. *See* chapter X(B).

Eighth, we organized our analysis around the internationally accepted definition of human rights provided by the Universal Declaration of Human Rights. The Universal Declaration furnishes a simpler format for presenting the report than do the more detailed and complex provisions of the two International Covenants. The basic rights in the Universal Declaration are amplified by the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which have been ratified by the DPRK and which are cited where their provisions add substantially to the norms quoted from the Universal Declaration.

Ninth, we have generally begun each chapter of this report with pertinent provisions from the DPRK Constitution and other laws, as well as official statements of the rights that are afforded in the DPRK. These citations allow the reader to assess the degree to which these official pronouncements reflect the facts we present.

Tenth, we have followed the format of most international human rights fact-finding reports in omitting most footnotes and references to individuals who provided information -- particularly if there is fear of retaliation against family members. We also have not disclosed the identity of other sources (such as academics, businesspeople, and diplomats) because their access to the DPRK might be jeopardized. In some contexts we have cited secondary

sources because they provided significant supporting material. The bibliography provides a list of the most significant primary and secondary sources of published information. By providing only some references, however, the text may give the impression that we lacked sources for the other findings in the report. On the contrary, the findings in the report are supported by interviews, primary materials, or the secondary materials listed in the bibliography, as well as our analysis of the accuracy and consistency of the information that we gathered.

Eleventh, this report does not claim to give a completely up-to-date record of human rights violations in the DPRK, but rather represents a pattern of such violations documented over several years. This report reflects research which was completed up to January 1988, but some more recent information has been added up through October 1988. In some cases we have only been able to illustrate recent violations by reference to occurrences of the past. We believe these gaps reflect our lack of access to contemporary information rather than a fundamental change in current practices. Before incorporating such cases in our reports, we tried to make certain that corroborative information suggested that the practices continued into the recent period. Such corroborative information has come from more recent documents, as well as from diplomats, visiting scholars, businesspeople, and other travelers. Indeed, as a general matter, we have reason to believe that the human rights situation in the DPRK has not changed significantly over the past fifteen years. For example, the information that we collected from multiple sources about the ill-treatment of prisoners shows a very consistent pattern over a wide span of years, through at least the mid-1980s. There is no information suggesting that prisoners at any time through the present have been treated humanely. Contributing to this continuity is the fact that, throughout its history, the Government of the DPRK has had one leader, whose role has been steadily consolidated. For all these reasons, we believe that we have painted an accurate picture despite the obvious difficulties we encountered in gathering information. Nonetheless, with respect to specific reports of abuses, the reader should take seriously the qualifying language that we use, as it has not been possible to confirm each and every report that we believe merited inclusion in this study. If errors emerge, we believe they will be due principally to the DPRK Government, which has sought to shroud its actions under a veil of secrecy. Within these constraints, however, we take responsibility for the conclusions drawn in this report.

Twelfth, we sent a draft of this study to the DPRK Government for its response and comments before publication. Appendix 1 contains our letter submitting the draft report to the DPRK as well as the initial response we received from the Ambassador of the DPRK to the United Nations in New York. The response charged that the draft report was "full of lies and falsifications," asserted that human rights violations in the DPRK are "unthinkable" because the country "is a most advanced one which places the highest value on the sovereignty and dignity of man," and threatened that if we printed the report, we would be "held fully responsible for all the consequences arising therefrom." The response failed, however, to address any of the specific concerns detailed in the report. A short time later, an assistant to the DPRK Ambassador telephoned to inquire whether his letter had been received and whether the report would be published. We told the assistant that the Ambassador's letter was inadequate because of its lack of specificity. The Ambassador then sent a second letter (Appendix 1), which repeated the general denials, again without reference to any specific point in the report.

Finally, because this report addresses the human rights situation in the DPRK and is directed to the DPRK Government, we have generally used the style of Romanization and spelling for Korean words which prevails in the DPRK, unless the words or names relate exclusively to events or persons in the Republic of Korea or elsewhere.

II. HISTORICAL INTRODUCTION

A. Geography, Climate, and Population

Situated in the northern half of the Korean peninsula, the Democratic People's Republic of Korea occupies 47,247 square miles (122,370 square kilometers) and is about the size of Mississippi. The topography is rugged: about 80% of the land area consists of mountain ranges and uplands. The mountains and their wilderness have always limited the area's agricultural output and its population. Nevertheless, they have provided a rich endowment of coal, iron ore, tungsten, lead, copper, zinc, manganese, graphite, limestone, as well as significant amounts of gold and silver. The mountainous areas also provide fertile sources for forestry and, in the highlands, livestock grazing and orchards.

Ranging between the 38th and 48th northern latitudes, the DPRK's climate has four distinct seasons. Temperatures in the summers range from 64 to 75 degrees Fahrenheit (18-24 Celsius) but with high humidity and 50% of the annual precipitation of 40 inches (102 cm.). Typhoon season is usually limited to July. The winters are relatively dry and cold with temperatures varying from 22 degrees Fahrenheit (-5.5 Celsius) to sub-zero (-17.7 Celsius and below).

The DPRK contains over 20 million people -- about one-third of the population of the entire Korean peninsula. The largest city, Pyongyang, has over 1.3 million inhabitants. The Koreans are ethnically distinct from the other peoples of East and Central Asia. Their roots can be traced to the early neolithic period, circa 3,000 B.C. They are proud of their ethnic purity and of their distinctive language and culture.

B. Historical Background*

Although human rights, civil liberties, democratic process, the independence of the judiciary, and individualism were not part of the Korean tradition, despotic, tyrannical, and completely arbitrary and inhumane behavior by a potentially absolute monarch was always placed under a number of checks and restraints. These restraints were primarily political, social, and moral, rather than legal.

Ever since the political unification of the Korean Peninsula in A.D. 668, and even for a century or two prior to that date, the Korean political system was a bureaucratic monarchy modelled after the Chinese imperial prototype. The legal system was also influenced heavily by Chinese precedents, which meant that law was seen primarily as punishment, a means of deterring asocial behavior and keeping an unruly population under control. Individuals were expected to be members of families and clans, and their interests were integrated in and subordinated to the collective interest of the blood group, or of the hamlet that consisted of a number of families living in close contiguity.

Even in its most centralized condition, the traditional monarchs had to operate through a bureaucracy that provided resistance to the king's absolute power. Early in Korean history, society was dominated by a powerful aristocracy which mediated between the power of the monarch and the scattered villages and families in the countryside. Even after the adoption of Chinese modes of bureaucratic recruitment that placed more emphasis on performance than inherited status, the inheritance of status (among all classes, not

* Through Part C. 2, this section is derived from Asia Watch, Human Rights in Korea, 1-12 (1986).

just the aristocracy) remained a powerful force in Korean life. The opposition of interests between the king and aristocrats or bureaucratic aristocrats was the key to the modification of arbitrary despotism. This balance did not mean that all individuals were protected against arrest, torture, and unjust punishment by the state, but it did afford protection to some who were members of the right group or had patrons or connections.

Moral sanctions also played a role in protecting individuals from arbitrary and whimsical persecution by the state. During the millenium when Buddhism was the main organized religion in Korea, the Buddhist emphasis on compassion and karmic retribution had a mitigating effect on brutality and injustice. When Confucianism became dominant, the stress on the priority of moral behavior, education, and tutelage over the use of brute force in political philosophy provided another kind of barrier against despotism and oppression.

Nevertheless, many of the concepts and modes of behavior that Westerners today take for granted were never a part of Korean political tradition. Only the bureaucrats were regarded as legitimate participants in the political system, with the exception of respected and learned Confucian scholars whose criticism might be tolerated by a moralistic and lenient king. Otherwise, critics, even within the bureaucracy, could be arrested at any time either by the whim of a king or the machinations of their political enemies in the bureaucracy. Political as well as ordinary criminal suspects had little protection against the torturers in the prisons. Confession obtained through torture was routine, even though magisterial judges in ordinary criminal cases, in particular, might discount or disallow evidence so obtained. Unfortunately, even though the utility of torture in ascertaining the truth was questioned, no king ever chose to abandon its use for humanitarian reasons.

The question of humanitarianism itself is an interesting paradox. The Korean ethical system (*i.e.*, Confucianism in the last 500 years) was preeminently humanistic but not specifically humanitarian. People were expected to live up to a moral code of

behavior, but if they failed in their duties, they could be imprisoned, tortured, or even executed.

The Western notion of rights was also absent from the Korean tradition. The Japanese had to coin a term for rights, probably in the late ninteenth century. During that period, Koreans borrowed words like rights and democracy from the Japanese, who destroyed the Korean Choson dynasty and took over the country in 1910.

1. Japanese Colonial Period

Japanese rule for the first decade to 1919 was extremely harsh; the country was run virtually under martial law. Only after March 1st demonstrations in 1919 did the Japanese decide to liberalize some of the harsher features of colonial rule, allowing Koreans to organize associations and publish ideas in their own language. The period of the 1920s was freer, and saw the organization of communist parties as well as a host of activities by non-communist nationalists. Nonetheless, the Japanese were not about to relinquish control just because they seemed to be on the road to creating liberal democratic institutions in Japan proper during this period. And when the tide of liberalism in Japan was reversed after the Manchurian Incident in 1931, Korean opportunities for individual freedom and political participation were contracted steadily, culminating in the wartime mobilization programs that began after the initiation of the war with China in 1937 and the attack on the United States in 1941.

At the end of the colonial era Koreans were treated as the subjects of the Japanese emperor, conscripted into the military or mobilized into forced labor in the mines and factories in Japan and other parts of the empire. The Japanese attempted to obliterate all traces of Korean national consciousness, including the Korean language and Korean family names. This policy could not be carried out by tolerating human rights or greater individual freedom.

Furthermore, the colonial era witnessed the beginnings of industrialization and the creation of an urban, industrial working class. The Japanese established a model of state-planned bureaucratic capitalism in which the whole economy was geared to the goals of Japanese empire. The few Korean entrepreneurs allowed into the system could only survive by cooperating with the colonial rulers. There was no other way to gain access to capital, find markets for their goods, and obtain protection against the cyclical downturns or unanticipated ill-fortune that might occur in the business world. The whole economy became but a cog in the wheel of Japanese imperial ambitions: agriculture was geared to produce surpluses of rice for the Japanese population in the home islands; the infrastructure was built to link Japan to the continental empire; and industry was developed to fit into an empire-wide scheme for the division of labor. If Koreans were being tutored in anything during the colonial period, it had nothing to do with democracy, liberty, and human rights. To the contrary, they were learning how to industrialize without the constraints of individual freedom and democratic participation.

The colonial period also created the conditions for social upheaval, class conflict, political struggle, and potential revolution. * The issue of the proper tactics for national liberation became a divisive force among Koreans who disagreed over whether to wage armed guerrilla war against hopeless odds in Korea and Manchuria or to appeal to the Western powers to intervene on moral grounds while accepting the fact of Japanese political control at home, working all the while to cultivate a sense of national consciousness, independence, and purpose through education in the Korean peninsula. In general, the communists and some non-communist nationalists

* Bruce Cumings, The Origins of the Korean War (1979).

opted for the first alternative, while most of the non-communist nationalists chose the peaceful, accommodationist route to eventual liberation. Even though organized communism was suppressed ruthlessly and efficiently by the Japanese constabulary and the guerrillas were eventually driven out of Manchuria as well as the Korean peninsula, the introduction of Marxist ideas and Leninist organization into the industrial work force and the rural peasantry and the example of militant anti-Japanese nationalism on the part of the Korean communists attracted widespread tacit sympathy if not direct support throughout the population, in particular the legions of rural tenants and urban workers. Furthermore, the uprooting of people from their native villages and incorporation into the factories, mines, and armies of the Japanese empire stimulated the emergence of activist and radical elements in Korea who returned en masse to the peninsula at the end of the Second World War.

2. The Division of Korea and the Korean War

Hence, liberation found Korea a deeply polarized nation, and one which was already the scene of rivalry between the US and the USSR. The entry of the USSR into the war against Japan, after the defeat of Germany and at the urging of the US, had put it in a position to conquer Manchuria and Korea before US forces would have had a chance to arrive. With the US fearing this, the USSR accepted a US proposal that that American forces would accept Japanese surrender south of the thirty-eighth parallel and the Soviet forces would accept it to the North.

In the immediate post-World War II period, the US and the USSR attempted to move toward a united Korea. Following up on war time understandings, the Moscow Conference of December 1945 agreed to establish a four power trusteeship for five years and established a US-USSR Joint Commission to work toward a unified provisional government for Korea. The Commission met in 1946 and 1947, but it soon became clear that it would fail because of the

deterioriating relationship between the superpowers and the polarization within Korea. In the meantime the US and the USSR each strove to see to it that the segment of the peninsula under its control came to have a government congenial to its aims.

In 1947, the US submitted the Korean question to the UN General Assembly and, despite Soviet protests, obtained approval for the establishment of the UN Temporary Commission on Korea (UNTOCK) which was to conduct nation-wide elections in Korea as a step toward forming a single national government. Pyongyang refused to admit UNTOCK to North Korea and on 10 May 1948 elections were held in the South only. The establishment of separate states, each claiming to be the sole legitimate government of all of Korea, followed swiftly. On August 15 the Republic of Korea was proclaimed in the South with Sungman Rhee as President. On September 8 the Democratic People's Republic of Korea was proclaimed with Kim Il Sung as premier.

From the outset, the DPRK claimed a more legitimate right to represent the entire people than the US-supported government in the South. The DPRK proposed a national election, instead of the regional election which had occurred earlier only in the South. Some historians believe that a large part of the Korean population supported a national election. That election never occurred.

Prior to the Korean War, during the period of 1945 through 25 June 1950, over 100,000 persons were killed in the southern part of Korea in clashes between the Government in Seoul, supported by the United States, and anti-Government forces, including Communist Party members and Korean nationalists.

In late 1948, the Soviet Union withdrew its troops from the peninsula and the US withdrew its in 1949. A high level of tension and frequent skirmishing continued along the 38th parallel until the spring of 1950. Then on June 25, reinforced by tens of thousands of Korean veterans of the Chinese civil war, North Korea invaded the South and tried to unite the peninsula by force. It almost succeeded. The US quickly entered the war under UN auspices and

reversed its course with General MacArthur's landing at Inchon behind North Korean lines. Later, as the UN forces approached Manchuria -- after conquering much of North Korea -- and MacArthur spoke of using atomic weapons against China, Chinese troops entered the war and reversed its course again. After several major reversals a stalemate developed near the 38th parallel leaving each side in a position similar to what it had held in June 1950. On 27 July 1953, an Armistice was signed at the border village of Panmunjom. By then, the war had left both sides in a traumatic state. Countless structures, particularly in the northern part of the Korean peninsula, were destroyed. Pyongyang and Seoul were reduced to rubble. Damage in Pyongyang and the North was particularly severe because it suffered a far greater share of the US bombing.* Casualties were enormous: in the North there were some one million civilian deaths, 500,000 military deaths, and nearly three million refugees; in the South 150,000 were killed, 250,000 wounded, 200,000 missing, and several million homeless.

The polarization apparent in 1945 had deepened tremendously. The two unremitting hostile states have continued to confront each other until the present. Each government has worked to create maximum fear and loathing of the other side in its population -- apparently in part out of conviction and in part to legitimize and strengthen its rule of its own people.

The Republic of Korea has armed forces totalling about 600,000 with ground force reserves of 1.1 to 1.4 million. The DPRK

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* Child of Conflict: The Korean-American Relationship, 1943-53, at x (B. Cumings, ed., 1983).

has armed forced totalling between 600,000 and 838,000, plus 230,000 to 500,000 in the ground force reserves.* The United States still has 40,000 troops on active duty in South Korea. Although Chinese troops and advisors left the North in the late 1950s, the DPRK continues to rely heavily on the Soviet Union and the People's Republic of China for economic and military support.

Armistice talks and other contacts continue at Panmunjom. Occasionally, hostilities and border incidents are reported. The Republic of Korea has charged the DPRK with constant acts of terrorism, bombings, raids, and the digging of tunnels under the border. In August 1986 the DPRK's Secretariat of the Committee for Peaceful Reunification of the Fatherland charged that there were 20,400 violations of the armistice agreement from serious to trivial by the Republic of Korea in the first seven months of 1986. The total number of violations since 1953 were given as 440,000.

3. The Establishment of the Democratic People's Republic of Korea: 1948 - present

a. Kim Il Sung's Rise to Power

The personality, power, and authority of Kim Il Sung pervade the DPRK, and contemporary Korean history has been rewritten to support a revisionist view that aggrandizes Kim's role. Central to the propaganda is Kim's theory of "juche" (self-reliance), according to which the North Korean struggle against Japan, the United States, and world imperialism has been initiated and led by a single

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* See e.g., American Friends Service Committee, Two Koreas - One Future? (J. Sullivan and R. Foss, eds., 1987); R. Scalapino & J. Kim, North Korea Today 158 (1983).

man, Kim Il Sung, the self-designated Great Leader. The image of a unique superhero emerges: Kim Il Sung was born on 15 April 1912, read *Das Kapital* in Middle School, founded the first Korean Communist Party in the 1920s, independently organized and led a band of Korean guerrillas against Japanese rule, and successfully liberated Korea. There is no apparent credit given to Chinese or Russian support in these achievements.

Behind this cult a more accurate, but still at times conflicting, picture of Kim and his rise to power can be developed. On the one hand, some historians portray the young Kim Il Sung as a minor and politically dependent Korean nationalist. For instance, Professors Scalapino and Lee note that Japanese reports on the Korean nationalist guerrilla movements in Manchuria pay little attention to Kim. * On the other hand, another respected scholar of Korean history, Bruce Cumings, has found evidence in Japanese files of major counterinsurgency campaigns against Kim's guerrilla forces during the period 1939-1941. These Japanese military efforts were reported to have lasted for months and employed more than 150,000 Japanese troops. There is, however, general concurrence that Kim Il Sung began his revolutionary career in 1932. From 1936 he became more prominent as a charismatic and able gucrilla leader. He was never captured by the Japanese; survived the factionalism, defections, and deaths of his comrades; and became closely identified with Korean nationalism.

Overwhelming Japanese military pressure forced Kim Il Sung and a small band of 300 fighters back into the forest wilderness of

* R. Scalapino & C. Lee, Communism in Korea. Part 1: The Movement 202, 229 (1972).

the Manchurian border regions and, by 1941, to the USSR, probably in the vicinity of Khabarovsk. Because of his identification with Korean nationalism, and with the help of Soviet support, Kim emerged as the political leader of post-war, Soviet-occupied Korea.* The Soviet military provided the base for this ascension. It helped Kim organize both the Korean People's Army and the Korean Workers' Party. In September 1948, when the Democratic People's Republic of Korea was formally proclaimed, Kim Il Sung held the positions of Premier of the government, head of the Party, and Commander-in-Chief of the military.

b. Purges

The leadership of the new government was composed of five major factions: 1) non-communist nationalists, 2) native communists, 3) Soviet-Koreans, 4) the Yenan or Chinese group, and 5) the Kapsan group led by Kim Il Sung.** Although Kim's group was minuscule and lacked a rural constituency, Kim is believed to have drawn upon his experience of factional infighting in Manchuria to begin a systematic purge of his rivals.

By 1950, the leadership of the non-communist nationalists was nearly immobilized through assassination, arrest, disappearance, and political intimidation. These moves were often justified by accusations of "anti-Soviet" conspiracies. One prominent leader, Cho Man Shik, the Chairman of the five-province Committee of the North, was arrested in 1947 and assassinated during the Korean War.

* See Simmons, The Korean Civil War in Without Parallel 143, 144-45 (ed. F. Baldwin 1973).

** The Kapsan group was named after the area in China where Kim and his small band fought the Japanese in the late 1930s and early 1940s.

Kim also enlisted Soviet- and Chinese-Koreans to eradicate nationalists at the local level.

The entrance of Chinese military troops and economic advisors during and after the Korean War provided crucial support for Kim, though this support is rarely mentioned in current hagiography of Kim and official North Korean histories of the Korean War. The economic restructuring of the North after the Korean War would have been impossible without Chinese advisors, workers, and economic aid. The Chinese may have formed a buffer between Kim and the Korean people, allowing Kim to remove opponents without disrupting the course of the war and without unduly harming economic reconstruction. From 1945 to 1953, over 25 percent of the population under Kim's rule migrated to the South, including many dissidents and young people.

The Korean War provided Kim with an excellent opportunity to purge the non-Kapsan communist groups. According to one former Korean Workers' Party official now in exile in Moscow, nearly 90% of the generals from the Soviet faction were either executed or exiled to the Soviet Union.* While this high figure cannot be confirmed, there is little question that such a purge took place. A similar fate befell the generals in the Yenan or Chinese faction.

A parallel purge of non-Kapsan members occurred within the Party and the Government. Of the 22 members in the first DPRK cabinet, 17 were believed to have been executed, assassinated, or purged. And of 600,000 Party members, fully three-quarters, or 450,000, were reportedly punished for violating Party rules.

By the 1960s, rivalry developed within the Kapsan faction between those controlling the military and those in charge of the Party. Kim Il Sung responded with extensive purges. By 1968, al-

* Lim Un, The Founding of a Dynasty in North Korea 195 (1982).

most two-thirds of the positions for local cadres were vacant, their occupants having been killed, detained, or demoted. He launched similar purges of military leaders.

The 1972 Constitution appeared to mark the final step of Kim Il Sung's move from collective to one-man rule. As the General Secretary of the Party, President of the State, Commander of the Army, "Father" of the society, and architect of the only permitted ideological system, "juche," he had positioned himself as the paramount leader of the DPRK.

Since the 1970s further purges have helped to consolidate Kim Il Sung's rule by removing disloyal elements. They have also helped to legitimize Kim Jung Il's planned succession to his father's position by removing independent power centers. Under the guise of "anti-sectism," purged Party members have been imprisoned or relocated to remote villages. Among those officials purged have been five former politburo secretaries, a deputy chief of the Korean People's Army, two former Vice-Premiers, and a former head of the Ministry of State Security.

c. Economic Development

The DPRK's industrial development policies are modelled after Stalin's industrial policy. The DPRK has emphasized heavy industry at the expense of light industry and consumer goods, with particular emphasis on the extractive industries of mining, forestry, and chemicals. Official statistics, though unreliable, indicate an impressive industrial growth of over 15% per annum. Although poor management and inadequate quality controls have created severe bottlenecks, the war-ravaged nation has become a major industrial force. In 1980, industry contributed over 70% of the national income. About 41% of the population is engaged in agriculture, forestry, and fishing.

Economic progress has been achieved by the mass mobilization of workers, the restrictions on consumer goods, and a military-

like campaign to marshall labor. In lieu of financial rewards, stress has been placed on the purity of will, patriotism, loyalty to the leadership, and revolutionary morality. The society is organized to meet hourly, daily, monthly, and yearly quotas. This organization requires a highly disciplined and self-sacrificing work force, reinforced by an intricate network of secret police. Korean workers know that they can find personal security only by working relentlessly and without complaint. Indeed, Korean citizens are expected not only to be loyal to the Kim government but also to demonstrate their loyalty by extreme feats of productivity and by informing the authorities of any failures by neighbors.

Under the DPRK's land policy, the Government has accumulated considerable state-owned property by taking over large land holdings, former Japanese properties, and the land of people who fled to the South. This process was completed relatively quickly and, for the most part, without substantial violence. As a result, agricultural growth in the 1960s and 1970s was impressive. The use of chemical fertilizers, the cultivation of new land, and the mass mobilization of farmers resulted in large yields. Consumption, however, was restricted by a rationing system that reserved a significant portion of the harvest for export.

During the 1950s and 1960s economic aid from the USSR and the People's Republic of China was essential to reviving the economy. Beginning in the 1970s this aid decreased precipitously, contributing to economic stagnation and decline over the last decade. In recent years, observers have noted that there is malnutrition and even hunger in some areas.

Observers have argued that the DPRK's economic problems appear to stem in part from the poor quality of its industrial products, which has limited exports and, as a result, foreign payments. Kim Jung Il and other government leaders seem aware that opening the economy to foreign trade and foreign influences will facilitate movement toward a higher technology (and therefore more competitive) economy. Such a step, however, will require modifying the ideology of self-reliance and the emphasis on heavy industry. Some analysts hope that it will also ameliorate the harshness of the political system.

In general, the DPRK runs a deficit in its foreign trade.* Although it has a favorable balance with non-market economics, its balance with market economics (Japan and Europe) have created the deficit. In 1987 DPRK exports to all countries totalled US $1.7 billion, and imports totalled US $2.4 billion. Major imports were petroleum, machinery, equipment, wheat, steel, and textile products. Exports were marine products, rice, textiles (including raw silk), and mineral commodities such as barite, talc, cement, and magnesia. The DPRK has over US $1 billion in debt owed to banks in Europe and Japan.** Most of its imports are now believed to be paid for exclusively in cash.

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* Data on the DPRK's foreign trade are sketchy and in many cases inaccurate. This difficulty is due both to the lack of readily available information and to the fact that it is difficult to develop adequate statistics about non-market country commodity trade, to which currency equivalents are not easily attached.

** According to a recent interview with Prime Minister Li Cun Mo, the DPRK debt is "about US $1 billion." Harrison, The "Great Follower" Kim Il Sung promotes a Chinese-style open-door policy, Far Eastern Economic Review, 3 December 1987, at 36 [hereinafter cited as Harrison.] The Yonhap Tangshin News Agency in Seoul reported that the foreign debt of the DPRK increased from US $1 billion in 1985 to US $5 billion in 1987.

III. INTERNATIONAL LEGAL OBLIGATIONS

In 1981, the DPRK acceded to and thus became bound by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The DPRK has also acceded to the four Geneva Conventions for the Protection of Victims of War of 1949 and ratified the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

The DPRK has not, however, ratified any other major international human rights instrument. It has not accepted any of the more than 160 international labor standards of the International Labor Organization, including the Abolition of Forced Labor Convention and the Freedom of Association and Protection of the Right to Organise Convention. It has not ratified the two Additional Protocols of 1977 to the Geneva Conventions, the International Convention on the Elimination of All Forms of Racial Discrimination (ratified by 124 nations), the Convention on the Prevention and Punishment of the Crime of Genocide (ratified by 97 nations), the International Convention on the Suppression and Punishment of the Crime of Apartheid (86), the Convention on the Elimination of All Forms of Discrimination Against Women (94), the Convention and Protocol Relating to the Status of Refugees (101), the Convention against Torture and Cruel, Inhuman and Degrading Treatment or Punishment (41), the Optional Protocol to the International Covenant on Civil and Political Rights (40), the Slavery Convention (85), and the Supplementary Convention on the Abolition of Slavery (102).

IV. FREEDOM AND EQUALITY

Article 1, Universal Declaration of Human Rights

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

> All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

A. Introduction

Article 51 of the DPRK Constitution provides: "Citizens all enjoy equal rights in the political, economic and cultural and all other spheres of State and public activity."

Article 62 of the Constitution provides:

> "Women are accorded equal social status and rights with men. The State affords special protection to mothers and children through maternity leave, shortened working hours for mothers of large families, a wide network of maternity hospitals, creches and kindergartens and other measures. The State frees women from the heavy burden of household chores and provides every condition for them to participate in public life."

Despite these constitutional provisions, the DPRK Government has imposed on its citizens a rigid system of unequal rights and duties. The system appears to be derived from a complex set of rules based on one's social classification; the rules establish one's status, privilege, food ration, opportunity to travel, occupation, access to health and educational facilities, and punishment for political and common crimes. This system is reported to be so extensive that virtually every aspect of a person's life and security is governed by it, yielding vast inequalities. Citizens have no right to challenge

their classification, which can be altered at any time based on information gathered by several independent surveillance groups. The result is a powerful mechanism for Party control of society.*

* The Yi dynasty and the Japanese occupation provide historical precedents for this rigid classification system. The system, known as Sungbun, is rooted in Confucian metaphysical thought and social practice. When Korean intellectuals and political leaders adopted Neo-Confucianism in the early Yi dynasty (founded 1392), they refined the theory of social class. In Chinese thought, one's behavior was a reflection of universal and immutable laws. Through correct social behavior one could achieve unity with heaven. Correct social relations were not a vehicle to promote individual happiness or personal gain, but a means to integrate the individual into a collective whole that would preserve natural harmony. This metaphysical analysis led to the legitimization of a social hierarchy in which all people had their place, but where limited social mobility -- upward and downward -- was possible. People were defined by their individual social roles, and thus integrated into a well-defined system of class or status. The Japanese conquered the Yi dynasty in 1910 and established their own rule. Japanese colonialism replaced the native hierarchy with its own equally rigid though alien hierarchical rule. When the Soviet Army arrived in Pyongyang in 1945, they found a poor and chaotic society. With the support of the Soviet military, Kim Il Sung gradually imposed his own stratification. The new class of soldier-politicians, the carriers of the Marxist ideological system, became members of the Korean Workers' Party. Like their Neo-Confucian forefathers, they became the custodians of the prevailing ideology, in this case Marxist-Leninism as interpreted by Kim Il Sung. The new system appeared to differ from past hierarchies primarily in its ability to be more severe, more demanding, and more inexorable in forcing individuals to suppress their private desires and to identify with the needs of the leadership.

The first part of this chapter discusses the classes and categories into which the DPRK Government is reported to have divided North Korean citizens. The second part discusses the social, legal, and distributive inequalities that result from this classification system.

B. The Classification System

Beginning in 1958, President Kim Il Sung initiated a program to divide all North Koreans into three classes estimated to include 51 categories. The 51 categories are not publicly acknowledged by the Government. In fact, there may in the 1980s be a lessening of the enforcement of policies directed at individual categories.

A person's status appears to be determined by several factors: loyalty to and potential to work for the State, class background (the family background is said to include the last three generations), and birthplace (whether in the northern part of the Korean peninsula).

Available information suggests that in recent years, the classification system has divided all North Koreans, in the first instance, into one of three classes: the core class, the wavering class, and the hostile class. According to a number of sources, citizens have been required to wear badges that identify their class; the badges also have pictures of Kim Il Sung.*

The core class is believed to consist of three sub-groups. The highest includes Kim Il Sung and his family and relatives. Next is a sub-group of leaders, estimated to include about one percent of the population. And below them are the loyal followers of the Government, consisting of about one-quarter of the population.

* See, e.g., Interview with a former agent on fishing vessels who left the DPRK in February 1978 and who was interviewed in September 1986. See appendix 4.

Kim Il Sung, his family, and his relatives appear to have the most power, privilege, and access to resources. The nature and extent of the benefits accorded to Kim, his family, and his relatives, especially in the context of the system of stratification he has established, raise concerns about equality, discrimination, and accountability to the ruled. For example, Kim Il Sung's son and heir-apparent, Kim Jung Il, is said to have over 15,000 foreign films in his movie library.* Both Kims have ordered lavish public construction projects that adulate their personalities and rule, including a larger-than-life likeness of the Arc de Triomphe in Paris, as well as tens of thousands of statues and large photographs.

The elite leadership numbers approximately 200,000. It lives primarily in Pyongyang, where it has access to high technology health-care institutions; extravagant bath houses; special schools; private restaurants that serve Chinese, Russian, and Japanese food; and clothing establishments offering furs and fashionably warm clothing. Access to these services does not appear to be primarily a function of income level, but is rather a function of political status. Similarly, members of the elite are permitted private telephones, and are granted permission to read foreign publications, to possess radios that can receive foreign radio broadcasts, and to travel abroad. The

* Kim's film library is in a tunnel 50 meters long, and he is said to own over 7,000 Western movies. He is particularly partial to spy dramas, westerns, violence, horror, and sexual films. One of his favorites is said to be Butterfield 8 with Elizabeth Taylor. He has claimed that he tries to understand the West through its movies, and reportedly believes that the capitalists make movies to destroy the concept of class and class struggle. Cf. Harrison, supra.

elite's greater cultural freedom means that it is not restricted to viewing propaganda movies and theatrical performances approved by the Party.

For example, a national hero who was a member of the Spy Unit of the Korean Workers' Party stated that he possessed many of the perks of the privileged elite, although technically he was a member of the lower subgroup of the core class.* The result was a lifestyle that was luxurious when compared to that of ordinary North Koreans. (*See*, *e.g.*, chapter XVIII.) He said he lived in a special district in Pyongyang,** had five rooms and owned luxury items not available to the general public: a refrigerator, a color television, a combination shower-bathtub, and a chauffeur-driven Mercedes Benz. Despite a shortage of electricity in Pyongyang, he said he could consume electricity without restriction.

His grain ration was apparently filled entirely with rice -- the most desirable grain in the eyes of North Koreans -- and that of his family members was filled by a blend of 50% rice and 50% wheat flour, as opposed to inferior blends received by members of the lower classes.*** The amount of his rice ration was also a relatively high 800 grams per day, more than he could consume. He also received 8 kilograms (17 lbs.) of beef per month, plus chicken,

* Interview with former spy, who left the DPRK in 1976 and who was interviewed in September 1986. See appendix 4.

** The area in which he lived was officially outside the control of ordinary police surveillance, but he continued to be subject to political surveillance and eavesdropping.

*** Available information suggests that the grain ration for an average family is filled by a blend of 30% rice and 70% corn flour. See discussion of food in chapter XVII(C).

pork, oil, and other special foods which were not available to the general public. His rations were free, even though the public had to pay for their food.

Airplane pilots seem also to have enjoyed similar power and status. One pilot defector confirmed that his grain ration was filled entirely with rice, and that he received large quantities of meat and supplementary foods.* He was able to listen to foreign broadcasts on his airplane radio. He was given first class seats on the train. And he claimed that, as a member of the elite, he was not really subject to public rules or restrictions.

The sub-group of loyal followers appears to consist of those who are deemed to be devoted to the DPRK Government. This subgroup is estimated to be about one-quarter of the population, or five million people. Members of this sub-group appear primarily, if not exclusively, to live in the large cities. They are believed to enjoy prestigious occupations, and serve in high posts in the military, the Party, and the Government. Available information suggests that this group is comprised of diplomats; ranking officials of mass organizations, ministries, factories, and agricultural units; professionals such as engineers, doctors, athletes, and actors; and some specially designated descendants of revolutionaries or war heroes.

The wavering (uncertain) class is reported to be the second class and to consist of those who officials believe cannot be trusted with power. They are said to comprise over half the population. Members of the class are said to have something in their background that is believed to render their loyalty suspect, particularly in times of emergency. Being a former member of the commercial or professional class is believed to be sufficient to raise such questions of loyalty. Members of this class generally work as lower-echelon

* Interview with former pilot, who left the DPRK in February 1983 and who was interviewed in September 1986. See appendix 4.

cadres, technicians, ordinary workers, peasants, office workers, and low-level professionals such as nurses and teachers. They subsist on a very restricted income and tight food rations. Both husband and wife must work to feed their family. Their education is poor, and their health needs are inadequately met. They usually live in small towns and rural areas, and are not allowed to live in Pyongyang (apart from a specially designated area of Pyongyang) or to travel there without special permission. Interviews suggest that the people of the wavering class are under close surveillance by the Ministry of State Security, and are kept busy with work projects, political study sessions, neighborhood meetings, and continual demands to display their loyalty to Kim Il Sung, Kim Jung Il, and the Party.

The third class is reported to be termed the hostile class, which consists of those individuals with backgrounds of actual opposition to the Government or other attributes deemed to be indicative of disloyalty or discontent with the political and social system. Such disloyalty is reportedly attributed to descendants of the landed gentry, capitalists, westernized intellectuals, Korean officials who worked with the Japanese, religious leaders, or relatives of those who escaped to the south. Members of this group are assigned to dangerous or hard labor. Because they are rarely seen by foreign visitors or discussed in the North Korean press, it is difficult to estimate their numbers, but they appear to comprise about 20% of the population, or about four million people.

As noted, the class system is further subdivided by a series of sub-classes or categories. Between 1958 and 1980 there were believed to be 51 such categories, a listing of which is set forth in appendix 2. The Public Security Ministry is believed to have classified the entire population in order to prevent anti-Party and counter-revolutionary elements from infiltrating the Party and military. Although some of these categories now appear obsolete (*e.g.*, #24 Domestic capitalists, #25 Landlords) and there may in recent years have been a lessening of enforcement of policies directed at those categories that remain, categories are still believed to affect

status and living conditions for those people assigned to them. The category to which one is assigned may affect one's treatment under the legal system, one's allocation of rations, one's ability to receive permission to travel, and a multitude of other factors affecting one's livelihood.

According to Korean-Japanese visitors to the DPRK and former DPRK officials, Kim Jung Il initiated several programs in 1980 to check on Koreans who had come to the North from the South or who had been repatriated from overseas. These loyalty checks reportedly resulted in the addition of 13 new, sometimes overlapping, categories, for a total of 64. The new categories are believed to be the following:

1. Those who defected to the North after committing acts against the Seoul authorities;
2. Those who defected from the South to the North;
3. South Korean fishermen who defected to the North;
4. Those repatriated to the North from other countries;
5. Those who smuggled themselves into the North from abroad;
6. Espionage agents released from prison;
7. South Koreans who joined the North Korean forces during the Korean War;
8. Those discharged from the Construction Corps;
9. Those who defected from China;

10. Those who defected from the Soviet Union;

11. Chinese residents;

12. Japanese residents; and

13. Those who have returned from abroad.*

Citizens appear to know their class status, that is, whether they are in the core, hostile, or wavering class. But only the security agencies know one's category. There is no right to inquire into one's category or any procedure for doing so. In addition, the Public Security Ministry can change one's category arbitrarily.**

C. Legal Consequences

An accused's class and category can have a substantial effect on the way he is treated by the DPRK justice system. For example, the severity of punishment for common crimes such as rape, robbery, and homicide appears to be affected by one's classification, although this discrimination is not reflected in North Korea's criminal code. Members of the elite appear to be punished much less severely than others, particularly if the crime they commit is against a lower-class citizen. For example a farmer in the hostile class is reported to have received 15-20 years in jail for illegally slaughtering a cow. Although this offense could have been seen as

* There is some ambiguity and overlap between certain of these categories.

** Each of the former DPRK citizens interviewed knew their classification, but not their place in the more detailed system of categories. See appendix 4.

a common crime, it was viewed as a political-economic crime. According to a former DPRK resident with access to the official documents in the case, the farmer was deemed not just to have killed a cow, but to have destroyed the operations of the general economic plan. According to a well-respected scholar on North Korea, if the farmer had been from the core class, his offense would have been viewed as a common crime and his punishment limited to 1.5 years.

Punishment even of the elite is believed to vary according to sub-classification. For example, a former DPRK official with first-hand knowledge told of punishments inflicted against five students at the Pyongyang Foreign Language School. The students had all apparently commited the same offense. Their punishments reportedly varied according to their background, despite equal culpability. According to the information received, the first student, because he was president of the School's English Department and had a very good class background, was given a "light" warning. The second and third students were given "heavy" warnings because they had a lower classification than the first. The fourth student was expelled because he apparently had the lowest classification of the four. The fifth student's punishment is unknown.

Political prisoners are also believed to be treated differently on the basis of their classification and their potential to serve the state. Certain members of the elite leadership reportedly continued to receive their salaries and above-average rations while in confinement. Later they were said to have been released and returned to government office. Similarly, an imprisoned South Korean film director who had been taken to North Korea received relatively favorable treatment because he was protected by Kim Jung Il. He

received what he termed level-four rations* and was imprisoned in a section of the camp for special prisoners who were not assigned hard labor. By comparison, he observed, other prisoners who had lower classifications were held under much less favorable conditions.**

In addition, being assigned to certain classifications alone have made persons subject to state sanction. For example, it is apparently a crime to be from a family of someone who fled to the South. An actress who had been imprisoned in North Korea reported that she had met one widow who was incarcerated when it was learned that her husband had escaped to South Korea during the war, more than forty years earlier. The widow was banished to a concentration camp in Tongbukni, about 50 miles north of Pyongyang. At the time the widow was surviving on what was described as level-one rations.***

D. Rationing

It appears that at least two factors have determined the amount of food a worker is permitted to obtain. First, if his work requires a tremendous amount of energy or if he holds a prestigious job, he is believed to be entitled to a greater ration: 800 grams of

* While those level-four rations appear to have consisted of almost two bowls of rice per day, they provide an above-average prison diet. After an escape attempt he was reduced to level-one rations for four months. Level-one rations are extraordinarily limited and may not be adequate to sustain life over a long period. For a discussion of the ration system and the extremely low quality and quantity of food provided, see chapter XVII(C).

** One former pilot who was permitted to visit prisons confirmed this varying treatment for different categories of prisoners. See appendix 4.

*** See chapter XVII(C).

grain or more per day. Second, the ration has reportedly varied according to one's classification, in 12 different gradations. The North Korean Government has not announced these gradations publicly. The two top ration levels are believed to be reserved for Kim Il Sung's family and special foreign guests. The next highest, or 10th grade, is believed to be for high-ranking party officials above the cabinet level; rations are provided through "#10 stores." The lowest grade, for people in jail, appears to allow for less than 200 grams of grain per day. This data suggests that the authorities may intend for long-term recipients of level-one rations to die eventually, since the quantity is below the level required to survive. One North Korean, now a resident in Japan, claimed that most prisoners starved to death within two years.* The rationing system is discussed in greater detail in chapter XVII(C).

E. Repatriates from Japan**

From 1959 to 1982 a total of 93,000 Korean residents of Japan, including 6,637 Japanese wives, repatriated to North Korea. Responding to nationalistic appeals and promises of a bright future, many Koreans in Japan brought their Japanese wives and children to the "homeland." The DPRK Government had assured the Japanese wives (1,828 out of the 6,637 still had Japanese citizenship) that they

* Former DPRK security officials have described the very harsh conditions of prisoners. Most interviewees from North Korea talked about people of lower classifications who disappeared from their homes and who never returned. There is evidence that some people of higher classifications have returned from prison.

** One of the principal sources for this section is Kim Won-jo, Todo no Kyowakoku: Kita Chosen Gemmetsu Kiko, Aki Shobo (Japanese Publisher), (1984).

could visit Japan every two or three years. In fact, none are known to have returned to Japan.

The Korean residents of Japan whose families returned to the DPRK report that most of the Korean returnees and their families have been categorized in the wavering or hostile classes.* Upon their return the "brothers" were given poor food, clothing, and housing. Most suffered assignment to hard labor. The Korean officials identified them with the pejorative Japanese term "kipon," meaning returnees. They are treated with contempt and disdain. As a result of their treatment, some returnees are believed to have become mentally disturbed and to have committed suicide. Others tried to escape to China or the Soviet Union, but most of these are believed to have been captured and executed. Those returnees who protested were reportedly placed in detention centers or publicly executed by firing squads.

The few direct reports or letters coming out of North Korea from the returnees express despair and hopelessness:

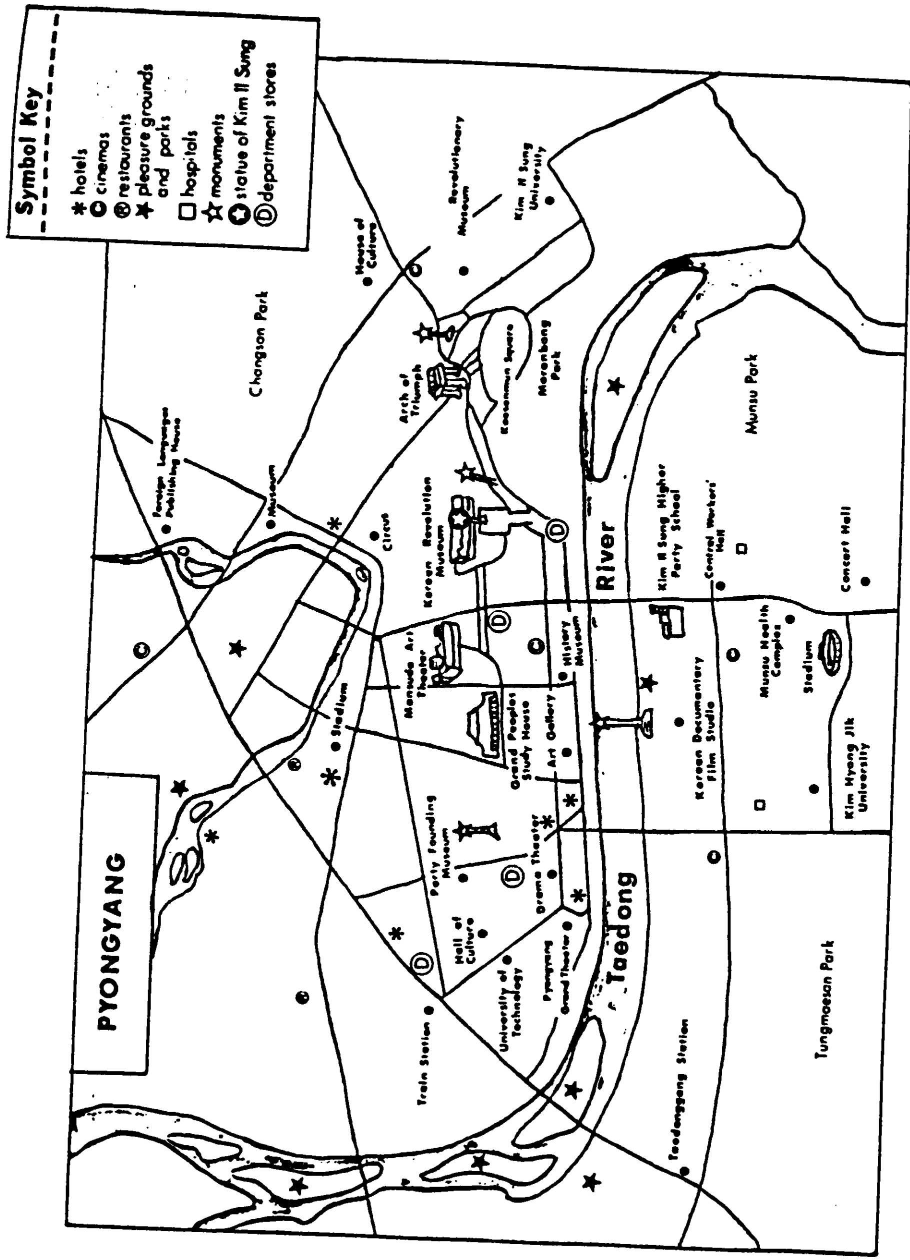
> "We are alive, nonetheless, we are like corpses. We are deprived of all freedoms, like a bird in a cage. ... If I want to pass the provincial border, I am required to obtain official permission from the agent of the Agricultural Research Center to which I am assigned. It is totally impossible to do so."

> "...the life is one in a hell. A thin liquid rice made by wheat or corn could last for some days. There were other days when I had only water and went to work. I was forced to live as a slave.... Then I attempted to eat a plant, snakes, frogs.... I, at first, suffered from diarrhea, but I got used to it...."

* See, e.g., W. Kim, Todo no Kyowakoku: Kita Chosen Gemmetsu Kiko, Aki Shobo (Japanese Publisher), (1984).

The information in these letters is corroborated by Korean-Japanese visitors from Japan who contacted their relatives during short stays in the DPRK. Similarly, Koreans in China have, within the last year, reported that their relatives in the DPRK are suffering similar problems.

A better life appears to be possible for the returnees if they have an outstanding political background or if they provide money or goods to the Government. Many relatives in Japan send money to protect their relatives in North Korea. Some of them have even sent materials such as trucks, engines, light industrial machinery, and other equipment. These "contributions" benefited the North Korean relatives by securing for them better jobs and, on rare occasions, even housing in Pyongyang. One of the returning "brothers" reportedly obtained a position as representative in the Supreme People's Assembly because of his financial contributions to the country.



F. Pyongyang

The capital city of Pyongyang symbolizes the stratified inequalities in the DPRK. North Koreans have declared today's Pyongyang "a city within a park." It is Kim Il Sung's conception of the ideal city.

The total destruction of Pyongyang during the Korean War provided Kim Il Sung and his son, Kim Jung Il, the opportunity to build a "model city." Building on a monumental scale, they created their model of the future communist society. The DPRK press reports regularly credit Kim Il Sung and Kim Jung Il with conceiving this vision. For example, in February 1986, the Korean Communist News Agency explained: "Under his (Kim Jung Il's) warm love, the Changwang Street of Pyongyang, which is called a communist ideal street, and many other modern streets and service facilities, cultural and public health establishments ... have made their appearance."

Kim Il Sung and his Soviet-trained architects are apparently responsible for the building plan of Pyongyang. Great expense has been devoted to monumental statues of Kim Il Sung leading the revolution. There are huge museums "documenting" Kim's role in the anti-Japanese struggle and communist revolution, and an enormous sports complex with bath house, pool, and several stadiums. The subway runs thirty to forty kilometers in length and lies at a depth of eighty to two hundred meters. The fifteen to twenty subway stations are monumental in size and are elaborately decorated with crystal chandeliers. The city has large boulevards; the middle

lane on at least some major boulevards is believed to be reserved for the vehicles carrying Kim and his entourage.*

Pyongyang is more like a Siberian city than a traditional Korean city. Its architectural influence is markedly Soviet. One Australian visitor described it as "a ghost town, hushed, remote, withdrawn from the normal explosion of color and sound which characterize most other Asian cities. At night in winter it is an eerie frozen beauty."

In Pyongyang, unlike other cities in the DPRK, there is no serious pollution problem and little dirt or dust. According to numerous visitors and defectors, authorities have required that vehicles entering the city be washed at one of the "wash points" on the outskirts. The city itself is washed regularly with water-sprinkler trucks, and women continually sweep the dust or clear off the snow.

Most foreign visitors to Pyongyang are struck by its cleanliness, the profusion of flowers, and the healthy faces of its inhabitants. But even in Pyongyang, there is a darker side. Separate areas are apparently reserved for the lower categories of people who are expected to serve the elite. Some visitors in 1984 who evaded their guides and briefly wandered around Pyongyang reported discovering neighborhoods that looked poor and dilapidated.

Similarly, an Egyptian journalist reported on his 1985 visit to one of these neighborhoods:

> "In P'yongyang, I felt as if a huge copper boot was squeezing the necks of the farmers who live in rough tin huts, lacking all necessary utilities, untouched by the hand of change since the Japanese war ... and children who find nothing to kick on the ground except dust. Men are quiet, serious and silent. Women stretched their legs and sat lazily in the streets. For a while, I imagined I had entered a bewitched village. But, the grip of my young interpreter pulling me in an unfriendly manner out of the village brought me back to reality and I was struck with wonder and amazement.... At 9:00 p.m. P'yongyang turns into a mere village enveloped in silence and darkness. You cannot see even your own hand. All are forced to go to bed at this early hour."*

* In a reflection of the regimentation of North Korean society, traffic police go through the motions of halting traffic and giving permission to invisible cars to pass. See photographs.

Pyongyang is largely restricted to the elite, who are the primary beneficiaries of its health, cultural, and social services. The DPRK Government has purchased several thousand automobiles for high Government officials, Party functionaries, military commanders, and visiting foreign dignitaries. Drivers of these automobiles apparently do not need a special pass to travel within or outside the city limits as do other residents of Pyongyang. The high-ranking elite can obtain medical service in special health facilities, and generally have a very comfortable life style.

Kim and his surveillance organizations are believed to maintain a careful watch over the city. Soldiers and security police in plain clothes are said to stand watch throughout the city. The size of the population is tightly controlled. At 1.3 million, the city holds 6% of the DPRK's population. Reports suggest that, by and large, only the healthy and strong may live in the city and that the popula-

* This description has been corroborated by other visitors who succeeded in seeing both the showcase Pyongyang and its parallel ghetto for service people.

tion is checked for deformities every two to three years, at which point the disabled, some of the elderly, the widows, the sick, and the unhealthy are rounded up and removed.*

All social movement is believed to be controlled. Bicycles are apparently either prohibited or severely restricted. Transportation is limited to the bus system and the subway. Visitors have not generally been permitted to walk around the city unescorted, although a few have apparently evaded these restrictions. We also note that members of an October 1988 delegation from the Washington, D.C.-based International Center for Development Policy were permitted to walk in the city without an escort. Residents are apparently restricted to certain areas. Housing units appear to be designed so that most personal needs can be met close to home; the units include nurseries, schools, hospital clinics, stores, barbershops, and produce markets. Even one's factory or workshop is often located in the housing unit. If not, the only permitted travel is to and from one's place of employment via a route reportedly prescribed by Government regulation. Deviation can result in arrest, and the Government has ruled that all other travel requires special permits.

G. Status of Women

After assuming power, the current DPRK Government reformed the legal status of women. The Law on Equality of the Sexes of 30 July 1946 states:

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* Visitors to Pyongyang have remarked upon the absence of the disabled. Former officials of the DPRK living abroad have explained that these individuals are not given permits to live in Pyongyang or are removed. It may be that individuals among the elite are exempted from these and other restrictions directed at those who are not "healthy and strong."

Article 1. Women shall have equal rights with men in all realms of state, economic, cultural, social and political life.

Article 2. Women shall be on a par with men in the right to elect or to be elected in the local state organs or in the highest state organ.

Article 3. Women shall have equal right with men in work and the rights to equal pay, social insurance and education.

Article 4. Women shall have the right to free marriage like men. Unfree, forced marriage without consent of the contracting parties is prohibited.

Article 5. When conjugal relations get into trouble and cannot be continued any longer, women, too, are entitled to free divorce on an equal footing with men. A mother shall be allowed to sue her divorced husband for the cost of bringing up children. The suits for divorce and children's nursing expenses shall be dealt with by the People's Court.

Article 6. The age of marriage shall be full 17 or above for woman and full 18 or above for man.

Article 7. Polygamy, a hereditary custom based on medieval, feudalistic relations, and the evil practices of infringing upon the rights of women, such as selling and buying girls as wives or concubines, shall be hereafter prohibited. Both licensed and unlicensed

> prostitution, and **kisaeng-girl** keeping system* shall be prohibited. Those who violate this shall be punished by law.
>
> Article 8. Women shall have the right of succession to the property, including land, like men and, when divorced, the right to distribution of property, including land.
>
> Article 9. With the proclamation of this law, the laws and rules of Japanese imperialism with regard to the Korean women's rights are annulled.

One apparent purpose of this law was to mobilize women into the work force.** Despite its lofty proclamations, there has not been a commensurate rise in the status or political position of women, or change in their traditional domestic functions. According to the

* The kisaeng-girl keeping system is a reference to a Korean practice similar to the Japanese geisha.

** See Law on Equality of the Sexes for Men and Women (1946) and the Law Inducing Women into Various Fields of the People's Economy (1955).

report of one academic visitor who interviewed representatives of the Korean Democratic Women's Union in Pyongyang during 1977:

> "The position of women is determined by three major linked pressures, which partly conflict with each other: for higher production of material goods and services; for a larger population; and for a long-serving, but largely celibate army. To achieve these goals the Government of the DPRK has pressed almost all adult women into production outside the home, set up a very extensive network of kindergartens and other services, and tried to encourage a high birth rate (partly by making contraception and abortion difficult to obtain), but with very late marriage. Men carry more of the burden on the military front, but women carry a disproportionate amount of the total burden in terms of overall work and sacrifice."*

* Halliday, Women in North Korea: An Interview with the Korean Democratic Women's Union, 17 Bulletin of Concerned Asian Scholars 47-48 (No. 3, July-Sept. 1985). Halliday's article is the only major interview with women in North Korea and contains the best scholarly discussion of their economic and social status as well as the historical forces that have shaped their current situation. He acknowledges that the "position of women has greatly improved in terms of standard of living, access to education, health, and the basic human dignities, life expectancy and access to a wide range of jobs. The most extreme form of exploitation of women, prostitution, has apparently been eradicated." But, according to Halliday, the above improvements do not establish a position of equality or freedom for women. "They work harder than men, have unequal wages and income, and are under-represented in political power. The society is still dominated by patriarchal attitudes.... In addition, some of Kim Il Sung's speeches, while rhetorically calling for equality, in fact seem to blame women for errors and forms of backwardness which are actually the responsibility of men." Although concubinage has been eliminated, "the regime's steely attitude towards late marriage, with enforced sexual abstinence before marriage, does not conceal immense sexual misery." Id. at 48.

Women are believed to make up over 90% of the civilian labor force between the ages of 16 and 30. Most able-bodied males of that age group appear to be serving in the army. But despite women's civilian service of nearly fourteen years, men enter jobs at higher grades than women when they leave the military. Except for the "female occupations" of teaching, medicine, sports, and cultural activities, there are few, if any, women in top management positions. According to many respected commentators on the DPRK, women are not promoted equally and are not paid comparable wages for comparable work.

During the Japanese occupation of Korea, many women gained prominence for their social and political activities. Today, however, there are only a limited number of nationally prominent female leaders, and about half are related by blood or marriage to senior DPRK leaders. In the 1970s Chung Kyonghui was the only female member of the Party's 34-member Politburo. Ho Chong Suk was the only female member of the Party Secretariat. The thirteen women on the 249-member Central Committee made up only 5% of the membership.* The appointment of three of these women appeared to be related to their husband's status: Kim Song Ae (Kim Il Sung); Ho Chong Suk (Kim Il -- now deceased); and Wang Okhwan (Choe Yong Kon -- now deceased). These women concern themselves exclusively with women's affairs. Kim Chung Suk and Kim Sin Suk, women who also received high Government appointments, are relatives of Kim Il Sung.

Only a few women of the older generation continue to be prominent. The most outstanding is Ho Chong Suk, formerly the Minister of Justice and a daughter of a high-ranking official. She is fluent in five languages and well educated. By contrast, contemporary women do not receive the same opportunities for achieving

* This small percentage represents a significant drop from the 1960s.

political prominence. The new generation of women is believed to be largely excluded from becoming expert on international affairs or foreign languages, and women do not appear to represent the DPRK abroad. Fewer than thirty are believed to have travelled to non-Socialist countries since 1970. Those that have been permitted to travel abroad have in most, if not all, cases been accompanied by male escorts who closely monitor their activities. Their trips seem to have been related purely to women's activities. None were authorities on international affairs.

The life of the average woman is extremely demanding and fatiguing. Kim Il Sung has declared, "By nature, it is up to the women to bring up children." The Korean Democratic Women's Union has described the role of women in North Korean society: "As regards cooking, this is a job women have traditionally done, and is their natural duty."

Women in urban areas begin their daily work earlier than men, and their day ends later. The following is a representative schedule based upon several interviews:

5:30 a.m. -	Woman of the household arises and fetches water.
6:00 a.m. -	Man of the household arises.
6:00-7:00 a.m. -	Family washes, dresses, eats. Woman prepares the children for school.
7:00 a.m. -	Parents leave for work. Woman orders food for the evening meal from the neighborhood store.
8:00a.m.-1:00 p.m. -	Work.
1:00 - 4:00 p.m. -	Lunch, errands, and nap. Often there are compulsory games.
4:00 - 5:00 or 6:00 p.m. -	Work.

6:00-8:00 p.m. -	Woman picks up food and prepares dinner for husband and children.
8:00-10:00 p.m. -	Poltical study and self-criticism sessions.
10:00-after 11:00 p.m. -	Woman returns home to launder and clean.

Although the men are not expected to perform household chores, the women are required to undergo long hours of political study each evening. Women appear to be particularly fearful of the self-criticism portions of these study sessions because of concerns that their comments might endanger their families.*

The above schedule, generally followed six days a week, creates great fatigue. Women are believed to experience frequent illnesses and dizziness. One recent female defector explained that while most women want to gain weight to look attractive, they cannot because they are so tense, overworked, and inadequately nourished. She indicated if a woman wants to take a day off from work to rest or take care of her children, her daily grain ration would have been reduced from the average of about 600 grams to about 300 grams -- an insufficient level of nutrition which would only exacerbate the feelings of exhaustion.

Kim Il Sung and the Party preach celibacy before marriage. Reports indicate that "deviant" sexual behavior, such as premarital sex and adultery, has resulted in imprisonment and/or execution. For example, one woman who had previously resided in the DPRK reported that in the 1950s Kim Il Sung directed that all unwed mothers and sexually active women who were not married must

* Men also attend these sessions, but interviews suggest that women appear to feel more threatened.

report their lover's identity. The lover or father was then imprisoned, and any child was placed in an orphanage. Often the father was a young army recruit. One ex-DPRK resident reported that in the 1970s, to avoid disclosure and later punishment, there were instances in which men murdered unmarried women who became pregnant. She reported that by the late 1970s these murders emerged as a major social problem, prompting Kim Jung Il to change the policy and no longer to require women to identify their lovers. Under some situations, women can even obtain abortions.

Women face other social restrictions. One resident outside of Pyongyang recently told a foreign guest that it was prohibited for the resident to wear pants in public (*e.g.*, outside the home or factory). It has also been reported that women have been prohibited from smoking. While cultural factors would make it unlikely for many women to smoke under any circumstances, it is believed that this prohibition has been enforced by official sanction. According to one former prisoner, one woman who was caught smoking three times was imprisoned in the 1970s. Women also appear to have been prohibited from drinking alcohol. Women apparently have no decision-making role in determining the rules, customs, and prohibitions that affect their daily lives. In fact, all evidence suggests that any questioning of Party doctrine on the status of women is considered disloyal and met with harsh penalties, both for the woman in question and her family.

H. The Disabled and Social Discrimination

As indicated, disabled or deformed persons have apparently been prevented from living in Pyongyang. Foreign visitors regularly remark on their absence, and several former DPRK residents have reported that persons are classified according to their disability and are restricted to certain rural areas. They also report that the state has chosen spouses for disabled persons and have assigned them the job of work-partner, with the duties of caring for the disabled per-